



Our vision of Coeur d'Alene is of a beautiful safe city
that promotes a high quality of life and sound economy
through excellence in government

GENERAL SERVICES/PUBLIC WORKS COMMITTEE

with

Council Members Wood, Evans, English

May 10, 2021, 12:00 p.m.

Library Community Room

702 Front Avenue

AGENDA

*****ITEMS LISTED BELOW ARE CONSIDERED TO BE ACTION ITEMS**

- Item 1 Approval of Amendments to Municipal Code Section 5.08.170 to allow the Sale of Alcoholic Beverages by a Non-Profit Theater and to Remove the Restriction Related to Proximity to a Park – Director Renata McLeod, Municipal Services Department

- Item 2 Approval of a Film Production Permit and Hold Harmless Agreement with Henry Wolsten dba Netslow Productions for Use of City Sidewalks and an Alley as Allowed by Municipal Code Section § 17.08.620 – Deputy City Clerk Kelley Setters, Municipal Services Department

- Item 3 **PRESENTATION** - Fire Department – Deputy Fire Chief Thomas Greif

The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Juanita Knight, Senior Legal Assistant, at (208) 769-2348 at least 24 hours in advance of the meeting date and time.

**PUBLIC WORKS/GENERAL SERVICES COMMITTEE
STAFF REPORT**

DATE: May 10, 2021

FROM: Renata McLeod, Municipal Services Director

SUBJECT: AMENDMENT OF PREMISES RESTRICTIONS ON THE SALE OF BEER

DECISION POINT: Should the City Council approve amendments to Municipal Code § 5.08.170 to allow the sale of beer to be consumed on the premises of a non-profit theater and to remove the proximity restriction related to a park?

HISTORY: Municipal Code § 5.08.170 establishes proximity limits on the sale of beer to be consumed on the premises. Currently, such sale is prohibited within three hundred feet (300') of any park, school or church, and within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 Zone, nursing home or hospital. Establishments within the prescribed areas are exempt only if such sale is incidental to the operation of an eating establishment.

Lake City Playhouse has contacted the City with a request to amend the code to allow for their non-profit to do fundraising through the sale of beer and wine during events. Non-profit theaters provide a benefit to our community both in terms of tourism and culture. As a practical matter, theaters are and may be located within the prescribed distance from parks, schools, churches, residential areas, nursing homes, and/or hospitals. The sale of alcoholic beverages provides an important source of revenue for non-profit theaters. It is the opinion of staff that the sale of beer for consumption on the premises of a theater will not create enforcement issues or disturb the surrounding areas.

In addition, the City's restriction on such sales within three hundred (300') of a park is not found in the corresponding state law. In fact, alcohol is now permitted in City parks for certain special events with a permit. Increasingly, businesses are being established within the restricted area and the service of beer for consumption within those businesses would violate this unique City ordinance. For these reasons, the proximity restriction related to parks is believed to be inconsistent with current circumstances and practices.

FINANCIAL ANALYSIS: There will be no additional cost to the City and there will be an increase in fees related to licenses and permits.

PERFORMANCE ANALYSIS: Because of the current practices and circumstances prevailing in the City, amending § 5.08.170 of the Municipal Code to remove the proximity restriction related to parks and to add an exemption for non-profit theaters is believed to be reasonable and in the best interests of the community.

DECISION POINT/RECOMMENDATION: Council should approve the amendments to Municipal Code § 5.08.170.

ORDINANCE NO. _____
COUNCIL BILL NO. 21-

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 5.08.170 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.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That section 5.08.170 of the Coeur d'Alene Municipal Code be amended as follows:*

A. No persons shall sell beer to be consumed on the premises within three hundred feet (300') of any ~~park~~, school or church, nor within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 Zone, nursing home or hospital except:

1. This section does not apply to the sale of beer for consumption on the premises when such sales are incidental to the operation of an eating establishment, or incidental to the operation of a non-profit theater. Applicants for new licenses must sign and submit an affidavit with their application committing to commence the operation of an eating establishment and to operate the business as a bona fide eating establishment meeting the requirements of this chapter; or

2. Businesses located at least three hundred feet (300') from any ~~park~~, school or church and at least six hundred feet (600') from any nursing homes or hospital may serve beer to be consumed on the premises within three hundred feet (300') of any R-1, R-3, R-5, R-8 or R-12 zoned property if they have the written consent of a majority of the owners of those residential properties protected by this section that are within six hundred feet (600') of the business; or

3. This section does not apply to the area depicted below:



B. Businesses which now lawfully sell beer within the prohibited area set forth in this section are exempt from the provisions of this section so long as they continue their operation. However, in the event any such business seeks to expand beyond twenty percent (20%) of the business's original floor space, they must comply with all requirements set forth in section 5.08.015 of this chapter, including, but not limited to, this section. Should any such exempt business discontinue its operation for a period of six (6) months, it will no longer be exempt from the restrictions of this chapter.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein.

