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 February 18, 2020 at 6:00 p.m., there being present upon roll call the following members:

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

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

INVOCATION: Pastor Stuart Bryan with Trinity Church provided the invocation.

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

PRESENTATION OF IGNITE CDA ANNUAL REPORT: Executive Director Tony Berns reviewed the history of the organization, including its formation in 1997. He noted that the Lake District sunsets in 2021 and the River District sunsets in 2027, with the Atlas District sunsetting in 2038 and the newly formed Health Corridor District sunsetting in 2039. He noted several highlights that have occurred over the past year including improvements within the Four Corners Master Plan, Memorial Park/Field, Higher Education Corridor, downtown parking facility, Stimson Mill Site/Atlas, Health Corridor, Re-development initiatives (including the move of the White House for the Museum use), Seltice Way revitalization, and partnerships with the Urban Land Institute, and the CDA Downtown Association. Mr. Berns noted that the 2019 strategic priorities would include education, the higher education campus, Four Corners, Health Corridor, and support facilities such as public space improvements. Housing continues to be at the forefront of discussions and continued efforts to work jointly in job retention/creation, public parking, with focus on midtown and downtown.

Councilmember Wood noted that that agency sometimes receives political comments and she feels the incredible projects are due to past support of the Council. She noted that the City has utilized urban renewal correctly and gave kudos to the ignite board members. Councilmember English noted that the list of accomplishments demonstrates the positive effect of urban renewal and this was a great reminder of past projects. Mr. Berns noted that at the Atlas waterfront site, material has been salvaged and screened in order to avoid approximately $100,000 in costs of purchasing fill material. Councilmember Gookin asked if the property noted in Exhibit A has a
disposition plan. Mr. Berns noted that the commercial properties are part of the Beutler mid-town project, and that the parking will go to the City. Additionally, the railroad south of Beebe Boulevard will also be gifted to the City. Councilmember Gookin questioned what the debt financing means as noted in the financial statements of the Lake District. Mr. Berns explained that it is how they denote satisfying the financial notes for the two districts, which they are paying off as funds come available. Councilmember Gookin noted that there is a budget item of $94,500.00 for public art and he would like that funding continued at the end of the district. Mayor Widmyer noted that the art funding in the ignite budget is restricted to the Lake District, and that if Council decides to continue to fund the line item, it can be used city-wide.

ANNOUNCEMENTS:

Councilmember Wood noted that there was an article in the Sunday edition of the Press. There were quotes attributed to the Kootenai County Treasurer, Steve Matheson, regarding the recent request for $14 Million for City of Coeur d’Alene infrastructure needs that will affect Kootenai County residents as well. She noted the following facts; the City has the highest foregone taxes within the state, with $5,686,999 in uncollected taxes. Over the last six years the City has increased property taxes by 5.5%, with 4 years at a zero percent increase. Kootenai County has over $9 Million in uncollected taxes, the highest County within the state. Mr. Matheson claims urban renewals are to blame for increases in taxes, which is not factual, as one can look to the foregone amounts. Additionally, Mayor Widmyer recently put together a presentation outlining the disparity between local tax assessments of similar properties with different assessments. She suggested that the County look at how assessments are done. Mr. Matheson says that the County is being asked to pay for city infrastructure. He said an advisory vote would make the politicians accountable.

Councilmember Gookin asked what the impact of foregone is to urban renewal. Mayor Widmyer responded that the thought is that urban renewal causes government to raise taxes. However, the growth of the foregone means the city is taking less than their allowable 3% so it demonstrates that it is not a burden enough to take all taxes. Councilmember Gookin believes that urban renewal increases taxes but the city does manage funds well in not taking foregone. The Mayor noted that the state is considering legislation to mandate property taxes available to cities, wherein the issue is the property assessments, and school supplemental levies that he supports.

Councilmember Miller commented that in the article there was a quote that the approval of district went from a white board conversation to a vote of the Council quickly. She recalls that a panel was formed, there were multiple presentations, and then a feasibility study conducted before it came back to be formed as a district. There was a long period of Council and citizen input.

Mayor Widmyer asked for confirmation of the appointment of Teresa Runge to the Arts Commission.

MOTION: Motion by Evans, seconded by McEvers to appoint Teresa Runge to the Arts Commission. Motion carried.
CONSENT CALENDAR: Motion by McEvers, seconded by Gookin, to approve the consent calendar.

2. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, February 24, 2020 at 12:00 noon.

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

RESOLUTION NO. 20-010

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE CLASSIFICATION AND COMPENSATION PLAN TO ADD A NEW CLASSIFICATION TITLED “SCADA ELECTRO TECHNICIAN,” AND ESTABLISH A PAY GRADE 12 FOR THAT POSITION.

STAFF REPORT: Human Resources Director Melissa Tosi, and Wastewater Superintendent Mike Anderson explained the request to approve an amendment to the city’s Classification Plan to include a new position of a SCADA Electro Technician for the Wastewater Department. After evaluating the needs of the Wastewater Department due to having a vacancy, it was discussed that instead of refilling the current Wastewater Operator II vacancy, the greater need for the department was to create a new classification. Mr. Anderson noted that they are currently using outside contractors to do some of the job duties, such as emergency on-call services, and believes the position will result in a large cost savings to the City. The SCADA Electro Technician’s primary functions would be the installation, maintenance, repair of electrical, electronic, and instrumentation systems. The position would be responsible for the layouts, and would test, calibrate and install instruments and related devices used for controlling automatic equipment measuring flow, pressure, temperature, etc. in the wastewater treatment plant, pumping stations, and composting facility. The Wastewater Department currently has five budgeted positions (1 current vacancy) for the Wastewater Operator II position. Since the electrician duties are a higher priority and will ultimately create savings by limiting the need to hire outside consultants to perform the work, the preference is to fill the vacancy with the newly proposed classification. The new classification has been reviewed and Ameriben recommends the leveling for this
classification be a pay grade 12. The SCADA Electro Technician position would be a new classification but the department would have wage savings this fiscal year due to the Wastewater Operator II position not being refilled for the last few months. Additionally, the financial plan will need to be updated to capture having one less Wastewater Operator II position due to replacing it with the SCADA Electro Technician classification. Ms. Tosi noted that the annual base wage for a beginning WW Operator II (pay grade 10) = $41,329 and the annual base wage for a beginning SCADA Electro Technician (pay grade 12) = $47,299.

**DISCUSSION:** Councilmember McEvers expressed appreciation for the cost savings and wondered if it would eliminate the need to have the fifth position replaced. Mr. Anderson confirmed that this special position is the most important piece to fill for the Department. Councilmember Gookin noted that the position will pay for itself with the cost savings. Councilmember English expressed support for the request.

**MOTION:** Motion by McEvers, seconded by Gookin to approve Resolution No. 20-010; approving an amendment to the City’s Classification and Compensation Plan for a New Classification of SCADA Electro Technician, Pay Grade 12.

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

**RESOLUTION NO. 20-011**


**STAFF REPORT:** Ms. Tosi explained that the proposed amendments and added rule to the City’s Personnel Rules are necessary to keep the City’s policies and procedures up-to-date, clear, and consistent with current law. The updates are further important to keep the Personnel Rules consistent with a general understanding of the essential operations of the City. The proposed amendment to Rule 13 entitled “Transfer, Promotion, Demotion, Reinstatement, Layoff and Resignation,” include the movement of language from a different rule to this rule for a more logical placement. Additionally, there are minor amendments to add clarity to these types of employee transitions. There is also added language under Resignation, which clarifies that the employee’s last physical day worked is their final date of separation from the City. In Rule 14, entitled “Corrective/Disciplinary Action,” the amendments clarify the corrective action process from start to finish and add clarity to the progressive discipline steps taken along the way. The update will create consistency across City departments and includes Human Resources (HR) and Legal in the investigative and disciplinary process when needed. Amendments to Rule 22, entitled “Workplace Discrimination, Harassment and Retaliation,” provide all employees a clear
understanding of the types of harassment that are unacceptable in the workplace, including workplace retaliation, the responsibilities of both employees and supervisors, and the reporting procedure and investigation process of any incident. The policy is also an area of training that ICRMP included as a requirement for the “risk management savings program.” Ms. Tosi noted that the new rule proposed entitled “Workplace Violence Prevention,” includes some duplicate language from the discrimination policy; however, based on the importance of the topic, she recommended that the topic be placed as a separate rule. The new rule states the City’s commitment to preventing workplace violence and provides a definition, and a reporting and investigative process. Additionally, the other new rule, entitled “Code of Conduct,” would assist in the understanding of both expected and unacceptable conduct for all employees. The areas of discipline that currently exist in the discipline policy have been moved to the Code of Conduct rule so that all areas of conduct are in the same rule. The Code of Conduct is an area of training that ICRMP included in the risk management savings program. The approval of one or both proposed new rules will require renumbering of the Personnel Rules; Human Resources, upon Council’s approval, will administratively accomplish this. Ms. Tosi noted that proposed amendments and rules have been posted for all employees to review. Additionally, she and the City Administrator met individually with each employee group to discuss the amendments. The Lake City Employees Association (LCEA), Police Association, and Fire Union are all in agreement with the proposed amendments to the Personnel Rules.

