

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D' ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM

March 5, 2024

The Mayor and Council of the City of Coeur d' Alene met in a regular session of said Council at the Coeur d' Alene City Library Community Room on March 5, 2024, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

Woody McEvers)	Members of Council Present
Christie Wood)	
Dan Gookin)	
Kiki Miller)	
Dan English)	
Amy Evans)	

CALL TO ORDER: Mayor Hammond called the meeting to order.

INVOCATION: Stuart Bryan of Trinity Church led the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the pledge of allegiance.

PRESENTATIONS:

Chet Roshetko, Red Cross Board Member of Greater Inland Northwest Chapter of the American Red Cross, accepted the Proclamation declaring the month of March 2024 as Red Cross Month. He shared that the Red Cross provides the hospitals with blood and the most immediate need right now is for people to support their blood and platelet donation efforts.

Police Captain Jeff Walther presented on the Police Department's efforts to keep the city's parks and downtown corridor safe. He noted that in the past, they responded to a lot of law enforcement issues which are mostly alcohol related incidents such as: fights and property damage, vehicle noise, thefts, gang activity, and juvenile problems. He said that in 2023, the police deployed a downtown bar team composed of one Sergeant and four officers to patrol from Wednesday through Saturday, and they begin with holding proactive meetings with the bars and businesses. Building on the success of the bar team as they were able to curb a lot of the crime that they usually deal with, Captain Walther noted that for 2024, their mission is to have seven days a week of coverage from midday to evening with a nighttime bar team. He explained that the six all-weather e-bikes and related equipment are part of a Justice Assistance Grant the City received in the amount of \$31,770. He said that the City is the first in the country to use a federal grant for an e-bike program. He added that the use of e-bikes provides them with the opportunity to also interact with the community and the e-bikes team can also be deployed during special events. Councilmember English asked about the speed and safety of the e-bikes and if it will also cover the trails, to which

Captain Walther confirmed on the safety and speed as the fastest on the market which is about 30 miles per hour. He said that they will also respond to complaints about speeding on parks and trails. Councilmember Wood inquired about the level of accountability from the Police Department considering that this is a federal grant. Captain Walther explained that some of the data that they must keep track of includes: the effectiveness on community outreach and effect on the crime rate in the downtown area. Councilmember McEvers asked for clarification about the nighttime bar teams, to which Captain Walther replied that the nighttime bar teams are on foot and oftentimes in vehicles depending on what they need to do. Councilmember Miller commended the initiative of the police to increase visibility and she looks forward to an update report at the end of summer when they are done gathering data to see the effectiveness of the project.

PUBLIC COMMENTS:

Sam Johnson, Post Falls, noted that he opposes Council Bill 24-1002 specifically sections 3 and 4 which, for him, seeks to criminalize car enthusiasts for owning a basic car part. He mentioned that the issue is not the car part but the conduct of the driver, and the existing code already prohibits the operation of any automobile that creates unnecessary noise that is excessive, disruptive, and annoying. He added that drivers, and often visitors, take great pleasure in revving their engine to get attention.

John Deus, Coeur d'Alene, noted that he represents 200 plus residents of Coeur d'Alene area, and they approve of the modifications to the Municipal Code regarding noise. However, he raised questions such as: how the Police Department will enforce this code on Sherman Avenue and Northwest Blvd. from 1st Street to Garden Ave. which is a 25mph zone; and inquired if real time noise detection and speed monitoring equipment will be installed at appropriate locations in Sherman Ave. and Northwest Blvd. He said that Bill Buley, with the Coeur d'Alene Press, wrote in the newspaper that the noise emanating from speeding traffic and loud engines on Northwest Blvd. between Lakeside Ave. and Government Way is outrageously loud, especially on weekends. He appealed for the Council to exert efforts to limit the noise throughout the city. He said that he can share with the Council the research he has done in Canada, France, and the US.

Bill Brizee, Hayden, noted that he wanted to correct what was mentioned in the Coeur d'Alene Press article where KMPO Director Glenn Miles was interviewed and stated that the traffic lights cannot be controlled without the traffic management center and there is no way that the state will lend the control to local authority. Mr. Brizee said that in a previous meeting last year, he asked the traffic engineer and was told that the lights on I-95 and Government Way can be controlled if there is a data point inside City Hall. He added that he also asked the same question during the ITD open house last year and was told the city can get control over I-95 and both directions of Government Way if there is an inter-government agency agreement.

