

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

August 20, 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 August 20, 2024, at 6:00 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.

INVOCATION: Chase Fluhart of Trinity Church led the Invocation.

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

AMENDMENT TO THE AGENDA: MOTION: Motion by Gookin, seconded by Wood to table the item under Announcements 2.b. regarding the nomination for the appointment of Councilmember Seat #4 effective September 1, 2024 to the September 3, 2024 meeting.

DISCUSSION: Councilmember Gookin explained that the reason for his motion is that there is no vacancy which could lead to a problem should an appointment made tonight, and it will be best to fill-up the position on September 3. He stated that the white paper prepared by City Attorney Randy Adams mentioned that there is no specific definition of the word "vacancy" in statutes. He cited Idaho Code §59-901 where a resignation would be submitted in writing to the body and approved by the board. Councilmember Evans requested Mr. Adams to comment on the statement of Councilmember Gookin. Mr. Adams commented that it is how it is interpreted in practice, and it is a legitimate interpretation of a vacancy which occurs upon resignation even if it is effective on a future date. Councilmember English expressed a desire to have a process to fill the vacancy. Councilmember Gookin mentioned a 2011 court case involving a vacancy on the Coeur d'Alene School Board to argue against appointing someone to a seat that is not yet vacant. He added that he would feel better if there was a letter of resignation submitted to Council. Mr. Adams clarified that the statute is somewhat different in the replacement of a Mayor and Council member from a school board member. Councilmember Wood shared that when she resigned from the NIC Board, they were required to submit a resignation letter to the Chairman of the Board. She stated that she agrees with Councilmember Gookin that there is not a current vacancy. Councilmember English stated that the Council is not in a rush and so he supports the motion to table it to next meeting.

ROLL CALL: Evans No; Miller No; McEvers No; English Aye; Wood Aye; Gookin Aye.
Mayor Hammond voted No. **Motion failed.**

Mr. Adams mentioned that the City Clerk informed him that a letter of resignation was submitted to her today by Councilmember McEvers.

PUBLIC COMMENTS:

Jeanette Laster, Coeur d'Alene, relayed her concerns about the decision to have recreation vendors at the Atlas Waterfront area. She stated that while she is not opposed to the idea, she wanted to bring to the attention of the Council that she observed that the "no wake" rule is not honored and there are several spots on the stretch that narrows causing a bottleneck. She expressed concern about the current in the area which may cause drowning incidents. Ms. Laster added that the accessible ramp should be monitored, as she witnessed a bike chained and locked blocking access to the ramp, and there's also some algae buildup on the ramp making it slick.

Emily Boyd, Coeur d'Alene, thanked Council for considering the pilot project to have beer and wine at the Farmers Market. She explained that they brought this forward with a lot of research looking at the experience of Moscow, Idaho Falls, and Boise which have been a successful program for them. She added that their intent is still to maintain the family friendly character of downtown Coeur d'Alene.

ANNOUNCEMENTS:

Councilmember McEvers presented a plaque to Mayor Hammond commemorating his years of service as Mayor. He noted that it has been a pleasure to work with him and the state of Idaho will certainly miss his volunteerism. Mayor Hammond thanked the community for the opportunity given to him work and serve them. He also thanked all the staff and Council for working diligently for the people of this community. He stated that it's been a wonderful adventure.

Mayor Hammond requested the appointment of Kevin Jester to the ignitecda Board.

MOTION: Motion by Evans, seconded by Wood to appoint Kevin Jester to the ignitecda Board.
Motion carried.

Mayor Hammond noted his nomination for the appointment of Councilmember Seat #4 of Kenny Gabriel effective September 1, 2024, pursuant to Idaho Code § 50-608.

MOTION: Motion by Evans, seconded by McEvers to appoint Kenny Gabriel to the position of Councilmember Seat #4 effective September 1, 2024.

DISCUSSION: Councilmember Evans requested Mr. Adams explain the process should there be a tie in the vote. Mr. Adams stated that Idaho Code § 50-602 is the general statute involving the mayor's duties and responsibilities which says that he may vote only when the Council is equally divided. He further explained that the statute involved in replacing a Councilmember says that the Mayor shall appoint or nominate someone to fill a seat and that the Council votes to either confirm