

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

June 18, 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 June 18, 2024, at 5:00 p.m., there being present the following members:

James Hammond, Mayor

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

CALL TO ORDER: Mayor Hammond called the meeting to order and noted that the first item in the agenda is a discussion on the budget concerns for fiscal year 2024-2025.

FISCAL YEAR 24-25 BUDGET DISCUSSION: Councilmember Wood opened the budget discussion stating that priority of the budget should focus on public safety, hence the need to support the Police and Fire Department on their equipment requirements. Councilmember Gookin mentioned that given the recent cyberattack, his priority is the increase of compensation for IT employees to a competitive level and the creation of a stand-alone IT Department. He stated that his third priority is the need to reach out to school districts, CDA Tribe, and other agencies to build a relationship of working together. Mayor Hammond shared that there have been three different meetings regarding racial harassment in the community which can be a point of discussion with other agencies and together work on a campaign about “who we are and what we are as a community.” Councilmember Evans agreed that it is important to define who we are as a community. She stated that it is important to reach out with other partners such as the Tribe to talk about priorities and projects to work on together. Councilmember Wood mentioned that she was asked to attend a meeting of city leaders from Post Falls, Hayden, Rathdrum, and Coeur d’Alene regarding civility and what we have in common. She suggested that the Councilmembers can take turns in attending this meeting. Councilmember English stated that the creation of a communication position can be tied with filling up the proposed in-house position for media services since Jeff Crowe will not renew his contract. Councilmember McEvers explained that although he agrees with the idea of having a communication position, creating a stand-alone IT Department and increasing the pay, his concern on the budget is more focused on sustainability such as where to get the funding. Councilmember Wood said that she would like to see IT as a stand-alone department with an Administrator. Additionally, her priorities include discussion of employee bargaining contracts and projection on impact to the budget; discussion on the hiring of a part time grant administrator to research and apply for public safety grants or offer incentives to those employees who do this work on their day off; and a discussion on the 10-year plan for

sustainable budget. Mayor Hammond noted that Katie Ebner, the new Finance Director, sent him information from a meeting of the Executive group from the Chamber which illustrated the challenges that the City is facing right now. He explained that the City is collecting 25% revenue of what the City was collecting eight years ago for new growth. He said that it dropped by about 75% while at the same time the assessed value has grown by 125%. Mayor Hammond explained that he asked Councilmembers Gookin and McEvers to review and take a broader look at the budget on the status and where the city will come up short and considering legislative cutbacks. Councilmember Wood suggested that the agenda for the first meeting with other cities and the county in early fall should be the impact of legislation on the cities.

Councilmember Miller stated that she agrees with having a communications position and suggested adding grant research or writing contractor instead of having existing staff doing the work. She pointed out that grant writing with IT will be difficult but grant writing with communications will go hand in hand. She also suggested identifying areas of shortfall in the budget that can be frozen or cut by reviewing events, programs, contracts for leases and projects, potential technology savings, and revenue streams. Lastly, she suggested not adding staff this year except for the communications position. Councilmember Gookin inquired if there are currently funded but unfilled positions, and Mr. Tymesen stated that the Assistant to the Recreation Director is on hold and last year, the unfilled positions were IT and front desk positions. Councilmember Wood reviewed the previous budget objectives and pointed out that despite each department having their strategic plans, there is no overall masterplan that all the strategic plans feed into that the Council can budget in a 10-year plan. Mayor Hammond explained that the 10-year plan is mainly from a revenue point of view although it is difficult to predict legislative actions or city growth, he said that he is concerned with meeting current obligations. In terms of public safety, he mentioned that crime statistics have been going down substantially and there are less fire incidents, which shows that the investment is paying off in making the city a safer community. He said that he is concerned about the city having the financial resources to be able to meet its goals. He added that the Council should look at revenue sources rather than the loss of funds and develop a strategy working with other entities and legislative representatives.

Councilmember Wood asked Mr. Tymesen if there are proposals coming forward to use the fund balance, and Mr. Tymesen explained that the preliminary budget has no exact amount for the medical renewal although there is 3% in the plan, and there's over \$2 Million coming from fund balance in order to fund the operations that will go directly into projects such as the PD building. He added that about half of the General Fund is of concern from cashflow from savings account to fund operations and no increase built in as of the moment to the budget for the negotiations with Fire Department. Councilmember Wood inquired if there are proposals for new positions, with Mr. Tymesen responding that police have positions that are paid from grants but there is a request for an IT position, and there is a request for an administrative assistant position in Parks Department. Councilmember Miller asked if grant funded positions become regular full-time when the grant expires, with Mr. Tymesen explaining that they can be absorbed and there is an exit strategy looking ahead on the probability to have the cashflow to support the position due to possible retirements. He stated that the communications position will be addressed with the non-renewal of the contract of Jeff Crowe. In terms of public safety as a priority, Mr. Tymesen expressed that there are funds allocated for this. He shared that he is looking at filling up the City Accountant position which will be vacated on July 1 and the Administrative Assistant position in

