

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.

May 7, 2019

A. CALL TO ORDER/ROLL CALL -

B. INVOCATION: Pastor Pace Hartfield with One Place

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.

E. PRESENTATIONS:

1. Proclamation of Wildfire Community Preparedness Day – May 4, 2019

Accepted by: Bobby Gonder, Fire Inspector

2. 2nd Annual Compost Giveaway

Presented by: Mike Anderson, Wastewater Superintendent

3. Museum of North Idaho Relocation Concept

**Presented by: Jon Mueller, Architects West,
and Julie Gibbs, Museum of North Idaho Board President**

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.)

***ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS

G. ANNOUNCEMENTS

1. City Council

2. Mayor

- a. Appointment of Mary Lee Ryba and Margaret Behrmann to the Arts Commission, and Joshua Gore to the Design Review Commission

H. 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 April 16, 2019 Council Meeting.
- 2. Approval of Bills as Submitted.
- 3. Setting of General Services and Public Works Committees meetings for Monday, May 13, 2019 at 12:00 noon and 4:00 p.m. respectively.
- 4. Setting of a Public Hearing on **June 4, 2019** for the Appeal of the approval of SP-1-19: Located at 215 W. Mill, 1715,1705, 1719 N. Govt Way, 208 W. Davidson; a requested Special Use Permit in the R-17 & C-17L zoning district for an R-34 Density Increase
- 5. Approval of a Cemetery Lot transfer from Leland Baisch to Eveline Baisch for Lots 01, 02, 03; Block 17, Section D of Forest Cemetery

As Recommended by the City Clerk

6. Resolution No. 19-013 -

- a. Approval of an Agreement with Coeur d'Alene BMX Association for use of the Cherry Hill Community Park.

As Recommended by the Parks Director

- b. Approval of an Agreement with Robert Green, Santee Valley Development, LLC for Subdivision Improvements, Final Plat, and Security for SS-18-03, Emery Estates.

As Recommended by the City Engineer

- c. Approval of Quit Claim Deed for a 5' strip of public right-of-way from the City to Ronald J. Ayers for the Fairhart Hills project.

As Recommended by the City Engineer

- d. Acceptance of Grant Deed for public right-of-way and Utility Easement at 1527 E. Latitude Lane from the Aspen Homes and Development, LLC, Todd R. Stam, Member

As Recommended by the City Engineer

I. OTHER BUSINESS:

1. **Resolution No. 19-014** - Declaration of Intent to exchange property with Society of St. Vincent de Paul in Coeur d'Alene, Idaho, Inc., and setting a June 4, 2019 public hearing for the consideration of the exchange of certain parcels of real property known as 102 and 106 East Homestead Ave., and 1516 and 1620 E. Sherman Avenue, in Coeur d'Alene, Idaho.

Staff Report by: Mike Gridley, City Attorney

J. ADJOURN



Coeur d'Alene

CITY COUNCIL MEETING

May 7, 2019

MEMBERS OF THE CITY COUNCIL:
Steve Widmyer, Mayor
Council Members Edinger, English, Evans, Gookin, McEvers, Miller

PRESENTATIONS

PROCLAMATION

WHEREAS, on this day May 4th 2019, Wildfire Community Preparedness Day, we recognize the residents, communities, and neighborhoods at FERNAN HILL and ARMSTRONG PARK who engage in wildfire mitigation activities on this day, as they work together with courageous first responders, legislators, teachers, youth, and others to create communities that are more resilient and safer from loss due to wildfires; and

WHEREAS, let us recognize that each of us can do our part to prepare for wildfire emergencies by taking steps to make effective changes to our landscapes and homes, and better ensure people have the necessary resources and knowledge to help protect themselves from wildfire losses. Together, we can remain strong and resilient if we work together; and

NOW, THEREFORE, I STEVE WIDMYER, Mayor of the City of Coeur d'Alene, Idaho, do hereby proclaim May 4th, 2019 as

"WILDFIRE COMMUNITY PREPAREDNESS DAY"

I encourage all residents to recognize the importance of wildfire prevention efforts and work together to enhance our resilience and readiness

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of Coeur d'Alene to be affixed this 4th day of May, 2019.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk



2nd Annual Free Compost Weekend

April 20 & 21, 2019



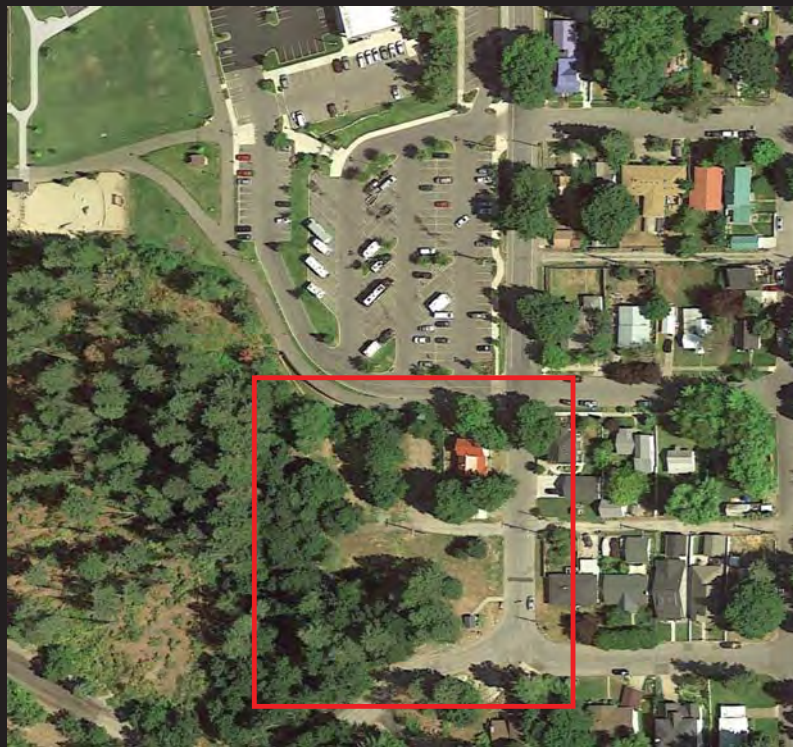
- Residents picked up 200 yards of compost. This is enough for 2 acres of gardens throughout our community.
- Of those surveyed, 75% were trying Coeur d'Alene Green Compost for the first time.
- The City of Cd'A Wastewater Department makes about 20 yards of compost everyday!

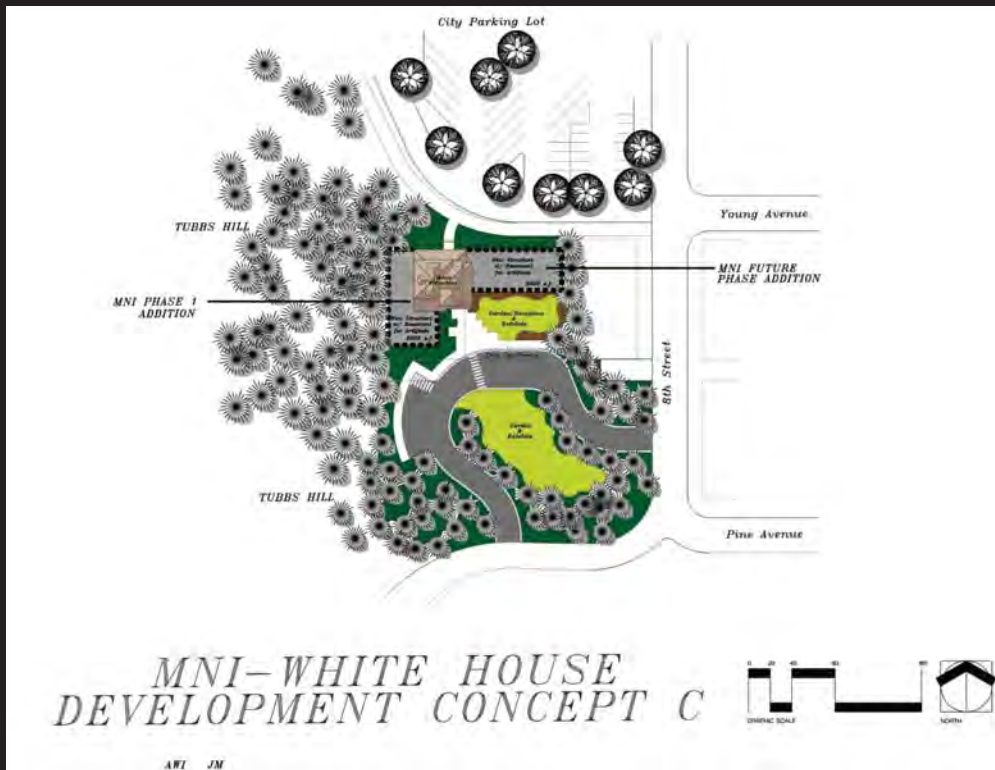


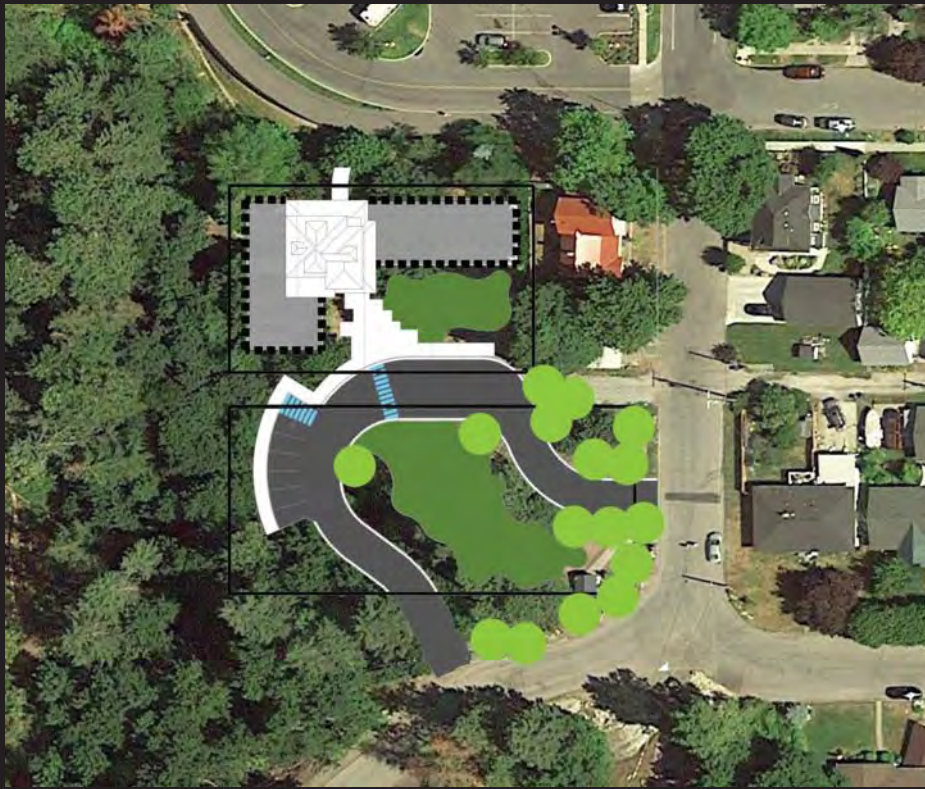
New Compost Building Construction Started

3 new composting bays expected to be online before the end of the year.

















