

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

July 2, 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 July 2, 2024, at 6:00pm., 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.

INVOCATION: Grant MacLean, Trinity Lutheran Church

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

MAYOR'S MESSAGE: Mayor read a message of condolences to the family of former Mayor Jim Fromm who served the City of Coeur d'Alene from 1982-1986. He also thanked his wife, Lisa Fromm, for attending the Council meeting.

AMENDMENTS TO THE AGENDA: Motion by Gookin, seconded by Wood, to pull-out item 3c from the Consent Calendar regarding the establishment of the Coeur d'Alene Poet Laureate program funded through the Arts Commission funds, for separate discussion. Mayor Hammond requested to switch the items on Other Business and discuss first Council Bill 24-1010 or the adoption of a new chapter of the Coeur d'Alene Municipal Code, Chapter 9.23: Hate Crime.

ANNOUNCEMENTS: Councilmember Miller shared that the Panhandle Area Council is putting together community outreach sessions in order to come up with a community economic development strategy report that is required by the Economic Development Administration. She explained that a lot of nonprofit organizations and cities rely on this report because it is a vision of what the strengths and weaknesses as well as directions the community is taking to remain economically viable. She said that the report will be posted to the Panhandle Area Council website in January. Councilmember English stated that this coming Saturday will be the last of the civil discussion series and thanked those who participated.

PUBLIC COMMENTS:

Tony Stewart, Coeur d'Alene, noted his support of the proposed hate crime ordinance stating that it will help to stop the verbal abuse of people of color in the City. He mentioned that 49 states and territories, including Idaho, have hate crime legislation. He rallied everyone to be good citizens to speak out and condemn such horrific behavior.

Shelley Rae Phillips, Coeur d'Alene, thanked the Council bringing in the hate crime ordinance and stated that it is important to make some statement against hate crimes.

Ralph Ginorio, Coeur d'Alene, spoke in defense of free speech and stated that the proposal is an introduction of the concept of thought crime into the local ordinance. He added that it is not the Council's job to monitor the conscience of its citizens.

Betsy Kovatch, Coeur d'Alene, stated that the hate crime ordinance is a step in the right direction toward making Coeur d'Alene safe for all people to live, recreate, or visit the city without fear of harassment, intimidation and violence towards them because of their skin color, sexual orientation, gender identity, nation of origin, or any mental or physical disability. She mentioned that this ordinance will send a strong message and hold accountable those who continue to make others feel intimidated and unsafe.

Jeanette Laster, Coeur d'Alene, asked the Council to adopt the hate crime ordinance on behalf of all the victims who sit in fearful silence. She stated that consistent and accurate data collection is vital to understand the scope of violence over time and what measures are effective and ineffective in combating hate crime. She thanked Councilmember Wood for participating in HREI's Juneteenth Community Leadership Panel where they discussed the need for more accurate reporting and the need for leadership to have the resources, tools or ability to prosecute.

Marty Modance, Post Falls, stated that hate is not the issue but penalizing straight white Christian conservative males for their freedom of speech.

Tyler Davis, Coeur d'Alene, noted that there was a breach of contract with the City on the live after 5 concert series and the reason stated is he did not pay the fees 30 days in advance which was never done in the past. He said that last year, he paid the day before the event started. Mr. Davis reasoned that prematurely cancelling the live after 5 concert series for no cause will harm the city and the community as well as the vendors and sponsors who already signed up for the event.

Bill Green, Coeur d'Alene, shared that everything begins with a thought and whenever people try to hurt someone or make them feel less worthy, they are really talking about themselves. He stated that the people of Coeur d'Alene are known to be friendly and would respond in a different way that when somebody harass someone, they know by example that they can cut that off. He pointed out that the Council can make a new rule but the complexity of enforcing it will be a challenge.

Dean Haagenson, Hayden, urged the Council to reject the hate crime ordinance saying that limiting speech by making it a crime threatens the right to free speech and would reinforce the opinion of some that the City is racist.

Chief Allan, Worley, said that he is embarrassed as a citizen of this country because he thought that bigoted behavior was in the past. He stated that Indian people have always stood up for our country, our rights, and to dispel bullies. He asked the Council to protect the people. Mayor Hammond mentioned that the Coeur d'Alene Tribe members have been wonderful neighbors and good friends with the City of Coeur d'Alene, and they are always welcome.