the Parks Department. Mr. Tymesen stated that it will be good if these concerns are in sync with the Council. He also asked the Council about their priorities. Councilmember McEvers pointed out that the City used to have its own maintenance staff but now there are contractors so it would be good to look at if the City has been saving money. Mayor Hammond asked the Council to think about what the City is for, and what it can do as opposed to what it cannot do. Councilmember Miller stated that maybe next year, there is a need to tighten the belt on what the City can provide. She stated that four of the Council are interested in filling up the Communications position, there is also interest in grants review for better use of either writing or combining efforts toward grants, start of the 5-year plan for IT, and the conduct of meetings with other entities to establish stronger relationships. Councilmember Wood stated that the 5-year plan for IT does not show the cost. She also agreed to check on where the funds will be coming from. Councilmember Miller said that there is a plan in motion already for IT but needs a better presentation on what that plan is. Mayor Hammond clarified that Municipal Services Director Renata McLeod already provided the Council with a memo regarding the costs and obligations.

RECESS: Mayor Hammond called for a recess at 5:46 p.m. The meeting resumed at 6:00 p.m.

INVOCATION: Leslie Watson of the North Idaho Unitarian Universalists led the Invocation.

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

PUBLIC COMMENTS:

Paul Trouette, Hayden, expressed his objections to the proposed amendments to the Ordinance regarding security agent licenses. In Section 4, he stated that having the word “security” on their vehicles so that they are distinguished is sufficient. He asked to have another discussion on Section 5 and stated that security agents should be able to act due to extenuating circumstances or exigent circumstances. Mr. Trouette mentioned that Section 6 is a bit of an overreach requiring added administrative work and would entail expenses from them.

John Swallow, Coeur d’Alene, asked the Council to strongly consider Resolution 24-049 or the temporary moratorium on demolition. He stated that while he is a big supporter of private property rights, he is deeply concerned about the loss of history and identity of Coeur d’Alene so having a 180-day moratorium is fine.

James Cooke, Coeur d’Alene, thanked the Council for the ordinance on loud engines and said that they have already noticed the difference. He stated his strong opposition to the proposed pedal pub saying that having a non-supervised tavern on wheels riding through the neighborhood would not fit with the City’s vision statement.

Scott Wagonseller, Hayden, noted that the proposed amendments to the ordinance regarding security agent licenses restricts residents and businesses the right to protect themselves and their property without prior notice, review, and approval of the City police. He said that this is authoritarian overreach and there was no community input and stakeholder involvement because this was only presented by the Chief of Police with only four days of notice. He added that this ordinance is only aimed at increasing the regulatory powers of the Chief of Police and does not solve any problem nor improve public safety.

Griffen Dietrich, Coeur d'Alene, urged the Council not to pass the proposed amendments to the Ordinance regarding security agent licenses because it does not benefit the public or the security industry. He explained that the only purpose is to diminish the ability of security agencies to effectively operate at their clients' requests. He pointed out that Section 4 which mandates the appearance of security uniforms and vehicles is not only a violation of freedom of expression but also prohibits the right of clients to choose how their security provider appears. Further, he stated that Section 5 violates Idaho Statute on citizens arrest rights. In relation to Section 6, he explained that the police have no right or need to be informed about private contracts made between private entities.

Shannon Sardell, Coeur d'Alene, asked the Council to support the temporary moratorium on demolition and moving permits because this is a community generated request and historic preservation matters to the people in Coeur d'Alene. She requested the Council seek additional public comment and further review of the proposed amendments to the ordinance on billboards and electronic message displays. She explained that from a historic preservation perspective, the amendments will have great effect on historic context and character of historic places as well the natural billboards such as the lakes, trees, and prairie.

Jeff Connaway, Coeur d'Alene, requested the Council to reject or at least table the proposed amendments to the ordinance on billboards and electronic message displays to allow more time for exploring what the people in general would want to see happen in the city. He asked the Council to investigate the possibility of requiring sunset leases for existing billboards in a reasonable amount of time.

Neal Schreibeis, Coeur d'Alene, noted that while they fully understand and agree that there should be regulations in place for billboards, he pointed out that the proposed amendments has overcomplicated the permitting process such as why the City Council would need to review each application for relocation. He stated that the proposed ordinance to have all the 14x48 signs located within a block of I-90 would keep them clumped together and not spread out. He added that the review of leases for the relocations is cumbersome to the billboard companies and extra work for the City Attorney. He also pointed out that the 500-foot setback requirement from residential, school, park, church, historic district, and cemetery is an additional area restriction which is in addition to the zoning restrictions.

Johnny Liston, Hayden, requested Council to reconsider Section 2C pertaining to relocation of billboards and other off-premises signs particularly sections F to I. He asked that those sections be stricken from the record.

Walter Burns, Coeur d'Alene, spoke in support of the resolution on demolition moratorium which will provide the time needed for the Historic Preservation Commission to complete their initiatives. He stated that they are working to revise the City's demolition permit process to be more responsive to the needs of the community. Mr. Burns stated that they are working with the Planning Department, other City Commissions, and with the Council, to review and update the downtown core and downtown North and East overlays.