ANNOUNCEMENTS

Memo to Council

DATE: May 2, 2019

RE: Appointments to Boards/Commissions/Committees

The following appointments are presented for your consideration for the May 7th Council Meeting:

MARY LEE RYBA	Arts Commission
MARGARET BEHRMANN	Arts Commission

Copies of the data sheets have been placed by your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director

Memo to Council

DATE: May 2, 2019

RE: Appointments to Boards/Commissions/Committees

The following reappointment is presented for your consideration for the May 7th Council Meeting:

JOSHUA GORE Design Review Commission

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

Sincerely,

Amy Ferguson
Executive Assistant

cc: Renata McLeod, Municipal Services Director
 Hilary Anderson, Community Planning Director

CONSENT CALENDAR

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

APRIL 16, 2019

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, April 16, 2019 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

INVOCATION: Pastor Diego Rodriguez with Crossroads Community Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

FISCAL YEAR 2017-2018 AUDIT PRESENTATION: Toni Hackwith, CPA, with Anderson Bros. CPA, P.A., noted that her firm performed the state-required audit of the City's fiscal year 2017-2018 financial statements. She explained that the purpose of an audit is to issue an opinion on whether the financial statements present fairly, in all material respects, the respective financial position as of a certain date. The audit is also performed to assure that statements conform with GAAP (generally accepted accounting principles) and Governmental GAAP. She noted that three reports are issued at the end of the audit all, of which are an unmodified opinion, which is the best report that that City can get. The reports include the Independent Auditor's Report on Financial Statements; the Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards, and the Independent Auditor's Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by the Uniform Guidance. She noted that they do test internal controls to determine they are in place. She reviewed the City's Statement of Revenues, Expenditures, and Changes in Fund Balances, Budget and Actual, noting that the City received \$1.36 million more revenue than was anticipated. The City also anticipated that it would spend \$1 Million more than it did, which resulted in an overall \$2.36 million positive variance of actual amounts compared with the final budget. She reviewed the fund balance trends over the past five years. Ms. Hackwith noted that fund balance is important to have during those times when a revenue stream is not received on a consistent monthly basis and it can also protect an entity from

unnecessary borrowing. She noted that she is often asked how much an entity should have in their fund balance and said that while there is not a hard and fast rule, the GFOA recommends a minimum of five to fifteen percent (5-15%) of operating revenues, or no less than two months of expenses. They do not set a minimum threshold, as each governmental entity has varying needs. Ms. Hackwith noted that the City's Proprietary Funds have all increased revenues through their charges for services with a \$1.3 Million increase over all funds. She reviewed Water and Wastewater revenues and expenses over the past five years.

Councilmember English asked why the franchise fees had dropped this year. City Administrator Troy Tymesen noted that franchise fees include funds from Avista, so if there is a mild winter the City would receive fewer fees due to lower electric and gas revenues from Avista. Mayor Widmyer thanked City Comptroller Vonnie Jensen and her staff for working with the Auditor and noted that the report shows the City is in sound financial shape. He clarified that the audit was just completed and the City is in the middle of Fiscal Year 2018-2019 and are starting the budget planning for Fiscal Year 2019-2020, which means the financial review is an on-going process.

LHTAC CERTIFICATIONS PRESENTATION OF ROAD MASTER AND ROAD

SCHOLAR: Laila Kral, Deputy Administrator at Local Highway Technical Assistance Council (LHTAC,) explained the Road Scholar program as a program that requires a minimum of 80 hours of instruction with the next level of Road Master receiving another 80 hours of training. She noted that City Heavy Equipment Operator Greg Bauerle has completed the requirements for both the Road Scholar and Road Master programs. Additionally, Field Supervisor Jack Reichert was awarded the Road Scholar Certification. The Mayor and Council congratulated both on their achievements.

Mayor Widmyer noted that there were several members of the City Council who attended the Human Rights Banquet last Friday, and it was a great event and he felt the speaker was fantastic. He also thanked Tony Stewart for his twenty years of planning the annual events.

CONSENT CALENDAR: Motion by McEvers, seconded by Edinger, to approve the Consent Calendar.

1. Approval of Council Minutes for the March 28, 2019 and April 2, 2019 Council Meetings.
2. Approval of Bills as Submitted.
3. Approval of Financial Report.
4. Setting of General Services and Public Works Committees meetings for Monday, April 22, 2019 at 12:00 noon and 4:00 p.m. respectively.
5. Approval of an Outdoor eating facility encroachment permit for 505 Sherman Avenue; Liveforblu Gallery Wine Bar, Cameron Howard-
6. **RESOLUTION NO. 19-011** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED AGREEMENT AND OTHER ACTION OF THE CITY OF COEUR D'ALENE: APPROVAL OF A LOCAL PROFESSIONAL SERVICES AGREEMENT WITH PRECISION ENGINEERING, LLC, FOR SIGNAL IMPROVEMENT; AND DECLARATION AS SURPLUS A MIOX CHLORINE GENERATOR FROM THE

WATER DEPARTMENT AND AUTHORIZATION TO DISPOSE OF THE GENERATOR.

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

RESOLUTION NO. 19-012

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AGREEMENT FOR THE PROVISION OF SCHOOL RESOURCE OFFICERS TO SCHOOL DISTRICT #271 FOR THE DISTRICT'S FISCAL YEARS 2019 -2021.

STAFF REPORT: Captain Dave Hagar explained that the Coeur d'Alene School District has agreed to pay 67% of nine months' salary and benefits of eight (8) School Resource Officers (SRO) to be paid quarterly in equal installments. The average reimbursement for the seven (7) existing officers is \$56,342 per officer. The cost to hire an entry level officer with an average benefit package will be approximately \$96,921.20. The cost to the City to add this additional Officer would be approximately \$40,679.20, which would be a new officer position requested in the next fiscal year Police Department budget. The officer would not need to be hired until August and would only have an impact for the last two months of the current budget year, but the full amount would need to be added to the Police Department's budget for subsequent years. The District has also agreed to pay \$20,000 a year for two years for equipment for the officer. Captain Hagar noted that this partnership with the Coeur d'Alene School District is extremely valuable and demonstrates the City's commitment to keeping our students safe. The added elementary SRO would reduce the workload to four (4) Elementary schools each upon completion of the new Elementary School.

DISCUSSION: Councilmember Miller asked if the Department would be moving an officer from the field to the school, so they would have experience. Captain Hagar clarified this would be an additional position to the Department, and confirmed that they would move an existing officer to the school, to ensure that they have experience with juvenile crimes and have approximately 2-5 years of experience. Mayor Widmyer noted that this is a great partnership and kids' safety is very important.

MOTION: Motion by Edinger, seconded by Evans, to approve **Resolution No. 19-012**, an Agreement with School District 271 for Fiscal Year 2019-2020 School Resource Officer and police vehicle funding.

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

PUBLIC HEARING: A-1-19: A PROPOSED 4.6-ACRE ANNEXATION FROM COUNTY COMMERCIAL TO R-17 ZONING DISTRICT; LOCATION: 7725 N. RAMSEY ROAD; APPLICANT: TED BURNSIDE

STAFF REPORT: Associate Planner Tami Stroud explained that the applicant Ted Burnside is requesting annexation of 4.6 acres zoned from County Commercial to City R-17 (Residential 17 units/acre) zoning on the property located at 7725 Ramsey Road. Ms. Stroud noted that the reasons for the request are to construct a future multi-family dwelling complex between two parcels being discussed tonight. She noted that R-17 is intended as a medium/high density residential district and allows for multi-family dwelling units within the city limits. Ms. Stroud noted that there are four findings required for this annexation as follows: that the request is or is not in conformance with the Comprehensive Plan; that public facilities and utilities are or are not available and adequate for the proposed use; that the physical characteristics of the site do or do not make it an acceptable request at this time; and that the proposal would or would not adversely affect the surrounding neighborhood. She presented the surrounding zoning, land uses, and applicable Comprehensive Plan objectives and provided staff input regarding the finding categories including traffic.

DISCUSSION: Councilmember McEvers questioned the amount of traffic on Ramsey Road and if the City can condition how many access points will be added to Ramsey Road. City Engineer Chris Bosley noted that the developer would provide their proposal to the City for review and that the Fire Department has regulations for multiple access points if there are more than 30 units. Mr. Bosley noted that with less than 50 trips anticipated, he does not see a need for any conditions.

PUBLIC TESTIMONY: The Mayor opened public comment and the City Clerk swore in all those that provided testimony.

APPLICANT: Drew Dittman, Lake City Engineering, Inc., spoke on behalf of the applicant, noting that the annexation is approximately 4.6 acres and is currently zoned County Commercial and they are asking for City R-17. He reviewed the area zoning noting other R-17 and C-17 parcels abutting the subject property. Mr. Dittman noted that this parcel will provide connectivity to a parcel currently being developed, which would give multiple points of access. He said that he believes the project meets all the Findings needed to approve the annexation. He has been in touch with the School District and one of their issues is connectivity and they have asked for pedestrian paths and the developer has agreed to provide that as best they can.

DISCUSSION: Councilmember English asked if trees from the tree farm can be relocated. Mr. Dittman clarified that they would have to be removed if they develop the parcel and is not sure if they can be moved and/or relocated. Councilmember McEvers asked if there is there a plan to provide a buffer to the R-8 zoned neighbors. Mr. Dittman noted that there are landscape buffers required and the developer would agree to build two stories in that area versus the allowable three-story buildings. He noted that the property is currently zoned commercial in the County and they could currently build 45' tall buildings. Councilmember Miller asked if the developer had considered the R-8 zoning. Mr. Dittman explained that they developer wanted to build a larger project to flow with the other property abutting this parcel that is currently zoned R-17 and believes it is a great location for higher density.

PUBLIC TESTIMONY:

Melissa Jessen, Coeur d'Alene, spoke in opposition of the annexation with the R-17 zoning designation, as the neighborhood is quiet and she felt that with the addition of 16 acres of apartments it will bring too much traffic. She believes apartments bring in transient living and will bring in crime. Additionally, the apartment complex buildings will be taller than existing residential homes. She believes increased traffic will occur on Alps Avenue and that turning north on Ramsey Road from Alps Avenue is already difficult and this increased traffic will make it impossible. Additionally, this development will cause maintenance and snow removal will cost the city. She noted the April 12 School District letter to the City and urged the City to consider the impact to the school and the strain on their budgets. She requested the Council to reconsider the zoning of the two lots being proposed for R-17 tonight.

