

**WELCOME**  
To a Regular Meeting of the  
**Coeur d'Alene City Council**  
Held in the Library Community Room

**AGENDA**

**VISION STATEMENT**

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.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item F - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

**6:00 P.M.**

**May 15, 2018**

**A. CALL TO ORDER/ROLL CALL**

**B. INVOCATION:** Pastor Mike Slothower, River of Life Friends

**C. PLEDGE OF ALLEGIANCE**

**D. AMENDMENTS TO THE AGENDA:** Any items added less than forty eight (48) hours prior to the meeting are added by Council motion at this time.

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

**E. CONSENT CALENDAR:** Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the May 1, 2018 Council Meeting and the April 26, 2018 City Council/ignite Cda Workshop.
2. Approval of Bills as Submitted.
3. Approval of the Public Works Committee Meeting Minutes from the meeting held on May 7, 2018.
4. Approval of the Financial Report.
5. Setting of General Services and Public Works Committees meetings for May 21, 2018 at 12:00 noon and 4:00 p.m. respectively.
6. Setting of a public hearing for June 5, 2018 for an appeal of the denial of a street tree removal by Jeff Woehlert, 509 E. Garden Avenue

7. Setting of a public hearing for June 19, 2018 for a Quasi-judicial hearing - ZC-1-18: A proposed zone change from R-17 to C-17 at 1315 & 1325 N. 5th by Joseph Hamilton
8. Approval of outdoor seating for the Midtown Pub, 826 N. 4<sup>th</sup> Street, TW Fisher
9. Approval of a Beer and Wine License for Mouser Enterprises, Inc. d/b/a Santorini's Greek Cuisine, 4055 N. Government Way St. 7 (new), Aaron J. Mouser

**As Recommended by City Clerk**

10. Approval of SS-18-04, Sherman Five West: Final Plat

**As Recommended by the City Engineer**

**11. Resolution No. 18- 028**

- a. Approval of the Grant Funding for a Victim Advocate through STOP Violence Against Women Grant.
- b. Authorization to Purchase One Patrol Vehicle

**As Recommended by the Public Works Committee**

**F. PUBLIC COMMENTS:** (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

**G. ANNOUNCEMENTS**

**1. City Council**

2. **Mayor** - Appointment of Roberta Larsen to the Arts Commission, and Steve Widmyer to the ignite CDA Board.

**H. PUBLIC WORKS COMMITTEE**

1. **Council Bill No. 18-1008:** Amendments to Municipal Code Section 2.84.020 –removing the limitation of serving on the Arts Commission for more than two consecutive terms

**Staff Report by: Troy Tymesen, City Administrator**

**I. OTHER BUSINESS**

1. **Resolution No. 18-029** - Approval of an Easement and Parking Lot Agreement with EVH, LLC. for property located at 1336 Kathleen Avenue (the lot located east of Jenny Stokes Field.)

**Staff Report by: Bill Greenwood, Parks and Recreation Director**

2. **Council Bill No. 18-1009:** Amendments to Municipal Code Section 10.24.030– clarifying how long a vehicle is prohibited from parking within 300 feet of a two-hour parking space once it has first parked in that space, and the definition of “parked continuously.”

**Staff Report by: Troy Tymesen, City Administrator**

- 3. Resolution No. 18-030** - Approval of a Memorandum of Understanding with River's Edge Apartments, LLC, regarding a proposed land exchange and development of certain parcels of real property along the Spokane River and Seltice Boulevard in the City of Coeur d'Alene.

**Staff Report by: Mike Gridley, City Attorney**

**J. EXECUTIVE SESSION:** Idaho Code 74-206A(1a) Considering a labor contract offer or to formulate a counteroffer.

**K. ADJOURNMENT**

*This meeting is aired live on CDA TV Cable Channel 19*



# Coeur d'Alene

## CITY COUNCIL MEETING

*May 15, 2018*

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**MEMBERS OF THE CITY COUNCIL:**

**Steve Widmyer, Mayor**

**Council Members Edinger, English, Evans, Gookin, McEvers, Miller**

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

May 1, 2018

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, May 1, 2018 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Loren Ron Edinger	)	Members of Council Present
Dan English	)	
Woody McEvers	)	
Dan Gookin	)	
Kiki Miller	)	
Amy Evans	)	

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

**PLEDGE OF ALLEGIANCE:** Councilmember McEvers led the pledge of allegiance.

**PROCLAMATION FOR NATIONAL SAFE BOATING WEEK – MAY 19-25, 2018:**

Mayor Widmyer proclaimed the week of May 19-25, 2018 as National Safe Boating Week. Kathleen Goodwin, District 12 Commodore, accepted the proclamation and noted that the main mission of the Coast Guard Auxiliary is to promote boater safety and save lives. She reminded the Community that rivers and lakes are still cold and flowing fast. There are 102 life jacket loaner stations throughout the state of Idaho. May 18 is national “Wear Your Lifejacket to Work Day” and she encouraged citizens to join in the effort.

**FISCAL YEAR 2017-2018 AUDIT:** Toni Hackwith with Anderson Bros., CPA, PA thanked staff and management at the City during the fieldwork period for the 2016/2017 annual audit. She noted that the purpose of a financial statement audit is that the law requires it and it also assure financial statements are correct and that statements conform to generally accepted accounting principles (GAAP). She noted that for the fiscal year ending September 30, 2017 the City received an unmodified opinion for financial statements, internal controls and compliance of each major program. She explained that internal control testing in financial statement audits includes policies and procedures, testing to ensure the opinion of the auditor is based on correct information, and is not an opinion on the effectiveness of the City’s controls. Ms. Hackwith reviewed the general fund revenues, expenditures, transfers, and debt proceeds from what was anticipated and what were actual funds received and spent. She also provided a comparison from 2013 through 2017. At the end of 2017, the General Fund balance was \$8.3 Million, which is 23% of the City’s operating revenue. She noted that the importance of a General Fund balance is that revenue streams are not consistent from month-to-month and it provides resources to meet unexpected emergencies and uncertainties in State and Federal funding, protects the City from

needing to borrow funds, and helps ensure a credit rating that qualifies the City for lower interest rates. The Government Finance Officers Association recommends at a minimum that governments maintain a balance of five (5%) percent to fifteen (15%) percent of its regular operating revenue or no less than one to two months of general operating expenditures. She briefly reviewed the water and wastewater funds revenue and expenses. She explained that these funds should be self-sustaining and have enough funds to pay for needed infrastructure improvements. Councilmember English said that sometimes the governmental accounting is complicated, but is there is a big difference between regular accounting. Ms. Hackwith explained that the biggest difference is that accounting for long-term obligations and capital assets are depreciated within the operating statements; however, in governmental accounting the modified accrual basis is used, without showing depreciation but showing the outlay in the expenditure of capital assets. Mayor Widmyer noted that the main reason for the audit is to ensure compliance with GAAP. City Administrator Troy Tymesen confirmed that the audit can be found on the city's website and it is filed annually with the state.

**RIVERSTONE TRANSIT CENTER:** Director of the Kootenai County Transit System Jody Bieze presented the Riverstone Transit Center site analysis. She noted that they engaged Coffman Engineering and ALSC Architects who analyzed the sun angles, natural drainage, visibility to and from the site, access, etc. for the site. She explained the design advisory committee provided input to the architects and determined that design principals should include rider comfort and convenience, improved operations, a safe and secure site, accessibility, flexibility, bring a unique Coeur d'Alene character, and have beautiful durability. Upon reviewing several site designs, the committee preferred the great divide option, which provides parking on either side of the facility. She noted that the first phase would include the north parking lot and the facility. Ms. Bieze presented drawings of the proposed facility. She explained that the facility would include staff areas, dispatch, office space, multi-use space, and exterior restrooms. She noted that the schedule includes construction documents being completed by July with construction beginning shortly thereafter. They hope to be operational by June 2019. Mayor Widmyer asked what would Phase 2 include and when would that phase move forward. Ms. Bieze explained that it would be dependent upon funding and that Phase 2 would be the completion of the parking. Councilmember McEvers felt the design was good and wondered if the County would do all the maintenance. Ms. Bieze confirmed that the County will do the maintenance and that the buses will be stored and maintained at another location. Councilmember Evans asked if the area for patrons to wait for buses was fully enclosed or a covered walkway. Ms. Bieze explained that the wait area was not fully enclosed but enclosed between the two restrooms. Councilmember Gookin noted that he served on the design committee and noted that the City Council wanted to see a lobby/waiting area, which ended up covered with public restrooms and a waiting area in the final design. He noted that he is concerned about the timeline, with the upcoming election, and that someone newly elected can kill the project. Ms. Bieze noted that the project is funded. Mayor Widmyer noted that the schedule presented shows construction beginning in late summer with operations to start in August 2019. Ms. Bieze confirmed the project is moving forward with current funding.

**WALK FRIENDLY COMMUNITY DESIGNATION-** Tessa Jilot, Pedestrian Bicycle Advisory Committee Chair, and Jamie Lynn Morgan, committee member noted that the city recently received the "Walk Friendly Community" designation. Ms. Jilot noted that this is a

national designation for highlighting the City's mobility access and comfort. The committee submitted an application and highlighted the City efforts. Last week the City was informed that the City achieved the bronze level "Walk Friendly Community" designation. Ms. Morgan noted that the City is working on the Complete Streets policy, extensive hiking trail system and shared use and regional connective trails to achieve the platinum level status, as well as continued community education and ADA Compliance.

**CONSENT CALENDAR: Motion** by McEvers, seconded by Edinger, to approve the consent calendar.

1. Approval of Council Minutes for the April 17, 2018 Council Meeting.
2. Approval of Bills as Submitted.
3. Approval of the Public Works Committee Meeting Minutes from the meeting held on April 23, 2018.
4. Setting of General Services and Public Works Committees meetings for May 7, 2018 at 12:00 noon and 4:00 p.m. respectively.
5. Approval of a Beer and Wine License for Taqueria El Taco Loco, 219 W. Canfield Avenue, Alfredo Guerrero (new)
6. Approval of Final Plat for SS-18-01, Bellerive 7th Addition

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

#### **COUNCILMEMBER ANNOUNCEMENTS:**

Councilmember Miller announced that the last Atlas Community meeting was a packed house and there have been over a 1,000 citizens checking the city website. More information will be posted to the website as the financial feasibility team meets and reports back to the City.

Mayor Widmyer requested approval of the appointment of Erika Eidson to the Urban Forestry Committee.

**MOTION:** Motion by Evans, seconded by McEvers to approve the appointment of Erika Eidson to the Urban Forestry Committee. **Motion carried.**

#### **BIOSOLIDS DISPOSAL PRESENTATION**

Wastewater Treatment Superintendent Mike Anderson noted that the Wastewater Department has been using composting as the preferred method of disposal for biosolids since 1988. Prior to 1988, the biosolids were simply spread out on a field and dried. He provided an overview of the current composting facility site plan and how the composting process is completed. He explained that biosolids are the solid particles that accumulate at a wastewater treatment plant as a result of the separation of organic solids from the water and growth of the biology that consume these "solids." These solids are anaerobically digested at the treatment plant, which reduces the odors, pathogens, and vector attraction of these solids. He compared the operational cost of composting, \$338,000 annually, versus the operational cost of a contracted private hauler, \$325,000 annually. He believes there will be 10% increase in solids coming from the treatment

plant for an increased cost to \$349,335 versus the private hauler of \$367,428. An increase in solids production would have less of an impact on the composting method than it would on the cost of a private hauler. The volatility of the cost is also much more stable with composting of the product as compared to utilizing a private hauler. There are non-monetary considerations as well. After composting the biosolids, there is a valuable (beneficial) product that is currently being sold to local retailers. This product is also part of a community outreach program and is regularly given away to community gardens, schools, City parks and other City departments to help keep our City beautiful and encourage community involvement. Our regulatory community quite often uses the Wastewater facility in tours for potential “this is how it is done” composting operation. He announced a free community giveaway day this Saturday May 5, 2018 at the compost facility at 3500 Julia Avenue. It will be a self-serve event.