Deb Mitchell, Coeur d'Alene, asked the Council to pass Resolution 24-049 regarding the temporary moratorium on demolition. She quoted 1 Corinthians 6:12 verse from the Bible which says that "all things are lawful, but not everything is beneficial." She also shared what Dr. William Murtagh said that "preservation engages the past in a conversation with the present over a mutual concern for the future."

ANNOUNCEMENTS: Councilmember Evans announced that today is Mayor Hammond's birthday and wished him well. Councilmember Wood encouraged the people to visit the Atlas Water Park and support the vendors that are there such the ice cream truck, burger shack, and a coffee truck.

CONSENT CALENDAR:

1. Approval of Council Minutes for the June 4, 2024 Council Meeting.
2. Approval of Minutes from the June 10, 2024 General Services/Public Works Committee Meeting.
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: Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye.
Motion carried.

RESOLUTION NO. 24-047

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A LETTER OF AGREEMENT WITH GARNET ADVENTURES, LLC, FOR THE COMMERCIAL USE OF THE CITY STREETS FOR RECREATIONAL TRANSIT.

STAFF REPORT: Deputy City Clerk Kelley Setters noted that the City received a request from Mr. Gary Cooper d/b/a Garnet Adventures LLC to operate a non-motorized vehicle within City limits through a Letter of Agreement. She stated that the tours will have a maximum seating capacity of 14 operating from Thursday to Sunday starting on June 19, 2024 through October 31, 2024 from 11:00 am to 10:00 pm lasting approximately 2.5 hours. She added that all tours will begin and end at the Tour CDA business located at 1618 E Lakeside Avenue (near Sherman and 17th Street) starting at 11:00 a.m. where the stops for the scenic tour for all ages include the Roosevelt Inn, Fort Sherman, and Carousel with no alcohol to be served on this trip. Ms. Setters explained that two other daily tours for 3:00 p.m. and 7:00 p.m. will be for guests who are 21 years and older and are allowed to bring their own sealed beer or wine for consumption while onboard the bike. She mentioned that the stops include: The Goat on 4th Street, 315 Cuisine on Wallace Avenue, and Seasons Restaurant on 3rd Street. Ms. Setters pointed out that each City Department was contacted to see if there were any concerns or requests for conditions, with the Police

Department noting they had no issues. She recalled that in the past, other recreational transportation uses, such as Socially Geared Cycle Pub and horse-drawn carriages were in operation and had been widely accepted and have not impeded traffic.

DISCUSSION: Councilmember Evans recalled that there was a similar business in the past, but the route was different, with Ms. Setters explaining that the former route was longer going down into Lakeshore Drive. Councilmember Miller asked if there are any regulations about the music and sound to address noise complaints from the neighborhood. Councilmember English stated that it reminds him of the ice cream trucks that plays three to four stanzas of music over and over; however, he pointed out that there would be an employee and it would not be unsupervised. City Attorney Randy Adams said that the City has an ordinance that regulates music being played on a vehicle which includes annoying to a person of reasonable sensitivities. Councilmember Gookin stated that he got a consensus from his neighbors in Fort Grounds, and they suggested that it would be better if the route will go down Hubbard and then turn on Lakeshore Drive to Park Drive and not cut through the neighborhood. He said that he would like to see that change in the route. Councilmember Wood requested for clarification why the pedal pub is coming forward to the Council when there is already an ordinance, with Ms. Setters replying that the ordinance stipulates that the pedal pub application must come before the Council for decision. Councilmember Wood shared that she just came back from New Orleans where they took horse drawn carriage rides, and she would like to encourage the people to have the same fun since Coeur d'Alene is a touristy town; however, she stressed that there should be a balance in having fun and not ruining the neighbors' day. Councilmember McEvers asked about the evening tour where the guests will be bringing their own beer and there's a tendency that they will be drinking in the establishments and become tipsy, with Mr. Cooper explaining that the guests can initially bring their own beverage as long as the beverage is beer, wine, or seltzer, but they cannot leave the pedal pub with any alcoholic beverage nor they can bring any from an establishment. He added that the guests will be signing a waiver that tells them they cannot be intoxicated. Also, Mr. Cooper explained that it would be a liability issue if they are highly intoxicated, and they are expected to be able to pedal because the pedal pub is a human powered vehicle. In terms of music, Mr. Cooper said that they envision their guests to have a playlist of their own such as for bridal showers. Councilmember Gookin inquired on the impact as far as downtown noise, and Mr. Cooper stated that the pedal pub is not stationary but will be passing along and they would certainly comply with the music ordinance and would not want to annoy the neighborhood. He further stated that the focus of their business is to the history of the community that is why they want to go over at Fort Sherman to visit the historical buildings. Councilmember Gookin asked Mr. Cooper if he would be amenable to not cut through the neighborhood, and Mr. Cooper stated that he is agreeable to a route change.