Rosie Folk, Coeur d'Alene, requested the setback be conditioned to be larger abutting the R-8 residential zone. City Attorney Mike Gridley noted that a setback can be negotiated with the developer. Ms. Stroud noted that the standard side yard setback is 10' and 20' on the rear yard, and noted that the current R-9 residents have an existing 25' rear yard setback. Councilmember Miller asked if the R-8 zone allows for some multifamily. Ms. Stroud explained that the R-17 zone is the only zone that allows for multi-family. Councilmember Miller asked how the buffer zones would work with the setback. Ms. Stroud noted that a 10' foot buffer is not required when it is a residential use abutting a residential use and that the building would have a 10' side yard setback.

REBUTTAL: Mr. Dittman said that he appreciated the comments regarding traffic. He noted that Alps Avenue is a residential street that will eventually tie into the Coeur d'Alene Place development and will have multiple access points. There is a traffic signal planned for Ramsey Road and Wilbur Avenue which will help with the traffic flow. He clarified that he disagrees with the comments regarding safety and crime as there are statistics that are contrary to that belief. He noted that due to the privacy concerns the developer would be willing to limit apartments that adjoin the Providence 20 development to two-stories and it can be a condition to annexation. Councilmember Miller asked if the developer plans to connect traffic through all the parcels. Mr. Dittman confirmed that they would connect the parcels as one project with multiple access points to Ramsey Road and some on Alps Avenue and they would like as many access points as possible. Mr. Gridley noted that the Annexation Agreement would be binding on any subsequent land purchaser. Councilmember Evans asked if the path to the new school needs to be added as a condition. Mr. Dittman noted that would be applicable to the project as a whole, not this one parcel. Mr. Gridley suggested the path be discussed in the annexation agreement negotiations.

The Mayor closed public testimony.

MOTION: Motion by Evans, seconded by McEvers to approve **A-1-19:** A proposed 4.6-acre annexation from County Commercial to R-17 zoning district; Location: 7725 N. Ramsey Road; Applicant: Ted Burnside, to direct staff to negotiate an annexation agreement to include the conditions of apartments to be no taller than 2-stories on the side of the property abutting the residential neighborhood, as well as a 20' set back on the side that abuts the residential

neighborhood and to work with the School District to negotiate a pathway to the school property from the development, and to develop the necessary Findings and Order.

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

**PUBLIC HEARING: ZC-1-19: A PROPOSED ZONE CHANGE FROM R-3 TO R-17;
LOCATION: 1781 W. ALPS STREET; APPLICANT: TAMMI KERR**

STAFF REPORT: Associate Planner Tami Stroud presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. She noted that the subject property was annexed into the City in July of 2005 and is approximately 4.9 acres. The applicant has indicated that they would like to complete a multi-family unit project connected to existing parcels. She noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

PUBLIC COMMENT: Mayor Widmyer opened public comments and the City Clerk swore them in.

APPLICANT: Drew Dittman with Lake City Engineering represented the owners and developers. He referenced the parcel as abutting Alps Avenue, explaining that it would be the developer's intent to connect their abutting parcels to make one large project. He reiterated that the developer is willing to extend the condition for two story buildings and a 20' set back with a treed buffer abutting the abutting Providence 20 development.

DISCUSSION: Councilmember McEvers noted that there was compromise provided by the developer and that he has lived in apartments and does not think they are bad people. He believes the density is right for the area, and that it took a while to be developed. Councilmember Miller appreciates the compromises and commented that it demonstrates the developer's willingness to work with the neighborhood and wondered if the Council was being short-sited in not placing the conditions on the western property line.

PUBLIC TESTIMONY: The Mayor called for additional public comment, and with none being heard, closed public testimony.

MOTION: Motion by McEvers, seconded by Evans to approve ZC-1-19: A proposed zone change from R-3 to R-17; Location: 1781 W. Alps Street; with the conditions to include the apartments to be no taller than 2-stories on the side of the property abutting the residential neighborhood, as well as a 20' set back on the side that abuts the residential neighborhood and to work with the School District to negotiate a pathway to the school property from the development, and to make the necessary Findings and Order.

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

PUBLIC HEARING: ZC-2-19: A PROPOSED ZONE CHANGE FROM MH-8 TO R-17; LOCATION: 601 W. NEIDER AVENUE; APPLICANT: HABITAT FOR HUMANITY OF NORTH IDAHO, INC.

STAFF REPORT: Senior Planner Sean Holm presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. He noted that subject property is approximately 0.82 acres and is currently vacant land, previously owned by the City's Water Utility. This area is envisioned as a commercial corridor with adjacent multi-family uses and will maintain a mix of the housing types that currently exist. Mr. Holm demonstrated many zone change requests in the area demonstrating the area of transition. Additionally, he demonstrated that the building envelope is unique to this site. He noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. Mr. Holm commented that the Planning Commission unanimously voted to approve the zone change.

DISCUSSION: Councilmember McEvers asked about the Neider Avenue traffic capacity, and if the development would get egress onto Neider Avenue. Mr. Bosley noted that they could come out to Fruitland Avenue, as well as Neider Avenue and he had no concerns either way.

PUBLIC COMMENT: Mayor Widmyer opened public comments, and the City Clerk swore them in.

APPLICANT: James Casper, Executive Director of Habitat for Humanity of North Idaho, noted that they are a non-profit with the purpose of creating affordable housing. They use volunteer labor, use donated material, and provide deeds to homes. He noted that there are many challenges to affordable housing. The current build at 1625 Hastings is appraised at \$224,000, which means that no matter how you build, the affordability has gone away due to market demands. He noted that only three single family lots would be available to be created. The higher density zoning would provide a more efficient use of space and allow them to make a multi-family development, which provide access and efficiency of design. They are going to propose four single story units and one separate unit for a total five. This development would provide long term affordability, and would include a land trust to retain ownership of land to help with appreciation of land value. They will include a method of shared equity with the unit owner. He reiterated that this will be a one-story development.

DISCUSSION: Councilmember McEvers asked what Habitat would consider affordable. Mr. Casper explained that it is basically a method of providing an affordable monthly payment,

usually around \$500 or less per month. These units may be different as it is more of a condo arrangement and they may have a little increase due to forced savings for maintenance.

Bob Shaw, Hayden, noted that he is in favor of the project and his only concern is that he has the mobile home park next door to the driveway area into this proposed development. He is concerned that when they come in on Fruitland Drive it would be noisy to those units and the headlights from cars would shine lights in those homes, and he requested a fence buffer be required.

Mr. Holm noted that it is a residential use abutting a residential use, so there is no requirement for a buffer zone, so it would be an issue between the two private property owners. Councilmember McEvers asked why there is no fence all the way across the property. Mr. Shaw noted that the property was never developed so the mobile home park felt there was no need for a fence.

Lorain Shaw, Hayden, said that she is concerned with lights coming into the bedrooms facing the driveway and that is why the city put in the block fence at the Neider Avenue corner. She noted that her preference is that the development access off of Neider Avenue.

DISCUSSION: Mayor Widmyer noted that on that lot there would be a 25' backyard setback required. Mr. Holm clarified that there are three frontages so there are multiple scenarios that could play out depending on the frontage proposed for the development. Councilmember McEvers noted that he has an issue with the gap in the fence and that the mobile home park has had 30 years, yet the property owner did not fill in the gap. Additionally, there has always been access off of Fruitland Avenue, and it was apparent that it was always going to be an access point. Councilmember McEvers said that he feels that this is a great project and he thinks the gap should be worked out but does not feel it should be a condition of the zone change and will support the motion to approve.

REBUTTAL: Mr. Casper noted that Habitat is agreeable to try to be a good neighbor and they do build standard fences that can be hand constructed, usually in wood. However, they would need to determine at the end of the project if they have funding and would not like to be forced to put a fence there.

MOTION: Motion by Edinger, seconded by McEvers to approve **ZC-2-19:** A proposed zone change from MH-8 to R-17; Location: 601 W. Neider Avenue; Applicant: Habitat for Humanity of North Idaho, Inc., and to make the necessary Findings and Order.

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

EXECUTIVE SESSION: Motion by Evans, seconded by Miller to enter into Executive Session pursuant to Idaho Code 74-206 (c) To acquire an interest in real property which is not owned by a public agency, and (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

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

The City Council entered into Executive Session at 8:03 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Council returned to regular session at 8:22 p.m.

MOTION: Motion by English, seconded by Miller to approve the land purchase agreement with Rodell Investments, LLC for property located at 824 N. 3rd Street. **Motion carried.**

MOTION: Motion by McEvers, seconded by Miller to approve the Settlement Agreement with Virginia L. Tate. **Motion carried.**

ADJOURNMENT: Motion by Edinger, seconded by Evans, that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:24 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC, City Clerk

DATE: APRIL 23, 2019
TO: MAYOR AND CITY COUNCIL
FROM: PLANNING DEPARTMENT
RE: SETTING OF PUBLIC HEARING DATE: JUNE 4, 2019

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>
SP-1-19	Requested Appeal Applicant: Ben Widmyer Location: 215 W. Mill, 1715,1705 1719 N. Govt Way, 208 W. Davidson Request: An R-34 Density Increase special use Permit in the R-17 & C-17L zoning district.	Recommended Approval	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **June 4, 2019**

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services, Kelley Setters 4.9.19
Department Name / Employee Name / Date
Request made by: EVELINE BAISCH 509 443 6144
Name / Phone
PO Box 4931 Spokane Wa 99220
Address

The request is for: / / Repurchase of Lot(s)
 / Transfer of Lot(s) from Leland F. Baisch to _____

Niche(s): _____
Lot(s): 01, 02, 03, _____, _____, _____. Block: 17 Section: D

Lot(s) are located in Forest Cemetery / / Forest Cemetery Annex (Riverview).

Copy of / / Deed or / / Certificate of Sale must be attached.

Person making request is / / Owner / / Executor* / / Other* _____

*If "executor" or "other", affidaviats of authorization must be attached.

Title transfer fee (\$ 40.00) attached**.

**Request will not be processed without receipt of fee. Cashier Receipt No.: _____

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.

Accountant Signature

CEMETERY SUPERVISOR shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant: / / Yes / / No
2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:

3. The purchase price of the Lot(s) when sold to the owner of record was \$ _____ per lot.

Supervisor's Init. Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: / / Yes / / No.

Person making request is authorized to execute the claim: _____
Attorney Init. Date

I certify that all requirements for the transfer/sale/repurchase of cemetery lot(s) have been met and recommend that that transaction be completed.

City Clerk's Signature Date

COUNCIL ACTION

Council approved transfer/sale/repurchase of above-referenced Lot(s) in regular session on: _____
Mo./ Day /Yr.

CEMETERY SUPERVISOR shall complete the following:

Change of ownership noted/recorded in the Book of Deeds: / / Yes / / No
Cemetery copy filed / /; original and support documents returned to City Clerk / /

Cemetery Supervisor's Signature Date

Distribution: Original to City Clerk
Yellow copy Finance Dept.
Pink copy to Cemetery Dept.