**DISCUSSION:** Councilmember Gookin asked if the city sells the compost. Mr. Anderson confirmed that some revenue comes in from sales and estimated it to be \$30,000 each year. Councilmember McEvers noted that during the Public Works subcommittee meeting, he said that he felt that since they were looking to add on to the site it was important to review the costs versus outlay before the making an additional investment. Councilmember English said he appreciated the background of costs, but felt that even if the city breaks even it is good for the City to be able to control its destiny rather than being at the control of contractors. Councilmember Edinger asked how long the City has been selling the compost. Mr. Anderson assumed they have been selling it since the 1980s. Councilmember Miller asked what other municipalities are doing with their biosolids. Mr. Anderson explained that other cities are concerned about what to do with their biosolids if their current methods failed. He noted that while the City would be able to handle other cities’ biosolids technically, it would not be in the best interest of the City to do it outside of an emergency. Mr. Anderson explained that the City uses an anaerobic digestion process, which makes a difference in odor, and this process is not used by other cities. Councilmember Miller noted that Mr. Anderson made a presentation at the Rotary Club recently and he did a great job and it was well-received.

#### **RESOLUTION NO. 18-026**

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS FOR THE DESIGN OF COMPOST FACILITY IMPROVEMENTS.**

**STAFF REPORT:** Mr. Anderson requested that Council approve an agreement with J-U-B Engineers for Professional Services for the design of improvements to the City of Coeur d'Alene Compost facility. He noted in his staff report that due to the increased flows and solids coming into the City’s Advanced Wastewater Treatment Facility, the volume of bio-solids to be disposed at the Compost Facility has increased. The need for the proposed improvements to accommodate and process the increased volume of bio-solids was identified in the Compost Facility Site Visit and Evaluation, August 2017 report by J-U-B Engineers. As a part of this report, the design and construction of another building to process additional compost beds was identified as the top priority. Funds for this proposed professional services agreement are available in the Wastewater Operating Fund in, and the agreement is for the amount is Sixty-Seven Thousand One Hundred Eighty dollars (\$67,180.00).



**DISCUSSION:** Councilmember Gookin asked for clarification as to why it would cost \$67,000 for a design of a three-sided building. Mr. Anderson explained that it is a specialized design, in that it should be designed for future expansion and it needs to include the in-ground aeration system. Councilmember Gookin asked how much was budgeted for the construction and design. Mr. Anderson noted that there was approximately \$500,000 budgeted.

**MOTION:** Motion by Edinger, seconded by Miller to approve **Resolution No. 18-026**, Approval of a Professional Services Agreement with J-U-B Engineers for the Design of Compost Facility Improvements.

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

**INTRODUCTION OF THE MOBILITIE, LLC. FRANCHISE AGREEMENT AND SETTING OF A PUBLIC HEARING FOR JUNE 5, 2018.**

**STAFF REPORT:** City Attorney Mike Gridley explained that Mobilitie has approached the City to obtain a franchise agreement that would allow it to construct and maintain a telecommunications system in the city's rights of way. The requirements of the proposed franchise agreement with Mobilitie are similar to those in other city franchise agreements with Intermax, Fatbeam, Time-Warner and Avista. The proposed franchise would be a 10-year term. The financial impact would be similar to other franchise agreements. In exchange for the use of the city's rights of way, Mobilitie will pay to the City five percent (5%) of its annual gross revenues derived from the operation of its telecommunications system to provide telecommunication services in the City. There would be some staff time involved in reviewing the location of their facilities and issuing building permits as the system is constructed. This would probably not be a significant financial impact.

**MOTION:** Motion by Gookin, seconded by McEvers, to set a June 5, 2018 public hearing for the consideration of a franchise agreement with Mobilitie. **Motion Carried.**

**(LEGISLATIVE) PUBLIC HEARING TO DECLARE PROPERTY LOCATED AT 601 W. NEIDER AVENUE AS SURPLUS, AND SETTING MINIMUM VALUE OF \$40,000.**

**STAFF REPORT:** Assistant Water Superintendent Kyle Marine explained that the Water Department fund owns a .825-acre parcel, or 35,937 sf, that originally was the site of a proposed future well. A test well was drilled there in 2000 to determine whether it would be a possible location for a future well site. Unfortunately, soil conditions within this portion of the aquifer contain very fine sand that would require as a minimum a complicated sand filter and due to the fine sand, a considerably reduced yield, making a future well site here not practical. The property has sat vacant since that time. The lot does have street frontage access onto Fruitland Lane and is zoned MH-8. It has an existing water service on the Neider frontage, a sewer service on the Fruitland frontage as well as a 6" test well. The property brings no revenue into the fund and is a liability. Staff would propose setting the starting bid to meet the costs of the sale, estimated to be

\$40,000. This is the same as the “place holder” value put on the property by the County assessor.

**DISCUSSION:** Councilmember McEvers asked if a formal appraisal would be required. Mr. Marine confirmed that they have completed an appraisal and it had a market value of \$40,000; however, the County website has it valued a bit higher. Councilmember McEvers asked what is the cost to drill a test well. Mr. Marine noted it costs about \$38,000 to do a test drill. He also confirmed that the abutting property owners have been notified, as he placed a notice on the property. Councilmember English noted that he wanted staff to look at ways to use the property as low- income housing, and would like staff to be creative as he thinks the property could accommodate up to three units. Mr. Marine explained that the water utility purchased the site, so the General Fund would have to invest \$40,000 to pay the water utility back. Mayor Widmyer noted that the City would send notices to the non-profits of the sale opportunity through the CDBG email listing. Municipal Services Director noted that CDBG funds cannot be used for land banking; however, a community grant can be applied for a non-profit seeking to do a low-income-benefiting project.

**PUBLIC COMMENTS:**

James Haster, Coeur d’Alene, noted that he was the Executive Director of the North Idaho Habitat for Humanity, and felt that the parcel being available in Coeur d’Alene would be beneficial to nonprofits to have an option to bid prior to opening it up to the general population. He noted that Habitat for Humanity would love to have access to the parcel at a reasonable cost slightly below market value.

Public comment was closed.

Mayor Widmyer noted that the City has to follow Idaho Code rules regarding property surplus and disposition.

**RESOLUTION NO. 18-027**

**A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, DECLARING THAT REAL PROPERTY LOCATED AT 601 W. NEIDER AVENUE, COEUR D’ALENE, IDAHO, IS NOT BEING USED FOR PUBLIC PURPOSES AND THAT IT SHOULD BE DEEMED SURPLUS; SETTING A MINIMUM PRICE OF \$40,000 FOR THE PROPERTY; AND AUTHORIZING THE SALE OF THE PROPERTY AT PUBLIC AUCTION.**

**MOTION:** Motion by Gookin, seconded by English to approve **Resolution No. 18-027**, declaring property Located at 601 W. Neider Avenue as Surplus, and setting a minimum value of \$40,000.

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

**Motion** by Gookin, seconded by McEvers to enter into Executive Session pursuant to Idaho Code 74-206 Section (c), to acquire an interest in real property, which is not owned by a public agency.

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

The City Council entered into Executive Session at 7:15 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 7:48 p.m.

**RECESS: Motion** by English, seconded by Gookin to recess to May 9, 2018 for a City Strategic Planning Workshop at Noon in the Library Community Room. **Motion carried.**

The meeting recessed at 7:48 p.m.

ATTEST:

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Steve Widmyer, Mayor

\_\_\_\_\_  
Renata McLeod, CMC, City Clerk

MINUTES OF A CONTINUED MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO, AND WORKSHOP WITH  
IGNITE CDA,  
HELD AT NORTH IDAHO COLLEGE, IN THE LAKE COEUR D'ALENE ROOM  
April 26, 2018

The Mayor and Council of the City of Coeur d'Alene met in a continued session of said Council in a workshop with the ignite cda board at the North Idaho College Lake Coeur d'Alene Room April 26, 2018 at 5:00 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 )  
Loren Ron Edinger )  
Amy Evans )

**MEMBERS OF EXECUTIVE TEAM PRESENT:** Troy Tymesen, City Administrator; Mike Gridley City Attorney; Chris Bosley, City Engineer; Renata McLeod, Municipal Services Director, and Hilary Anderson, Community Planning Director.

**ignite cda BOARD MEMBERS PRESENT:** Scott Hoskins, Chairman, and Board members Mic Armon, Brad Jordan, James Chapkis, Alivia Metts, Sarah Garcia, Steve Widmyer and Dan English. Legal Counsel Danielle Quade and Executive Director Tony Berns were also present.

**CALL TO ORDER:** Mayor Widmyer called the meeting to order. Chairman Hoskins called the ignite cda meeting to order and conducted a silent roll call.

**ATLAS WATERFRONT SITE - Mayor** Widmyer noted that the meeting objective is to have the project team present a description of the project objective, community input process, and how the land use/site development may occur to achieve the public space and economic balance objectives for the site.

Welch Comer President Phil Boyd noted that the project team included himself and Taylor Tompke with Welch Comer Engineers, Matt Anderson and Amy Hartman with Heartland Real-estate Advisors, Mark Sindell and Don Vehige with GGLO Design and Dell Hatch with BWA Landscape Architects. The project objective was to preserve the waterfront as public space, balance the public and private funding, and create a unique addition to the community that reflects the community values. He noted that they had three large community meetings wherein they solicited input that was used to develop the proposal presented this evening. Some highlights of the public inputs include more bike and pedestrian access, and more public waterfront space even if it requires higher development density. Some of the amenities that were preferred included outdoor waterfront dining, swimming and beach areas, as well as non-

motorized watercraft launch sites. The public input also demonstrated a desire to have developed waterfront shoreline rather than natural shoreline protection.

**LAND USE PLANNING CONCEPT/SITE DESIGN-** Mark Sindell and Don Vehige with GGLO Design presented a site plan design concept incorporating existing trail connections and engagement with Riverstone. Mr. Vehige noted that they envision great street connections and view corridors that are unobstructed to the water. He noted the type of development along the riverfront street is proposed to include town homes, with alley access and parking. He noted additional options for single-family development at the northwest side of the site. Mr. Sindell noted that it is important to create a compact walkable development with an easy to use trail system, commercial development that has outdoor space, and open space along the river. This is intended to pull people into the street ends that may include additional open space and/or river access. He noted that they envision a rim trail along the hillside of the development that wraps through the residential housing area.

**PUBLIC SPACE CONCEPTS -** Dell Hatch with BWA Architects reviewed the site plan open space/public spaces to include the potential of sports areas at the “Mount Hink” site. Some of the ideas to assist with public access may include an overlook site, public art, seating areas, and fishing docks. As public areas get closer to commercial space it could include a transient (short-term parking) boat dock area, stone terracing, a re-creation of the old mill pond area and swim area. Additional options along the waterfront include a dog swim area and additional trails. Mr. Hatch reviewed the option of sports fields at the “Mount Hink” site, which he noted did not get favorable public input at last night’s public meeting. He noted that this type of use was proposed due to the restrictive soil issues for other type of developments. . Additional discussions with the planning team netted an idea for a network of trails with natural grasses and flowers and a connection to the Prairie Trail at the “Mount Hink” location.