MOTION: Motion by Gookin, seconded by Wood, to approve **Resolution No. 24-047** – Approval of a letter of agreement with Garnet Adventures LLC for Commercial Use of the City Streets for Recreational Transit as amended by Council.

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

RESOLUTION NO. 24-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE PURCHASE OF A RAMVAC HX12 TRUCK MOUNTED HYDRO-EXCAVATOR FROM SOLID WASTE SYSTEMS EQUIPMENT, LLC, THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$616,963.33.

STAFF REPORT: Assistant Director Glen Poelstra noted that each year, the Water Department is presented with the task of maintaining the City's aging infrastructure and, each year, it becomes more difficult to excavate with the number of utilities being installed in the ground. He recalled that in 2016, the Water Department acquired the Wastewater Department's Vaccon sewer jet truck and made modifications to turn it into a hydro-excavation truck for the Water Department. He stated that this truck was a great addition to the fleet as it uses high pressure water and an 8" vacuum suction tube to soft excavate around complicated utility excavations where a backhoe or excavator could not be used. Mr. Poelstra explained that hydro excavation is basically using high pressure water and a large vacuum system to be able to soft dig around utilities and remove material from the ground. He enumerated the benefits of soft digging which allows their crew to limit their time in the ditch, safe exposure of pipes and cables without the risk of damage, minimal environmental impact and less disruptive to surrounding ecosystems, precision excavating around utilities, helps to prevent service interruption, and it is in compliance with state law. He said that the truck being 17 years old and not built for hydro-excavating, it is showing its age, and the maintenance costs are growing substantially each year. Mr. Poelstra mentioned that they solicited Sourcewell quote for a Ramvac HX12 Kenworth Hydro-excavation truck from Solid Waste Systems in the amount of \$616,963.33. He added that the Sourcewell quotes are based on a competitive solicitation process and offered to members. He stated that Sourcewell has previously been approved by Council for such purchases, as required by Idaho Code § 67-2807, and the hydro-excavation truck was included in the 2023-24 FY budget with a capital line item of \$700,000. Mr. Poelstra pointed out that the hydro-excavation truck takes approximately 1 year from time of order to delivery, which would require this budget line item to be carried over into the FY budget 2024-25.

DISCUSSION: Mayor Hammond asked if they inject water to soften the soil and if they bring something else for backfill, with Mr. Poelstra explaining that it is like a long digging wand with a nozzle that rotates with high pressure 2000 PSI water that they stick to the ground to loosen it up. He added that they have a location to dump the material. Councilmember Wood inquired on the lifespan of the truck, and Mr. Poelstra stated that they expect the truck to last between 15-20 years. Councilmember McEvers asked how many repairs they do per year, with Mr. Poelstra replying that they schedule 100 replacement services. He said that they typically encounter anywhere from 20 to 25 leaks in those pipes and then anywhere from 150 to 200 other services that they work on throughout the year. He added that the Ramvac HX12 Kenworth Hydro-excavation truck has a heating unit that would allow them to use it through winter if needed.

MOTION: Motion by McEvers, seconded by English, to approve **Resolution No. 24-048** – Approval of a contract with SWS Equipment, LLC, for a Ramvac HX12 Truck Mounted Hydro Excavator in the amount \$616,963.33.

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

RESOLUTION NO. 24-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A TEMPORARY MORATORIUM ON DEMOLITION AND MOVING PERMITS, AND BUILDING PERMITS FOR SIGNIFICANT EXTERIOR ALTERATIONS, FOR BUILDINGS, EXCLUDING RESIDENTIAL BUILDINGS, LOCATED IN THE DOWNTOWN CORE ZONING DISTRICT, AND THE DOWNTOWN OVERLAY, NORTHSIDE, AND DOWNTOWN OVERLAY, EASTSIDE, DISTRICTS, AND BUILDINGS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

STAFF REPORT: Community Planning Director Hilary Patterson presented the draft Resolution regarding imposing a temporary moratorium on the issuance of demolition and moving permits, and building permits for significant exterior alterations, for buildings, excluding residential, located in the Downtown Core Zoning District, Downtown Overlay Northside, and Downtown Overlay Eastside, and buildings listed on the National Register of Historic Places, to wit: Coeur d'Alene City Hall; Coeur d'Alene Federal Building; Coeur d'Alene Masonic Temple; Davey, Harvey M. House; First United Methodist Church; Fort Sherman Buildings; Inland Empire Electric Railway Substation; Kootenai County Courthouse; Roosevelt School; St. Thomas Catholic Church; and Hamilton House. She stated that the intention is to protect historic resources and allow time to conduct planning activities allowed by the Idaho Code. If approved, she said that the moratorium would be for 182 days from its effective date. In addition to residential structures, Ms. Patterson enumerated the exclusions which include outbuildings (garages), dangerous buildings, buildings that are less than 50 years of age, residential structures, interior demolitions, and historic districts such as Fort Grounds and Garden District. She mentioned that Idaho Code §§67-6523 and 67-6524 authorize the City to impose a moratorium on the issuance of selected classes of permits when Council finds that an imminent peril to the public health, safety, or welfare exists which requires the imposition of such a moratorium. She added that Idaho Code §67-4601 also recognizes the importance of historic, archaeological and cultural heritage of the state, and provides for a comprehensive program of historic preservation. Ms. Patterson provided the justification for the proposed resolution as what was explained by Walter Burns, Chairman of Historic Preservation Commission, and John Swallow who owns historic properties, that there is a need to put a pause on the demolitions for the Commission and staff to be able to catch up and evaluate what has been going on and respond to Council's request to work on some of these important things at the downtown core in terms of zoning code and what is allowed by right and design guidelines. She mentioned that the City has been awarded with a grant fund through the State Preservation Office to conduct a reconnaissance survey of the downtown area to identify and evaluate historic resources. She stated that demolition permits have no review, historic properties are at risk and there is public outcry to save them, other communities in Idaho have done a similar moratorium, and the effect on public mental health is also a point of consideration. Ms. Patterson said that there is a working group and Councilmember Gookin is a member, and they are evaluating the zoning districts on what is allowed by right in the downtown core as well as in the two infill

