

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

March 21, 2020

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 March 21, 2020 at 2:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan Gookin)	Members of Council Present
Dan English)	
Woody McEvers)	Participated via Conference Call
Amy Evans)	Participated via Zoom teleconference
Christie Wood)	Participated via Zoom teleconference
Kiki Miller)	Participated via Zoom teleconference

CALL TO ORDER: Mayor Widmyer called the meeting to order. He noted that that Pursuant to Idaho Code section 74-204 subsection 2, this special meeting of the City Council of the City of Coeur d'Alene is being called because of an emergency involving injury or loss of life to the citizens of and visitors to this City, that emergency being the COVID-19 pandemic. The normal notice requirements of Idaho law are impracticable to take the action now proposed and would increase the likelihood or severity of the injury or loss of life.

STAFF REPORT: City Attorney Mike Gridley reviewed the proposed Ordinance and noted that it clarifies emergency powers given to the City under a health order. He noted that the Order proposed calls for a temporary closure of bars and restaurants and lasts for a term as set forth in the document, in this case 14 days and that it can be extended or terminated at any point it is deemed necessary. The penalty clause is set out as a misdemeanor offense.

Councilmember Gookin questioned why it needs to be done now, as there is no specific data being provided demonstrating that this would have an impact. Mayor Widmyer noted that there is world-wide data, and that the pandemic it is getting worse, and there are more people outside at bars and restaurants with Washington closed. He also explained that people not following the rules of social distancing. Councilmember Gookin asked what the Police Chief has to say about this action. Mayor Widmyer noted that both the Police Chief and Fire Chief have reviewed the document and supported it going forward for Council consideration. He also clarified that this is not going to be heavy handed enforcement. Councilmember Gookin expressed concern about this action putting people out of work. The Mayor noted that this action is intended to protect the citizens from the spread of the virus and that essential services are still open. Councilmember Wood noted that she understands the concerns about government being involved in private businesses; however, she believes the City needs to learn from other countries and take early steps to protect people, and believes that is the role of Council. Councilmember Evans concurred with Councilmember Wood's statement in that the Council must protect the citizens.

Councilmember Miller noted that her son recently traveled home from New York and that they are experiencing daily changes regarding public safety. She feels the City should follow what other communities are doing and look at lessons learned from other communities. Mayor Widmyer noted that restaurants are currently providing curbside delivery downtown and the City has dedicated some on-street parking stalls for that purpose. Councilmember Miller expressed concern over the restaurant workers getting sick. Mayor Widmyer noted that we would look to Panhandle Health District for direction. Mayor Widmyer noted that last night at 10:00 p.m. he drove through town and noticed that several bars, such as the Sunset Bar, and The Corner Bar already closed. However, he saw activity downtown and it scares him that the citizens are not social distancing, and are in groups larger than 10 and steps need to be taken. The Mayor felt it was important after meeting at Emergency Management Center to make a joint effort between all the north Idaho cities. Post Falls is impacted by Washington and feel they need to do something. Councilmember McEvers shares the concerns about shutting businesses down but it is the right thing at the right time for the citizens. Councilmember Gookin expressed concern of enacting a shutdown and other cities such as Hayden and Huetter do not then we are going to be pushing the problem elsewhere. Mayor noted that this will push them to do the right thing. Councilmember Gookin expressed concern that there will be unintended consequences, and would like to wait a week to give people a chance to do the right thing.

Mayor Widmyer explained that he had hoped the Governor would make the recommendation; however, he will not. Councilmember Wood is not in favor of delaying the decision and believes the other cities will be forced to make the same decision. She believes it is the Council's role to protect the citizens. Councilmember Gookin noted that he thinks the Council should protect people's rights and there is no data. Councilmember Wood expressed concern that there will be a time that they are not able to do testing, so there is no time wait, and believes the Council should take action. Councilmember English noted that he doesn't have any issues with supporting this action and doesn't believe it is soon, and fears it may be too late, a week from now there will be thousands of additional cases across the countries and more deaths. People are in various levels of denial about it and there is data out there, and this is our opportunity to act and is our job.