**REAL-ESTATE REQUIREMENTS TO ACHIEVE PUBLIC SPACE-** Matt Anderson and Amy Hartman with Heartland Real-Estate Consultants noted that they were engaged to serve two roles. The first role was to stand in place for the development community builders/investors, which means to express their needs/wants. The second role was to review the risk to the public agencies and developers. Mr. Anderson reviewed the economic analysis that was conducted for the project. Ms. Hartman explained the methodology of how they established the value for each block within the development. She noted that developers would first determine what type of investment is desirable and then establish what they could sell a product for, which aided in coming up with the value for each site. They focused mostly on residential for the site with limited commercial uses, as there are already established commercial and office uses in the vicinity. She noted the square footage estimates and the price that would be reasonable to assume for each type of use. She noted that condominium use requires more square footage due to parking requirements, so they are less profitable than the townhomes, but they wanted to propose diversity within the development. Ms. Hartman demonstrated the absorption rate for the mixed-use proposal versus single-family units and noted that there were approximately 400 units proposed within 4 phases of development. Mr. Anderson noted that they do not have a financing plan at this point; however, they have determined that the development portion pencils out. They just need to determine how to finance the public open space/parkland portion. He explained that Phase 1 is the most difficult financially, as there are upfront investments in infrastructure that are

required with a need to ensure the City recoups those funds. The next step will be to work on the financing plan for the upfront costs. Mr. Anderson described the site plan phased development, again noting that Phase 1 is the largest and most expensive phase, due to infrastructure. Mr. Boyd explained the technical code requirements that must be included in Phase 1, such as roadways, irrigation lines, trails, etc. He noted that they are seeking some input from the City Council and the ignite Board to determine if they are on the right track and to direct them to keep refining the numbers. Mr. Boyd noted that there is an abutting triangle piece in the middle of the site and would advise that it is potentially valuable to acquire to complete the space.

**DISCUSSION-** Councilmember McEvers asked for clarification on the development value. Mr. Anderson noted that value would be for the builder as a value of the finished pad. Mayor Widmyer noted that there should be simultaneous public and private improvements to encourage development. Boardmember Armon asked how many units are included in Phase 1. Mr. Anderson noted that they are proposing 59 single-family, 90 multi-family, 149 condominium, and 122 townhome units, which totals 419 units in total with one small commercial neighborhood restaurant. Councilmember English felt that the docks would be valuable as day use docks, and he would support the docks and a dog water access park. Councilmember Gookin asked for clarification as to the method used to determine the pricing. Mr. Anderson explained that they used the residual land value, which is a way to back into the value through use of total land value and comparable sales. He noted that he was conservative with values, so that they do not miss the land value forecasts. Councilmember Gookin asked how to come up with ratio of commercial versus residential uses. Mr. Anderson felt that too much retail would be a big concern with Riverstone being so close. In regard to residential development, they used the geography of the site and the ability to divide it into the four phases. Councilmember McEvers noted that Riverstone was planned to be one type of development then plans kept changing due to economics. He expressed concern that there is not enough commercial in the proposal. Ignite Executive Director Tony Berns explained that the consultant team is presenting a proposal for what they determined would produce the most land value and finance for the debt of the infrastructure.

Councilmember Evans asked if the triangle piece referenced is valuable as residential space. Mr. Boyd noted that the initial review was to propose townhomes within that space as it would be valuable as a revenue stream. Mr. Vehige felt that the potential connection of the rim trail and a street connection would make the development more complete. Mr. Anderson noted that the triangle piece has two things that are enticing, the Seltice Way frontage for commercial, and a prominent view along the southern edge which is good for residential. City Attorney Mike Gridley noted that one of the reasons the City has been looking at the piece is to connect/extend a riverfront trail. Councilmember Evans asked if there was consideration of a school site due to the additional residential units proposed. Mr. Boyd explained that they have not had much discussion regarding the site, but noted that the School District would need to purchase the land.

Councilmember Miller asked how the timing works for moving forward with annexation and zoning. Mr. Boyd explained that the city would be the developer of the mixed use and would set the design standards and density. Ignite could assist in the process and with building the infrastructure. Mr. Anderson noted that there should be a balance of flexibility to allow for market changes such as the use of townhouses versus something similar in design, density,

heights, and parking while still maintaining the cohesiveness of the development. Community Planning Director Hilary Anderson clarified that the annexation process would need to be completed and the zoning set based on the proposed uses, and standards could be set through the annexation agreement including a Planned Unit Development (PUD) with attached site plan. She noted that they could move forward with annexation at this stage or later, as the PUD could lock in the site plan. Mr. Berns noted that annexation would need to occur prior to the City Council approval of expansion and/or creation of urban renewal districts.

Councilmember English noted that as part of the funding plan he would support moving forward with a G.O. Bond, as he believes the public would get excited about all the improvements included in the first phase. Mr. Boyd noted that they would anticipate presenting the funding options to the Council that would include an option with or without a bond. Councilmember McEvers asked if the City or ignite has done this type of development before. City Administrator Troy Tymesen clarified that the City has not been the developer like this before, nor has ignite. Mayor Widmyer clarified that the City would not subdivide/plat the lots, rather they would sell blocks of land to developers and they would formally subdivide. Mr. Boyd confirmed that a developer may buy an area of land or could buy the land in its entirety; however, the developer would be required to maintain the character of the PUD. Boardmember Metts thanked the planning team and asked what they estimate the current infrastructure and public improvement costs are. Ms. Hartman noted that the ballpark estimate for Phase 1 is \$11 Million for infrastructure such as roads and grading of the site and \$5 Million in park improvements. Boardmember Jordan said that this process is new to the community; however, it is not unheard of by other urban renewal agencies. He wondered what could be done to speed up the development of the waterfront park as he does not want to see it take 10 years and believes that the majority of the citizens would buy into a bond initiative. Councilmember Edinger asked how much money ignite would be putting toward the project and noted that the Council has not discussed a bond election. Mayor Widmyer noted that ignite is willing to partner with the City and that is part of the financial feasibility study. The team is currently asking that the Council and ignite Board look at the concept, and then would move forward with financial analysis. Ignite could then determine what they could bring to the project and if more funds are needed the Council could discuss other options. Councilmember Gookin noted that he likes the concept, is concerned about the funding, and would favor a bond. He expressed concern for the urban renewal agency being stuck with dirt that is not developed. Boardmember Armon noted that the risk is concerning to ignite as well, which is why they are trying to find out how much risk there is and get comfortable with absorption. Mayor Widmyer noted that the planning team was tasked to bring forward a unique type of development, and has agreed to continue to study the market. Boardmember Hoskins noted that the Kendall Yards development has a nice community feel and they love the town homes. Boardmember Jordan noted that if they can ramp up the time for the waterfront development, it would make it easier to sell the land. Mr. Anderson noted that the City would be able to determine if town house, cottage, and etc. would be better placed, depending on the price. Mayor Widmyer noted that condominium projects have not been popular in the past; however, the proposal for this area would be smaller condominium developments. Councilmember Miller asked how the annexation agreement would be worded to provide the City the flexibility needed, while still assuring the community input regarding height and density and security of the parkland/open space. Ms. Anderson noted that staff could draft proposed language and make sure that there is maximum heights/density

included in the agreement. Mayor Widmyer noted that the building envelopes on the Park Drive lots might work for this project. Mr. Gridley clarified that the City is the party taking title and if conveyed to ignite, there can be deed restrictions as the Council ultimately controls the process. Councilmember McEvers expressed concern regarding the amount of parking within the entire development. Mr. Vehige explained that the concept includes narrow streets as traffic calming methods and did not want to include on-street parking on the water side; however, they will look at overall street parking throughout. He clarified that the concept was to create a unique space that would encourage walkability with its connected pathways and design. Mayor Widmyer noted that the timeframe for the financial feasibility study to be presented is mid-June.

**MOTION:** Motion by Gookin, seconded by McEvers to approve the proposed site development concept and park space size/development character and to move forward with refining the financial feasibility as presented and to confirm the annexation of the Bad Axe property. **Motion carried.**

**Ignite MOTION:** Motion by Armon, seconded by Metts to approve the proposed site development concept and park space size/development character and to move forward with refining the financial feasibility as presented. **Motion carried.**

**DISCUSSION:** The Mayor thanked Mr. Boyd and Dell Hatch and their team for working on this project.

**ADJOURN:** Motion by McEvers, seconded by Edinger that there being no further business, this meeting of the City Council be adjourned. **Motion carried.**

**Ignite MOTION TO ADJOURN:** Motion by Garcia, seconded by Jordan that there being no further business, this meeting of the ignite cda board be adjourned. **Motion carried.**

The meeting adjourned at 7:17 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk



**PUBLIC WORKS COMMITTEE  
MINUTES  
May 7, 2018  
4:00 p.m., Library Community Room**

**COMMITTEE MEMBERS PRESENT**

Councilmember Woody McEvers  
Councilmember Dan English  
Councilmember Kiki Miller

**STAFF PRESENT**

Lee White, Police Chief  
Amy Ferguson, Executive Asst.  
Randy Adams, Deputy City Attorney  
Troy Tymesen, City Administrator

**Item 1            Authorization to Accept Funding for Victim Advocate through STOP Violence  
Against Women Grant**

**Consent Calendar**

Police Chief Lee White presented a request for council authorization to accept funding for one Victim Advocate through the STOP Violence Against Women Grant. Chief White explained in his staff report that in October, 2017 Council authorized the police department to apply for grant funding for two victim advocates. The Coeur d'Alene Police Department was recently notified that they have been awarded funding for one victim advocate position. The total award from the STOP grant is \$65,396. As reported in the initial request for application, the City is responsible for a 25% match, or \$21,800. This position will also require a vehicle; the Department is currently trying to find a used vehicle that will meet the needs of this position as it does not have any spare vehicles.

**MOTION. Motion by Miller, seconded by English, to recommend council accept funding for one Victim Advocate through the STOP Violence Against Women Grant in the amount of \$65,396, with a 25% match from the City of \$21, 800. Motion carried.**

**Item 2            Authorization to Purchase One Patrol Vehicle**

**Consent Calendar**

Police Chief Lee White presented a request for council authorization to purchase one patrol vehicle. Chief White explained in his staff report that the police department was recently notified that it will be awarded \$107,966, which is 75% of an officer's wages and benefits, plus some training, overtime, and equipment costs through the Idaho Office of Highway Safety for one officer to focus exclusively on traffic safety and DUI enforcement. As approved by Council in February, accepting this award would require a 25% match (\$26,992) and the purchase of a patrol vehicle because the department currently does not have any spare vehicles for this purpose. The cost of a fully outfitted patrol vehicle is approximately \$68,000. The department will use savings from vacant positions to fund the vehicle.

Councilmember Miller asked what happens when the grand funding runs out. Chief White said that the grant provides scalable funding – 75% the first year, 50% the second year, 25% the third year, and then after the 4<sup>th</sup> year the City is responsible for the full officer and any equipment that is needed. He explained that they are required to keep the officer in the DUI function for 3 years, and further explained that this grant is unique in that they have to reapply each year with a different dollar amount request.

Chief White commented that the PD is down five officer positions at this time. He also confirmed that the PD could absorb the vehicle if the position is eliminated.

Councilmember Miller asked about training included. Chief White said that training would include an A-Ride conference, which is an advanced DUI investigation course), a drug recognition course, and possible a phlebotomy course, or a safety summit.

**MOTION: Motion by English, seconded by Miller, to recommend council authorize the purchase of one patrol vehicle to be utilized by the grant-funded DUI officer position in the amount of approximately \$68,000. Motion carried.**

### **Item 3            Approval of Removal of Term Limits for Members of the Arts Commission Agenda**

Troy Tymesen, City Administrator, presented a request for council approval of the removal of the two-term limit for Coeur d'Alene Arts Commission members. Mr. Tymesen explained in his staff report that the Coeur d'Alene Arts Commission was created in 1987. In 2007, Municipal Code Section 2.84.020 was amended to limit the number of terms that an Arts Commissioner could serve to two, three-year terms. The original term limits were created to encourage new ideas and creativity, and to reduce stagnation on the committee, and long-term tenure on the commission. While the term limits accomplished their intended goal for a period of time, the rapid turnover of members the last several years has substantially decreased the institutional knowledge and effectiveness of this working commission. The Arts Commission is currently the only committee, commission or board of the City of Coeur d'Alene with term limitations. The commission therefore recommends there should be no limit to the number of terms that an Arts Commissioner may serve, consistent with the City's other boards, committees and commissions. Removing the term limits for the Arts Commission would ensure that the commission is able to retain seasoned, experienced commissioners with the institutional knowledge necessary to effectively manage the City's public art collection.