Emily Boyd, Executive Director of the Downtown Association, spoke in support of the Council approval of the St Patricks' Day parade Memorandum of Understanding, and thanked those who participated in the strategic planning interviews. She added that the Steering Committee will meet again next week and probably have a full strategic plan by May and then eventually present to the Council in June. Ms. Boyd also shared information on the economic impact study done by the University of Idaho on three previously held events during the winter season which revealed: 95%

of the respondents came to downtown specifically for the events that the city is hosting; 60% made a retail purchase; and 69% participated in dining or eating activities. She also thanked the Police Department for their efforts to keep the downtown safe.

ANNOUNCEMENTS

Councilmember Miller announced that the Historic Preservation Commission will be holding an open house on April 8 at 6:00 p.m. at the Community Library Room. She said that this is in line with the Garden District Neighborhood program which seeks to reach out to those who have interest in preserving downtown and getting the census drawn on what buildings to preserve. She also added that May is Historic Preservation Month, and they are preparing a presentation and that the Council may reach out to Planning Director Hilary Patterson if they have any questions. As part of the commemoration an open house at the Jewett House on May 1.

Councilmember Gookin noted the city has filed an opposition to House Bill 506, which would remove any local control over short term rentals. He said that it is not just about private property rights, or people who exploit their house to make a profit, but it's a constitutional issue because the city has policing authority which the legislature seems to want to restrain. He said that he hopes the bill stays in the Committee and he will provide updates to the Council. Councilmember Miller said that an opposition letter was sent from the city, and that the Association of Idaho Cities (AIC) has been collecting opposition letters and they will present as well as testify during the hearing.

Councilmember English noted that he attended the Executive Meeting on February 29, 2024, and he was able to confirm with Ms. Patterson that she will be meeting with the proponent of the Dark Sky initiative.

Mayor Hammond requested the appointment of Douglas Harro as Member of the Historic Preservation Commission.

MOTION: Motion by Miller, seconded by Wood to appoint Douglas Harro to the Historic Preservation Commission. **Motion carried.**

CONSENT CALENDAR:

1. Approval of Council Minutes for the February 20, 2024 Council Meeting.
2. Setting of General Services/Public Works Committee Meeting for Monday, March 11, 2024, at 12:00 noon.
3. Approval of Bills as Submitted
4. Approval of Financial Report

MOTION: Motion by McEvers, seconded by Evans to approve the Consent Calendar as presented.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye.
Motion carried.

APPEAL BY ALPINE CONTRACTORS GROUP OF THE SELECTION COMMITTEE'S DECISION THAT IT FAILED TO MEET THE PREQUALIFICATION STANDARDS FOR THE WASTEWATER 2024 COLLECTION SYSTEM PROJECT

APPELLANT: Mr. Michael Newell, owners' representative, introduced Mr. Tom LaRiviere, owner and CEO of LaRiviere Inc., as a respected contractor with 240 employees and made \$80M worth of public works contract last year. He said that they have done contracts in the City of Spokane and got caught up in a controversy there concerning prevailing wages which prompted the Labor and Industries to impose a large penalty and disbarred LaRiviere from doing public works contracts in the City of Spokane for a period of two years. To protect the employees, Mr. Newell recalled that they formed a new company named Alpine Contractors Group and sought a license in the State of Idaho as a public works contractor. He added that they put out a response to a request for qualifications in the City of Coeur d'Alene for one of its projects under the name of Alpine Contractors Group and submitted contracts on similar type projects that they have completed to substantiate their ability to perform. Mr. Newell said that the city responded that they don't possess the qualifications since they applied under the name of Alpine Contractors Group and therefore disqualified from the future bidding process. He stressed that they have complied with the requirements of the statute and that the Alpine Contractors Group has the ability to perform the contract. He claimed that the issue of their disbarment in the State of Washington is being used over in the State of Idaho.