SECTION 4. After its passage and adoption, a summary of this Ordinance, pursuant to the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on _____, 2021.

APPROVED, ADOPTED and SIGNED this _____ day of _____, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Section 5.08.170 of the City Code,

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 5.08.170 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. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending section 5.08.170 of the Coeur d'Alene Municipal Code, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this ____ day of _____, 2021.

Randall R. Adams, Chief Deputy City Attorney

**GENERAL SERVICES/PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: MAY 10, 2021
FROM: KELLEY SETTERS, DEPUTY CITY CLERK
RE: VICTOR KING: PRIVATE EYE - FILM PERMIT

DECISION POINT: Should the City Council authorize a temporary permit, with a Hold Harmless Agreement, for use of City sidewalks and an alley for a film production?

REQUEST: Henry Wolsten is requesting a temporary film production permit for use of City sidewalks and an alley near 115 S. 4th Street on June 12th/13th between the hours of 10:30 p.m. to 5:00 a.m. The production consists of 15 crew and 7 cast members from the City's homeschool community and is for the purpose of filmmaking education. Legal recommended a Hold Harmless Agreement in place of insurance due to cost. City staff has reviewed the plan and finds that it meets the criteria outlined in Municipal Code Chapter § 17.08.

17.08.620: CRITERIA/APPROVAL:

The City Council may grant a temporary film production permit only if at least the following criteria are met:

- A. The event will not be materially detrimental to the public welfare;
- B. The event will not be materially detrimental to the surrounding neighborhood;
- C. The event includes measures to minimize injury to real and personal property and, in case of damage, the applicant agrees to make affected owners whole;
- D. The event would not materially affect the surrounding area in regard to anticipated traffic generation;
- E. Adequate provisions for parking are made;
- F. Appropriate permit fees are paid;
- G. Applicant agrees to execute a permit agreement acceptable to the City Council containing but not necessarily limited to controls for the provision of parking, liability insurance based upon intended activities and use, street closures, security, repair and maintenance of location sites and property, minimum noise level requirements, minimum notice requirements, and other applicable site performance requirements.
- H. Applicant agrees to comply with all relevant Federal, State, County, and local laws, ordinances, rules, regulations, and policies, and to obtain all required permits, licenses, and other forms of authorization from other individuals or governmental entities having jurisdiction over the activity or the location of the activity.

FINANCIAL IMPACT: The applicant will pay the temporary film permit fee in the amount of \$100.00, together with a \$150.00 refundable security deposit.

DECISION POINT: The City Council should authorize a temporary film production permit with a Hold Harmless Agreement for use of City sidewalks and an alley as allowed under Municipal Code § 17.08.620 at 115 S. 4th Street on June 12th/13th between the hours of 10:30 p.m. to 5:00 a.m.



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110

N 4th St

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S 4th St

115

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401

E Centennial Trl

E Front

304

210



City of Coeur d Alene
710 E Mullan Avenue
Coeur d' Alene, ID 83814-3958
208.769.2229

HOLD HARMLESS AGREEMENT

I (WE) (APPLICANT)

Henry Wolsten

IN CONSIDERATION FOR A FILM PRODUCTION PERMIT HEREBY AGREE(S) TO SAVE AND HOLD THE CITY OF COEUR D'ALENE HARMLESS FROM ALL CLAIMS FOR PROPERTY DAMAGE, BODILY OR PERSONAL INJURY, DEATH, OR OTHER LOSS OR DAMAGE RESULTING FROM THE ACTIONS OR OMISSIONS OF

APPLICANT Henry Wolsten

DOING BUSINESS AS Netslow Productions

HIS/HER AGENTS, EMPLOYEES, OR ASSIGNS, IN THE OPERATION, MAINTENANCE, OR PERFORMANCE OF THE FILM PRODUCTION PERMIT ON CITY PROPERTY OR PUBLIC RIGHT-OF-WAY IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

Netslow Productions

NAME OF BUSINESS

Henry Wolsten

SIGNATURE

5/4/21

DATE

Director & Producer

TITLE