Mayor Widmyer noted that he understands the concern; however, people are making poor decisions and there are many stories about people infecting dozens of people and the people we need to protect are the most vulnerable. Councilmember Gookin thinks the City is reacting too early, and that 96% are listening 4% are not and people will just move to Rathdrum and other places in the county. Mayor Widmyer noted that he has gotten many emails to close restaurants from employees so they can get unemployment, as they can't qualify otherwise. Councilmember Miller noted that this isn't just affecting the restaurant industry, she has made the sacrifice to stay home and her business is based on making outside calls, so she is seriously considering affect. She is committed to watching what is happening nation-wide and said that too soon is not soon enough to take action. Mr. Gridley explained that the ordinance gives authority for 14 days, subject to Council veto or alternation. Mayor Widmyer noted that if there is any modification, he will regroup the Council.

COUNCIL BILL NO. 20-1004

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADDING A NEW TITLE 7 ENTITLED EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE AND INTENT; DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR EXCLUSIONS; PROVIDING FOR SUSPENSION OF SERVICES; FORCE MAJEURE CLAUSE; PROVIDING THAT VIOLATIONS OF PUBLIC HEALTH EMERGENCY ORDERS ARE A MISDEMEANOR PUNISHABLE BY A FINE OF \$1,000.00 OR BY IMPRISONMENT FOR UP TO 6 MONTHS OR BY BOTH A FINE AND IMPRISONMENT; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE UPON PROCLAMATION BY THE MAYOR POSTED IN FIVE PUBLIC PLACES OF THE CITY.

MOTION: Motion by Wood, seconded by English, to dispense with the rule and read **Council Bill No. 20-1004** once by title only.

DISCUSSION: Councilmember Miller noted that during course of meeting she had received text messages from citizens encouraging the closure of bars and restaurants, allowing for curbside service.

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

MOTION: Motion by English, seconded by Miller, to adopt **Council Bill 20-1004**.

ROLL CALL: McEvers Aye; Gookin No; English Aye; Wood Aye; Evans Aye; Miller Aye. **Motion carried.**

Mayor made the Declaration that an emergency exists, all bars, taverns, nightclubs, private liquor clubs, taprooms, tasting rooms, mobile bars, cabarets and saloons, as well as all other alcohol licensed premises for by the glass sales of alcoholic beverages as defined by IDAPA 11.05.01, or I.C. §39-5502, 23-942, or 23-902, within the city limits of the City of Coeur d'Alene shall close to members, guests, patrons, customers, and the general public. All restaurants and dine-in food service within the city limits of the City of Coeur d'Alene, as defined by I.C. 23-942 or I.C. 39-5502, whether inside or outside the establishment, is prohibited. Restaurants and dine-in service means any eating establishment including, but not limited to, coffee shops, cafes, private dining clubs, and cafeterias that give or offer for sale food to the public, guests, or employees. Restaurants may not admit members, guests, patrons, or customers inside the establishment except to pick up food for take-out. This order shall not apply to emergency overnight or day shelters that provide food service to persons experiencing homelessness, grocery stores, and gas stations. This Declaration shall be in effect for 14 days.

Councilmember McEvers noted that the Senior Center will continue providing meals on wheels and will be doing curbside pick-ups. Mayor Widmyer noted that the Kroc Center is seeking for ways they can help the community. Councilmember Evans noted that she will be a liaison to the

Center and will reach out to the community as they are made aware of projects. Councilmember Gookin asked if the food trucks will remain open. The Mayor confirmed they are not eat-in facilities and people need to mind the social distancing guidelines while waiting for their food.

Mayor Widmyer noted that the code required the code be posted at five public locations and asked where that would be. City Clerk Renata McLeod, noted that it will be posted at City Hall, the Library, Fire Station Administration building, Fire Station 3, and the Police Department. Additionally, signed copies will be posted on social media and the website shortly.

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

The meeting adjourned at 2:55 p.m.

ATTEST:

Steve Widmyer, Mayor

Renata McLeod, CMC
City Clerk