STAFF REPORT: Wastewater Superintendent Mike Anderson noted that the City's Wastewater Department requested Statements of Qualification (SOQ) from licensed public works contractors for the 2024 Collection System Open Trench Work. The 2024 Open Trench Work is a replacement of the 6-inch line within the 19th and 20th Streets with an 8-inch line. The scope of the project will impact about 46 or so families, which is why the department wanted to use the prequalification process to ensure a contractor has met several pre-qualifications and has the experience to do the project. He added that the SOQ is composed of four parts: background information (name and type of organization); technical competence and experience; over-all performance history; and past project experience graded in terms of personnel, timeliness, compliance with standards, and claims history. Mr. Anderson said that the Alpine Contractors Group submitted an SOQ, however, the two projects listed for the required company experience were for Viking Homes and Spokane County. He added that when they contacted the owners of each project, both stated that the work was not performed by Alpine Contractors Group but instead, the work was performed by T. LaRiviere Construction, hence the lack of experience of Alpine was an automatic disqualifier. He added that they were unable to perform reference checks in Part 4 of the SOQ because there were no Alpine projects referenced and further checks revealed that neither the Idaho nor Washington State's website list a company named "Alpine Contractors Group" that is authorized to do business in Idaho. Mr. Anderson recommends, based on the lack of qualifying projects listed on Alpine's SOQ, which is an immediate disqualifier, that the Council sustain the decision that Alpine failed to meet the established prequalification standards.

DISCUSSION: Councilmember Evans requested clarification on the ownership of the mentioned companies, to which Mr. LaRiviere answered that he is the owner and acting manager of Alpine Contractors Group while he co-owns LaRiviere Construction with his father. He explained that

his father wants to retire and as part of the transition is to come up with a succession plan and turn LaRiviere Corporation into a family holding. He mentioned that Ronnie Sanders has been with him since 2005 and they wanted to start a partnership together. Councilmember Evans pointed out that in their application, the date of incorporation is January 26, 2011. City Attorney Randy Adams clarified that a company called Alpine Northwest LLC was incorporated in 2011 and Alpine Contractors Group is not a separate company but a DBA of Alphine Northwest LLC. He said that the DBA of Alpine Contractors Group was filed with the State of Idaho on February 14, 2024, which was five days after the application by Alpine Contractors Group for the Statement of Qualifications. He added that Alpine Northwest LLC has the public works contractor license while Alpine Contractors Group does not have it. Mr. Anderson explained that the disqualifier was the lack of references given for Alpine Contractors Group and they did not do a review of LaRiviere because it was the Alpine Contractors Group that submitted the application. He added that he is not even aware of the disbarment.

Councilmember Wood asked Mr. Newell if he has provided details regarding the disbarment in Washington in the packets that he distributed to the Council, to which Mr. Newell responded that he did not but explained that he was just trying to make note of the fact that, it looks like the city through JUB Engineering, is trying to make the qualification and experience based upon a disbarment. Mr. Adams clarified that it was an E-mail to him asking how to incorporate in future pre-qualifications to avoid a situation where an owner or a major shareholder, not just employees, create a new company to avoid the idea that their previous company may have been debarred. He clarified that Alpine was not the only one that was disqualified in the process, and that Alpine would not be disqualified if they were a straight bid project which most projects are. Councilmember Gookin asked Mr. Anderson about debarment and if it played a role in the decision-making process, to which Mr. Anderson answered that in layman's term, debarment is an agreement between any city and a company to not work for each other for a period of time, however he stressed that he was not aware of the debarment of LaRiviere and it was not mentioned in the application that Alpine Contractors Group was used to be LaRiviere. Mr. Adams explained that he had reviewed and approved the prequalification questions before the RFQ was published and they are consistent with Idaho law.

Mayor Hammond pointed out the irrelevance of the debarment as an issue, as the issue is that within the application for prequalification there was no work to check on from the Alpine Contractors Group as a company. Mr. Adams said that the requirement for prequalification is to list projects with a total combined minimum of 20,000 lineal feet of pipe and identify those projects to show that the company that is applying has the relevant experience. He added that the only two projects that were listed in their application were projects done by LaRiviera and not by Alpine Northwest LLC or Alpine Contractors Group. Mr. Adams stressed that what the city is looking at is the experience of the company that is going to be the contractor for the city, and not the individuals nor the employees. Additionally, Mr. Adams pointed out that Mr. LaRiviera is saying that he owns the companies, but in the submitted statement of qualifications on page 4, the executives that were listed were Ronald Sanders as CEO and Thomas LaRiviera as a shareholder.