districts. She requested the Council to adopt the imposition of a temporary moratorium for 182 days pursuant to Idaho Code.

DISCUSSION: Councilmember McEvers asked what triggered this recommendation, with Ms. Patterson stating that the case of the Roosevelt triggered this response from the community members to request for a moratorium. She pointed out that the moratorium is only for 182 days. Councilmember McEvers expressed that while he appreciates the historical importance, he is having a hard time knowing that property owners would have to wait about six months. Councilmember Gookin inquired why residential buildings are excluded from the moratorium, and Ms. Patterson explained that the thought was just the number of residential buildings and the thought that City Council and some of the residents might be more concerned if it was limiting residential because there is a lot more happening with residential permits than commercial permits. She added that the nature of the zoning code with development standards and design guidelines, the majority of those are commercial. She mentioned that residential can be added. Councilmember Gookin asked if someone's home burned down, can they rebuild on it given the moratorium, with Ms. Patterson replying in the affirmative. Councilmember Gookin asked details on the number of days, and Mr. Adams replied that it would be 182 sequential days. Councilmember Miller explained that the 182 days moratorium is an avenue to come up with a plan on demolition permits and provide time to build awareness to residents that have a potential historic home and provide ideas in front of them to help preserve that.

MOTION: Motion by Miller, seconded by Evans, to approve **Resolution No. 24-049** – Approval of a Temporary Moratorium on demolition and moving permits and building permits for significant exterior alterations, for buildings, excluding residential, located in the Downtown Core Zoning District, and Downtown Overlay, Northside, and Downtown Overlay, Eastside District, and buildings listed on National Historic Register.

DISCUSSION: Councilmember Gookin asked the Council if they would be interested to add residential buildings to the list. Councilmember Miller stated that she does not have a problem including residential; however, she noted that the Commission is concerned about the timeframe and no available information on who will be affected. Mayor Hammond pointed out that there are also 50-year-old homes but not necessarily of historical significance and if somebody would want to come in and build a new home, they would be stuck for 182 days and be affected on what will come out of the redeveloped ordinance. Councilmember Miller shared that there was a discussion in the Commission about identifying older historic homes to be added to the list, but they figured that it will be too time consuming and arbitrary to get through.

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

RESOLUTION NO. 24-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING, PURSUANT TO IDAHO CODE § 67-2808(1), THAT AN EMERGENCY EXISTS AS A RESULT OF AN EXTRAORDINARY FIRE WHICH DEMANDS THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY IN THE PUBLIC INTEREST AND NECESSITY WITHOUT COMPLIANCE WITH FORMAL BIDDING PROCEDURES.

STAFF REPORT: Police Chief Lee White noted that an extraordinary fire occurred at the Police Department on Sunday, June 9, 2024 and razed the IT building that served as a workspace for Code Enforcement, Animal Control, Volunteers, and Police Department (PD) Information Technology personnel. He added that vehicles and equipment for the (traffic) motor program, K9 program, SWAT, bike and downtown patrol, crowd control, and other specialty units were damaged or destroyed in the fire. He mentioned that nearly all their IT-related equipment such as laptops, desktops, cables, and other hardware, was also lost in the fire. Chief White stated that the State Fire Marshall is taking the lead in the investigation and that the fire appears to be accidental caused by catastrophic failure of lithium-ion battery on one of their e-bikes. Chief White explained that he is not requesting for additional funding but he is asking Council for the declaration of an emergency in order to circumvent the lengthy purchasing process so they can replace the critical equipment that were lost from the fire.