DISCUSSION: Councilmember Miller asked for a clarification regarding the notification process so that there is a common understanding of the definition of serious conduct. Ms. Tosi noted that serious conduct would include anything that would lead to substantial discipline such as suspension or higher. Councilmember Gookin questioned how the rules would apply to the Councilmembers, as they are not employees of the City. Ms. Tosi noted that any complaint would be investigated the same way and the rule seeks leadership from the top. Councilmember Gookin noted that the state law would apply to them and that the Council should be removed from the rules. Mayor Widmyer asked legal counsel for additional information regarding the process that would take place if there was a complaint against an elected official. Deputy City Attorney Randy Adams noted that HR, Legal, and the City’s insurance manager would conduct the investigation, unless it was filed with the Idaho Human Rights Commission. After the investigation was complete, it would stop there. Ms. Tosi noted that volunteers and interns are also included in that section of the personnel rules and that the employees would just want a way to address the behavior. Councilmember Miller agreed it would be good for the Council to be included for fairness. Councilmember Wood agreed that it was well intended; however, the Council should be removed as there is no remedy. She noted that the college is looking at developing a code of conduct for the Trustees as a different mechanism and suggested the City do the same thing.

Councilmember English noted that he thinks it is appropriate for the Council to be included although repercussions for elected officials would be tricky. He commented that he would rather give the comfort to the employees that they can have their voices heard. Councilmember Evans asked if, by retaining the officials in the rules, does it provide staff with a tool to use in the case an elected official is harassed by an employee. Ms. Tosi confirmed it would work in both directions. Ms. Wood expressed that she felt that there should be a code of conduct for elected officials; however, she felt it should not be in the personnel policy. Councilmember Gookin
reiterated that the Personnel Rules are not enforceable against an elected official and that they would hold themselves accountable. Mayor said there needs to be some way to investigate a complaint. Mr. Adams noted that whatever policy is determined, it needs to include an investigative process. Councilmember Miller asked if the policy includes the elected officials, would the investigation process be the same with no disciplinary process, and that there would be state level process. Mr. Adams explained that it would take a lawsuit for a state level process; otherwise, the outcome would be in the hands of the Council. Ms. Tosi noted that she utilized language from the ICRMP suggested policies.

Councilmember Gookin said that he felt that the weapons ban was not appropriate. Ms. Tosi noted that an employer can make a policy that employees are not allowed to carry weapons on campus. Councilmember Wood said that she supports safety in the workplace and clarified that it should not apply to elected officials as there are a few things that don’t apply to Council and she continues to advocate for a separate policy for the elected officials. Councilmember McEvers asked if the Council had been included in the Personnel Rules in the past. Ms. Tosi confirmed that Council was previously included and noted that the Drug and Alcohol Testing policy was driven by Council and that some Council even signed up for the optional random drug testing.

MOTION: Motion by Gookin, seconded by Wood, to remove the language in the entire Personnel Policy that references public officials and to have Administration work with Council on developing a separate policy.

DISCUSSION: Councilmember Wood noted that the motion was based on the fact that they will have policies created for the Council. Mayor Widmyer noted that he would like a date certain for a Council policy to be brought forward. Councilmember Wood noted that she thought the policy could be completed within 60 days. Councilmember English asked what the current weapon policy states. Ms. Tosi said current code does not allow weapons on city-owned property. Councilmember Miller asked if the employee associations and Fire Union agreed with the weapons section. Ms. Tosi confirmed that they agreed to the wording.

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


DISCUSSION: Councilmember Gookin noted that he was not comfortable with the weapons ban, so he would vote against the entire proposal.

ROLL CALL: English No; Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin No. Motion carried.
MOTION: Motion by Miller, seconded by Gookin, to create ad hoc committee, which will complete the policy within 60 days from today.