Councilmember Wood inquired what will happen if the Council does not sustain the decision that Alpine Contractors Group failed to meet the prequalification standards, to which Mr. Adams explained that if the Council reverses the decision, then Alpine will be declared prequalified and

will be entitled to bid on the project and would be awarded the project if they are the lowest bidder. Mr. Adams pointed out that, to date, there are seven out of ten companies that are pre-qualified, and once the appeal of Alpine is completed the next step is to advertise and send out bid notices. He explained if the Council decided to remand the matter back to the selection committee for further proceedings, they can use additional information but it all boils down to the prequalification standards that have been already established. Councilmember McEvers asked about the adoption of the prequalification standards, to which Mr. Adams replied that prequalification is under state statute and has been around for many years where the department that is pre-qualifying contractors comes up with an appropriate criterion.

Councilmember Gookin said that this is a purely administrative issue, and the Council should only be dealing with policy. With respect to the debarment, he added that he feels uncomfortable that the city is subjugated to the rules of another state. He also mentioned that the change of name should not be a cause for disqualification. Mayor Hammond noted that when the selection committee were considering different contractors, they were not aware that the Alpine Contractors Group was subject to debarment in Washington because they were focused on the company name that was submitted which does not have any history to check, hence the point of decision of the Council has nothing to do with the debarment nor the rules in Washington State. Councilmember Wood noted that she will vote to support the integrity of the process.

MOTION: Motion by Miller, seconded by English, to sustain the decision that Alpine Contractors Group failed to meet the prequalification standards.

ROLL CALL: McEvers Nay; Gookin Nay; English Aye; Wood Aye; Evans Aye; Miller Aye.
Motion carried.

RESOLUTION NO. 24-017

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COEUR D'ALENE DOWNTOWN ASSOCIATION FOR THE ST. PATRICK'S DAY PARADE TO BE HELD ON MARCH 16, 2024

STAFF REPORT: City Clerk Renata McLeod noted that at the July 19, 2022 Council meeting, the Council requested the staff begin looking at options of entering into agreements for some of the large events held in the city. She explained that the agreements would allow the city to negotiate with the sponsor to take on additional responsibilities such as providing volunteers to man non-emergency intersections, placement of no-parking signs, use of certified flaggers, and payment in addition to general fees. She said that last year, they presented agreements for all events, with the intent to create one master agreement that encompasses all the large parades, but they needed more time to finalize the master Memorandum of Understanding (MOU) that encompasses Car d' Lane, Street Fair, and the Lighting Parade. However, considering the timing of the St. Patrick's Day and being rated as a low impact event, Ms. McLeod recommends the approval of the proposed MOU with the Downtown Association for the St. Patrick's Parade on March 16, 2024 which will start at 8th Street and goes to Government Way.

MOTION: Motion by McEvers, seconded by Evans, to approve **Resolution No. 24-017** – Approval an agreement with the Coeur d’Alene Downtown Association, Inc. for the St. Patrick’s Day Parade.

ROLL CALL: Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye.
Motion carried.

COUNCIL BILL NO. 24-1002

AN ORDINANCE AMENDING CHAPTER 10.80 OF THE COEUR D’ALENE MUNICIPAL CODE, REGULATING EXCESSIVE FUMES, SMOKE, OR EXHAUST, AND EXCESSIVE NOISE FROM MOTOR VEHICLES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF REPORT: City Attorney Randy Adams noted that in 2017, the city amended Chapter 10.80 of the Coeur d’Alene Municipal Code which was entitled “Air Compression Brakes,” and renamed it to “Additional Prohibited Conduct.” He recalled that in addition to prohibiting the use of air compression breaks in the city, the Council added to the conduct prohibited by this Chapter the operation of motor vehicles, including motorcycles, in such a manner as to create “loud, unnecessary, or unusual noise” that is “excessive, disruptive, and annoying to a person of reasonable sensitivities.” He said that the Council further prohibited the emission of excessive or unusual exhaust, smoke, or other byproducts of a combustion engine. He noted that a provision was made for granting an exemption to the general prohibition for special events by the City Clerk, upon recommendation by the City Administrator or Parks Director. Mr. Adams noted that in 2022, the Police Department issued 25 citations for noise violations under both the State statute and City ordinance, however, the city continues to receive complaints about the noise generated by vehicular traffic from citizens who live, shop, dine, or recreate near streets. He added that in 2023, the Council directed the staff to propose further amendments to Chapter 10.80 to clarify the prohibited conduct and to provide for enhanced penalties.