RESOLUTION NO. 19-013

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED AGREEMENTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING: AN AGREEMENT WITH COEUR D'ALENE BMX ASSOCIATION FOR THE USE OF THE CHERRY HILL COMMUNITY PARK; AN AGREEMENT WITH ROBERT GREEN, SANTEE VALLEY DEVELOPMENT, LLC, FOR SUBDIVISION IMPROVEMENTS AND FINAL PLAT, AND APPROVAL OF SECURITY FOR SUBDIVISION IMPROVEMENTS; A QUIT CLAIM DEED FOR A FIVE FOOT STRIP OF PUBLIC RIGHT-OF-WAY TO RONALD AYERS; AND ACCEPTANCE OF A QUIT CLAIM FOR PUBLIC RIGHT-OF-WAY AND A UTILITY EASEMENT FROM ASPEN HOMES AND DEVELOPMENT, LLC.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the agreements and take the other actions listed below, pursuant to the terms and conditions set forth in the agreements, and other action documents attached hereto as Exhibits "A" through "D" and by reference made a part hereof as summarized as follows:

- A) Approval of an Agreement with Coeur d'Alene BMX Association for use of the Cherry Hill community park;
- B) Approval of an Agreement with Robert Green, Santee Valley Development, LLC for Subdivision Improvements and Final Plat, and Approval of Security for SS-18-03, Emery Estates;
- C) Approval of Quit Claim Deed for a 5' strip of public right-of-way from the City to Ronald J. Ayers for the Fairhart Hills project; and
- D) Acceptance of Grant Deed for public right-of-way and Utility Easement at 1527 E. Latitude Lane from the Aspen Homes and Development, LLC, Todd R. Stam, Member; 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 enter into agreements and take the other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A" through "D" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements and the other actions, so long as the substantive provisions of the agreements and the other actions remain intact.

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

DATED this 7th day of May, 2019.

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 07, 2019
From: Bill Greenwood, Parks & Recreation Director
SUBJECT: RENEWAL OF BMX ASSOCIATION AGREEMENT

DECISION POINT:

The BMX Association agreement is up for three year renewal. Recommendation is to renew the agreement.

HISTORY:

The BMX Association was a major contributor to the BMX Track at Cherry Hill. They provided the equipment, labor and most of the material to construct the track. The Association has also been the main contributor to maintaining the track and preparing for event use. The track has been in place for 12 years and has been very successful in engaging youth in the sport of BMX bicycling.

FINANCIAL ANALYSIS:

The BMX Association is saving us a lot of costs with regard to maintaining the track since they do the vast majority of the work. They will continue to do the maintenance of the track which also includes litter and debris removal within the vicinity of the track.

PERFORMANCE ANALYSIS:

Attached is the agreement that spells out the responsibilities and expectations of the BMX Association and the city. The renewal will be subject to the same terms and conditions as the prior agreements.

DECISION POINT:

Renew the agreement for three more years with the option for an additional three year renewal provided that everything runs smoothly with BMX Association's responsibilities.

AGREEMENT

AN AGREEMENT, entered into the 7th day of May, 2019 between the **CITY OF COEUR D' ALENE**, a municipal corporation organized pursuant to the laws of the state of Idaho, hereinafter referred to as "City," and the **COEUR D'ALENE BMX ASSOCIATION**, a nonprofit corporation, organized pursuant to the laws of Idaho, hereinafter referred to as the "Association" is hereby amended.

W I T N E S S E T H:

WHEREAS, City owns property abutting 15th Street and Hazel Avenue, commonly referred to as the Cherry Hill Community Park; and

WHEREAS, the active Cherry Hill Community Park includes a BMX track which the Association desires to use; and

WHEREAS, the Coeur d'Alene BMX Association has committed money and in kind services to help develop the Cherry Hill Community Park; and

WHEREAS, the parties now desire to enter into an agreement.

NOW, THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

1. Term: The term of this agreement shall run from April 1, 2019 to April 1, 2022. The Parks and Recreation Commission, in its sole discretion, may recommend to the City that a second three-year agreement with the Association be negotiated with the City and that such negotiations would begin in November 2021.

2. Site: The BMX Track is more particularly described in Exhibit "A," attached hereto and by this reference incorporated herein.

3. Maintenance: Coeur d'Alene BMX Association will prepare and maintain BMX Track at the Cherry Hill Community Park.

4. Admission Costs and Fees: That all events at Cherry Hill Community Park will be open to the general public and no admission fee will be charged by the Association for admission to events at Cherry Hill Community Park without permission from the Parks Director, except as set forth in paragraph 13 below entitled "Set Aside of Park."

5. Clean-up of Site: All trash and debris generated by any event, practice or race held at the BMX Track at Cherry Hill Community Park shall be removed and properly disposed of by the Association. Miscellaneous items such as chairs and equipment must be removed from the

site after each event, practice or race. No structures or vehicles will be allowed to remain on site other than those identified in this agreement.

6. Storage Facility: A 12' x 20' storage facility will be allowed at the site for tools and supplies to be used by the Coeur d'Alene BMX Association. The design and placement of the storage facility will be made by the Coeur d'Alene Parks Director. Cost of the storage facility and amenities will be borne by the Association, including any permits that may be required.

7. Concessions: The Coeur d'Alene BMX Association may bring in a mobile concession for races or events, including vendors with items specific to the event. The Coeur d'Alene Parks Director will approve the design and placement. All permits must be obtained and paid for by the Association.

8. Improvements: Any improvements set forth in to this Agreement, shall be paid solely by the Association, no additional improvements shall be installed without prior written approval from the Parks Director.

9. Use of Track: The Coeur d'Alene BMX Association shall submit a schedule to the Coeur d'Alene Parks Director for approval at least two months prior to the beginning of the season. The City of Coeur d'Alene shall have priority use.

10. Proprietary Interest: The Association will have no proprietary interest in the improvements undertaken by the Association at Cherry Hill Community Park.

11. Fencing: No additional fencing will be installed other than portable fences for races or events. Portable fences cannot be installed sooner than twenty-four (24) hours before a race or events and must be removed within twenty-four (24) hours after a race or event.

12. Portable Fencing: That the location, fence material, and method of installation of the portable fences must be approved by the Parks Director, and said installation shall be done by the Association at the Association's sole expense unless the City agrees to install the portable fencing for a fee.

13. Set Aside of BMX Track: The Cherry Hill BMX Track may, at the City's discretion, be set aside for the Association for race and event purposes in consideration of fee described in section 4.

14. Use of Park: The Cherry Hill BMX Track shall not be exclusively used for BMX races or events and the City may schedule other activities there.

15. Loudspeakers: Any use of loudspeakers must conform to Municipal Code 5.24.030.

16. Hold Harmless: The Association shall indemnify, defend, and hold the City harmless for any claim or cause of action that may arise as a result of the Association's use,

construction, and/or maintenance of the improvements by the Association. Additionally, the Association hereby agrees to hold the City, its elected and appointed officials, employees and agents, harmless from any and all claims that may arise in any manner whatsoever from the events surrounding and including use of the active Cherry Hill Community Park by the BMX Association, its sponsor's, players, and fans. To this end, the Association shall provide liability insurance naming the City as an additional insured in the amount of Five Hundred Thousand Dollars (\$500,000) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants. A certificate of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policy shall be filed with the office of the City Clerk prior on or before execution of this agreement, which the certificate must be approved by the City Attorney.

17. Compliance with Law: That the parties will abide by all the laws, ordinances, regulations, and policies of the City, the state of Idaho, or the federal government that may apply in regard to the use, construction, and/or maintenance of the improvements, and including but not limited to bidding and public works contracting laws.

18. Termination/Default: In the event the Association fails, neglects, or refuses to perform any covenant or condition required of the Association herein, that City may terminate this Agreement, retaining any and all payments made by the Association as liquidated damages, or the City may, at its option, enforce the specific performance of the terms hereof, or may take such recourse that is available in law or in equity.

19. Section Headings: The section headings of this Agreement are for clarity in reading and not intended to limit or expand the contents of the respective sections to which they appertain.

20. Attorney's fee: Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court cost and reasonable attorney fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination, or forfeiture of this Agreement.

21. Choice of Law/Jurisdiction: This Agreement shall be governed and interpreted in accord with the laws of the state of Idaho. Jurisdiction for resolution of disputes arising from performance of this Agreement shall rest with the courts of the state of Idaho. Venue shall lie in Kootenai County.

22. Entire Agreement: This Agreement constitutes the entire agreement between the parties hereto, and may not be modified except by an instrument in writing signed by the parties hereto.

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

CITY OF COEUR D' ALENE
KOOTENAI COUNTY, IDAHO

COEUR D' ALENE
BMX ASSOCIATION

By: _____
Steve Widmyer, Mayor

By: _____
President

Printed Name

By: _____
Renata McLeod, City Clerk

By: _____

Printed Name

EXHIBIT "A"



CITY COUNCIL STAFF REPORT

DATE: May 7, 2019
FROM: Dennis Grant, Engineering Project Manager
SUBJECT: **SS-18-03, Emery Estates: Final Plat, Subdivision Improvement Agreement & Security Approval**

DECISION POINT

Staff is requesting the following:

1. City Council approval of the final plat document, a three (3) lot residential subdivision.
2. City Council approval of the furnished subdivision improvement agreement and security.

HISTORY

- a. Applicant: Robert Green, Member
Santee Valley Development, LLC
9541 Mandeville Road
Santee, CA 92071
- b. Location: North side of Montana Avenue at West ROW of I-90
- c. Previous Action:
 1. Preliminary plat approval, March 15, 2018

FINANCIAL ANALYSIS

The developer is furnishing security in the amount of \$1,050.00 which covers the outstanding cost of the uninstalled infrastructure installation that is required for this development.