Helo Hancock, Coeur d'Alene, noted that racism and discrimination is real and hurtful. He recalled that early in his career as a lawyer working at the Coeur d'Alene Tribe, a tribal member came to his office very upset and told him about being refused service at a restaurant just outside the reservation boundaries and told "we don't serve your kind here." He stated that this reputation deprives businesses of revenues and deprives them of a diverse workforce. He thanked the Council for the proposed ordinance and hopes to see the larger community rally behind it.

Linda Coppess, Coeur d'Alene, thanked the Council for amending the Municipal Code to add an ordinance on hate crime and for its commitment to fight racism and discrimination in the City. She shared that she has wonderful friends from different countries, but it breaks her heart that many won't come to Coeur d'Alene for fear of their safety. She hopes to that this ordinance is just the beginning, and the people will join to combat racism and other forms of oppression towards creating a community that fosters inclusivity, kindness, and respect for all.

Jody Hiltenbrand, Dalton Gardens, encouraged the Council to vote in favor of the hate crime ordinance. She commended the City Council for not being silent in the wake of hateful incidents in the past months. She stated that the passage of the proposed ordinance will further testify to the community and its guests that the words of support are embedded in the Code of Coeur d'Alene.

Anita Paresot, Coeur d'Alene, thanked the Council for introducing the hate crime chapter in the Municipal Code at a time when hate and discrimination seemed to be at an all-time high in North Idaho. She said that this ordinance is more than a legal measure but a statement of our values and commitment to protecting the rights and dignity of every person.

Alan Golub, Hayden, stated that no law can make people love each other. He mentioned that if the hate crime ordinance is legislated, people will be scared to speak.

Ryan Nipp, Hayden, recommended that the Council adopt the hate crime ordinance and stated that there must be consequences to despicable behavior. He said that the hateful acts of recent incidents do not represent who we are as a community, and we must respond with courage.

Tyler Stevenson, Medimont, noted that when he read the words in the proposed ordinance on hate crime, it does not regulate speech let alone thought. He clarified that the City would be regulating conduct and not the speech or thought. He said that even if the ordinance cannot regulate every despicable act that might happen, it sends a message and gives the prosecution and the City Police the tools that they can use in the future should another incident happens.

Emily Peterson, Coeur d'Alene, urged the Council to pass the hate crime ordinance. She shared that her children have identified as members of the LGBTQ community and have been subjected

to physical and verbal attacks, both within and outside of school, and they were told that there is no recourse for these events. She said that she finds it difficult to answer when asked if Coeur d'Alene is a safe and healthy place to raise children. While she agrees with the comment that the fault of the offender is a defect on their psyche that is resulting to bad behavior, it is the responsibility of the community and the leaders to educate the oppressor.

Cecil Kelley III, Coeur d'Alene, stated that he has lived through this bigotry, there were bigots 2000 years ago and there are going to be bigots in this world 2000 years in the future, and what the people can do is to stand up to it and do what is right, moral, and ethical. He added that all Coeur d'Alene citizens are equal.

Cajetan Matheson, Plummer, encouraged the Council to adopt proposed ordinance on hate crime. He agreed with what was said earlier that all laws are statements of values and asked the Council to make sure that they are making the right statement on behalf of its people on what we stand for, what we believe, and what we will not stand for.

Clark Richman, Coeur d'Alene, asked the Council to pass the hate crime ordinance. He said that the recent incidents are embarrassing and uncalled for. He said that Christianity has nothing to do with white nationalism. He encouraged people to be aware and to at least film incidents of hate crime.

Blair Williams, Coeur d'Alene, said that because of the hate speech seen in the community, she has seen an 18% decrease in their business located downtown. She added that in the last three years, there's been a 27% decrease in her legacy clients and was told with fear that they don't want to come to Coeur d'Alene anymore.

Susan Crowe, Coeur d'Alene, spoke in support of Council Bill 24-1010. She stated that verbal bullying is not harmless teasing or playful banter but has serious consequences for both the target and the overall social climate in which it occurs. She also pointed out that silence, inaction, and indifference can be a few of the most significant enablers of bullying. She asked the Council to stand up for the vulnerable members of society.

