

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

March 1, 2022

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 1, 2022, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: The invocation was led by Pastor Jonathan Owens with Heart of the City Church.

PLEDGE OF ALLEGIANCE: Mayor Hammond led the pledge of allegiance.

PRESENTATIONS:

U.S. SECRET SERVICE AWARD PRESENTATION: Greg Ligouri, Resident Agent in Charge, Secret Service Office of Spokane, stated he was before Council to recognize the exceptional case work conducted by Detective Neil Uhrig, of the Post Falls Police Department, Detective Tom Sudol, of the Coeur d'Alene Police Department, and Rebeca Perez, of the Kootenai County Prosecutor's Office and were being recognized as a USSS Significant Case from the US Secret Service for 2021. He stated they were all National Computer Forensics Institute (NCFI) graduates and were specifically being recognized for their case work on State of Idaho v. Robert Sizemore. He explained the National Computer Forensics Institute (NCFI) was the premier cyber-crimes training center in the world that trains thousands of state and local law enforcement officers, prosecutors, and judges in the art and science of combatting digital crime. Each year, the US Secret Service selected twenty (20) cases across the nation for recognition as a USSS Significant Case. Typically, the cases were high profile, major crimes, involving cooperation of many agencies. He said the Sizemore case started in 2020 as a video voyeurism incident in a restroom at City Beach along Lake Coeur d'Alene. The individual was apprehended for filming in a restroom and his cell phone was seized as evidence. Detective Tom Sudol conducted digital analysis of the suspect's cell phone and recovered video he had recorded in the restroom of children changing their clothing. Later, the suspect's computers were seized pursuant to a search warrant

and submitted to Detective Neil Uhrig for examination. The suspect's computers were found to contain over 13,000 images and videos of child sexual abuse material, the largest quantity ever recovered in the history of Kootenai County. The case was then submitted to Kootenai County Deputy Prosecutor Becky Perez for prosecution and they successfully secured a 65-year prison sentence for the perpetrator. Mr. Ligouri stated because of the teamwork of the three NCFI graduates, the most prolific possessor of child pornography in Kootenai County history was captured, prosecuted, and sent to prison. The US Secret Service recognized the work of Detectives Uhrig and Sudol, and Prosecutor Perez with the 2021 USSS Significant Case Award. Mayor Hammond thanked the team for their work and said the community celebrated their success.

PROCLAMATION OF MARCH 2022 AS RED CROSS MONTH: The Mayor proclaimed March 2022, as Red Cross Month. The proclamation was accepted by volunteers Laura Warriner and Jeanette Laster, on behalf of the Greater Inland Northwest Chapter of the American Red Cross. Ms. Warriner said she was a therapist and worked disasters as a mental health volunteer and she also served as a duty officer. Their territory consisted of North Idaho and Eastern Washington. She mentioned they were planning a "Sound the Alarm Event" in May which would highlight fire hazards in homes. Ms. Laster said she and Ms. Warriner had over 60 years of experience serving with the Red Cross, and her role was as an instructor. They thanked the Mayor and Council for the proclamation.

PUBLIC COMMENTS:

William Le, Coeur d'Alene, provided a handout of samples of artwork he found on Abby Light's website and Instagram and requested Council review the artwork before making an appointment to the Arts Commission.

Neil Schreiberz, Post Falls, stated the new Sign Code would eventually remove all billboards from the City. He said businesses used them to advertise their business, and property owners used them as a source of income. He said digital signs were a useful tool which allowed a business to display more products, and could be used to display an Amber Alert, or advertise local events. He hoped they could work together to find solutions to keep billboards and digital signs as options.

Randy Neal, Coeur d'Alene, stated he was concerned with the Aryan Nations presence taking place in Hayden on March 12. He would like to see other City events that day to draw attention away from the other gathering. He stated that type of group was not welcome in North Idaho.

ANNOUNCEMENTS:

Councilmember Wood said she was serving as President of the Kootenai County Task Force on Human Relations, which was a separate role from City Council. The Task Force had been in place for over 40 years and had taken measured responses to any type of activity which may be harmful to the community. She said the City had been a strong supporter of the Task Force, and clear on their position of how they felt about discrimination and any activity by hate groups. She stated the Task Force had not yet acted on the proposed Aryan Freedom Network Nation gathering but were monitoring the situation and would take action as needed.

Councilmember Miller noted the Regional Housing and Growth Issues Partnership had been posting and updating their work on their website located at www.RHGIP.com. They would be scheduling a presentation with City Council soon.

Mayor Hammond stated the entire Council supported the Planning and Zoning Commission. He said Council, along with the various boards, committees, commissions, and the community would need to work together for the betterment of the City.