Mr. Tymesen commented that the Arts Commission is going to enforce and improve what being an active commissioner entails, including attendance, involvement in subcommittees, etc.

Councilmember English said that there needs to be equity and fairness between the commissions and he believes that the best groups have a mixture of tenure.

Councilmember Miller asked if there are any other commissions that have a dedicated budget that comes from separate funding like the Arts Commission. Mr. Tymesen commented that the Parking Commission has a role in recommending budget expenditures, but most of the money is contracted by things that the City does. On the Parks & Recreation Commission, the council takes the input of the commission and they have a big impact on what the council does. He noted that the Arts Commission probably has the most direct access to the dollars of any committee or commission. Councilmember Miller said that she thinks it is important to recognize that, and that she has talked to a couple of other councilmembers about when money is dedicated to a certain project there should be more than just the Arts Commission that comes to the table to decide where it goes, and that the budget should be annually approved by the council. Mr. Tymesen said that councilmembers can always ask for detail regarding expenditures. Councilmember Miller suggested that other people should be brought in besides just the commissioners to make decisions on the budget, and that the council should approve the budget by line item.

Councilmember Miller asked if a recommendation will be coming from the Arts Commission regarding appointments. Mr. Tymesen said that is the direction that was discussed at the last Arts Commission

meeting. Councilmember Miller said that she is hoping that this is not a short-term solution to a long-term problem, and that she thinks that the commission is on the right track in expanding what they do with different kinds of public art.

Mr. Tymesen commented that a former councilmember, who currently sits on the ignite CDA board, was on the city council and supported the term limits when they were originally put in place. That councilmember, although not in attendance at the last Arts Commission meeting, would have voted to eliminate the term limits.

Councilmember McEvers asked about staff support for the commission and noted that there are a lot of moving parts. Mr. Tymesen commented that Amy Ferguson does most of the “heavy lifting” for the commission, and the goal has been to take the dollars and put them towards the art and to lower any overhead. He noted that the commission has grown and now has 13 members, with as many subcommittees. The arts collection has also grown and takes a great amount of effort. He commented that as we continue to deliver art and try to keep the overhead low, the City is looking to partner with any organizations in our community that have that same passion. He noted that it is a work in progress and hopes to bring forward more information.

Councilmember Miller said that she thinks it is good for the City to be good stewards of the tax dollar and to talk about these things.

**MOTION: Motion by Miller, seconded by English, to recommend council approval of an amendment to Municipal Code Section 2.84.020 removing the two-term limit for Coeur d’Alene Arts Commission members. Motion carried.**

The meeting adjourned at 4:21 p.m.

Respectfully submitted,

Amy C. Ferguson  
Public Works Committee Liaison

RECEIVED

MAY 07 2018

**CITY OF COEUR D'ALENE**  
**Treasurer's Report of Cash and Investment Transactions**

CITY CLERK

FUND	BALANCE 3/31/2018	RECEIPTS	DISBURSE- MENTS	BALANCE 4/30/2018
<u>General-Designated</u>	\$836,772	\$164,266	\$28,991	\$972,047
<u>General-Undesignated</u>	11,055,537	6,570,306	5,710,378	11,915,465
<u>Special Revenue:</u>				
Library	363,058	25,531	119,794	268,795
CDBG	12,658	2,802	5,418	10,042
Cemetery	28,124	24,517	22,738	29,903
Parks Capital Improvements	619,476	16,387	6,137	629,726
Impact Fees	2,660,316	68,945		2,729,261
Annexation Fees	209,503	77,343		286,846
Cemetery P/C	1,528,974	2,400	1,050	1,530,324
Jewett House	25,646	2,072	1,430	26,288
Reforestation	26,776	36		26,812
Street Trees	211,532	8,983	1,025	219,490
Community Canopy	3,419	54	204	3,269
Public Art Fund	65,435	88		65,523
Public Art Fund - ignite	574,044	770	17,500	557,314
Public Art Fund - Maintenance	84,791	113	324	84,580
<u>Debt Service:</u>				
2015 G.O. Bonds	1,011,372	11,480		1,022,852
<u>Capital Projects:</u>				
Street Projects	258,697	346	123	258,920
<u>Enterprise:</u>				
Street Lights	17,786	42,459	60,601	(356)
Water	3,103,204	299,011	330,685	3,071,530
Water Capitalization Fees	5,760,146	75,382		5,835,528
Wastewater	6,867,236	1,910,412	856,517	7,921,131
Wastewater-Reserved	1,038,681	27,500		1,066,181
WWTP Capitalization Fees	7,719,708	146,375	459	7,865,624
WW Property Mgmt	60,668			60,668
Sanitation	1,263,571	330,492	285,521	1,308,542
Public Parking	(881,616)	27,504	14,903	(869,015)
Drainage	962,497	83,774	62,677	983,594
Wastewater Debt Service	863,532	1,158		864,690
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	228,564	204,116	229,092	203,588
LID Advance Payments	209			209
Police Retirement	1,148,948	14,202	14,249	1,148,901
Sales Tax	2,458	5,012	2,458	5,012
BID	214,348	3,788		218,136
Homeless Trust Fund	464	379	464	379
<b>GRAND TOTAL</b>	<b>\$47,946,533</b>	<b>\$10,148,003</b>	<b>\$7,772,738</b>	<b>\$50,321,798</b>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Vonnie Jensen, Deputy Finance Director*  
Troy Tymesen, Finance Director, City of Coeur d'Alene, Idaho

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SEVEN MONTHS ENDED  
April 30, 2018

**RECEIVED**  
MAY 07 2018  
**CITY CLERK**

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 4/30/2018	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$233,336	\$132,291	57%
	Services/Supplies	11,400	5,370	47%
Administration	Personnel Services	357,463	221,718	62%
	Services/Supplies	22,950	6,201	27%
Finance	Personnel Services	744,010	366,454	49%
	Services/Supplies	461,215	437,273	95%
Municipal Services	Personnel Services	1,283,631	791,689	62%
	Services/Supplies	494,919	300,307	61%
	Capital Outlay	10,000	9,385	94%
Human Resources	Personnel Services	255,486	138,577	54%
	Services/Supplies	56,225	20,019	36%
Legal	Personnel Services	1,132,172	657,917	58%
	Services/Supplies	65,253	34,854	53%
Planning	Personnel Services	582,544	294,906	51%
	Services/Supplies	135,100	38,393	28%
	Capital Outlay			
Building Maintenance	Personnel Services	362,828	191,839	53%
	Services/Supplies	152,475	99,229	65%
	Capital Outlay			
Police	Personnel Services	12,405,906	7,152,481	58%
	Services/Supplies	1,143,778	661,967	58%
	Capital Outlay	34,840	42,121	121%
Fire	Personnel Services	9,101,092	5,540,470	61%
	Services/Supplies	607,909	308,215	51%
	Capital Outlay		199,608	
General Government	Services/Supplies	105,900	111,997	106%
	Capital Outlay		731,543	
Byrne Grant (Federal)	Services/Supplies		19,952	
	Capital Outlay			
COPS Grant	Personnel Services	121,939	49,219	40%
CdA Drug Task Force	Services/Supplies	30,710	2,500	8%
	Capital Outlay			
Streets	Personnel Services	2,694,412	1,535,451	57%
	Services/Supplies	1,459,540	481,031	33%
	Capital Outlay	287,000	258,235	90%

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SEVEN MONTHS ENDED  
April 30, 2018

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 4/30/2018	PERCENT EXPENDED
Engineering Services	Personnel Services	242,736	146,246	60%
	Services/Supplies	98,350	95,627	97%
	Capital Outlay			
Parks	Personnel Services	1,483,915	765,048	52%
	Services/Supplies	558,450	189,461	34%
	Capital Outlay	60,000	55,960	93%
Recreation	Personnel Services	559,345	263,275	47%
	Services/Supplies	190,330	52,856	28%
	Capital Outlay	6,400	24,650	385%
Building Inspection	Personnel Services	836,397	502,174	60%
	Services/Supplies	40,196	14,204	35%
	Capital Outlay			
Total General Fund		<u>38,430,152</u>	<u>22,950,713</u>	<u>60%</u>
Library	Personnel Services	1,250,412	704,634	56%
	Services/Supplies	208,000	119,485	57%
	Capital Outlay	160,000	77,268	48%
CDBG	Services/Supplies	384,049	102,501	27%
Cemetery	Personnel Services	193,807	104,516	54%
	Services/Supplies	100,500	48,937	49%
	Capital Outlay			
Impact Fees	Services/Supplies	745,000	423,000	57%
Annexation Fees	Services/Supplies	398,240	398,240	100%
Parks Capital Improvements	Capital Outlay	146,500	34,007	23%
Cemetery Perpetual Care	Services/Supplies	157,000	78,130	50%
Jewett House	Services/Supplies	25,855	5,769	22%
Reforestation	Services/Supplies	5,000	135	3%
Street Trees	Services/Supplies	100,000	35,501	36%
Community Canopy	Services/Supplies	2,000	621	31%
Public Art Fund	Services/Supplies	443,500	112,305	25%
		<u>4,319,863</u>	<u>2,245,049</u>	<u>52%</u>
Debt Service Fund		<u>882,181</u>	<u>65,785</u>	<u>7%</u>

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SEVEN MONTHS ENDED  
April 30, 2018

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 4/30/2018	PERCENT EXPENDED
Seltice Way	Capital Outlay			
Seltice Way Sidewalks	Capital Outlay	332,000	183,060	55%
Traffic Calming	Capital Outlay	45,000	26,914	60%
Govt Way - Hanley to Prairie	Capital Outlay		5,585	
Levee Certification	Capital Outlay			
Fastlane Project	Capital Outlay			
Medina Avenue	Capital Outlay	160,000	15,421	10%
Kathleen Avenue Widening	Capital Outlay	195,000		
Margaret Avenue	Capital Outlay			
4th and Dalton	Capital Outlay	25,000		
US 95 Upgrade	Capital Outlay	195,000		
15th Street	Capital Outlay	60,000	4,729	8%
Ironwood	Capital Outlay	225,000		
		1,237,000	235,709	19%
Street Lights	Services/Supplies	639,720	348,878	55%
Water	Personnel Services	1,975,543	1,146,664	58%
	Services/Supplies	4,421,891	742,650	17%
	Capital Outlay	3,630,000	427,330	12%
Water Capitalization Fees	Services/Supplies	866,000		
Wastewater	Personnel Services	2,684,202	1,499,600	56%
	Services/Supplies	7,042,103	1,134,535	16%
	Capital Outlay	10,881,000	5,015,904	46%
	Debt Service	2,177,063	586,531	27%
WW Capitalization	Services/Supplies	2,200,000		
Sanitation	Services/Supplies	3,500,806	1,964,394	56%
Public Parking	Services/Supplies	271,846	164,818	61%
	Capital Outlay	83,000	574,175	692%
Drainage	Personnel Services	111,160	65,179	59%
	Services/Supplies	794,658	187,420	24%
	Capital Outlay	362,000	174,728	48%
Total Enterprise Funds		41,640,992	14,032,806	34%
Kootenai County Solid Waste		2,600,000	1,326,438	51%
Police Retirement		176,554	102,117	58%
Business Improvement District		176,000	30,000	17%
Homeless Trust Fund		5,200	2,413	46%
Total Fiduciary Funds		2,957,754	1,460,968	49%
TOTALS:		\$89,467,942	\$40,991,030	46%