Jeff Crowe, Coeur d'Alene, noted the use of the First Amendment argument to protect hate speech for decades and pointed out that the Supreme Court has ruled on various occasions that free speech does not extend without boundary, hence there are lines that cannot or should not be crossed. He stated that we all have a line when it comes to hate speech and its intersection with our First Amendment rights. He asked the City to come to a consensus on where to draw its line for the betterment of the community.

CONSENT CALENDAR:

1. Approval of Council Minutes for the June 18, 2024 Council Meeting.
2. Setting of General Services/Public Works Committee Meeting for Monday, July 8, 2024, at 12:00 noon.
3. **Resolution No. 24-052** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING THE FOLLOWING: AGREEMENT FOR MAINTENANCE / WARRANTY OF SUBDIVISION WORK, AND APPROVAL OF

FINAL PLAT AND SECURITY FOR CENTER POINTE [S1-23]; AND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH EMERGE CDA INC., FOR STUDENT ART SCHOLARSHIPS

MOTION: Motion by McEvers, seconded by Evans to approve the Consent Calendar as presented, including **Resolution No. 24-052** excluding item 3c Establishment of the Coeur d'Alene Poet Laureate funded through Arts Commission for discussion.

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

COUNCIL BILL 24-1010

AN ORDINANCE PROVIDING FOR THE ADOPTION OF A NEW CHAPTER OF THE COEUR D'ALENE MUNICIPAL CODE, CHAPTER 9.23: HATE CRIMES; 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: City Attorney Randy Adams explained that the new ordinance creates an offense known as a "hate crime," which is the commission of certain, already established crimes, but motivated by a person's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, gender identity, physical or mental disability, or national origin. He emphasized that the proposed ordinance does not criminalize speech and it does not criminalize hateful beliefs. He stated that under this law, people can continue to hold and express their views that are hurtful to others, but they cannot actually harm others. Mr. Adams pointed out that this is an effort to punish the conduct of selecting a victim based on race and other characteristics, hence if someone commits a crime of intimidation, malicious injury to property, harassment, assault and battery, disorderly conduct, or commits a public nuisance against another human being because of that person's actual or perceived race, color, creed, etc., they will be held responsible not just for the underlying crimes but also of something called a hate crime. He stated that the prosecution must prove every element of the offense beyond reasonable doubt and the jury will have to be satisfied and convinced that every element of that crime has been proven, including intent. He mentioned that this ordinance will subject a violator to a citation for an additional misdemeanor which carries a possible fine and jail time. He explained that the proposed new Chapter to the City Code is modeled after ordinances in other communities which have dealt with such abhorrent behavior and select federal laws.

DISCUSSION: Councilmember McEvers inquired if this ordinance had been in place last year and if it would have made a difference in the recent racial hate incidents, with Mr. Adams responding that the prosecutor found that the statute was not violated because there was no threat of physical harm or injury, with the expectation that that would actually occur, so this ordinance would not change that result. Councilmember Wood stated that the proposed ordinance is well researched and asked about offering possible sentencing guidelines, with Mr. Adams explaining that the idea is to give the judge an option in addition to a fine or jail time, but the prosecutor can only make a recommendation. Councilmember English said that he approves Section C under Penalty about ineligibility for a period of up to three years for any City license, permit, or activity.

Mr. Adams mentioned that there are similar provisions throughout the City Code that prevent or deny a license if there has been a conviction within a certain period of time. Councilmember Gookin asked about the difference between motive and intent, with Mr. Adams explaining that motive refers to what prompts a person to do any act while intent refers to the state of mind that someone is intentionally doing something. He further explained that in creating ordinances, intent is used because it is a state of mind which is a recognized element of many crimes and refers to an intentional act in doing something rather than a negligent or careless act. He added that intent is shown in a variety of ways which will take some work for the prosecutors to find evidence, but it is done everyday in court. Councilmember Gookin requested clarification if the hate crimes listed on the proposed code are augmented penalties and Mr. Adams stated that they are a separate crime, but some jurisdictions augment the penalties for an existing crime if it's done with the improper motive. He added that if an underlying crime has already a misdemeanor, we can't enhance the penalty for a misdemeanor, but it can be made a separate offense, so in these situations, a person has not only committed one crime but also committed a second crime. Councilmember Gookin asked how the intent to intimidate another person becomes a crime, with Mr. Adams responding that there is a state law on intimidation by communication and it is recognized and approved by the courts. Councilmember Gookin stated that the proposed ordinance is not shading the First Amendment at all, but it triggers that they can be charged if it rises to a level of harassment, intimidation or threats. He added that the police would have to investigate and if they found substantial evidence, it goes to the prosecutor. Mr. Adams agreed and stated that the jury would be the ultimate to decide whether the prosecution has shown every element of the crime, including intent. Mayor Hammond pointed out that the proposed ordinance is not a fix all on the issues that the City faced recently and, in the past, but a smaller part of a larger campaign to change the culture of the City so that the people who have that kind of hate will fear sharing it publicly because it is just not acceptable in the community. Councilmember Evans commented that this is the right thing to do to protect the community and the people. She added that hate should not be tolerated in Coeur d'Alene or surrounding areas.

