

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

April 7, 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 April 7, 2020 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan Gookin)	Members of Council Present
WoodyMcEvers)	
Christie Wood)	Participated via Zoom teleconference
Dan English)	Participated via Zoom teleconference
Amy Evans)	Participated via Zoom teleconference
Kiki Miller)	Participated via Zoom teleconference

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

INVOCATION: Pastor Aaron Richner with The Cause (CDA) provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

MOTION TO AMEND THE AGENDA: Motion by Gookin, seconded by McEvers, to add I. Other Business Item (5) – Authorization for the Police Department application and acceptance of a Department of Justice Formula Allocation grant for \$103,457 emergency appropriations for coronavirus health response and agency operations, as funds have recently become available and it was unknown at the time the agenda was set. **Motion carried.**

PROCLAMATION FOR THE WEEK OF THE YOUNG CHILD - Mayor Widmyer proclaimed the week of April 11-17, 2020 the Week of the Young Child. Beth Oppenheimer accepted the proclamation virtually. She thanked the Council for the proclamation and noted that 25 other cities made the same proclamation. They normally host an annual celebration nationwide, but due to the COVID -19 pandemic, this year they have created a weekly at home celebration wherein each day of the week will be containing a separate theme. Monday is "Music Monday," where families are encouraged to sing and dance. Tuesday is "Tasty Tuesday" that focuses on the creation of meals and snacks. Wednesday is a "Work Together "day; Thursday is "Artsy Thursday" to strive for a creative art project, and Friday is "Family Friday." She thanked the City for its great daycare standards. Mayor Widmyer thanked Ms. Oppenheimer and those working with children.

CONSENT CALENDAR:

1. Approval of Council Minutes for the February 26, 2020 and March 3, 2020 Council Meetings.

2. Approval of General Services/Public Works Committee Minutes for March 9, 2020.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services and Public Works Committees meetings for Monday, March 23, 2020 at 12:00 noon.
6. **Resolution No. 20-022-** A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO APPROVING AN AGREEMENT WITH ARK COMMERCIAL ROOFING FOR THE REPAIR OF THE TERTIARY MEMBRANE FILTRATION (TMF) BUILDING ROOF REPAIR AND RATIFICATION OF FENCE REPAIR BY PERIMETER SECURITY GROUP.

MOTION: Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented, including **Resolution No. 20-022.**

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

COUNCIL COMMENTS:

Councilmember Evans noted that although the Kroc Center is closed to the public, all of their employees are still employed and operating and helping the community in partnership with Panhandle Health, Post Falls Food Bank, Community Action Partners and Kootenai County EOC; all of which are working together and making masks, and they are accepting donations of fabric and have their services listed on their website www.kroccda.org, including virtual exercises.

Councilmember McEvers noted that the “Dicey” art piece that washed up on the shoreline several years ago has been installed in the City Park and people are enjoying the piece.

Mayor Widmyer thanked Councilmember McEvers for his work done at the senior center and the providing of meals to the seniors within our community. He requested confirmation of the appointment of Jim Windisch to the Library Board.

MOTION: Motion by Wood, seconded by Evans to appoint Jim Windisch to the Library Board.
Motion carried.

RESOLUTION NO. 20-023

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF ROAD PRODUCTS, INC., FOR THE 2020 CHIP SEAL PROJECT, AND APPROVING THE CONTRACT THEREFOR.

STAFF REPORT: City Engineer Chris Bosley explained that this year’s chip seal project was advertised for bids in March 2020. He presented a map of the streets to be chip sealed this year. Bids were opened on March 19th. The two responsive bids received were Road Products, Inc. in the amount of \$ 694,380.20 and Poe Asphalt Paving, Inc. in the amount of \$ 703,368.90. He

noted the overlay program is a budgeted item with an annual budget of \$750,000. The City of Coeur d'Alene received two responsive bids for this year's chip seal project. The bids consisted of a Base Bid and two Alternates. The alternates were to compare prices of using a basalt chip or a granite chip. Because basalt chips are more durable and previous basalt chip seals have proven to be durable, staff wishes to continue using basalt chips. To ensure pricing, the Notice of Award must be issued within 30 days.