CONSENT CALENDAR:

1. Approval of Council Minutes for the February 15, 2022, meeting.
2. Setting of the General Services/Public Works Committee meeting for March 7, 2022.
3. Approval of Bills as Submitted.
4. Approval of Final Plat for SS-22-01c, Cottage Grove Condominiums Phase II
5. Approval of Final Plat for SS-21-01, Heritage Square
6. **Resolution No. 22-013:** A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING: A MAINTENANCE AGREEMENT WITH ASG HOLDINGS, LLC, FOR LANDSCAPE AND IRRIGATION IMPROVEMENTS TO RIGHT-OF-WAY; ABANDONMENT OF UNUSED DRAINAGE/UTILITY EASEMENT IN THE SILVER PARK ADDITION; AND ACCEPTANCE OF DONATED ART WORK, "THE MINER," INTO THE CITY'S PUBLIC ART COLLECTION.

MOTION: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including **Resolution No. 22-013**.

DISCUSSION: Councilmember Gookin stated the Arts Commission had recommended a donation of the "The Miner" by artist Terry Lee, and thanked the Commission for bringing it forward and said it was his favorite type of art and he was looking forward to the installation.

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

COUNCIL BILL NO. 22-1002

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, BY REPEALING MUNICIPAL CODE CHAPTER 2.46, ENTITLED "SIGN BOARD," REPEALING CHAPTER 15.24, "SIGN CODE," AND ADOPTING A NEW CHAPTER 15.50 ENTITLED "SIGN CODE"; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Staff Report: Municipal Services Director Renata McLeod stated she was bringing forward the City's Sign Code update which had been presented at the February 7, 2022, subcommittee meeting included the definition of a vision triangle, clarification of responsible party to include campaign, and that a temporary sign can be removed without a thirty-day notice. She stated due to the

complexity of the City's current Sign Code and the trend in court decisions to invalidate traditional sign regulations in whole or in part, the Legal Department felt that a re-write of the Code, instead of merely a revision, would be the most efficient means of addressing the issues. She said the Sign Code update review group included Municipal Services staff, Planning Director Hilary Anderson, City Engineer Chris Bosley, Code Enforcement Officer Shawn Youngman, and Chief Civil Deputy City Attorney Randy Adams. She said they had met several times to discuss the need for revisions and to review several sign codes from cities throughout the state of Idaho, including Meridian, Idaho Falls, Pocatello, Boise, Hayden, and Post Falls. Additionally, the working group reviewed codes from Kootenai County, Missoula, Montana, and Spokane, Washington. She said the Region 1 and Region 2 Association of Planners had held meetings to discuss the best practices for sign regulations, which were taken into consideration by the working group. She said the reason they were bringing changes forward were due to the constitutionality of the current Sign Code as it could no longer be regulated by content. Also, they wished to simplify the code to provide clarity to staff and end-users.

Mr. Adams stated in 2015, the U.S. Supreme Court opinion had ruled what was, and was not, permitted in regard to the Sign Code. He stated if you had to read a sign to know which regulation pertained to it, it was considered content based, and generally not allowed unless there was a compelling state interest and the regulation was narrowly drawn. He stated they had thoroughly reviewed the Sign Code and brought forth an updated code that they felt could withstand legal challenge.

Ms. McLeod said in recent years, City staff had experienced many difficulties in the interpretation and enforcement of the current Sign Code, particularly in matters involving banners and feather signs, A-frame signs, signage for strip malls, electronic messaging signs, and political and other temporary signs. She said the Sign Board, which was created to perform functions regarding signs, had not met for several years as no issues had arisen within their purview, and its continuance was not felt to be efficient or necessary. She said they had condensed the code by defining fewer terms, reducing exemptions down to nine (9), clarifying the application and enforcement process. She stated sign companies that had pulled permits in the past three (3) years were provided a draft of the proposed changes on September 28, 2020, and again on October 5, 2020. She said the proposed code was posted to the City's webpage and a link provided within the Municipal Milestone Newsletter. Three (3) comments were received, one (1) from a marketing company and one (1) from Lamar Sign company requesting more placements of billboards and legal input regarding off-premise advertising. One (1) comment was received from the Downtown Association requesting A-frame signs be allowed for a period of 90 days or more. She stated the billboard section had not been changed for the code's original language.

Ms. Anderson stated aesthetics were important in the regulation of signs for communities in regard to placement, size, and type. She said when the Sign Code was initially adopted in 2007, it spoke of improving the neat, clean, and orderly appearance of the City, and should promote the healthy business climate of Coeur d'Alene. She stated the proposed Sign Code was sound from a planning perspective.