MOTION: Motion by Evans, seconded by Miller, to dispense with the rule and read **Council Bill No. 24-1010** once by title only.

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

MOTION: Motion by Evans, seconded by Miller, to adopt **Council Bill No. 24-1010**.

DISCUSSION: Councilmember Wood stated that this is the strongest step that the Council can take to protect the victims in this community that have endured hate crime over and over. She said that she is pleased with the work done by the City Attorney on this and thanked the Mayor and Council for standing up and moving forward with this. Councilmember English said that he respects people's right to their opinion, but the proposed ordinance is a clear cut. He mentioned that as a counselor, he deals with people who experience trauma based on their religion, gender, or race, and that trauma has a long-term effect on people. Councilmember Gookin shared that he had to weigh his decision very carefully and did a lot of research. He pointed out that people must be aware that while incidents are being reported at a higher level, they are being prosecuted at a lower level. He commented that change will not happen overnight, and the true solution is that the

community should come together in more ways to fight it. Councilmember Miller said that she agrees with Councilmember Gookin that intent must be proven but we should not just stand and remain silent. Mayor Hammond shared that he is reminded of what we are taught as preschoolers and in kindergarten, and that is to be kind, learn to work with others, and learn to share, which apparently some people don't get it. He added that schools and families need to do more to teach children how to behave and to make sure that children know right from wrong. Councilmember McEvers thanked Councilmember Gookin for his research and stated that this is a big step and the right thing to do.

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

RECESS: Mayor Hammond called for a recess at 7:48 p.m. The meeting resumed at 7:54 p.m.

PRESENTATION REGARDING A PUBLIC SAFETY GENERAL OBLIGATION BOND FOR CAPITAL REPLACEMENT FOR THE MAY 2025 ELECTION

STAFF REPORT: Fire Chief Tom Greif noted that since 2005, the City has relied upon a General Obligation Bond referendum to fund most of the Fire Department's capital replacement and improvement needs. He recalled that the first Public Safety Bond was passed in 2005 and the second, which came in 2015, will mature in August 2025. Their current priorities include Fire apparatus fleet replacement, expansion/ remodel of Station 2 which will include a designated PPE room, expansion of Station 1, expansion of Station 3 for needed storage, command vehicles replacement, Self-Contained Breathing Apparatus (SCBA), and station alerting system upgrades. Councilmember McEvers inquired about the PPE room, with Chief Greif responding that those are turnout fire suit that they wear, and currently two of the stations have PPE storage rooms but Station 1 and 2 do not so the turnouts are on the apparatus floor and exposed to diesel fumes daily. Chief Grief presented a comparative cost of equipment in 2015: Pumper Engine is \$585,000 in 2015 and now costs \$1.24Million; Ladder Truck is \$1.4 Million in 2015 and today costs \$2.26 Million; and Command Vehicles were \$62,500 in 2015 but today costs \$95,000. He stated that the life expectancy of fire engines is 15 years per guidelines, but they evaluate every 10 to 12 years because it is important for the Fire Department to move frontline apparatus into a backup position. He pointed out that they currently don't have a backup aerial apparatus, and although they have one ladder truck but if it is out of service for repair or maintenance, that is all they have. The only backup apparatus they have right now is one pumper engine. Chief Greif explained that a municipal advisory firm would provide the expertise to proceed in an organized and active direction to achieve this necessary funding. He stated that there are approximately \$140,000.00 of funds available in the City's Debt Service Fund that would be appropriate to utilize with Council's approval. He noted that the approximate cost for a municipal advisory firm's services would be \$50,000.00 and would be selected through an RFQ process. He asked the Council to approve the Fire Department to proceed with an RFQ to select a municipal advisory firm and begin planning for a General Obligation Bond election at the May 2025 election.