DISCUSSION: Councilmember Wood requested clarification if PD is applying for federal funds, with Chief White replying that they are not. He stated that the funding discussions would probably take place at a later date once they determine the amount that the insurance company, ICRMP, would cover. Councilmember Miller inquired about having a priority strategic plan on what equipment they intend to replace first and how it will be when ICRMP is unable to cover the entire cost of full replacement. Chief White explained that they are currently on the process of identifying details of what was lost in the fire and the scope is huge which basically everything associated with their canine unit, all of their specialty units including SWAT equipment, bicycle team, motorcycle team, and their entire IT department. Councilmember Gookin asked why the building has no sprinklers, and Chief White pointed out that when the building was bought in 2016, it was not a requirement in code since it was predominantly a storage building with only a small area for office space. He added that they also don't have the extra funding of \$15,000 at that time for the sprinklers. Councilmember Wood inquired about how they are doing their inventory to figure out what was lost. Chief White stated that Lt. Bill Tilson has been doing a phenomenal job in leading the inventory process from grabbing invoices from Springbook and looking through information from databases. Councilmember Wood applauded the cooperative spirit among the departments in helping the PD to get equipment and be able to function again.

MOTION: Motion by Wood, seconded by Gookin, to approve **Resolution No. 24-050** – Approval of a Declaration of Emergency, pursuant to Idaho Code § 67-2808(1), as a result of an extraordinary events which demands the immediate expenditure of public money in the public interest and necessity without compliance with formal bidding procedures.

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

COUNCIL BILL NO. 24-1008

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 5.32.010, 5.32.020, 5.32.050, 5.32.060, 5.32.80, AND 5.32.090 PERTAINING TO SECURITY AGENCIES AND AGENTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Police Chief Lee White requested the Council to approve amendment to Chapter 5.32 of the Coeur d'Alene Municipal Code entitled "Security Agencies and Agents" to help the public more easily identify security company employees and help distinguish them from law enforcement personnel. He explained that the Municipal Services Department issues licenses for Security Agents under Municipal Code Chapter 5.32 which provides for the Police Chief to regulate uniforms, badges, and vehicles. He stated that currently, the city has 14 firms and 37 individuals licensed and they must go through a fingerprint-based background check up licensure. He mentioned that the Police Department has received several complaints regarding employees of security agencies dressing in uniforms similar to local law enforcement agencies, being investigated and/or charged with crimes, and in some cases, behaving in a manner that may be viewed as impersonating a peace officer. Chief White recalled that the section of Municipal Code addressing security agencies was last revised in 2009 and needs updating. He pointed out that the recommended changes would provide specific requirements for uniforms and vehicles to disallow them from looking similar to local law enforcement uniforms and vehicles, and both must be clearly marked with the word "Security" to ensure the distinction. Chief White explained that the specific changes in the code, include an annual background check, specific language for uniforms and vehicles, training and uniforms/vehicles shall be checked every three years by the Chief of Police. He said that he had spoken with the leadership from Kootenai County Sheriff's Office and they support the proposed amendments. Chief White addressed the concerns mentioned during the Public Comment period stating the following: there is nothing in the ordinance that would prohibit the security agents from acting as any private citizen will do citizen's arrest; the 2009 ordinance requires that all the vehicles have the word "security agent" written on their vehicles but the proposed amendment only requires the word "security" that needs to be written in legible bold letters that is 4 inches tall; and the comment period for the proposed amendments started back in March when the information was shared to concerned companies for inputs.

DISCUSSION: Councilmember Evans requested clarification on what was mentioned during Public Comment about making available copies of the contract and some minimal changes on information on Section 6, with Chief White explaining that the reason is if someone is purporting themselves as a security officer, PD would have the ability to look at the database of Municipal Services and ensure that they are duly licensed in the City. He added that the only change in Section 6 is removing place of residence, removing complete and accurate description and history of record, and then adding date of birth. Councilmember Wood mentioned that she doesn't have any concerns with the changes in the ordinance. She stated that while the private security companies have a role and do a lot of good for the private industry, the premiere law enforcement in the City is the Coeur d'Alene Police Department. Councilmember Gookin asked if there was an opportunity for the PD to meet with the security agencies. Chief White shared that he met with

representatives of Lear and Gates early spring. He said that he also met with Northern States, and they fully support whatever changes that would be implemented. Councilmember McEvers asked if this ordinance will also apply in Post Falls and Rathdrum, with Chief White clarifying that this is just a City Ordinance, but he also spoke with the Sheriff's Department, and they also don't like the idea that they might be confused with security agents. Councilmember Miller inquired on the number of security agencies, and Chief White pointed out that there is only 14 in the City database that are licensed to perform security type activities. He mentioned that Allied Universal has not yet started doing uniform security activity in the area, but he spoke with them and they have no problems with the ordinance. Councilmember Miller requested for further explanation about the assertion that Section 5 of the ordinance violates the Idaho statute regarding citizen's arrest, with Mr. Adams explaining that Section 5 doesn't even use the word "arrest," and it is intended to require notification of police when a security agent is aware if a crime, hence it has nothing to do with whether they can perform a citizen's arrest or not.

MOTION: Motion by Miller, seconded by McEvers, to dispense with the rule and read **Council Bill No. 24-1008** once by title only.

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

MOTION: Motion by Miller, seconded by English, to adopt **Council Bill No. 24-1008**.