PERFORMANCE ANALYSIS

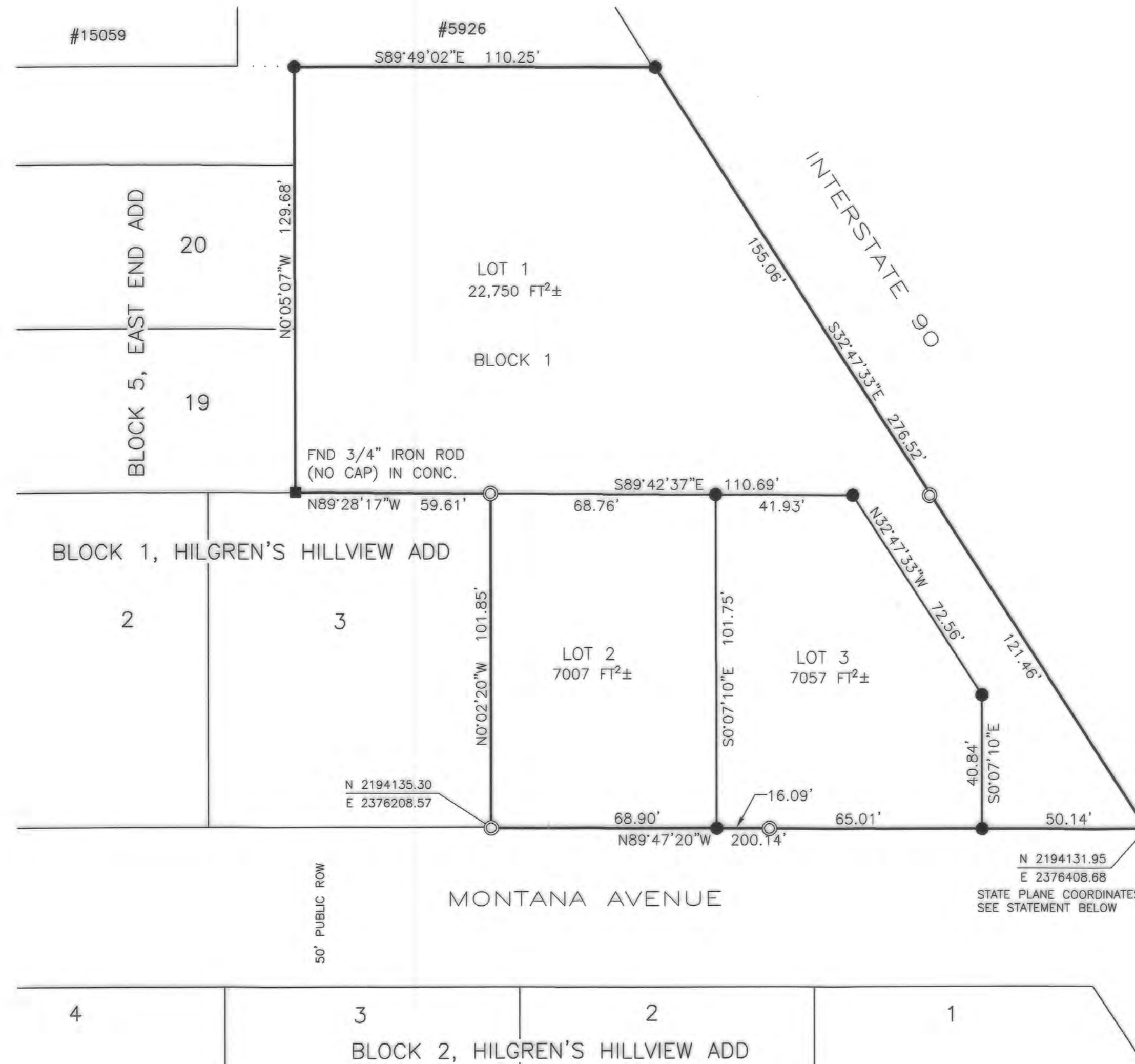
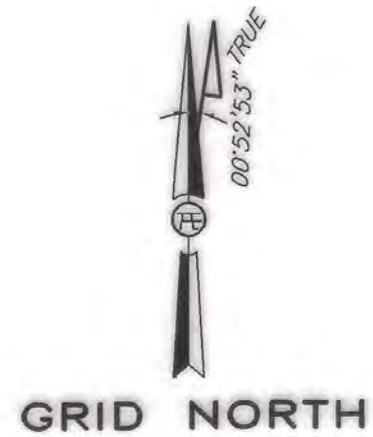
The developer has completed the necessary subdivision agreement and is bonding for the outstanding infrastructure items (installation of an approach and partial driveway) in order to receive final plat approval. The installation of the agreement and security enables the developer to receive final plat approval and sell platted lots, however, occupancies will not be allowed until all infrastructure installation has been completed, and, the improvements accepted by the City. The developer has stated that all infrastructure installations will be complete by June 1, 2019.

DECISION POINT RECOMMENDATION

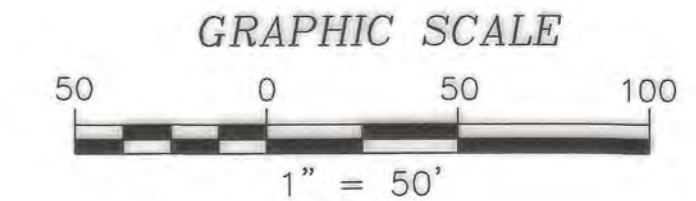
1. Approve the subdivision improvement agreement and security.
2. Approve the final plat document.

EMERY ESTATES

LOTS 1, 4, AND 5, BLOCK 1 OF HILGREN'S HILLVIEW ADDITION
AND A PORTION OF VACATED BOYD AVENUE SITUATED IN THE
NORTHWEST 1/4 OF SEC. 18, TWP. 50 N., R. 3 W., B.M.,
COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.



VICINITY MAP
(NOT TO SCALE)



LEGEND

- SET 5/8" BY 24" IRON ROD W/PLASTIC CAP MKD PLS 4565
- FD. 1/2" IRON ROD - NO CAP - REPLACED WITH 5/8 BY 24" W/PLASTIC CAP MKD PLS 4565
- ◎ FD. 3/4" IRON PIPE

SURVEY METHODS

GPS - TRIMBLE R10 W/GNSS USING RTK WITH
2 MEASUREMENTS AT EACH POSITION
CONVENTIONAL-TRAVERSES WITH TOPCON GTS 235
INST.

RECORD DRAWINGS

NUMBER	TYPE	BOOK	PAGE	DATE	BY
(R1)	PLAT - HILGREN'S ADD	BK. D	PG. 90	1956	SONIVILLE
(R2)	RECORD OF SURVEY	BK. 3	PG. 17	1981	SMITH
(R3)	RECORD OF SURVEY	BK. 19	PG. 160	1997	DUNSMORE

STATE PLANE COORDINATES

COORDINATES SHOWN ARE BASED ON PUBLISHED COORDINATES FOR THE CITY OF COEUR D'ALENE GPS CORNERS FOR THE NORTHWEST CORNER OF SECTION 18. N2196120.18, E2374714.82 (GRID) NAD83-1992 ADJUSTMENT. CAF 1.0000991. CONVERGENCE ANGLE = 0°52'53"

SURVEY NOTES

1. DIMENSIONS SHOWN ARE US SURVEY FEET.

BASIS OF BEARING

THE BASIS OF BEARING IS THE IDAHO WEST ZONE STATE PLANE - NAD 1983
BASED ON GPS OBSERVATION AT N 2194750.886, E 2374674.522 (GRID COORD)
GRID CONVERGENCE ANGLE -0°44'44", CAF 0.99991589.



A	Tate Engineering, Inc. 1625 North 4th Street, Ste. 204 Coeur d'Alene, Idaho, 83814 (208) 676-8708 e-mail: info@tate-eng.com		
	PROJECT #: 17.167	DATE: 12/17	SCALE: 1" = 50'
DRAWING: 17.167PLAT	CHECKED: EMW	DRAWN BY: emw	PAGE 1 OF 1

EMERY ESTATES

BOOK _____ PAGE _____
No. _____

LOTS 1, 4, AND 5, BLOCK 1, OF HILGREN'S HILLVIEW ADDITION
AND A PORTION OF VACATED BOYD AVENUE SITUATED IN THE
NORTHWEST 1/4 OF SEC. 18, TWP. 50 N., R. 3 W., B.M.,
COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS that Santee Valley Development, LLC is the owner of the property hereinafter described and intends to include said property in this platting.

Lots 1, 4 and 5, Block 1 of Hilgren's Hillview Addition (recorded in Book D of Plats at Page 90, Records of Kootenai County, Idaho) and a portion of vacated Boyd Avenue right of way all situated in the Northwest 1/4 of Section 18, Township 50 North, Range 3 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho, described as follows.

Commencing at a found iron pipe monumenting the Southwest Corner of said Lot 4, said point being the REAL POINT OF BEGINNING.

thence along the westerly line of said Lot 4 North 0°02'20" West a distance of 101.85 feet to a found iron pipe monumenting the Northwest Corner of said Lot 4;
thence leaving said westerly line along the southerly line of said Lot 1 North 89°28'17" West a distance of 59.61 feet to a found iron rod;
thence leaving said southerly line along the westerly line of said Lot 1 and it's northerly extension thereof North 0°05'07" West a distance of 129.68 feet to a set iron rod on the center line of said vacated Boyd Avenue right of way;
thence leaving said northerly projection along said center line South 89°49'02" East a distance of 110.25 feet to a set iron rod on the westerly right of way of U.S. Interstate 90;
thence leaving said center line along said westerly right of way South 32°47'33" East a distance of 276.52 feet to a found iron rod (replaced with a set iron rod);
thence leaving said westerly right of way along the northerly right of way of Montana Avenue, as shown on said plat, North 89°47'20" West a distance of 200.14 feet to the REAL POINT OF BEGINNING.

Comprising 0.845 acres, more or less.

Water and sewer service will be provided by the City of Coeur d'Alene.


SANTÉE VALLEY DEVELOPMENT, LLC
by Robert Green, Member

ACKNOWLEDGMENT

State of California }
County of San Diego } ss.

This record was acknowledged before me on 02/28/2019 by Robert Green as a Member of Santee Valley Development, LLC.




Kathryn Freeman
Notary Public
My Commission Expires 04/22/2021

COUNTY SURVEYOR

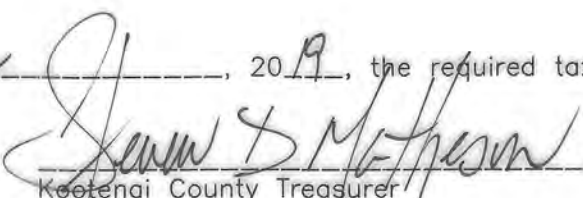
I hereby certify that on this _____ day of _____, 20____, I have examined this Plat of EMERY ESTATES and approved the same for filing.

Kootenai County Surveyor



COUNTY TREASURER

I hereby certify that on this 24th day of April, 2019, the required taxes on the herein platted land have been paid through December 31, 2018.


Jennifer S. McPherson
Kootenai County Treasurer

COUNTY RECORDER

I hereby certify that this Plat of EMERY ESTATES was filed for record in the office of the Recorder of Kootenai County, Idaho at the request of _____ this _____ day of _____, 20____, and was duly recorded in Plat Book _____, at Pages ____ and ____ as Instrument Number _____.

By: _____ Deputy Clerk Fee: _____
Kootenai County Recorder - Jim Brannon

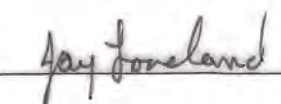
SURVEYOR'S CERTIFICATE

I, Ernest M. Warner, do hereby certify that I am a Registered Professional Land Surveyor, licensed by the State of Idaho and that this plat of EMERY ESTATES, as shown hereon, was prepared from an actual survey made on the ground under my supervision and accurately represents the points platted hereon, and is in conformity with the State of Idaho Code relating to plats and surveys.


ERNEST M. WARNER, P.L.S.  Feb 25, 2019
REG. NO. 4565

HEALTH DISTRICT APPROVAL

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on Division of Environmental Quality review and acceptance of the record drawings and the conditions imposed on the developer for continued satisfaction of sanitary restrictions. Water and sewer lines have been completed and services certified as available. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Date: 3-19-19 Health District Signature: 

CITY OF COEUR D'ALENE


This plat has been examined by the Coeur d'Alene City Council and is hereby approved for filing this _____ day of _____, 20____.

Clerk - City of Coeur d'Alene

CITY ENGINEER

I hereby certify this _____ day of _____, 20____, that I have examined this subdivision plat and approve the same for filing.