DISCUSSION: Councilmembers Wood and Gookin agreed to serve as the Ad Hoc Committee.

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

RESOLUTION NO. 20-012

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH IDAHO DISASTER DOGS, INC., FOR SEARCH AND RESCUE EMERGENCY SERVICES USING IDD’S DOG TEAMS.

STAFF REPORT: Deputy Fire Chief Tom Greif explained that the request was for a (5) year renewal with the Idaho Disaster Dogs. The team was formed in 2005 to provide canine search capabilities to the Idaho Bureau of Homeland Security, Technical Search and Rescue Teams. Handlers and support personnel are a mix of firefighters from the City of Coeur d'Alene Fire Department and civilian members from the community who volunteer their time to provide the service. Idaho Disaster Dogs is a 501(c) (3) organization supported by the generosity and donations from the North Idaho & Eastern Washington communities. They have increased the annual amount from $4,000.00 to $5,000.00 to help support the increasing costs for insurance, equipment, and veterinarian care for the dogs, which is a very affordable amount for the services that are provided: a total of (6) rescue dogs/handlers and up to (6) support members. The K9 team is trained to respond to disasters that include: collapse, floods, mudslides, and avalanche.

DISCUSSION: Councilmember McEvers asked for clarification regarding how the City pays to have dogs in the program and the care for the animals. Mr. Greif explained that the disaster dogs group created a nonprofit to provide a funding mechanism. They operated from the year 2005 – 2012, at which time they determined the need for funding to offset the program costs and began the Memorandum of Understanding. Mr. Greif explained that they do have reduced vet costs as there is a vet on staff. They spend approximately $700.00 a year for food and the nonprofit continues to get donations above the $5,000.00 to help run the program. Councilmember McEvers asked how funding occurs when the team gets called out to other states. Mr. Greif explained that they have two canines that are members of a Washington state team taskforce, and when they are called out the state, Washington reimburses costs incurred. Councilmember Miller asked how the funding works when called within state, like the case of the Silver Mountain avalanche. Mr. Greif noted that it was under a mutual aid agreement within the five northern counties.

MOTION: Motion by Gookin, seconded by Evans to approve Resolution No. 20-012; Approving a Memorandum of Understanding with Idaho Disaster Dogs.

ROLL CALL: Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye. Motion carried.
RESOLUTION NO. 20-013

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, INSTITUTING A MORATORIUM ON THE ENFORCEMENT OF MUNICIPAL CODE §15.24.270(C).

STAFF REPORT: Deputy City Attorney Randy Adams noted that the City’s Sign Code has not been amended since a significant U.S. Supreme Court case, Reed v. Town of Gilbert, was issued in 2015. However, the City Clerk, Deputy Clerk, and Deputy City Attorney have been working on a comprehensive amended Sign Code for the past several months, gathering information from other cities, the International Municipal Lawyers Association, and case law from around the country. Recently, a candidate for Kootenai County Sheriff addressed the Council and voiced his opinion that time restrictions on political signs are unconstitutional after the Reed case. While this opinion is not supported by any controlling authority at this time, the restrictions are being given careful consideration. Because of the unsettled nature of the constitutionality of sign codes in general and time restrictions on political signs in general, the City Attorney recommends a moratorium on enforcement of the time restrictions for the current election cycle to give staff an opportunity to thoroughly examine the issue and make a reasoned recommendation to the Council. All other parts of the Sign Code will remain in full force and effect. Because of the uncertainty of the validity of time restrictions on political signs, it is in the best interests of the City to place a moratorium on the enforcement of such restrictions until staff can thoroughly examine the issue and make a recommendation to the Council concerning a comprehensive amendment of the Sign Code.

DISCUSSION: Councilmember Wood asked if it was the intention to exclude the time limit constraint from the proposed sign code rewrite. Mr. Adams explained that he is looking to see what the trend is, as there are no current cases dealing with the timeframe issue. Councilmember Wood noted that there are a lot of moving parts with sign codes and asked that Council has a chance to comment on the code prior to bringing it forward. Mr. Adams confirmed that Council will have an opportunity to review prior to its completion and the proposed changes will be brought forward before the general election this year. Councilmember Gookin clarified that the moratorium is to remove the duration/time limits, but the permit is still required and rules must be followed for placement. Mr. Adams clarified that removal of signs within a time limit is still in effect.