DISCUSSION: Councilmember Gookin stated that he is opposed to the proposed amendments saying that it is a lot of governmental overreach and the existing rules are fine. He recalled what was mentioned in the Public Comment that an agency may need to redo its fleet which will cause excessive expense. He stated that he would like to see the City to be more business friendly. Councilmember Wood stated that she is in support of the proposed amendments because it has been carefully crafted to make sure that the agencies will still be successful in their business. She pointed out that it is not safe, and it is concerning to have other agencies that are not certified professional law enforcement to look like law enforcement. She clarified that the proposed amendments were not crafted in particular by Chief White, but the City relies on him for input and real time observation about what is happening and how it impacts the public.

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

RESOLUTION NO. 24-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE SOLE SOURCE PROCUREMENT OF A SPEED ALPR (AUTOMATIC LICENSE PLATE READER) TRAILER FROM VIGILANT SOLUTIONS, LLC, USING GRANT FUNDING THROUGH THE 2023 STATE HOMELAND SECURITY PROGRAM (SHSP) FOR THE POLICE DEPARTMENT.

STAFF REPORT: Police Chief Lee White requested the Council to approve the sole source procurement of a speed ALPR (Automatic License Plate Reader) trailer from Motorola Vigilant using a grant through the 2023 State Homeland Security Program (SHSP) which was awarded to the Coeur d’Alene Police Department, sub-awarded by Kootenai County and administered by the Office of Emergency Management (OEM). He explained that the way the grant works is the OEM actually purchases the equipment but since the PD is the entity that will control and acquire the equipment, it needs to comply with the purchasing policy. He stated that they are requesting to use a specific company because it is compatible with their existing system, hence they are requesting a sole source for this purchase. He added that this might be their only mobile ALPR trailer which would be a regional asset. He stressed that there are no City funds that will be used in this purchase.

DISCUSSION: Councilmember Gookin asked if this is a speed camera and would be giving out tickets, with Chief White explaining that this equipment is a speed feedback and reads license plate number so they can identify whether it’s a stolen vehicle, missing people, or murder suspects travelling through, but it does not give out tickets. Councilmember McEvers inquired on the cameras in the trailer, and Chief White stated that it is a trailer with a speed feedback and a camera that can move around. He added that the speed feedback will help the people to slow down but at the same time, the PD will be alerted if the stolen vehicle happens to go by or there is a murder suspect that is passing through. Councilmember Wood commented that when she was working at the PD, this is the most requested equipment because of speeding concerns in the neighborhood and this slow people down when they can see immediate feedback on their speed.

MOTION: Motion by Wood, seconded by English, to approve **Resolution No. 24-051** – Approval of the sole source purchase of ALPR trailer, using grant funds from a State Homeland Security Program grant, sub-awarded by Kootenai County and administered by the Office of Emergency Management (OEM), in the amount of \$68,715.00.

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

COUNCIL BILL NO. 24-1009

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 15.50.210, 15.50.400(C), 15.50.410(H), PERTAINING TO BILLBOARDS, AND 15.50.400(D) PERTAINING TO ELECTRONIC MESSAGE DISPLAYS OF THE COEUR D’ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Community Planning Director Hilary Patterson noted that during the December 19, 2023 Council meeting, the Council requested staff to revisit the amendments to the sign code and provide ways to allow movement of existing billboards within the city limits. She explained that as the Code is currently written, no new billboards are allowed, and existing billboards cannot be moved to a different location but must “remain in place.” She pointed out

that constitutionality was a big issue when the last amendment was made on the sign code, and it was change so the city is not regulating content. Ms. Patterson explained the following considerations in looking at amendments to the sign code: they cannot obstruct views, distract motorists, displace alternative uses for land, and affect the aesthetics of a community. She stated that the City finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and locations of signs in order to protect the health, safety, welfare, the orderly appearance of the city, provide for information needs of the public, among others. She explained that in the March 1, 2022 Code Amendments, one of those that was changed was to remove the statement “the billboard may not be enlarged, structurally altered, or moved to a different location. Billboards must be maintained as required by this Chapter” which caused some confusion that is why Lamar brought forward the request to the City Council to change this as they were under the impression that billboards could be moved within the City although there was a section in the Code that still says they must remain in place. Other provisions that were removed include the statements: “A Billboard located on property annexed into the City must be removed within 60 days of the effective date of the annexation;” and “If a Billboard is damaged by any cause such that the cost of repair exceeds 50% of the fair market value of the Billboard prior to the damage, the Billboard may not be repaired but must be removed.”

Ms. Setters explained that the total sign allowance is calculated by multiplying the street frontage of a parcel by three. She stated that the freestanding allowance is calculated by multiplying the street frontage measurement by the driving lane factors, then by the density factor, then adding in the sign area factor. She added that in the C-17 zone, the maximum is 100sq.ft.