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Vonnie Jensen Deputy Finance Director*  
Troy Tymesen, Finance Director, City of Coeur d'Alene, Idaho

RECEIVED

MAY 07 2018

CITY CLERK

**City of Coeur d Alene  
Cash and Investments  
4/30/2018**

<b>Description</b>	<b>City's Balance</b>
<b>U.S. Bank</b>	
Checking Account	4,791,934
Checking Account	21,827
Investment Account - Police Retirement	1,131,559
Investment Account - Cemetery Perpetual Care Fund	1,528,974
<b>Wells Fargo Bank</b>	
Federal Home Loan Bank Bond	995,392
<b>Community 1st Bank</b>	
Certificate of Deposit	1,006,659
Certificate of Deposit	205,603
<b>Idaho Central Credit Union</b>	
Certificate of Deposit	251,345
<b>Idaho State Investment Pool</b>	
State Investment Pool Account	40,132,328
<b>Spokane Teacher's Credit Union</b>	
Certificate of Deposit	254,052
<b>Cash on Hand</b>	
Finance Department Petty Cash	500
Treasurer's Change Fund	1,350
Police Change Fund	75
Library Change fund	180
Cemetery Change Fund	20
<b>Total</b>	<b>50,321,798</b>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE  
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Troy Tymesen* Deputy Finance Director  
Troy Tymesen, Finance Director, City of Coeur d Alene, Idaho



DATE: MAY 9, 2018  
TO: MAYOR AND CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
RE: SETTING OF PUBLIC HEARING DATE: JUNE 19, 2018

Mayor Widmyer,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
ZC-1-18	Applicant: Joseph Hamilton Location: 1315 & 1325 N. 5th Request: A proposed zone change from R-17 to C-17.	Recommended approval	QUASI-JUDICIAL

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **June 19, 2018**



City of Coeur d'Alene  
Municipal Services  
Department

City Hall, 710 E Mullan Avenue  
Coeur d'Alene, Idaho 83814  
(208) 769-2229 or Fax 769.2237  
kathylew@cdaid.org

## OUTDOOR EATING FACILITY ENCROACHMENT APPLICATION

Valid March 17 – Nov 1 Annually

New applications or renewals with changes will be submitted to the City Council for approval. The application must be received in the Customer Service Center a minimum of seven (7) days prior to a City Council meeting (First and Third Tuesday of each month). Payments are due with the application (check or cash only).

Name of Eating Establishment: Midtown Pub

Applicant's Name: Tom Fisher Phone Number: 208-660-9252

Contact Person: Tom Phone Number: \_\_\_\_\_

Cell Phone: 660-9252 Email: tom@tomfisher.com

Mailing Address: PO Box 105 CDA, ID 83816 City/State/Zip: \_\_\_\_\_

Physical Address: 826 N+ 4th St CDA ID 83814 City/State/Zip: \_\_\_\_\_

Is Application  New  Renewal

Any change in ownership or type of use?  No  Yes \_\_\_\_\_  
Please specify

Do you hold a current State of Idaho, Kootenai County and City of CDA alcohol license?  No  Yes

If yes, on your state of Idaho alcohol license do you have a restaurant designation?  No  Yes

Is anyone under 21 allowed in the area inside your establishment where alcohol is served?  No  Yes

Please supply a copy of your current menu.

What hours is the full menu available? Start 11 Am End 9:00 PM

What days is the full menu available? Tues thru Sunday

- \_\_\_\_\_ Please supply a proposed site/seating plan, which is subject to approval and includes the following:
  - \_\_\_\_\_ Show table sizes and chair placement, distance from building (side street 24" tables max.)
  - \_\_\_\_\_ Show distance to any tree grate, bench, light post, bicycle rack, news rack etc.
  - \_\_\_\_\_ What is width of sidewalk from property line to curb
  - \_\_\_\_\_ Please show location of refuse receptacle and disposal of cigarette remains
- \_\_\_\_\_ Insurance: Please supply copy of liability insurance naming City as additional insured (\$1,000,000.00)
- \_\_\_\_\_ Signed encroachment application

# BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually

**City of Coeur d' Alene  
Municipal Services  
710 Mullan Avenue  
Coeur d' Alene, Idaho 83814  
208.769.2229 Fax 769.2237**

[Office Use Only] Amt Pd 300.00  
 Rec No 1525987  
 Date 5-4-18  
 Date to City Council: 5-16-18  
 Reg No. \_\_\_\_\_  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_

Date that you would like to begin alcohol service March 1st 2018

**Check the ONE box that applies:**

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input checked="" type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP \$12.50 Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no Transfer from _____ to _____	\$

Business Name	<u>Mouser Enterprise's, Inc. DBA Santorini's Greek Cuisine</u>
Business Mailing Address	<u>4055 N Government Way, Ste 7</u>
City, State, Zip	<u>Coeur d'Alene, ID, 83815</u>
Business Physical Address	<u>S/A</u>
City, State, Zip	
Business Contact	Business Telephone: <u>208-676-8491</u> Fax: _____ Email address: <u>Santorini's.Greek.Cuisine@gmail.com</u>
License Applicant	<u>Aaron J Mouser II, president Mouser Enterprise's, Inc</u>
If Corporation, partnership, LLC etc. List all members/officers	<u>Aaron J Mouser II, president</u>

## CITY COUNCIL STAFF REPORT

**DATE:** May 15, 2018  
**FROM:** Dennis Grant, Engineering Project Manager  
**SUBJECT:** **SS-18-04, Sherman Five West: Final Plat Approval**

---

### DECISION POINT

Staff is requesting the following:

1. City Council approval of the final plat document, a three (3) lot commercial subdivision.

### HISTORY

- a. Applicant: Drew Dittman, PE  
Lake City Engineering, Inc.  
126 E. Poplar Avenue  
Coeur d'Alene, ID 83814
- b. Location: 819 E. Sherman Ave (North side of Sherman Avenue between 8<sup>th</sup> and 9<sup>th</sup> Street)
- c. Previous Action:
  1. Preliminary plat approval, April 18, 2018

### FINANCIAL ANALYSIS

There are no financial issues with this development.

### PERFORMANCE ANALYSIS

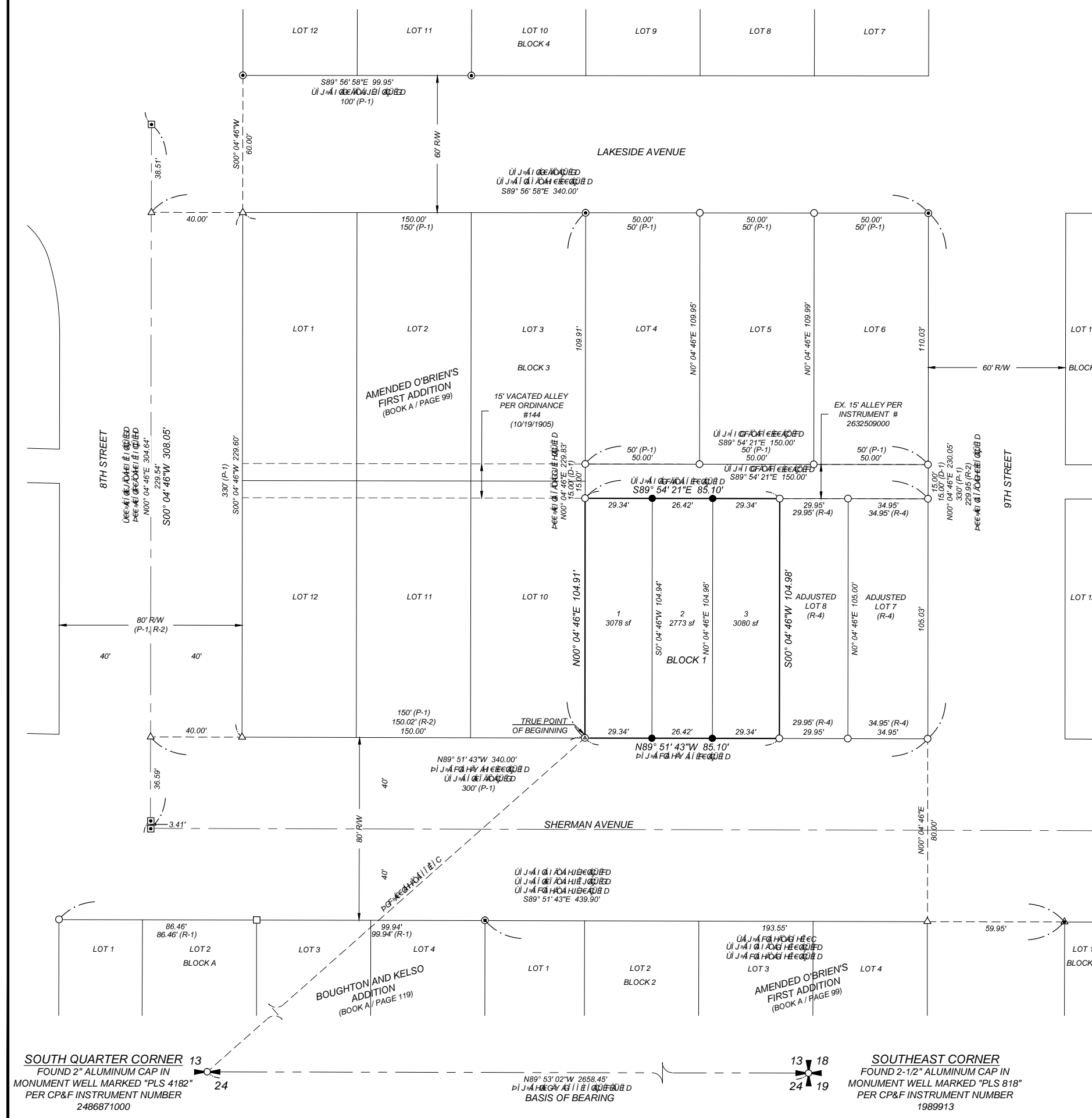
This commercial development is a re-plat of an existing single lot located in Coeur d'Alene. This subdivision created three (3) lots. The infrastructure has been previously installed and accepted by the appropriate departments. There was one condition that will be taken care of a building permit; therefore, the document is ready for approval and recordation.

### DECISION POINT RECOMMENDATION

City Council approval of the final plat document

# SHERMAN FIVE WEST

A REPLAT OF LOT 9 AND A PORTION OF LOT 8, BLOCK 3,  
OF THE AMENDED PLAT OF O'BRIEN'S FIRST ADDITION  
LOCATED IN THE SOUTHEAST QUARTER OF  
SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



### BASIS OF BEARING

VPOCCEUAIQOCCOUBUAPQAMUXOYADUUVPAJHHCWQUMUUPY PPOCUBAEDCUBAUEBUE DEUAPQ SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, IDAHO.

### NOTE

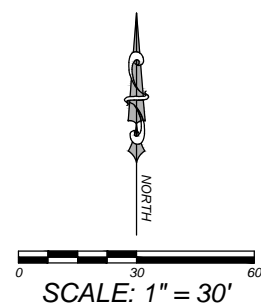
THERE WAS NO ATTEMPT MADE TO SHOW ALL OF THE PHYSICAL FEATURES OF THIS PROPERTY, NOR ANY EASEMENTS OF RECORD, EXCEPT FOR THOSE SHOWN HEREON.