DISCUSSION: Councilmember McEvers asked if the Road Products corporation was local. Mr. Bosley stated they are in Spokane, Washington and they were awarded the project last year. Councilmember McEvers asked how the streets are determined to be included in the project. Mr. Bosley explained that streets that aren't too far gone can be included, as chip seal is not a good solution if the roads are too deteriorated. They are working on a "Street Saver" program, which would provide a rating for each street within the City, which includes a calculated analysis. Councilmember McEvers asked if the Best Avenue intersection to the north would be included. Mr. Bosley stated that he would look into it.

MOTION: Motion by Miller, seconded by McEvers to approve **Resolution No. 20-023**; Approving an agreement with Road Products, Inc. for the 2020 Chip Seal Project.

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

RESOLUTION NO. 20-024

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REJECTING THE BIDS FOR THE POLICE SUBSTATION TENANT IMPROVEMENT PROJECT AT 214 N. THIRD STREET, COEUR D'ALENE, IDAHO, AND DIRECTING THAT CITY STAFF NEGOTIATE FOR THE IMPROVEMENT PROJECT.

STAFF REPORT: Police Captain Lee Brainard explained that the substation project was advertised for bid in March, 2020. The intent of the project is to increase Police presence and service in the downtown and mid-town areas by developing the space. Bids were opened on April 1, 2020. One responsive bid was received by Ginno Construction, with a base bid of \$220,000.00, and with three additional alternates the total would come to \$268,600.00. The substation project would utilize existing impact fees to fund a portion of the project, which was budgeted at \$100,000 in impact fees. The base bid is \$120,000 above the budgeted amount. The Legal Department has determined that Idaho Code 67-2805(2)(a)(viii) and (ix) authorizes the Council to reject all bids and, after finding it to be a fact, pass a resolution declaring that the project can be performed more economically by purchasing the goods and services on the open market. It is staff's recommendation to reject the bid and seek to negotiate an agreement.

MOTION: Motion by McEvers, seconded by English to approve **Resolution No. 20-024**, rejecting bids for the Police sub-station tenant improvement project at 214 N. 3rd Street and directing staff to negotiate an agreement.

DISCUSSION: The Mayor clarified that once a contract is negotiated, it would come back to Council. Councilmember Gookin asked if staff knew what caused the high bid price. Captain Brainard noted that the Architect and City Administrator will meet with Ginno to determine the areas of high cost. Councilmember Miller asked if it would be possible to reject and rebid the project later. Captain Brainard explained that he hopes to gather information this week, and if they can't negotiate a contract price, they could go out to rebid. City Administrator Troy Tymesen said that rebid is an option; however, he isn't comfortable that they have the right number with only one bid. Councilmember English stated that the reality regarding the conditions today are different from eight weeks ago, and in the past the contractors had so much work that they bid high, but he believes it would be different later. He further commented that he thinks a lot of companies will be anxious to get a project. Mayor Widmyer noted that they will need to look at the project and see if the station can be built for the price they were looking at and that it just might not work at that location for the price.

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

RESOLUTION NO. 20-025

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE ASSIGNMENT OF A CITY OF COEUR D'ALENE CONTRACT WITH LARIVIERE, INC., TO THE COEUR D'ALENE URBAN RENEWAL AGENCY, DBA IGNITE CDA.