DISCUSSION: Councilmember McEvers asked why there is no budget allotted, with Chief Greif responding that in the past they did the planning and hiring an advisor internally. Councilmember

Gookin asked why they did not hire a municipal advisor before, and Chief Greif explained that in past bonds, the union took a lead in the GO Bond campaign process but decided to move in a different direction this time by seeking a municipal financial advisor, so they are calling it a “public engagement” and not to use the word “campaign.” Councilmember Gookin asked clarification if the debt service fund is the interest on the unspent bond fund, with Chief Greif responding affirmatively and stated that the debt service fund is currently in the amount of \$140,000.00 that would be available. He explained that the requested amount of \$50,000.00 for the municipal financial advisor is an approximate based on Caldwell who also hired an advisor was able to pass their Bond. Mr. Tymesen stated that the funding being proposed is for the information aspect which financial advisors are now doing quite regularly. He added that the City always had a financial advisor to guide through the General Obligation framework and they will bring forward the legal counsel. Councilmember Wood stated that the Fire Department must have the apparatus to protect the public. She shared that she recently went to the basement of Station 1, and it looks run-down, and hopes that this will be addressed with the proposed expansion. She added that she hopes that there is some working relationship with the Police Department (PD) and their needs would also be addressed. She also inquired if the City can count on the support of the Union moving forward on the Bond. Chief Greif explained that they have not received any long-term asset request from PD but it is still very early and they can reprioritize once they get the municipal financial advisor. He added that it is important to go this route because the community is an important player and needs to be involved. He pointed out that the Union will be involved with the public engagement process. Mayor Hammond stated that the bond market is always challenging to understand in terms of rates and viability, and it will be wise before Police and Fire can decide what kind of program to put together, they need to better understand what the financial market looks like and what can be done.

MOTION: Motion by Miller, seconded by Evans to approve the Fire Department to proceed with an RFQ to select a municipal advisory firm and begin planning for a General Obligation Bond election at the May 2025 election.

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

REQUEST FOR ESTABLISHMENT OF THE COEUR D’ALENE POET LAUREATE PROGRAM FUNDED THROUGH THE ARTS COMMISSION FUNDS

DISCUSSION: Councilmember Gookin explained that he pulled this item from the Consent Calendar for discussion because he feels that the \$1500 a year for three years to hire a Poet Laureate for the City would be unsustainable spending. He moved to send this back to the Arts Commission with the recommendation to dedicate majority of this funding to establish community performing arts and lower the amount that will be given to the Poet Laureate. Councilmember Evans stated that in the past, the Council discussed about expanding arts in the community in different forms. She explained that a Poet Laureate is not only responsible for writing poems, but they will host poetry workshops, recite poems in public events, organize literary events, judge poetry contests, compose poems for special occasions, introduce poets and authors in events, and encourage budding poets. She added that the Poet Laureate will have an understanding on the

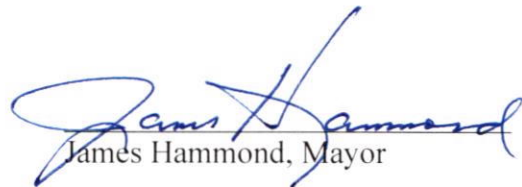
history and rich heritage of the City and find unique ways to express it. She said that she would highly support this as did the Arts Commission voted on this unanimously. Mr. Tymesen mentioned that the contract with Emerge provides scholarships for pottery and there are summer camps going on. Councilmember Evans pointed out that pottery is another art form that is offered to the community. Councilmember Wood said that the Council has indeed asked for expansion of the arts and \$1500 for a Poet Laureate is not outrageous. Councilmember English stated that he is supportive of this if the Arts Commission has the funds, and this is how they want to spend it. Councilmember Miller stated that like Councilmember Gookin, she has been very vocal in support of performing arts and so she would like to see the Arts Commission address this.

MOTION: Motion by Evans, seconded by English to approve the establishment of the Coeur d'Alene Poet Laureate program funded through the Arts Commission funds.

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

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

The meeting adjourned at 8:22 p.m.



James Hammond, Mayor

ATTEST:



Anne Mateski
Executive Assistant