### REFERENCE DOCUMENTS

- (R-1) BOUNDARY LINE ADJUSTMENT RECORD OF SURVEY PREPARED BY LAKE CITY ENGINEERING AND FILED AT BOOK 28 OF SURVEYS, PAGE 356, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (R-2) RECORD OF SURVEY PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK 18 OF SURVEYS, PAGE 495, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (R-3) RECORD OF SURVEY PREPARED BY FRAME & SMENTANA, PA AND FILED AT BOOK 23 OF SURVEYS, PAGE 318, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (R-4) BOUNDARY LINE ADJUSTMENT RECORD OF SURVEY PREPARED BY LAKE CITY ENGINEERING AND FILE AT BOOK 30 OF SURVEY, PAGE 139, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-1) AMENDED PLAT OF O'BRIEN'S FIRST ADDITION PREPARED BY J. W. EDWARDS AND FILED AT BOOK A OF PLATS, PAGE 99, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-1) GRANT OF RIGHT OF WAY FILED AS INSTRUMENT NUMBER 2632509000, RECORDS OF KOOTENAI COUNTY, IDAHO.

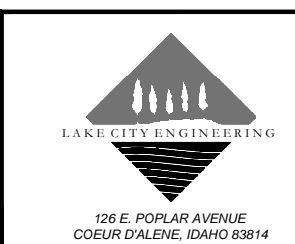
### LEGEND

- SET 5/8" x 24" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 4182"
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 4182"
- ⊙ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 4565"
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 4182"
- ▲ FOUND 1" IRON PIPE
- ⊙ FOUND 3/4" IRON PIPE
- ⊙ FOUND CITY MONUMENT
- ▣ FOUND 2-1/2" BRASS CAP IN MONUMENT CASE
- △ CALCULATED POINT, NOTHING FOUND OR SET
- BOUNDARY LINE
- LOT LINE
- ADJACENT LOT LINE
- - - CENTER LINE
- - - SECTION LINE



**SOUTH QUARTER CORNER 13**  
FOUND 2" ALUMINUM CAP IN  
MONUMENT WELL MARKED "PLS 4182"  
PER CP&F INSTRUMENT NUMBER  
2486871000

**SOUTHEAST CORNER**  
FOUND 2-1/2" ALUMINUM CAP IN  
MONUMENT WELL MARKED "PLS 818"  
PER CP&F INSTRUMENT NUMBER  
1989913



CHECKED BY:	DES
DRAFTED BY:	WAL
SCALE:	1" = 30'
DATE:	05/03/2018
JOB NO:	LCE 17-106
1	
2	



RESOLUTION NO. 18-028

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED ACTIONS OF THE CITY OF COEUR D'ALENE, INCLUDING: ACCEPTANCE OF STOP VIOLENCE AGAINST WOMEN GRANT FUNDING FOR ONE (1) VICTIM ADVOCATE AND AUTHORIZING THE EXPENDITURE OF \$21,800 FOR THE CITY'S 25% MATCH; AND AUTHORIZING THE PURCHASE OF ONE (1) POLICE DEPARTMENT PATROL VEHICLE TO BE UTILIZED BY THE GRANT FUNDED DUI OFFICER POSITION IN THE AMOUNT OF APPROXIMATELY \$68,000.

WHEREAS, it has been recommended that the City of Coeur d'Alene authorize the actions listed below pursuant to the terms and conditions set forth in Exhibits "A" and "B" hereto, and by reference made a part hereof, and summarized as follows:

- A) Acceptance of STOP Violence Against Women Grant for one Victim Advocate and authorizing the expenditure of \$21,800 for the City's 25% match; and
- B) Authorizing the purchase of one Police patrol vehicle to be utilized by the grant funded DUI officer position in the amount of approximately \$68,000; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City authorize the actions for the subject matter noted above, substantially as set forth in the documents attached hereto as Exhibits "A" and "B" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said authorizations so long as the substantive elements of the actions remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such agreements required to perform the actions on behalf of the City.

DATED this 15<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Steve Widmyer, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted \_\_\_\_\_

COUNCIL MEMBER EVANS Voted \_\_\_\_\_

COUNCIL MEMBER MILLER Voted \_\_\_\_\_

COUNCIL MEMBER MCEVERS Voted \_\_\_\_\_

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

COUNCIL MEMBER EDINGER Voted \_\_\_\_\_

\_\_\_\_\_ was absent. Motion \_\_\_\_\_.



CITY COUNCIL  
STAFF REPORT

DATE: May 15, 2018

FROM: Lee White, Chief of Police

SUBJECT: Victim Advocate Grant Funding Acceptance

---

**Decision Point:** The Police Department requests authorization to accept funding for one Victim Advocate through the STOP Violence Against Women Grant.

**History:** In October 2017 Council authorized the police department to apply for grant funding for two victim advocates. The Coeur d'Alene Police Department was recently notified that we have been awarded funding for one victim advocate position.

**Financial Analysis:** The total award is from the STOP grant is \$65,396. As reported in our initial request for application, the City is responsible for a 25% match, or \$21,800. This position will also require a vehicle; the Department is currently trying to find a used vehicle that will meet the needs of this position as we do not have any spare vehicles.

CITY COUNCIL  
STAFF REPORT

DATE: May 15, 2018  
FROM: Lee White, Chief of Police  
SUBJECT: Purchase of one patrol vehicle

---

**Decision Point:** The Police Department requests authorization to purchase one patrol vehicle.

**History:** The police department was recently notified that it will be awarded \$107,966, which is 75% of an officer's wages and benefits plus some training, overtime, and equipment costs through the Idaho Office of Highway Safety for one officer to focus exclusively on traffic safety and DUI enforcement. As approved by Council in February, accepting this award would require a 25% match (\$26,992) and the purchase of a patrol vehicle because we currently do not have any spare vehicles for this purpose.

**Financial Analysis:** The cost of a fully outfitted patrol vehicle is approximately \$68,000. The department will use saving from vacant positions to fund this vehicle.

**Decision Point:** The Police Department requests authorization to purchase one patrol vehicle to be utilized by the grant funded DUI officer position.

# ANNOUNCEMENTS

# Memo to Council

DATE: May 2, 2018

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the May 15th Council Meeting:

ROBERTA LARSEN          ARTS COMMISSION

A copy of the data sheet has been placed by your mailboxes.

Sincerely,

Amy Ferguson  
Executive Assistant

cc:     Renata McLeod, Municipal Services Director  
       Amy Ferguson, Arts Commission Staff Support

# Memo to Council

DATE: May 9, 2018

RE: Appointments to Boards/Commissions/Committees

The following reappointment is presented for your consideration for the May 15th Council Meeting:

STEVE WIDMYER                      Ignite CDA Board

Sincerely,

Amy Ferguson  
Executive Assistant

cc:     Renata McLeod, Municipal Services Director  
         Tony Berns, Ignite CDA

**PUBLIC WORKS COMMITTEE**

**PUBLIC WORKS COMMITTEE MEETING  
STAFF REPORT**

**DATE:** May 7, 2018

**FROM:** TROY TYMESEN, CITY ADMINISTRATOR

**RE:** APPROVAL OF REMOVAL OF TERM LIMITS FOR MEMBERS OF  
THE ARTS COMMISSION

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**Decision Point:**

Does the city council want to remove the two-term limit for Coeur d'Alene Arts Commission members?

**History:**

The Coeur d'Alene Arts Commission was created in 1987. In 2007, Municipal Code Section 2.84.020 was amended to limit the number of terms that an Arts Commissioner could serve to two, three-year terms. The original terms limits were created to encourage new ideas and creativity, and to reduce stagnation on the committee. While the term limits accomplished their intended goal for a period of time, the rapid turnover of members the last several years has substantially decreased the institutional knowledge and effectiveness of this working commission. The Arts Commission is currently the only committee, commission or board of the City of Coeur d'Alene with term limitations. The commission therefore recommends there should be no limit to the number of terms that an Arts Commissioner may serve, consistent with the City's other boards, committees and commissions.

**Financial Analysis:**

There is no cost to the City for this requested change.

**Quality of Life:**

Removing the term limits for the Arts Commission would ensure that the commission is able to retain seasoned, experienced commissioners with the institutional knowledge necessary to effectively manage the City's public art collection.

**Decision Point:**

Does the City Council want to remove the two term limit for Coeur d'Alene Arts Commission members?

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 18-1008

AN ORDINANCE AMENDING SECTION 2.84.020, COEUR D'ALENE MUNICIPAL CODE, REMOVING THE LIMITATION ON SERVING MORE THAN TWO (2) CONSECUTIVE TERMS; 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 2.84.020 of the Coeur d'Alene Municipal Code be amended as follows:*

1. There is established an arts commission in the city of Coeur d'Alene, which shall consist of thirteen (13) members who shall receive no salary. Members shall be appointed by the mayor and confirmed by the city council, and any member may, in a like manner, be removed. No more than four (4) members may reside outside city limits but within Kootenai County. One member shall be a high school student, who attends school within the boundary of school district 271, between the ages of fourteen (14) and eighteen (18) years, and one member shall be a permanent, voting liaison from the Coeur d'Alene Arts And Culture Alliance. All other members shall be chosen from the residents of the city.

2. -The term of office of each member shall be ~~for a term of~~ three (3) years or, upon resignation or removal, until ~~his a~~ successor is appointed and qualified, ~~whose~~ The term of a successor shall run for the duration of the existing term of the member replaced. The term of office for the high school student shall be for one year. ~~No person shall be a member for more than two (2) consecutive terms.~~ The terms of office of the members shall be staggered in such a manner so that no more than four (4) members may be up for reappointment or replacement in any given year.

**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 May 15, 2018.*

APPROVED, ADOPTED and SIGNED this 15<sup>th</sup> day of May, 2018.

---

Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending Section 2.84.020 of the Municipal Code

AN ORDINANCE AMENDING SECTION 2.84.020, COEUR D'ALENE MUNICIPAL CODE, REMOVING THE LIMITATION ON SERVING MORE THAN TWO (2) CONSECUTIVE TERMS; 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 2.84.020 of the 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 15<sup>th</sup> day of May, 2018.

---

Randall R. Adams, Chief Deputy City Attorney

OTHER BUSINESS

**CITY COUNCIL  
STAFF REPORT**

**DATE:** May 15, 2018  
**FROM:** Bill Greenwood, Parks and Recreation Director  
**SUBJECT:** Driveway and Parking Easement, Jenny Stokes Field

---

**DECISION POINT:** Should the City Council approve an Agreement with EVH, LLC, which continues a driveway and parking easement in favor of the general public using the City facilities known as Jenny Stokes Field?

**HISTORY:** In 1996, the City entered into an Easement and Parking Agreement (the “Agreement”) with the Coeur d’Alene Teacher’s Credit Union, then the owner of a parcel of property located at 1410 Kathleen Avenue. Pursuant to that Agreement, the City obtained a driveway easement across part of the Credit Union’s property for the general public to access the parking lot at Jenny Stokes Field, as well as an easement in favor of the general public to use the Credit Union’s parking lot after 3:00 p.m. on weekdays and all day on weekend days. The Credit Union, in return, obtained an easement for the use of up to ten (10) spaces in the Jenny Stokes Field parking lot during the weekdays. This Agreement was binding on all subsequent purchasers of the Credit Union property. EVH, LLC, is seeking to buy the Credit Union property and to operate thereon a 24-hour, 7-day-a-week, veterinary hospital. EVH approached the City in order to obtain modifications to the Agreement because, unlike the Credit Union, EVH will need the use of its parking lot in the evening and on weekends, at times when the public may also be using Jenny Stokes Field. After consultations with the Planning and Parks Departments, and the City Administrator, it was determined that reserving eleven (11) spaces in the Credit Union parking lot for the exclusive use of EVH’s customers would not adversely impact the public’s use of Jenny Stokes Field, and that the on-site parking available for both Jenny Stokes Field and the EVH property complied with the Zoning Code requirements. With this modified agreement, EVH will be able to proceed with the purchase of the property. Without the modified agreement, the purchase is in question.