STAFF REPORT: City Attorney Mike Gridley noted that the City has a contract with LaRiviere, Inc., for the construction of the public Atlas Waterfront work. Ignite has provided funding to pay for the work pursuant to the Agreement for Financing of Improvements Atlas Waterfront Project. Ignite has asked the City to assign its contract with LaRiviere, Inc., to Ignite so that Ignite can undertake additional work at the former Atlas Mill site that is not included in the original contract. All work currently included in the contract will continue, as will the inspection and approval of the work by the City. Ignite will take over the responsibilities of the City under the contract and continue the work at the Atlas Mill site. There is no cost to the City, and assigning the contract to Ignite will allow additional work to continue for the ongoing development of the property. The additional work will involve installing infrastructure, recycling soil material from Mt. Henk, and other work to enhance the site. Mr. Gridley noted that he walked the site on Saturday and there is still a lot of earth that is going to be recycled from Mount Henk which would otherwise not be useable property. Ignite is now at the stage of development to put in streets and infrastructure. There will be some details that will need to be worked out with bonding and insurance.

DISCUSSION: Councilmember Gookin asked if there was any specific issue that was causing the contract to be moved to Ignite. Mr. Gridley explained that it is a method to continue the project forward through the next few phases as they are getting toward the end of the City side of the phase. The contractor has been doing some soils work that is not in the contract and they would like to proceed on, rather than having a separate contract. Councilmember Gookin asked if the newly installed streets would be up to City Code standards. Mr. Gridley confirmed the roads

will be to City standards. Councilmember Wood asked if, under the newly formed contract, would City staff still be involved for quality control. Mr. Gridley confirmed that City staff would be included and another part of the contract would be the financing agreement with joint approval of costs. He noted that they have always had the City approve the draws and that will continue. The City Engineer and Parks Director will continue to be involved going forward. Councilmember Miller noted that as projects close there are usually end-of-project change orders, and asked who would approve those items. Mr. Gridley noted that it has been a team effort, and confirmed that ignite will move into full funding and if changes occur they will fund them, but the City will approve the work per their code and, assuming everyone agrees, payment would be approved by ignite and paid for by ignite. Councilmember Miller clarified that it is ignite's discretion to spend the rest of the money on the project. Mr. Gridley confirmed it would be, and clarified that the contract specifies the work that is to be done, and that work is not going to change, and that they may add additional work paid for with ignite funds. The Mayor clarified that the City has an approved plan for the park project, so if there are any changes to the park plan it would need to come back to the Council for approval as the owner. Mr. Gridley noted that the City and ignite have worked closely and the work is so close to completion and will continue per the contract and they will do additional work. Mayor Widmyer expressed concern about what the additional work includes. Mr. Gridley noted that the transfer of the property will be to ignite as they move through the development process.

Councilmember McEvers noted that there have been presentations from developers to ignite and the Parks and Recreation Commission and wondered if will they come forward to Council with an update. Mayor Widmyer noted that the Council has seen the plan but may not be sure how it all ties together in the end. Mr. Gridley noted that he will seek an update from ignite, as they have completed a Request for Proposals process and have awarded to some developers. Councilmember Miller asked if they could table this item to the next meeting, so that ignite can provide an update, including the change order process, etc. Mr. Gridley noted that they want to continue to do work on the site as the contractor doing work outside of the contract. Mayor Widmyer clarified that the work doesn't change and council could add to the motion that changes to the contract would come before Council. Councilmember Miller stated that this project is unique in that they have two partners working on the project, and she would like to table it until the April 21, 2020 Council meeting. Councilmember Wood agreed that they should take the time to look at how Council could approve future contract changes. Councilmember English noted that the contract assignment is to ignite's benefit as it will cost less to do the development with the existing contractor and when they sell the property more funds will be left over. Mount Henk is saving a lot of money by being recycled rather than bringing fill to the project, and the contract figured out they could use Mt. Henk and added fill in another area. The engineer gives a detailed synopsis of what is going on and work in progress and changed a lot of things to make it better.

MOTION: Motion by Miller, seconded by Gookin to table **Resolution No. 20-025** to the April 21, 2020 meeting, to include an update presentation regarding the end of the project summary.

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

DISCUSSION REGARDING COVID – 19 POLICIES AND RECOMMENDATIONS TO STAFF.