Ms. Patterson shared that the proposed code amendments were presented to the General Services/ Public Works Committee, and they also met with the two outdoor sign companies, Lamar and Yesco, as well as sent out the proposed code amendments to other sign companies. She stated that staff reviewed codes from several cities including Post Falls, Hayden, Meridian, Idaho Falls, Pocatello, Spokane, Spokane Valley, Twin Falls, Bend OR, Missoula MT, Boise, Nampa, Caldwell, and Eagle, as well as the Montana Department of Transportation, and Idaho Transportation Department and found out that most cities did not allow for new billboards, and a few provided for their movement within certain parameters. As such, Ms. Patterson enumerated highlights of the proposed code, to wit: provides for a definition of Billboard; provides for the removal of existing non-conforming billboards in exchange for a new location; to be relocated within a Commercial, Manufacturing, or Light Manufacturing zone; blends with existing codes (Planning and Zoning setbacks, heights, separation between signs, underground electrical); requires a public hearing before the City Council; and provides for emergency alerts/owner contact information. She mentioned that the proposed ordinance would have additional setbacks of 500 ft. from residential zones, schools, churches, parks, cemeteries, and historic districts. She added that there are currently eight billboards within the City. Ms. Patterson further explained that the code for electronic signs should be amended due to the complaints about night brightness; research from other cities netted better ways to measure light, moving from nits to foot candles; required technology for auto dimming; hold displays for 8 seconds versus 2 seconds; and restricts video messages on electronic message displays. She said that currently there are 83 electronic signs in the city. Ms. Patterson stated that the proposed amendments include clarification that distraction includes motorists, pedestrians, and general public; require technology for auto dimming;

brightness shall not exceed 0.3-foot candles (above ambient conditions), with appropriate measurement distances; messages to be held a minimum of 8 seconds; clarification that no videos are allowed; and consistent with best practices. She stated the suggestions discussed during the May 28, 2024 GS/PW Subcommittee meeting: reconsider the need to review the Land Lease; clarify proposed foot candle measurement is above ambient lighting; clarify rotating signs are signs that turn/spin; clarify sign content that cannot be regulated, for example, legal cannabis sales in WA; determine if public hearing should be required; determine if underground electrical should be required; include transitions should be ½ second or less; include lighting to be downward facing on non-digital billboards; and mobile billboards.

DISCUSSION: Councilmember Wood stated that her husband works for a sign company, but he is not in a position to determine where a billboard will be located, hence she does not have a conflict of interest. She suggested that the billboard code amendments can be written in the same way as the pedal pub where there would be public comment instead of a public hearing. Councilmember Evans asked Ms. Patterson to review their work with the sign companies because the Council received an email from Lamar few days prior to the Council meeting with significant suggested changes. Ms. Patterson stated that staff previously met with the sign companies and heard their concerns. She added that they were also present in the subcommittee meetings to provide comments. Councilmember English said that he wanted to keep the public hearing. Councilmember Wood asked the details of the email from Lamar, with Mr. Adams explaining that the concern is about the height of the billboard which is 50ft. from the bottom of the sign. Ms. Patterson shared that in the draft proposal, the maximum height would be 48ft. She added that aside from the height, the significant changes that Lamar suggested include removal of zoning restrictions, no public hearing, they did not want to limit the size, and intersections setback. Councilmember Wood stated that the sign companies serve local businesses, and the Council has the role to support economic development. She urges Council to find a common ground to work with the sign companies that would still work for the City; however, she pointed out that if the proposals are not acceptable, she asked Council to move forward. Councilmember Miller mentioned that she agrees with supporting the local business. She also explained that the sign companies were involved during the preparation of the code amendments; however, they would suggest dramatic changes that should have been brought up earlier. She added that she is in support of the public hearing. Councilmember Wood pointed out that there are more requirements from the business when they are required to go through public hearing. Ms. Patterson stated that the business will do the application, they pay for the title report and mailing labels, then the City will send out notifications for a public hearing. Councilmember English stated that he has enough information to make a decision. Councilmember Evans stated that she is in support of the proposed amendments; however, she is not in support of the movement of billboards because this will make a big impact on how the city looks moving forward. She said that she likes the public hearing as it provides for transparency in the process. Councilmember Gookin pointed out that there are a lot in the proposed code amendment that requires businesses to do what they already do, hence can be stricken out. He said that he does not agree with the public hearing.

MOTION: Motion by Gookin, seconded by Wood, to dispense with the rule and read **Council Bill No. 24-1009** once by title only.

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

MOTION: Motion by Gookin, seconded by Wood, to adopt **Council Bill No. 24-1009.**

DISCUSSION: Councilmember Gookin stated that the Council supports the local business and with this ordinance they are allowed to move the billboards. He asked the sign companies to work with the City to fine tune the code.

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

RECESS: Motion by Gookin, seconded by Wood to recess to June 24, 2024, at 12:00 Noon in the Library Community Room, located at 702 E. Front Avenue for a workshop regarding Fiscal Year 2024-2025 Budget. **Motion carried.**

The meeting adjourned at 8:32 p.m.



James Hammond, Mayor

ATTEST:



Jo Anne Mateski
Executive Assistant