Mr. Adams said that the gist of the ordinance is the same, but the intention is to make it more explicit. He presented the proposed amendments to Chapter 10.80 of the Coeur d’Alene Municipal Code which include: a new title “Noise and Exhaust” to accurately describe the chapter; new §10.80.005 stating the purpose of Chapter 10.80; new §10.80.015 establishing definitions for “excessive fumes, smoke, or exhaust,” “excessive noise,” and “motor vehicle;” renumbering of §10.80.010 to §10.80.020; and amending §10.80.020 detailing regulations for mufflers, muffler bypasses, noise suppressing systems, exhaust systems, compression brakes, and the operation of motor vehicles with respect to noise and exhaust; new §10.08.030 providing exemptions for motor vehicles operated solely on private property, and antique and classic motor vehicles; renumbering §10.80.020 to §10.80.040; amending §10.80.040 increasing the penalty for the first violation to \$300 from \$100; and amending §10.80.040 providing that a second or subsequent violation in a one-year period will be a misdemeanor.

DISCUSSION: Councilmember Wood said that she is in support of the proposed amendments which provides police officers writing citations with more details for interpreting the code as well

as a good compromise and offers latitude for a first offender. Councilmember McEvers asked if the police officer must be at the site for an infraction of violation, who decides if a car has been modified and how to measure the noise, to which Mr. Adams replied that enforcement will always be an issue in any ordinance but hopefully the fear of being caught will push people to comply. With regards to the modification, Mr. Adams noted that it will be the police who will identify and make the decision. He cited that sometimes the modification will be obvious because the item will have a different manufacturer's name. With respect to enforcement, he explained that it is legally permissible to gauge a violation by what a reasonable person would decide, and an officer can make that determination based on his own observations.

Councilmember Gookin noted in the public comment about the use of a decibel meter, but while he agrees that there is a need to address the noise, it will be subjective. He mentioned that the downtown area is a canyon, so the sound is amplified. He said that he has concern on the modifications section which is just adding extra step for the police to prove that something was modified and there is no need to drill down on details. Mr. Adams said that decibel meters must be calibrated once or twice a year for \$700 which is an expensive thing to have for police officers patrolling downtown. He added that in Section 4 of the proposed amendment, page 2 subparagraph 5, there is discussion regarding the general operation of a motor vehicle in such a manner as to create excessive noise. He said that it may appear redundant, but this is to address the concern of being inclusive of all the possibilities of excessive noise. Mayor Hammond said that the modification is an issue for those who try to show off and get attention by revving their motor. Councilmember Miller asked if there will be any action for a reported repeat offender with a videotape as proof submitted to the Police Department, to which Mr. Adams explained that it is a matter of proof, but it will be difficult to judge the sound that people hear on the street through a recorded video, and also an infraction has to be committed in the presence of an officer.

MOTION: Motion by Wood, seconded by English, to dispense with the rule and read **Council Bill No. 24-1002** once by title only.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye.
Motion carried.

MOTION: Motion by Gookin, seconded by Wood, to remove Sections 4A numbers 3 and 4 from the proposed Ordinance.

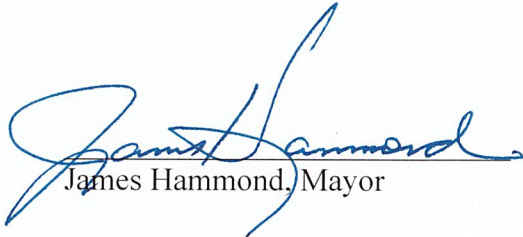
ROLL CALL: Evans Nay; Miller Nay; McEvers Nay; Gookin Aye; English Nay; Wood Nay.
Motion failed.

MOTION: Motion by Wood, seconded by English, to adopt **Council Bill No. 24-1002**.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin Nay; English Aye; Wood Aye.
Motion carried.

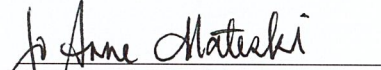
ADJOURNMENT: Motion by McEvers, seconded by English that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:25 p.m.



James Hammond, Mayor

ATTEST:



Jo Anne Mateski
Executive Assistant