STAFF REPORT: Human Resource Director Melissa Tosi noted that there is no past practice to compare with the current employment status caused by COVID-19. The City is in an unprecedented time, trying to make the best decisions for its employees and citizens of the City of Coeur d'Alene. The Governor's stay-at-home order issued on March 25, 2020, stated that it does not prohibit any individual from performing or accessing "Essential Government Functions." "Essential Government Functions" means all services needed to ensure the continuing operation of local, state, federal, or tribal government agencies, and to provide for the health, safety, and welfare of the public. Currently, each department has assessed its staff and identified essential employees and those who must be present in the office or who can telework. Many of the employees who work in the office and out in the field are able to continue their daily duties while being compliant with social distancing rules. Under the Emergency Declaration approved by Council on March 21, 2020, the Mayor, after consultation with City staff, approved temporary compensation methods based on three categories. The third-tier category consists of a smaller group of employees who do not have the ability to telework and will be sent home pursuant to the Governor's Order because their duties are non-essential. At this time, all benefited employees will continue to receive their normal rate of pay through the expiration of the Governor's Order, April 15, 2020. All non-benefited category 3 employees will continue to receive their normal rate of pay through March 31, 2020.

Ms. Tosi clarified that the City will re-evaluate compensation options if the Order is modified and/or extended. All employees shall utilize their personal time off if they are not available for City business during the normal business hours. She noted that the discussion is how should the City consider compensation options, outside of normal policy, if the Governor's Orders are extended and there are some category 3 employees unable to work onsite or telework. Stimulus packages have been given to the Department of Labor (DOL) and they will be providing an extended unemployment stimulus of \$600.00 more a week, and many of the employees in category 3 would be better off utilizing the unemployment benefit. The policy will need to be updated with furlough language that would allow the current leave on the books and continue insurance benefits. As business gets back to normal, the employees would be rehired in the same status as when they left.

Ms. Tosi clarified that as of Friday, the City moved forward with furlough for 22 of the library staff. She also noted that for a 20 hour-a-week employee that made approximately \$280.00 a week, they would receive \$142 from unemployment, and the additional \$600.00 per week would add up to \$742.00 a week, which is substantially more on unemployment. She noted that the DOL is in the middle of updating their software and will pay the CARES Act funding retroactively to April 1.

DISCUSSION: Mayor Widmyer noted that through all the research and all questions asked of the DOL, it clarifies that the CARES Act is intended to be an economic stimulus package and will be available until July 31, 2020. Ms. Tosi said that she believes that the CARES Act was put in place so fast they didn't include a prorated amount or sliding scale system. Councilmember McEvers expressed surprise that they would make more money not working.

Ms. Tosi clarified that if the City has work for furloughed employees and requests them to return to work, and they choose not to come back, then they would be denied unemployment benefits. Councilmember McEvers asked for clarification regarding the requested action. Ms. Tosi said that the City started the process on Friday and needed to update policy and add the furlough language. There may be more employees that may fall into the furloughed category over time, and they would have the option as well, so the action needs to be to accept the policy language. Councilmember Miller noted that she had been looking at what other states are doing, and said that the employees are required to come back and she wanted to make sure the City provides employees with any additional information as it becomes available. Mayor Widmyer clarified that the reimbursement from the federal funds must be COVID-related, in regards to the furloughed workers that cost would not be reimbursable to the City, but paid directly to the employee from the state. Councilmember Miller expressed concern about risk to employees and wanted to assure that the employees are well informed. Ms. Tosi noted that she will work with the Library Director to get information out to staff. She noted that when Congress approved the CARES Act, the funding was pushed to the DOL for the states to implement. Mayor Widmyer noted that there are some challenges for the DOL and they are overwhelmed as a lot of folks are seeking to receive unemployment and they will work to iron out issues as they arise. Councilmember Wood noted that she believes that when Congress brought forward the legislation the intention was to get people to stay home and make people as whole as possible. She said that they do not know how long it is going to go on, and that the responsible thing for the cities to do is to take advantage of the federal stimulus. Councilmember Evans thanked Ms. Tosi for her hard work in researching the item and she knows that it is changing daily and is complicated and complimented Ms. Tosi for sorting through all the details. Councilmember English said that this is a unique circumstance and hopes they never have to go through it again, and that this is exactly the conditions that were put in the stimulus regarding making employees whole and he thinks it makes sense to affirm what is being done.