Engineer - City of Coeur d'Alene

				Tate Engineering, Inc. 1625 North 4th Street, Ste. 204 Coeur d'Alene, Idaho, 83814 (208) 676-8708 e-mail: info@tate-eng.com	
				PROJECT #: 17.167	DATE: 12/17
DRAWING: 17.167PLAT	CHECKED: EMW	DRAWN BY: emw			

AGREEMENT TO PERFORM SUBDIVISION WORK

Emery Estates [SS-18-03]

THIS AGREEMENT made this 7th day of May, 2019 between Robert Green, Santee Valley Development, LLC, whose address is 9541 Mandeville Road, Santee, CA 92071, hereinafter referred to as the "**Developer**," and the city of Coeur d'Alene, a municipal corporation and political subdivision of the state of Idaho, whose address is City Hall, 710 E. Mullan Avenue, Coeur d'Alene, ID 83814, hereinafter referred to as the "**City**";

WHEREAS, the City has approved, subject to completion of the required improvements, the subdivision plat of Emery Estates, a three (3) lot, residential development in Coeur d'Alene, situated in the Northwest ¼ of Section 18, Township 50 North, Range 3 West, B.M., Kootenai County, Idaho; NOW, THEREFORE,

IT IS AGREED AS FOLLOWS:

The Developer agrees to complete the following public improvements: Install a driveway approach on the Southside of Montana Avenue to be completed on or before the 1st day of June, 2019. Said improvements are more particularly described on the submitted estimate of probable construction costs dated April 15, 2019 attached as Exhibit "A", compiled by Robert M. Tate, PE, #6896 of Tate Engineering, PC, whose address is 1625 N. 4th Street, Ste. 204, Coeur d'Alene, ID 83814.

The Developer, prior to recording the plat, shall deliver to the City, security in the amount of One Thousand Fifty and No/100 Dollars (\$1,050.00) which is the cost required for securing the obligation of the Developer to complete the subdivision improvements referred to herein. Should the Developer noted herein fail to complete the improvements within the time herein provided, the City may utilize the funds to complete or have the improvements completed. In the event the City completes the improvements as a result of the Developer's default, the Developer shall be responsible for any costs that exceed the installed security for the public improvements noted herein.

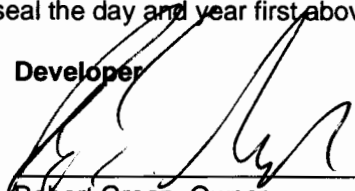
The Parties further agree that the City has utilized substantial staff time to prepare this agreement, which will benefit the Developer. The Parties further agree the City should be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee should be in the amount of Twenty Five and No/100 Dollars (\$25.00).

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

City of Coeur d'Alene

Steve Widmyer, Mayor

Developer



Robert Green, Owner

ATTEST:

Renata McLeod, City Clerk

EXHIBIT 'A'



Tate Eng. & LS PLLC
417 E Indiana
Coeur d'Alene, ID 83814
208-676-8708

April 15, 2019

Robert Green
Santee Valley Development

RE: Review of Sidewalk Construction Emery Estates

Dear Mr. Green ,

We have reviewed the sidewalk construction at the Emery Estates project and found that there are 18 panels that do not meet the maximum cross slope of 2.0%. Most of these are on the east end of the project. These will need to be replaced with panels that meet the requirements.

The estimated cost to replace is as follows:

Item	Description	Quantity	Unit	Unit Cost	Total	
X	Remove and Replace Sidewalk	120	lf	\$ 9.00	\$ 1,080.00	
X	Remove and Replace Approach Curb	80	lf	\$ 8.00	\$ 640.00	
X	Patch Asphalt	80	lf	\$ 7.00	\$ 560.00	
4	Driveway Approach (Southside)	1	ls	\$ 700.00	\$ 700.00	
Total Estimated Cost					\$ 2,980.00	\$700.00
Total Bond Amount (150%)					\$ 4,470.00	\$1050.00

It is estimated the project would be complete by June 1, 2019.

The general contractor is:

www.tate-engineering.com ◊ phone 208.676.8708
417 E. Indiana ◊ Coeur d'Alene ◊ Idaho ◊ 83814



Tate Eng. & LS PLLC
417 E Indiana
Coeur d'Alene, ID 83814
208-676-8708

Brad Klika

Primetime Construction and Excavation Inc

3125 E. Lancaster Rd

Hayden Id 83835

Phone 208 818 6900

primetimeconex@gmail.com

Thank you and if you have any further questions please call.

Sincerely,

Robert M. Tate PE
Tate Eng & LS PLLC



www.tate-engineering.com ♦ phone 208.676.8708
417 E. Indiana ♦ Coeur d'Alene ♦ Idaho ♦ 83814

CITY COUNCIL STAFF REPORT

DATE: May 7, 2019
FROM: Dennis J. Grant, Engineering Project Manager
SUBJECT: **Approval of Quit Claim Deed for a 5' strip of public right-of-way on the Fairhart Hills Project.**

DECISION POINT

Staff is requesting the City Council to approve the Quit Claim Deed for a 5' strip of public right-of-way from the City of Coeur d'Alene to Ronald J. Ayers, an unmarried man, for the Fairhart Hills Project.

FINANCIAL ANALYSIS

There will be no cost to the City for this grant of right-of-way.

PERFORMANCE ANALYSIS

During the County's review of the Fairhart Plat, they noted that there is a 5' strip of right-of-way that bisects the property (see attached map) along the east side of the vacated North Street. The right-of-way was deeded to the City of Coeur d'Alene in 1990 via a Grant Deed recorded as Instrument No. 1190170 (also attached). The title report lists the adjoining property to the east as being owner by Ronald J. Ayers, an unmarried man. With North Street being vacated, it would suggest that this strip is unnecessary for public use and may have been overlooked at the time of the vacation. Attached is the Grant Deed for approval. The signed agreement will allow the project to continue to move forward.

RECOMMENDATION

Staff recommends the approval of the Quit Claim Deed for a 5' strip of public right-of-way from the City of Coeur d'Alene to Ronald J. Ayers, an unmarried man, for the Fairhart Hill Project.

KNOW ALL ME BY THESE PRESENTS, that MILES D. OTOUPAL and MARILYN J. OTOUPAL, husband and wife, whose address is 17833 3rd Place S.W., Seattle, WA 98166, GRANTORS, for and in consideration of the value received One (\$1.00) Dollar and good and other valuable consideration in hand paid by the City of Coeur d'Alene, Kootenai County, State of Idaho, receipt of which is acknowledged do hereby grant, quitclaim and convey unto the CITY OF COEUR D'ALENE, Kootenai County, State of Idaho, a municipal corporation, the GRANTEE, whose address is 710 Mullan Avenue, Coeur d'Alene, Idaho, 83814, its successors and assigns, the following described property to wit:

The West 5.0 feet of the East 50.0 feet of Lot 14; also, the North 5.0 feet of the East 50.0 feet of Lot 14, the North 5.0 feet of Lots 15 and 16; also, the South 5.0 feet of the East 50.0 feet of Lot 14, the South 5.0 feet of lots 15 and 16, all being in Block 15 of the East LaCrosse Addition, recorded in Book B of Plats, Page 119, records of Kootenai County, Idaho.

TO HAVE AND TO HOLD such property for public purposes, the GRANTORS do hereby dedicate their interest in said strip of land for public use. Said Grant to be appurtenant to and shall run with the land and be binding on the heirs and assigns of the Grantors.

IN WITNESS WHEREOF, the GRANTORS have caused this instrument to be executed this 4th day of January, 1990.

Miles D. Otoupal
MILES D. OTOUPAL, Grantor

Marilyn J. Otoupal
MARILYN J. OTOUPAL, Grantor

STATE OF WASHINGTON)
County of King) ss.

On the 4 day of January, 1990, before me, a Notary Public, personally appeared Miles D. Otoupal and Marilyn J. Otoupal, husband and wife, known or identified to me to be the individuals who executed the foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.



William E. Harris
Notary Public in and for the
State of Washington
Residing at: Seattle
My Commission expires: 9-25-91

GRANT DEED: 89/OTOUPAL

STATE OF IDAHO }
COUNTY OF KOOTENAI } SS
City of C.D.A.
JUL 31 2 23 PM '90
D. Kaestner
DEPUTY
FEES 3.00

Exhibit "A"

Client: Miller-Stauffer Architects
Description: 5' Right of Way
Date: April 4, 2019

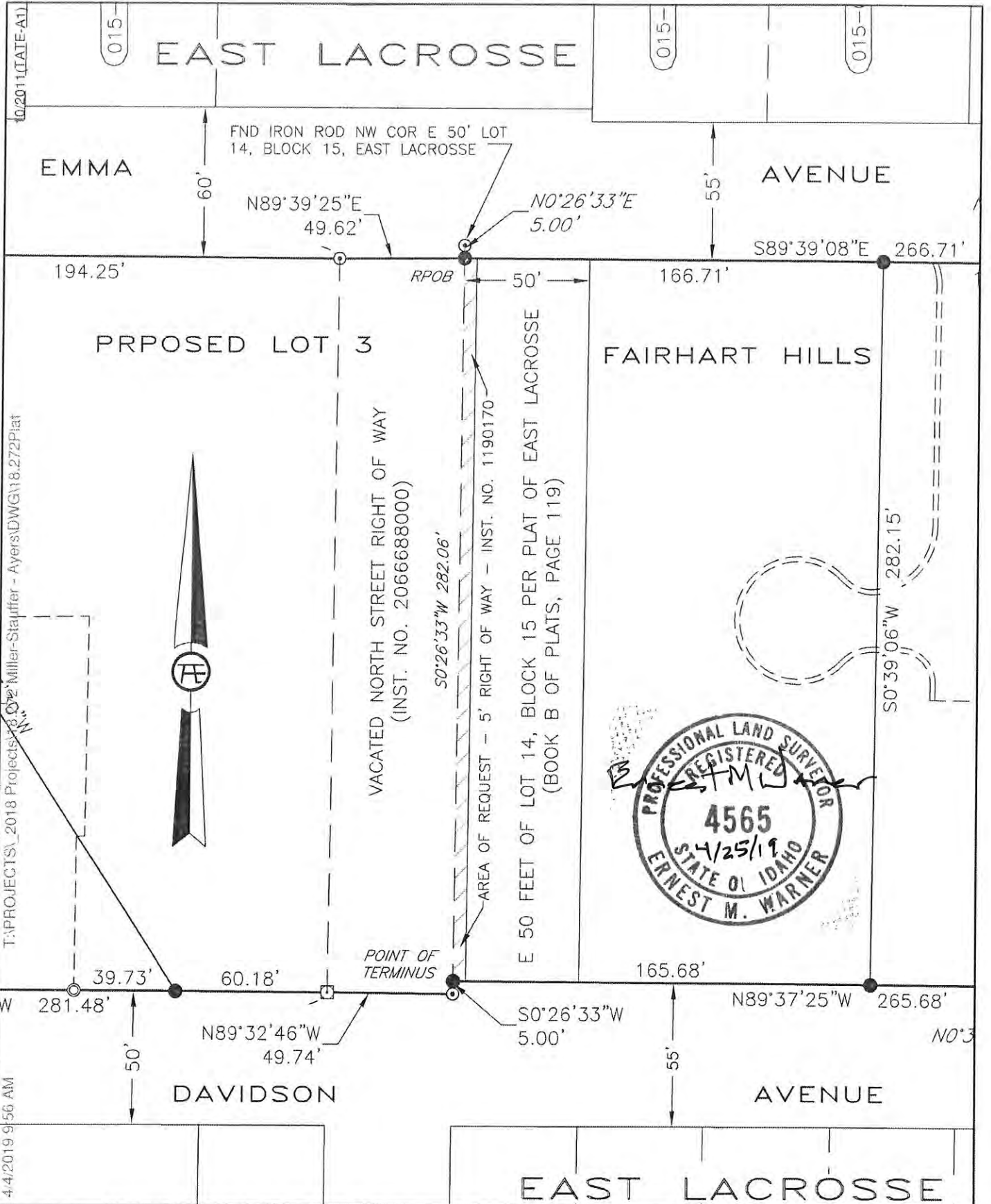
A portion of a 5.00 foot wide strip of land described in Grant Deed recorded as Instrument Number 1190170, Records of Kootenai County, Idaho, being a portion of the West 5.0 feet of the East 50.0 feet of Lot 14, Block 15 of the plat of East LaCrosse (recorded in Book B of Plats at Page 119, records of Kootenai County, Idaho) situated in the Southwest 1/4 of Section 11, Township 50 North, Range 4 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho, the westerly line of said 5.0 foot strip being described as follows.