MOTION: Motion by English, seconded by McEvers to approve Resolution No. 20-013; Approving a Moratorium on the enforcement of Municipal Code 15.24.270 (c).

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye. Motion carried.
STAFF REPORT: Community Planning Director Hilary Anderson explained that the City receives an annual allocation from the Housing and Urban Development Agency (HUD). With roughly half this funding, the City manages an annual Community Opportunity Grant program accepting proposals for projects benefitting low-to-moderate income Coeur d’Alene residents and neighborhoods. Based on the 2019 Annual Action Plan, $196,520 was budgeted for the Community Opportunity Grants. The 2019 cycle of Community Opportunity Grants was available starting October 1, 2019. Of the total funding available, a maximum of $44,000 could be allocated to public service-type grants. The minimum grant request was specified at $35,000 to reduce staffing time required to manage each awarded grant recipient. On October 1, 2019, the City advertised the Request for Proposals. Additionally, the funding availability notice was posted to the City webpage, City Facebook, CDA TV, and shared via direct phone calls, flyers, and group emails to all 185 entities on stakeholders list, which includes many service organizations and interested parties that specifically provided services to low-to-moderate income citizens. An Educational Workshop was held on October 10 at noon in the Coeur d’Alene Library. The workshops were publicly advertised and provided information on CDBG eligibility overview and technical assistance. There was in attendance a total of seven people representing a variety of organizations. The grant cycle was open from October 1 to November 4, 2019. Six applications were received. The Volunteer Ad Hoc Grant Review team met on January 7, 2020 to review and rate the applications. The group included the following participants: Councilmember Woody McEvers, Pamela Bates (Volunteer Senior Service Coordinator), Jon Ingalls (Planning and Design Review Commission member), Alivia Metts (ignite cda board member and economic development consultant), and Nicole Kahler (CDA 2030 Executive Director). Funding requests for the 2019 grant cycle totaled $446,837, while only $196,520 was available. The proposed award to United Way of North Idaho equals $44,000 for a public service project. The Lake City Center request for $45,000 and St. Vincent de Paul partial funding of $95,000 would be within the public facility category. It was noted that St. Vincent de Paul applied for $188,500 in grant assistance to cover the full cost of the HVAC system repairs and the Ad Hoc committee recommended funding half of the request. St. Vincent has recently applied to Avista for the additional matching funds necessary for the repair. The public service maximum for the 2019 fund year can only be 15% of the annual allocation; therefore, the community grant allocation amount was capped at $44,000 as there is already a $5,000 public service allocation to the Lake City Center for the Meals on Wheels program. The total amount of funds to be allocated if the grant recommendations are approved would be $184,000. The remaining amount, if the recommended projects are funded, would be $12,520. That amount could be moved into the EMRAP program, through a minor amendment. It could not be added to the Public Services category.

DISCUSSION: Mayor Widmyer asked if the Lake City Center had a bid. Councilmember McEvers said that he is comfortable with the grant amount and if they needed to raise additional funds, they would do that independently. Councilmember McEvers noted that he would not vote
on the item as he is on the Board of Lake City Center and clarified that he did not vote on the grant as a member of the grant review team.

**MOTION:** Motion by Gookin, seconded by McEvers to direct staff to move forward with Contract negotiations for the 2019 Community Grant Awards to United Way of North Idaho in the amount of $44,000; Lake City Center in the amount of $45,000 and St. Vincent De Paul in the amount of $95,000.  **Motion carried.**

**EXECUTIVE SESSION:** Motion by Gookin, seconded by McEvers to enter into Executive Session pursuant to Idaho Code 74-206 (i) to engage in communications with a representative of the public agency's risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed.

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

The City Council entered Executive Session at 7:49 p.m.  Those present were the Mayor, City Council, City Administrator, City Clerk, Chief Civil Attorney, Human Resources Director, and representatives from ICRMP.  Council returned to regular session at 8:54 p.m.

**RECESS:** Motion by Gookin, seconded by McEvers to recess to February 26, 2020 at noon in the Library Community Room, located at 702 E. Front Avenue for a workshop regarding Envision Coeur d’Alene, Comprehensive Plan Update.  **Motion carried.**

The meeting adjourned at 8:54 p.m.

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ATTEST:  
Steve Widmyer, Mayor

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Renata McLeod, CMC  
City Clerk