Deputy City Clerk Kelley Setters stated she processed sign permits for the City and explained the process and formula used to approve sign allowances. She said allowances were determined by the zone and amount of street frontage.

Ms. McLeod stated Chapter 15.24, had not been revised since 2007. She noted that in 2015, the United States Supreme Court issued an important decision on the constitutionality of local sign regulations. She stated the City's current Sign Code contained several sections which would likely lead a court to invalidate it in whole or in part.

Ms. McLeod stated model codes from the International Municipal Lawyer's Association were reviewed. She said the Supreme Court in *Reed* said: "Content-based laws---those that target speech based on its communicative content---are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." She said if a sign must be read to determine which regulation applied to it, the code was "content-based." She said cities could impose reasonable "time, place, and manner" regulations for signs, but any such regulations must be "content-neutral," meaning the same time, place, and manner of regulations applied regardless of what the sign said. A proposed new Sign Code had been drafted, incorporating the lessons learned from *Reed*, the experiences of other jurisdictions, and the recommendations from other professional groups. The current Sign Code was found in Chapter 15.24, of the Municipal Code. To avoid confusion and signify that the new Sign Code was significantly different, it was felt that the new Sign Code should be codified in new Chapter 15.50.

She requested Council repeal Title 15, Chapter 15.24, of the Coeur d'Alene Municipal Code, titled Sign Code; and enact a new Sign Code as Title 15, Chapter 15.50, of the Coeur d'Alene Municipal Code, titled Sign Code; and repeal Title 2, Chapter 2.46, titled Sign Board.

DISCUSSION: Councilmember Miller asked if the same sign formula was used throughout the State, with Ms. Setters responding it was. Councilmember English asked if a billboard blew over was a replacement allowed, with Ms. McLeod stating billboards were legally non-conforming and would not be allowed to be rebuilt if the damage was more than 50%. Councilmember McEvers stated he was on Council in 2007 when the Sign Code was adopted, and the theory of Council was to not allow additional billboards. Mayor Hammond stated the billboard section was not being changed at the time and if an amendment was desired, he suggested it be brought forward separately for discussion. Councilmember Gookin asked if a shopping center permanent-freestanding sign could be erected instead of the billboard, with Ms. McLeod responding it would depend on the sign formula allowances and based on frontage. Councilmember Gookin asked about mobile advertising and projected signage. Mr. Adams explained off-premise was something that advertised something not located on the same premises. On-premise signs advertise business which is located on the property. He said a projecting sign if on-premise would most likely be categorized as an electric sign. Councilmember Gookin asked if the Sign Code applied to the City as well, with Ms. McLeod responding the city was exempt from permits fees for way finder signs. Councilmember Gookin referred to non-conforming signs (Billboards) and wanted the City to be business friendly. He felt if a billboard was damaged over 50% and had to be removed that was not a business-friendly requirement, and he would hate to see local landmark signs removed. He felt Council could be more accommodating and would like those articles removed from the Sign

Code. Councilmember Wood concurred that non-conforming signs should be able to be rebuilt and felt the code language for non-conforming signs was not business friendly. Councilmember English stated he would like to take a hard look at the Sign Code in relation to the non-conforming signs. Councilmember Miller stated she would like to have an indicator on the City's website of approved-permitted temporary signs.

MOTION: Motion by Gookin, seconded by English, to direct staff to remove Article 3, Section 15.50.390, Nonconforming Signs, Subsection A.3; and Article 4, Section 15.50.400, Permanent Signs, Subsection C.2(a)(b)(c) in their entirety.

DISCUSSION: Councilmember Evans asked if staff would be able to manage the change without further review, with Ms. McLeod clarifying the change would grandfather the current billboards, allow for upgrades of the signs, and staff would process the sign permits as they did others.

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

MOTION: Motion by Evans, seconded by McEvers, to dispense with the rule and read **Council Bill No. 22-1002** once by title only.

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

MOTION: Motion by Evans, seconded by McEvers, to adopt **Council Bill No. 22-1002**.

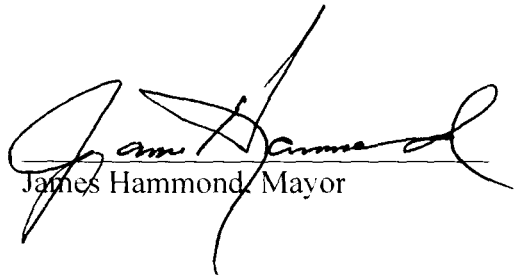
ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye.
Motion carried.

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

The meeting adjourned at 7:17 p.m.

ATTEST:


Sherrie L. Badertscher
Executive Assistant


James Hammond, Mayor