Commencing at a found iron rod monumenting the Northwest Corner of the East 50.0 feet of said Lot 14, thence along the westerly line of the East 50.0 feet of said Lot 14 South $0^{\circ}26'33''$ West a distance of 5.00 feet to a point on the southerly right of way of Emma Avenue, said point being the REAL POINT OF BEGINNING.

thence continuing along said westerly line South $0^{\circ}26'33''$ West a distance of 282.06 feet to a point on the northerly right of way of Davidson Avenue, said point being the POINT OF TERMINUS of this description.

The easterly line of said 5.00 foot strip being shortened or lengthened so as to begin on the southerly right of way of said Emma Avenue and to terminate on the northerly right of way of said Davidson Avenue.





T:\PROJECTS\2018 Projects\302 Miller-Stauffler - Ayers\DWG\18.272Plat

4/4/2019 9:56 AM

FAIRHART HILLS - 5' RIGHT OF WAY EXHIBIT SW 1/4 SEC. 11, TWP. 50 N., RNG. 4 W., B.M.,		
PROJECT NO. : 18.272	DRAWN BY: amw	SCALE: 1"=40'
	CHECKED BY: EMW	DATE: 4/4/19
SHEET NO.: 1	DRAWING: 18.272PLAT	

AE

Tate Engineering, Inc.
1625 North 4th Street, Ste. 204
Coeur d'Alene, Idaho, 83814
(208) 676-8708 e-mail: info@tate-eng.com

CITY COUNCIL STAFF REPORT

DATE: May 7, 2019
FROM: Dennis J. Grant, Engineering Project Manager
SUBJECT: **Approval of Grant Deed for Public Right-of-Way and Utility Easement at the 1527 E. Latitude Lane Project.**

DECISION POINT

Staff is requesting the City Council to approve the Grant Deed for public Right-of-Way and Utility Easement from the Aspen Homes and Development, LLC, Todd R. Stam, Member, at the 1527 E. Latitude Lane Project.

FINANCIAL ANALYSIS

There will be no cost to the City for this grant of Right-of-Way and Utility Easement.

PERFORMANCE ANALYSIS

The City of Coeur d'Alene needs the Right-of-Way and Easement for the 15th Street Project Phase 2. Attached is the Grant Deed and the Utility Easement for approval. The signed agreement will allow the project to continue to move forward.

RECOMMENDATION

Staff recommends the approval of the Grant Deed for public Right-of-Way and Utility Easement from the Aspen Homes and Development, LLC, Todd R. Stam, Member, at the 1527 E. Latitude Lane Project.

**GRANT DEED
FOR RIGHT-OF-WAY PURPOSES
AND
UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Aspen Homes and Development, LLC, a Limited Liability Company, whose address is 1831 N. Lakewood Drive, Coeur d'Alene, Idaho 83814, with Todd R. Stam, Member, herein called GRANTOR, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, paid by the City of Coeur d'Alene, whose address is City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Kootenai County, State of Idaho, receipt of which is acknowledged, does hereby grant, quitclaim and convey a portion of real property ("Tract A"), and does hereby grant an easement over other real property ("Tract B"), unto the CITY OF COEUR D'ALENE, a municipal corporation and political subdivision of the State of Idaho, duly organized and existing pursuant to the laws of the State of Idaho, the GRANTEE, whose address is City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814-3958, its successors and assigns, described as follow and located in Kootenai County, to wit:

See attached Exhibit "A" incorporated herein.

TO HAVE AND TO HOLD Tract A for public right-of-way purposes and incidents thereto, the GRANTOR does hereby dedicate his interest in said strip of land for public use. Said Grant to be appurtenant to and shall run with the land and be binding on the heirs and assigns of the GRANTOR.

Further **TO HAVE AND TO HOLD** Tract B as a utility easement so long as the Grantee shall utilize Tract B for public utilities. Said Grant shall run with the land and be binding on the heirs and assigns of the GRANTOR.

IN WITNESS WHEREOF, the GRANTOR has caused this instrument to be executed this ____ day of May, 2019.

Aspen Homes and Development, LLC

Todd R. Stam, GRANTOR

STATE OF IDAHO)
) SS
COUNTY OF KOOTENAI)

On this _____ day of May, 2019, before me a Notary Public, personally appeared Todd R. Stam, known or identified to me to be a Member of Aspen Homes and Development, LLC, and that he executed the foregoing instrument on its behalf for the uses and purposes therein mentioned, and, acknowledged to me that said Limited Liability Corporation, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at: Coeur d'Alene
My Commission Expires: _____

EXHIBIT "A"

Client: Aspen
Project: 40 foot 15th Street Right of Way
Date: April 4, 2019

"Tract A"

A portion of that particular tract of land described in Warranty Deed recorded as Instrument Number 1153095 (records of Kootenai County, Idaho) situated in the Northwest 1/4 of Section 7, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:

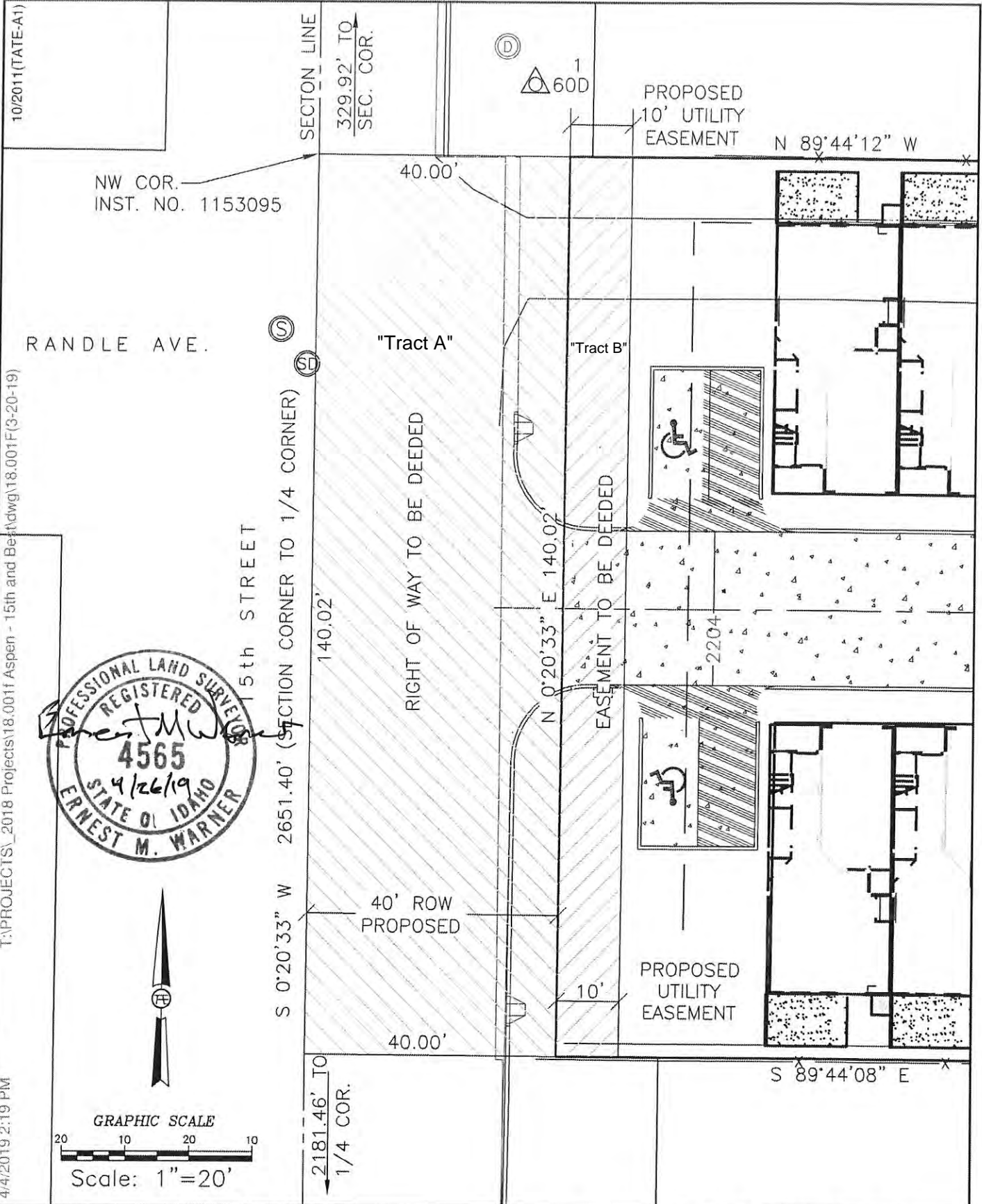
Commencing at the Northwest Corner of said Section 7, thence along the westerly line of said Section 7 South 0°20'38" West a distance of 329.92 feet to the Northwest Corner of said tract (Inst. No. 1153095), said point being the REAL POINT OF BEGINNING.

thence continuing along said westerly line South 0°20'33" West a distance of 140.02 feet to the Southwest Corner of said Instrument No. 1153095;
thence leaving said westerly line along the southerly boundary of said Instrument No. 1153095 South 89°44'08" East a distance of 40.00 feet;
thence leaving said southerly boundary along a line parallel with and 40.00 feet distant from (as measured at right angles) the westerly line of said Section 7 North 0°20'33" East a distance of 140.02 feet to a point on the northerly boundary of said Instrument No. 1153095;
thence leaving said parallel line along said northerly boundary North 89°44'12" West a distance of 40.00 feet to the REAL POINT OF BEGINNING.