**FINANCIAL ANALYSIS:** There will be no additional cost to the City with the modified agreement.

**PERFORMANCE ANALYSIS:** The new agreement will provide sufficient parking for the general public using Jenny Stokes Field while, at the same time, recognizing the needs of the customers of EVH. This cooperative agreement provides advantages to both parties which will advance the wellbeing of the community.

**DECISION POINT/RECOMMENDATION:** Council should approve the modified agreement with EVH, LLC, for a driveway and parking easement on property located at 1410 Kathleen Avenue.

RESOLUTION NO. 18-029

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN EASEMENT AND PARKING AGREEMENT WITH EVH, LLC, FOR A DRIVEWAY AND PARKING SPACES ON PROPERTY LOCATED AT 1336 KATHLEEN AVENUE, AND FOR PARKING SPACES AT JENNY STOKES FIELD.

WHEREAS, it is recommended that the City of Coeur d'Alene enter into an Easement and Parking Agreement with EVH, LLC, for property located at 1336 Kathleen Avenue, Coeur d'Alene, Idaho, and for Jenny Stokes Field, pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an Easement and Parking Agreement with EVH, LLC, for 1336 Kathleen Avenue, Coeur d'Alene, Idaho, and Jenny Stokes Field, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute such agreement on behalf of the City.

DATED this 15<sup>th</sup> day of May, 2018.

\_\_\_\_\_  
Steve Widmyer, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

COUNCIL MEMBER MCEVERS Voted \_\_\_\_\_

COUNCIL MEMBER MILLER Voted \_\_\_\_\_

COUNCIL MEMBER ENGLISH Voted \_\_\_\_\_

COUNCIL MEMBER EVANS Voted \_\_\_\_\_

COUNCIL MEMBER EDINGER Voted \_\_\_\_\_

\_\_\_\_\_ was absent. Motion \_\_\_\_\_.

## EASEMENT AND PARKING AGREEMENT

THIS AGREEMENT is made and dated this 15th day of May, 2018, by and between EVH, LLC, a limited liability corporation organized and existing under the laws of the state of Idaho, with its principal place of business at 921 S. Orchard, Ste. G, Boise, Idaho, hereinafter referred to as “EVH,” and the CITY OF COEUR D’ALENE, a municipal corporation organized and existing under the laws of the state of Idaho, with its principal place of business at 710 Mullan Avenue, Coeur d’Alene, Idaho, hereinafter referred to as the “City.”

### WITNESSETH:

WHEREAS, the City is the owner of property with an address of 3850 N. Ramsey Road, Coeur d’Alene, Idaho (hereinafter referred to as the “Property”), part of which is currently devoted to a soccer field located southeast of the intersection of Kathleen Avenue and Ramsey Road, known as “Jenny Stokes Field;” and

WHEREAS, the City constructed a parking lot on the Property for the benefit of users of Jenny Stokes Field (hereinafter referred to as the “Stokes Lot”); and

WHEREAS, in 1996, the City entered into an Easement and Parking Agreement with the owner of property to the east of Jenny Stokes Field, bearing an address of 1336 W. Kathleen Ave., Coeur d’Alene, Idaho (hereinafter referred to as the “Kathleen Property”), by which the City obtained a driveway easement across part of the Kathleen Property for the general public to access the Stokes Lot and an easement in favor of the general public to use the Kathleen Property parking lot after 3:00 p.m. on weekdays and all day on weekend days, and the Kathleen Property owner obtained an easement for the use of up to ten (10) spaces in the Stokes Lot during the weekdays, together with other terms and conditions; and

WHEREAS, EVH is considering the purchase the Kathleen Property; and

WHEREAS, the parties are desirous of cooperating for the purpose of providing an access easement and assuring adequate parking which will benefit both parties;

NOW, THEREFORE, in consideration of the covenants and conditions contained herein, the parties agree as follows:

Section 1. Parking Space Requirements: The parties acknowledge and agree that the number of parking spaces required for the Kathleen Property based on the proposed use is fifteen (15), and that the Kathleen Property’s parking lot contains seventeen (17) parking spaces. The parties further agree that by entering into this Agreement they can provide parking for each facility which meets the current municipal code requirements and continue to provide access to the Stokes Lot.



Section 2. City Use of EVH's Parking Lot: The parties agree that during the term of agreement, the City shall have an easement and EVH does hereby grant to the City an easement for the purpose of public ingress and egress to the Stokes Lot, which easement is more particularly described in Exhibit "A." Further, EVH does hereby grant an easement to the City for use by the general public of the Kathleen Property parking lot from 3:00 p.m. to such time as sporting activities or maintenance are completed Monday through Friday, and all day Saturday and Sunday, excepting the following spaces which are reserved for the exclusive use of the Kathleen Property: (a) all spaces on the east side of the building located on the Kathleen Property; and (b) seven (7) spaces (including the handicap space) located on the west side and adjacent to the building.

Section 3. EVH Use of Stokes Lot: The parties agree that EVH shall have, and the City does hereby grant an easement to EVH, to use up to ten (10) spaces in the Stokes Lot for parking of EVH's customers. Such easement is not exclusive and will be available on a first-come first-serve basis.

Section 4. Removal of Snow: Unless otherwise prohibited by law, the City further agrees to remove, or contract for the removal of snow, for at least ten (10) parking spaces in the Stokes Lot before 7:30 a.m., Monday through Friday of the work week, holidays excluded, for the term of this Agreement.

Section 5. Maintenance: The parties further agree that the City shall pay twenty percent (20%) of the normal pavement maintenance and repair cost for the Kathleen Property parking lot; PROVIDED, EVH agrees to consult with the City and obtain the City's approval prior to contracting for any pavement maintenance or repair. The City's approval shall not be unreasonably withheld. Further, the City shall be entitled, at its option, to perform the pavement maintenance or repair using its own equipment, materials, and personnel. The parties further agree that EVH shall have no responsibility for the maintenance or repair of the Stokes Lot.

Section 6. The City to Hold EVH Harmless: The parties further agree that the City shall save and hold harmless EVH, and its successors and assigns, from any damages arising from the use of the Kathleen Property's parking lot by the City's agents or employees, which damages are caused by the negligence or wrongful acts or omissions of the City, its agents, or employees.

Section 7. EVH to Hold the City Harmless: The parties further agree that EVH shall save and hold harmless the City, and its employees, agents, successors, and assigns, from any damages arising from the use of the Stokes Lot by EVH's agents, employees, and customers which damages are caused by the negligence or wrongful acts or omissions of EVH, its agents, or employees.

Section 8. Signage: The parties further agree that any signage installed in the Kathleen Property parking lot shall comply with Municipal Codes and be in a manner and form acceptable to each party. The parties agree that consent shall not be unreasonably withheld.

Section 9. Term of Agreement: The term of this agreement and easements granted herein shall be until the City ceases use of the Stokes Lot for recreational purposes, whether for parking or otherwise, in which case the easement granted to the City for ingress and egress to the Stokes Lot and the easement to the City for parking in the Kathleen Property parking lot shall be deemed extinguished, unless otherwise agreed to by the parties.

Section 10. Covenants Run With Land: The covenants, conditions, and terms herein contained to be performed by the parties shall be binding upon the parties' heirs, assigns and successors-in-interest, and shall be deemed to be covenants running with the land; PROVIDED, that the parking space requirement may change with a change in use of the property, in which case the City's requirements for on-site parking at the time of the change of use shall be enforced.

Section 11. Entire Agreement: The terms of this Agreement represent the entire agreement between the parties hereto. The prior agreement, dated April 1, 1996, shall no longer be valid, but shall be deemed terminated upon EVH's closing on the purchase of the Kathleen Property.

Section 12. Agreement Void: The parties agree that this Agreement shall be void ab initio should EVH fail to purchase the Kathleen Property.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this agreement on behalf of said City, the City Clerk has affixed the seal of said City hereto, and EVH has caused the same to be signed by its President, attested by its Secretary, and its seal to be affixed hereto, the day and year first above written.

CITY OF COEUR D'ALENE,  
KOOTENAI COUNTY, IDAHO

EVH, LLC

\_\_\_\_\_  
Steve Widmyer, Mayor

By: \_\_\_\_\_  
Managing Member

ATTEST:

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

By: \_\_\_\_\_  
Its Secretary



38880

W. Kathleen Ave

3830

3802

Resolution No. 18-029

2,206,493.090 2,365,342.847 Feet

Exhibit 1A

3818

3850

3820

3858

PARKING LOT EASEMENT LEGAL DESCRIPTION  
(CITY TO THE CREDIT UNION)

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, STATE OF IDAHO DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN COMMERCE PARK 1ST ADDITION AS SHOWN ON A MAP RECORDED IN BOOK "G" AT PAGE 121 OF PLATS IN THE OFFICE OF THE COUNTY RECORDER, KOOTENAI COUNTY, STATE OF IDAHO;

THENCE, SOUTH 17°54'24" WEST, 37.00 FEET ALONG THE WEST LINE OF SAID LOT 2 TO THE TRUE POINT OF BEGINNING;

THENCE, WEST 74.16 FEET;

THENCE, SOUTH 17°58'53" WEST, 198.60 FEET;

THENCE, SOUTH 72°01'07" EAST, 60.00 FEET;

THENCE, NORTH 17°58'53" EAST, 192.84 FEET;

THENCE, EAST 11.12 FEET; TO THE WEST LINE OF SAID LOT 1;

THENCE, NORTH 17°54'24" EAST, 25.22 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, CONTAINING 12,767 SQUARE FEET.

THE BEARINGS ON THIS DESCRIPTION ARE BASED ON THE IDAHO STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD 83.

EXHIBIT "A"

LEGAL DESCRIPTION FOR CREDIT UNION PARKING LOT EASEMENT:

**CITY COUNCIL  
STAFF REPORT**

**DATE:** May 15, 2018  
**FROM:** Troy Tymesen, City Administrator  
**SUBJECT:** Limited Parking Space Code Amendments

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**DECISION POINT:** Should the City Council approve amendments to Municipal Code § 10.24.030, Additional Parking Restrictions, that clarify how long a vehicle is prohibited from parking within 300 feet of a two-hour parking space once it has first parked in that space, and what is meant by “parked continuously” outside the limited time parking zone?

**HISTORY:** The City has a two-hour parking zone in the downtown area. The current Code provides that once a vehicle is parked in a two-hour space, it may not remain parked there for more than two hours or park within three hundred feet of that space after the expiration of two hours until the next day. The time limitation is enforced by means of an electronic license plate reader which records a time stamp when a plate is read. Our system cannot determine when a vehicle actually leaves its original space. Instead, it records a violation whenever a vehicle is found parked within three hundred feet of where it was initially parked after two hours from first contact. A common complaint is that a vehicle operator will park for less than two hours, leave the area, and then return to the same space or a space within three hundred feet of the original space on the same day. Although they have not parked for more than two consecutive hours in one space, they are subject to receiving a parking ticket.

Outside the limited time parking zone, a vehicle cannot be parked in the same block for more than twenty-four hours. This presents a serious inconvenience for home owners who do not have off-street parking.

**FINANCIAL ANALYSIS:** There will be no cost to the City except for an undetermined, but slight, reduction in parking fine revenue.

**PERFORMANCE ANALYSIS:** The amendments would take into consideration the unavoidable limitations of our parking enforcement system while assuring, to the greatest degree possible, that visitors, business owners, and employees are not abusing the limited time parking zone to the detriment of others seeking downtown parking. This is accomplished by modifying the three hundred foot rule so that a vehicle operator may occupy a parking space within three hundred feet of the original space after the initial two-hour period plus an additional three hours. Further, the amendments provide relief to home owners outside the limited time zone. This is accomplished by providing that outside the limited time parking zone a vehicle will not be considered to have been “continuously parked” in a block if it is moved from that block for at least one hour each day.