MOTION: Motion by Miller, seconded by McEvers to direct staff to move forward with policies as presented this evening. **Motion carried.**

POLICE DEPARTMENT APPLICATION AND ACCEPTANCE OF A DEPARTMENT OF JUSTICE FORMULA ALLOCATION GRANT FOR \$103,457 EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS.

STAFF REPORT: Police Captain Lee Brainard noted that due to the Coronavirus pandemic, a Coronavirus Emergency Supplemental Funding (CESF) program was authorized by Division B of H.R. 748, Pub. L. No. 116- 136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. DOJ used the Edward Byrne Justice Assistance Grant Program to create a matrix for allocation. The Department has been granted \$103,457 to continue to prevent, prepare for, and respond to the coronavirus threat. Prior to the epidemic, there was a need to have some accessibility to the Department's digital resources but not a need to move personnel to outside locations, including their homes. When the need for social distancing grew along with quarantine, the Department was ill-prepared to meet the technological needs. In addition, though some supplies were on hand, the needs of equipping sworn personnel to prevent being infected grew faster than supplies allowed. Using the allocation grant will allow the

Department to continue to prevent and prepare for not only the ongoing situation but any other potential waves the virus could create. However, if the move to Office 365 is successful, the Department will have to incur future subscription costs, which are currently estimated at \$8,000 a year depending on the plan used and personnel given access. The funding will allow them to purchase PPE including gloves, eye protection, and masks for all personnel. In addition, the funds will allow them to purchase new laptops that can handle the demands of moving personnel from their desks to safer environments like their homes. Finally, the funds will allow them to lighten the need for VPN access and hardware infrastructure by moving the Microsoft Office products from the on-premises solution in effect to a GovCloud CJIS compliant cloud-based solution making the work of first responders and all those that support them more nimble in the field.

DISCUSSION: Councilmember McEvers asked if the Police Department has worked with the IT division to move to a cloud-based system. Captain Brainard noted that they have not yet addressed it with IT, but will engage in those conversations with IT group.

MOTION: Motion by McEvers, seconded by Miller to authorize the Police Department to apply for and accept a Department of Justice Formula Allocation grant for \$103,457 emergency appropriations for coronavirus health response and agency operations. **Motion carried.**

Mayor Widmyer asked for Mr. Tymesen to provide an update on the Emergency Operation Center (EOC). Mr. Tymesen noted that the City continues to partner with a county-wide unified command center. There was a Letter to the Editor in today's Press that was asking for more local leaders to speak up. Mr. Tymesen clarified that during a county-wide emergency it is important to have a unified command center to provide accurate information. A lot of misinformation gets communicated through social media. The Panhandle Health District and Kootenai County are accurate places to find information. He noted that there has been great community leadership in assisting with accurate information and they are providing it as timely as they can get it. He thanked the team and complimented the Sheriff for always being available. Mr. Tymesen said that we are battling a disease we can't see and the forecast looks like the community has done well to slow the spread. Councilmember McEvers noted that the City's IT division has stepped up to do the Council meeting and setting up people to work at home. Mayor Widmyer said that one thing they can be comforted by is the hard-working people at Kootenai Health are ready to respond and continue to be there for the community, and he thanked all health care professionals. He requested the community follow Panhandle Health's guidelines as social distancing is working; however, it is important to continue to practice it and hope the curve continues to flatten. Mayor Widmyer requested everyone be patient and take care of each other. He noted one of the nicest people he knows is Amy Ferguson and she ends every email with a quote from Henry James stating "Three things in human life are important. The first is to be kind. The second is to be kind. The third is to be kind."

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

The meeting adjourned at 7:26 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC
City Clerk

Draft