"Tract B"

TOGETHER WITH a utility easement, 10 feet in width, the west line of said easement being coincident with the east line of the above-described parcel.





Right of Way Exhibit 15th Street & Best Ave. Apartments		
PROJECT NO. : 18.001F	DRAWN BY: dps	SCALE: Scale: 1"=20'
	CHECKED BY: EMW	DATE: 4/4/19
SHEET NO.: 1	DRAWING: 18.001F(3-20-19)	



Tate Engineering, Inc.
417 East Indiana
Coeur d'Alene, Idaho, 83814
(208) 676-8708 e-mail: info@tate-eng.com

OTHER BUSINESS

**CITY COUNCIL
STAFF REPORT**

DATE: May 7, 2019
FROM: Mike Gridley – City Attorney
SUBJECT: Declaration of intent to exchange real property with the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.

=====

DECISION POINT:

Does the City Council want to declare its intent to exchange real property owned by the City for real property owned by the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.?

HISTORY:

The City owns a land located at 102 and 106 East Homestead in Coeur d’Alene. The Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. own properties located at 1620 East Sherman Avenue and 1516 East Sherman Avenue in Coeur d’Alene. The City and the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. are proposing to exchange these properties for the mutual benefit of each party. The City will also pay Three Hundred Thousand Dollars (\$300,000) to the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. The exchange as proposed is for equal value. The PowerPoint included with this staff report shows the properties that will be exchanged.

FINANCIAL ANALYSIS:

The City will pay Three Hundred Thousand Dollars (\$300,000) in addition to conveying the City owned land. However, the City will receive property equal in value to the City property and the cash paid. The real property exchange is mutually beneficial to both parties.

PERFORMANCE ANALYSIS:

City Council must declare the City’s intent to convey the City’s property to the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. in exchange for the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.’s property and set a public hearing date. The conveyance/exchange of this land is beneficial to the overall development and use of each owner’s property.

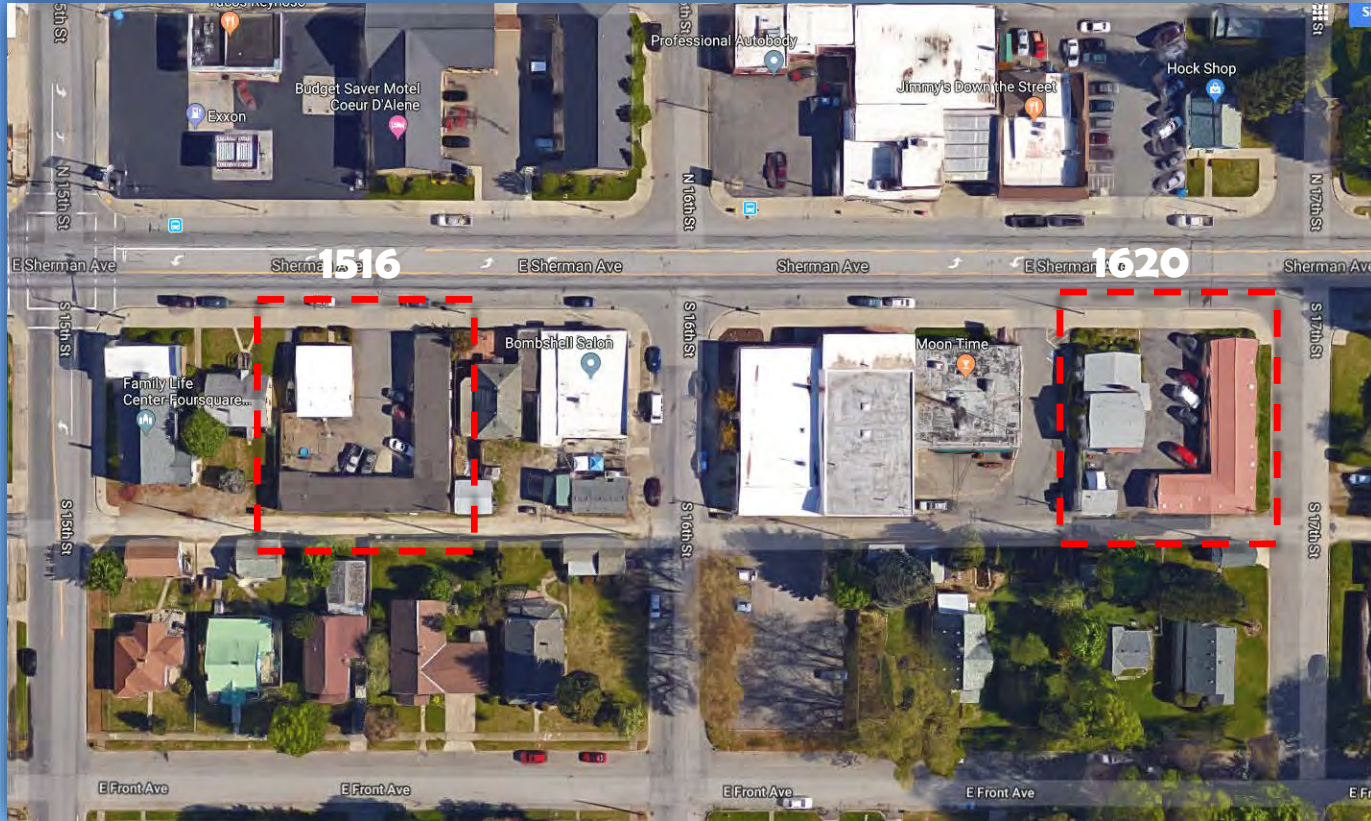
DECISION POINT/RECOMMENDATION:

City Council should declare the City’s intent to convey 102 and 106 East Homestead to the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc. in exchange for the Society of St. Vincent De Paul In the City of Cda, Inc. and the St. Vincent De Paul Salvage Bureau, Inc.’s property located at 1620 East Sherman Avenue and 1516 East Sherman Avenue and set a public hearing date for May 21, 2019 for further consideration of the conveyance/exchange.



City of
Coeur d'Alene
IDAHO

1620 & 1516 E. Sherman Ave



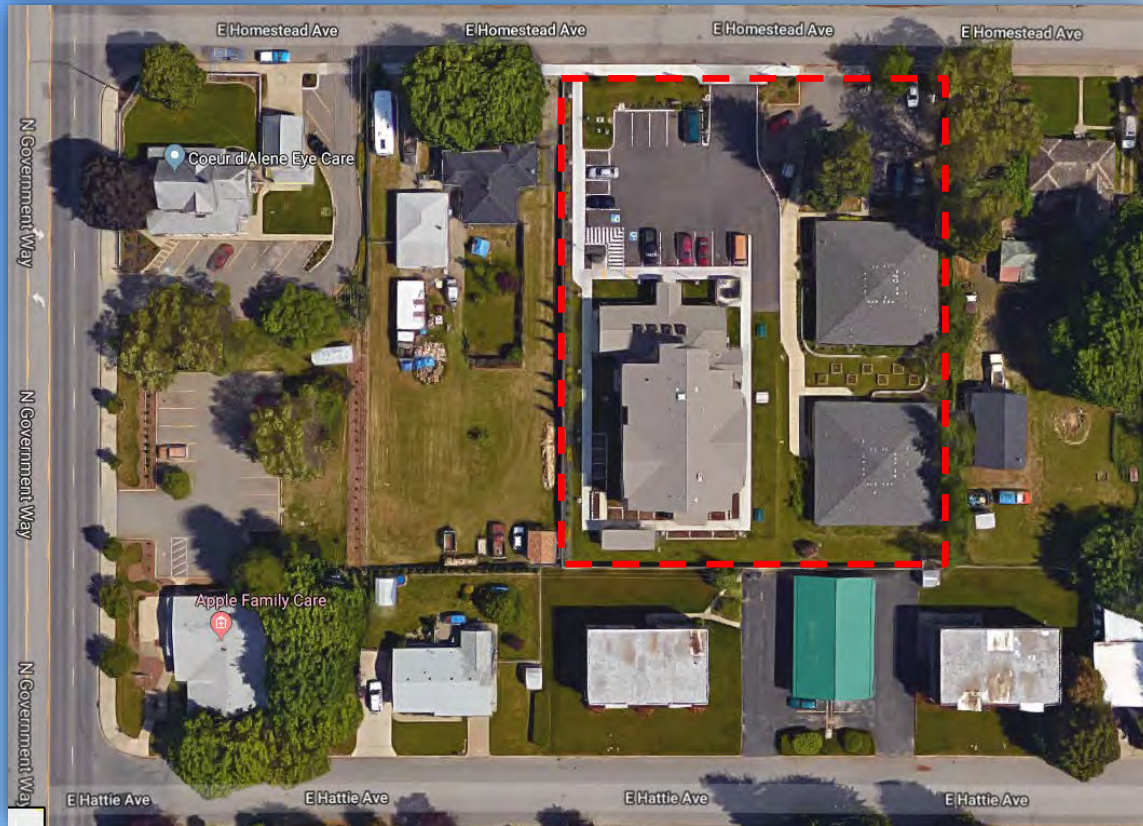
1620 E. Sherman



1516 E. Sherman



102 & 106 E. Homestead



102 & 106 E. Homestead



RESOLUTION NO. 19-014

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING ITS INTENT TO EXCHANGE REAL PROPERTY OWNED BY THE CITY OF COEUR D'ALENE, LOCATED AT 102 AND 106 E. HOMESTEAD AVENUE, COEUR D'ALENE, IDAHO, FOR REAL PROPERTY OWNED BY THE SOCIETY OF ST. VINCENT DE PAUL IN THE CITY OF CDA, INC., AND THE ST. VINCENT DE PAUL SALVAGE BUREAU, INC., LOCATED AT 1516 AND 1620 E. SHERMAN AVENUE, COEUR D'ALENE, IDAHO, AND TO SET A PUBLIC HEARING FOR FURTHER CONSIDERATION OF THE EXCHANGE.

WHEREAS, it is recommended that the City of Coeur d'Alene declare its intent to exchange real property owned by the City of Coeur d'Alene, located at 102 and 106 E. Homestead Avenue, Coeur d'Alene, Idaho, for real property owned by The Society of St. Vincent De Paul in the City of CDA, Inc., and the St. Vincent De Paul Salvage Bureau, Inc., located at 1516 and 1620 E. Sherman Avenue, Coeur d'Alene, Idaho; and

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

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City declares its intent to exchange real property owned by the City of Coeur d'Alene, located at 102 and 106 E. Homestead Avenue, Coeur d'Alene, Idaho, for real property owned by The Society of St. Vincent De Paul in the City of CDA, Inc., and the St. Vincent De Paul Salvage Bureau, Inc., located at 1516 and 1620 E. Sherman Avenue, Coeur d'Alene, Idaho;

BE IT FURTHER RESOLVED that the exchange, and the terms therefor, shall be further considered at a public hearing on May 21, 2019.

DATED this 7th 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 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 _____.