**DECISION POINT/RECOMMENDATION:** Council should approve amendments to Municipal Code § 10.24.030, Additional Parking Restrictions, that clarify how long a vehicle cannot park within 300 feet of a two-hour parking space once it has first parked in that space and when a vehicle is deemed to have been “parked continuously” outside the limited time parking zone.





ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 18-1009

AN ORDINANCE AMENDING SECTION 10.24.030 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO CLARIFY LIMITED TIME PARKING REQUIREMENTS AND THE REQUIREMENT FOR MOVING VEHICLES OUTSIDE THE LIMITED TIME PARKING ZONE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, upon recommendation of the Parking Commission, 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 10.24.030 of the Municipal Code of the City of Coeur d'Alene be amended follows:*

- A. Two Hour Parking Spaces: ~~Once the two (2) hour limit has expired on a two (2) hour parking space, no owner or operator of the vehicle which occupied that two (2) hour space shall park within three hundred feet (300') of that same parking space.~~ No owner or occupier of a vehicle shall occupy a two-hour parking space for more than two hours and, once the vehicle has parked, the owner or occupier of a vehicle may not occupy a two-hour space within three hundred feet (300') of that space for at least three hours after the expiration of initial two hour period, regardless of how long the vehicle may have been parked in the space.
- B. Parking Spaces Without The Two Hour Time Limit: No vehicle shall be parked continuously at the same location or combination of locations within the same block on any public street or alley in the city for more than twenty four (24) hours. "Block" shall be defined as a segment of a street bounded by successive cross streets, intersection of a street, street rights of way, parks, undeveloped acreage, unsubdivided acreage, railroad rights of way or a combination thereof. A vehicle shall not be considered to have been parked continuously if it is moved from the block for a period of at least one (1) hour. The burden shall be on the owner or operator of the vehicle to demonstrate by a preponderance of the evidence that the vehicle was moved as required. The statement of the owner or operator alone shall be insufficient to meet this burden of proof.

**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, under 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 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 May 15, 2018.*

APPROVED, ADOPTED and SIGNED this 15<sup>th</sup> day of May, 2018.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending Section 10.24.030 of the Coeur d'Alene Municipal

AN ORDINANCE AMENDING SECTION 10.24.030 OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO CLARIFY LIMITED TIME PARKING REQUIREMENTS AND THE REQUIREMENT FOR MOVING VEHICLES OUTSIDE THE LIMITED TIME PARKING ZONE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE. 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.

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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 10.24.030 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 15<sup>th</sup> day of May, 2018.

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Randall R. Adams, Chief Civil Deputy City Attorney

**CITY COUNCIL STAFF REPORT**

**DATE:** May 15, 2018  
**FROM:** Mike Gridley – City Attorney  
**SUBJECT:** Approval of a Memorandum of Understanding between the City of Coeur d’Alene and River’s Edge Apartments, LLC

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**DECISION POINT:**

Should the City Council approve a Memorandum of Understanding (MOU) with River’s Edge Apartments, LLC (RE) outlining a proposal for the exchange of former BNSF railroad right of way owned by the City for property owned by RE?

**HISTORY:**

The City’s land subject to this MOU was purchased from BNSF Railway and bisects property formerly owned by Washington Trust and now owned by RE. RE also owns land that adjoins the northern edge of the Atlas Waterfront property that the City has purchased. The City and RE have been in discussions about a mutually beneficial land exchange that would result in the City acquiring RE’s property that adjoins the Atlas Waterfront property in addition to an easement for a public trail, greenspace and waterfront access along the Spokane River. For its portion of the exchange the City would give RE the City owned right of way that bisects RE’s property and would support RE’s proposal to increase density and height limits on the property. The City and RE properties are both approximately the same size.

**FINANCIAL ANALYSIS:**

There is no cost to the City for this MOU. If the proposed exchange takes place there will be costs associated with the construction of the trail and greenspace.

**PERFORMANCE ANALYSIS:**

The MOU provides a framework for continued negotiations towards a mutually beneficial land exchange and mutually beneficial public and private development. All development proposals must go through normal approval procedures, including approval by the Planning Commission and City Council. If the parties to the MOU ultimately cannot agree to consummate the exchange then the MOU would be cancelled.

**DECISION POINT/RECOMMENDATION:**

City Council may choose to approve the MOU with River’s Edge Apartments, LLC.

RESOLUTION NO. 18-030

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH RIVER'S EDGE APARTMENTS, LLC, SETTING OUT OVERARCHING AND GENERAL PRINCIPLES IN CONTEMPLATION OF A FUTURE TRANSACTION AND AGREEMENT INVOLVING THE EXCHANGE AND DEVELOPMENT OF CERTAIN PARCELS OF REAL PROPERTY IN THE CITY OF COEUR D'ALENE.

WHEREAS, it is recommended that the City of Coeur d'Alene enter into a Memorandum of Understanding with River's Edge Apartments, LLC, setting out overarching and general principles in contemplation of a future transaction and agreement involving the exchange and development of certain parcels of real property in the City of Coeur d'Alene, pursuant to terms and conditions set forth in the Memorandum of Understanding, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter such agreement;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a Memorandum of Understanding with River's Edge Apartments, LLC in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said Memorandum of Understanding to the extent the substantive provisions of the Memorandum of Understanding remain intact.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized to execute such Memorandum of Understanding on behalf of the City.

DATED this 15<sup>th</sup> day of May, 2018.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted \_\_\_\_\_

COUNCIL MEMBER MCEVERS Voted \_\_\_\_\_

COUNCIL MEMBER MILLER Voted \_\_\_\_\_

COUNCIL MEMBER ENGLISH Voted \_\_\_\_\_

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

COUNCIL MEMBER EDINGER Voted \_\_\_\_\_

\_\_\_\_\_ was absent. Motion \_\_\_\_\_.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF COEUR D'ALENE AND RIVER'S EDGE  
APARTMENTS, LLC**

**I. Introduction.**

This memorandum sets forth proposed general and overarching principles, assumptions, statements of intention, and possible future terms; is solely for discussion; is intended to foster development and coordination of similar expectations between and amongst the parties in the hopes of developing a binding contract; is subject to the execution of specific, definitive, binding documents relating to an arrangement; and, imposes no obligation or liability on any Party, unless expressly stated elsewhere herein. In addition, no Party is under any obligation to enter any arrangement with any other Party. Where this Memorandum contemplates a future agreement on any term or terms, any such agreement shall be in writing.

**II. General Principles.**

A. The Parties confirm that the following overarching and general principles, assumptions, statements of intention, and possible future terms (collectively referred to as “**Terms**”) reflect the Parties’ mutual understanding of a possible transaction or transactions by which they plan to exchange and develop parcels of real property, and cooperate to create a strategy or plan to advance their individual private interests and the public welfare.

B. Whether or not the Parties enter any other, or further, agreement, partnership, joint venture or arrangement of any type, scope or purpose they currently anticipate the following terms will become part of such future Arrangements.

**III. Recitals.**

The parties to this Memorandum of Understanding (“**Parties**”) are the city of Coeur d’Alene (“**City**”) and River’s Edge Apartments, LLC (“**RE**”).

Whereas the City desires to develop a pedestrian and bicycle path and public green space and water access along the Spokane River as well as beneficially develop the former Atlas Mill site; and,

Whereas the City Comprehensive plan calls out as a goal the protection and development of public access to the Spokane River; and,

Whereas the City has acquired the BNSF railroad right of way that bisects the approximately 23acre property owned by River’s Edge (“**RE 23 Acre Parcel**”), approximately 3 acres of which railroad right-of-way is bounded by the RE 23 Acre Parcel (“**City Exchange Property**”); and,

Whereas the City has contracted to acquire the 47 acre former Atlas Mill site property owned by Bad Axe, LLC that includes waterfront property on the Spokane River; and,

Whereas the RE 23 Acre Parcel is waterfront property along the Spokane River adjacent to the former BNSF railroad right of way and west of the Bad Axe LLC property; and,

Whereas RE owns a 3+/- acre triangle piece of property along Seltice Road that is adjacent to the Bad Axe, LLC property (“**RE Exchange Property**”); and,

Whereas RE desires to combine the RE 23 Acre Parcel with the City Exchange Property and develop and construct residential housing on the combined property if a mutually agreeable land exchange with the City can be accomplished;

Whereas the Parties have had preliminary discussions about exchanging property to achieve each party’s goals and for their mutual benefit;

Whereas the Parties acknowledge that for a land exchange to occur (“**Transaction**”) it must go through a public hearing process and be approved by City Council;

Whereas the Parties acknowledge that for RE to develop its project as it desires it will need to participate in public hearings and obtain approval from the Coeur d’Alene Planning Commission and/or Coeur d’Alene City Council.

#### **IV. Terms and Conditions.**

Now therefore the Parties mutually agree as follows:

1. The City will accept and diligently and in good faith process RE’s updated Subdivision/PUD applications for RE’s 23 Acre Parcel;
2. The City will accept and support, and diligently and in good faith process a one-year extension of the Special Use Permit for the RE Exchange Property to allow for further negotiations between the Parties regarding the Transaction;
3. The City will start and diligently and in good faith pursue the Transaction for an exchange of the City Exchange Property for the RE Exchange Property and a permanent trail/greenbelt/public open space easement approximately 40’ wide from the summer pool along the Spokane River on the RE 23 Acre Parcel the exact location of which shall be determined during the entitlement process;
4. RE will file, and the City will accept and diligently and in good faith process, an application for a special use permit/PUD to request increased density on the RE 23 Acre Parcel and the City Exchange Property going from C17 to R34;



5. The City will cooperate with and support RE's application for a special use permit/PUD to allow for increased density and a 75' height limit on building structures which are stepped back from the public space;
6. The City will join with RE in amending the Annexation Agreement encumbering the RE 23 Acre Parcel to incorporate changes and additions necessary or advisable in connection with the Transaction. The Parties agree to and hereby do toll the application of all statutes of limitation to all claims, if any, based upon the said Annexation Agreement
7. The Parties agree that the consummation of any exchange of property and granting of easement is contingent upon RE obtaining the increased density it seeks;
8. The City will purchase the Bad Axe LLC property by or before May 16, 2018;
9. The City and RE will negotiate in good faith to design and build, , a waterfront trail/greenbelt within the 40' from the summer pool along the Spokane river. RE will set back its buildings 80' from said summer pool; RE shall pay the cost of the actual trail and the City shall bear the cost of all other improvements to the trail/greenbelt. Re intends to landscape the north edge of the 40' behind the trail at its expense.
10. City and RE will negotiate in good faith to consummate the Transaction and achieve a mutually beneficial land exchange using all resources and available third-parties to create benefits for both Parties;
11. City and RE will cooperate in working with ignite CDA, the Idaho Department of Lands, the Idaho Department of Environment and any other affected public or private entities to help the Parties achieve their mutual goals;
12. After all necessary steps have been successfully taken, including all approvals following public input and hearings, the City will transfer and convey to RE the City Exchange Parcel in exchange for the RE Exchange Parcel and a permanent trail/greenbelt easement along the Spokane River on the RE 23 Acre Parcel. City and RE acknowledge and agree that RE intends to maintain ownership of the waterfront along the Spokane River and to build and maintain private docks. The City and RE further acknowledge and agree that any development by RE along the Spokane River will allow for a public swim area and public access to the river.

This memorandum is intended as an expression of the Parties' goals and mutual understanding regarding the development of land the City is acquiring adjacent to land owned by RE.

This memorandum can be terminated by either Party for any reason by giving thirty (30) day written notice to the other Party.

Signed the 15<sup>th</sup> day of May, 2018.

City of Coeur d'Alene

River's Edge Apartments, LLC

By: \_\_\_\_\_  
Steve Widmyer, Mayor

By: \_\_\_\_\_  
Name:  
Title:

ATTEST:

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

\_\_\_\_\_  
Name:  
Title: