#### 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 <u>Public Hearings</u>. Any individual who wishes to address the Council on any other subject should plan to speak when <u>Item E - Public Comments</u> is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

August 20, 2019

- A. CALL TO ORDER/ROLL CALL
- **B. INVOCATION:** Pastor Geoffrey Winkler with New Life Church
- 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. 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.)

#### F. PRESENTATIONS:

1. Health Corridor Update

Presented by: Ben Weymouth, TO-Engineers; Kaia Nesbitt, HDR V.P. Development Sector Director; Andy Parks; and Daniel Baker

2. Employee Benefits Trust

Presented by: Greg Helbling, Murray Group

3. Atlas Waterfront Plan Presentation

#### Presented by: Phil Boyd, Welch Comer

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

#### **G. ANNOUNCEMENTS**

- 1. City Council
- 2. Mayor
- a. Appointment of Bruce Hathaway and Woody McEvers to CDATV Committee and Jim Chapkis to the ignite cda Board.
- **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 August 6, 2019 Council Meeting.
  - 2. Approval of Bills as Submitted.
  - 3. Approval of Financial Report.
  - 4. Setting of General Services and Public Works Committees meetings for Monday, August 26, 2019 at 12:00 noon and 4:00 p.m. respectively.
  - 5. Setting of a Public Hearings for September 17, 2019:
    - a. A-4-19 A proposed 0.84-acre annexation from County Ag. Suburban to R-3 zoning district by applicant T.J. Ross; Location: 1905 E. Nettleton Gulch
  - 6. Approval of a Cemetery Lot Transfer from Jean Gilmore to Teresa R. Eldevik; Lot 609, Section C, forest Cemetery Annex. (Riverview)
  - 7. Approval of a Repurchase of a Cemetery Lot from Elvina Doyle for Lot 11, Block 40, Section B of Forest Cemetery

#### As Recommended by the City Clerk

#### I. OTHER BUSINESS:

1. **CB 19-1009 - ZC-1-19** A proposed zone change from R-3 to R-17; location: 1781 W. Alps Street; Applicant: Tammi Kerr.

#### Pursuant to Council action on April 16, 2019.

2. **CB 19-1010 - 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.

#### Pursuant to Council action on April 16, 2019.

3. **A-2-19** – A proposed +/- 11.74 two parcel acres annexation from County Light Industrial to City C-17; Location: near the southwest corner of the intersection of Atlas Road and Hanley Avenue; Applicant: John Hern.

City Council Agenda August 20, 2019

#### **Pursuant to Council Action on June 18, 2019**

- a. **Resolution No. 19-033** Annexation Agreement with John Hern for the annexation of +/- 11.74 acres located near the southwest corner of the intersection of Atlas Road and Hanley Avenue; zoning from County Light Industrial to City C-17 zoning district.
- b. **Council Bill No. 19-1011** Ordinance approving the annexation of +/- 11.74 acre annexation located near the Southwest corner of the intersection of Atlas Road and Hanley Avenue; zoning from County Light Industrial to City C-17 zoning district.
- 4. **Council Bill No. 19-1012** Ordinance approving amendments to Municipal Code Sections 17.06.630, 17.06.635, 17.06.640, 17.06.650, 17.06.660, AND 17.06.670 regarding Accessory Dwelling Units;

#### Staff Report by: Mike Behary, Associate Planner

5. **Resolution No. 19-034**- Proposed amendment to Fiscal Year 2018-2019 budget and scheduling a public hearing for September 17, 2019.

#### Staff Report by: Vonnie Jensen, Comptroller

6. **Resolution No. 19-035** - Approval of Change Order #2 with Power City Electric, for Collection System Telemetry Upgrade

#### Staff Report by: Mike Anderson, Wastewater Superintendent

7. **Resolution No. 19-036** - Approval of Amendment No. 3 to Professional Services Agreement with HDR Engineering, Inc. for Tertiary Treatment Phase 2 Improvements

#### Staff Report by: Mike Anderson, Wastewater Superintendent

8. Direct staff to move forward with modifications to the public parking program

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

#### J. ADJOURNMENT:

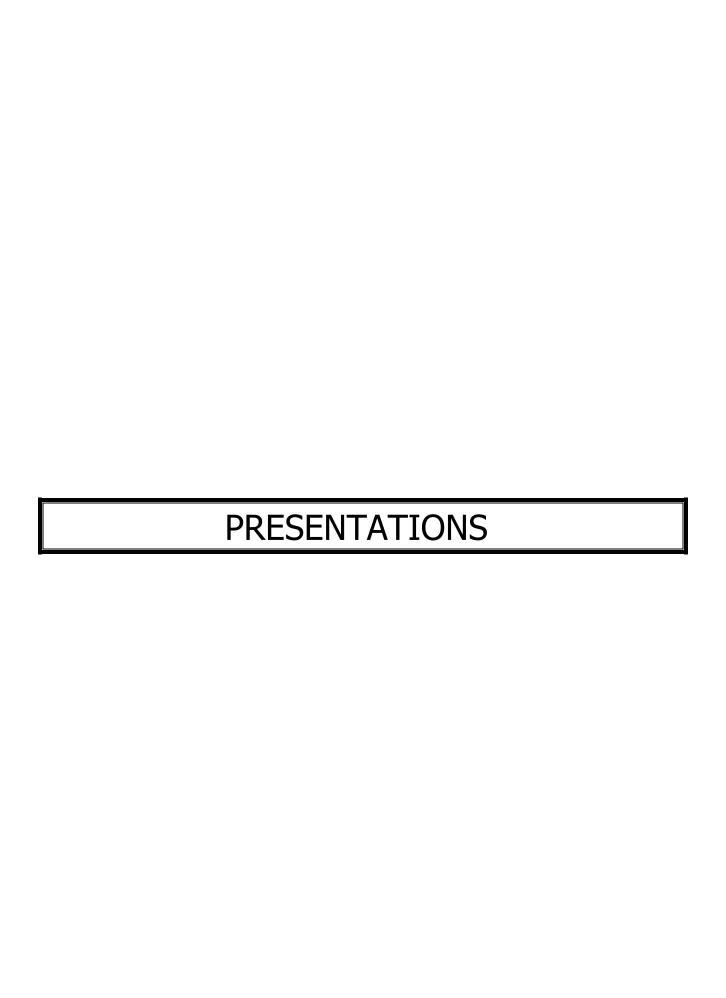
This meeting is aired live on CDA TV Spectrum Cable Channel 1301 and on Facebook live through the City's Facebook page.



August 20, 2019

**MEMBERS OF THE CITY COUNCIL:** 

Steve Widmyer, Mayor
Council Members Edinger, English, Evans, Gookin, McEvers, Miller





**MASTER PLAN AND ECONOMIC FEASIBILITY STUDY – AUGUST 2019** 

# **TONIGHT:**

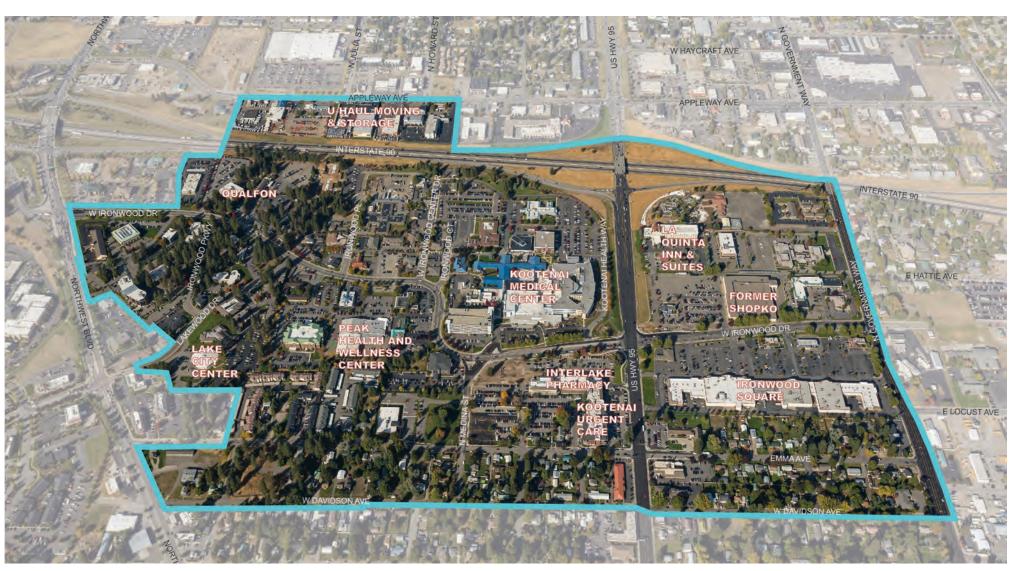
- Brief project background and purpose
- Health Corridor Master Plan overview and detail
- Implementation phasing



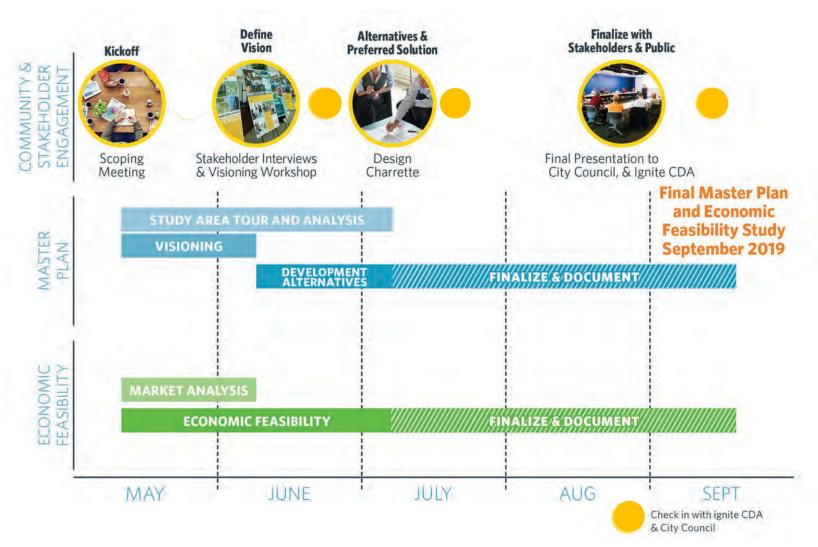








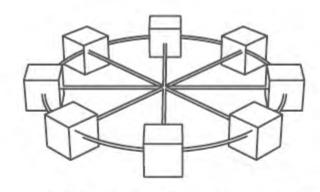
**STUDY AREA** 



# PROCESS & PUBLIC INPUT

# PROJECT PURPOSE:

- Create a master plan for a vibrant healthbased community development
- Evaluate economic feasibility of an implementable Urban Renewal District (URD) that delivers community value
- Complete study by fall 2019 in order for URD to be created by end of the year



**OUR OVERARCHING VISION** 

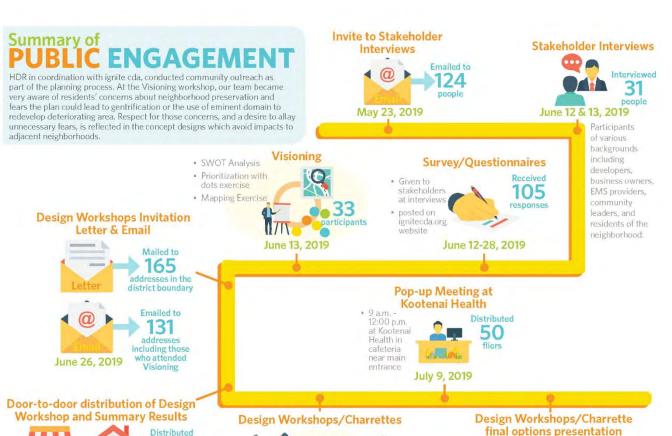
IN 2030, GREATER
COEUR D'ALENE
IS THE VIBRANT HEART
OF NORTH IDAHO

**CDA 2030** 









July 8, 2019

p.m. at NIC,

July 9, 2019

Student Union

p.m. at NIC,

July 10, 2019









# **PUBLIC ENGAGEMENT**

fliers &

July 8 & 9, 2019

view options online at ignitecda.org

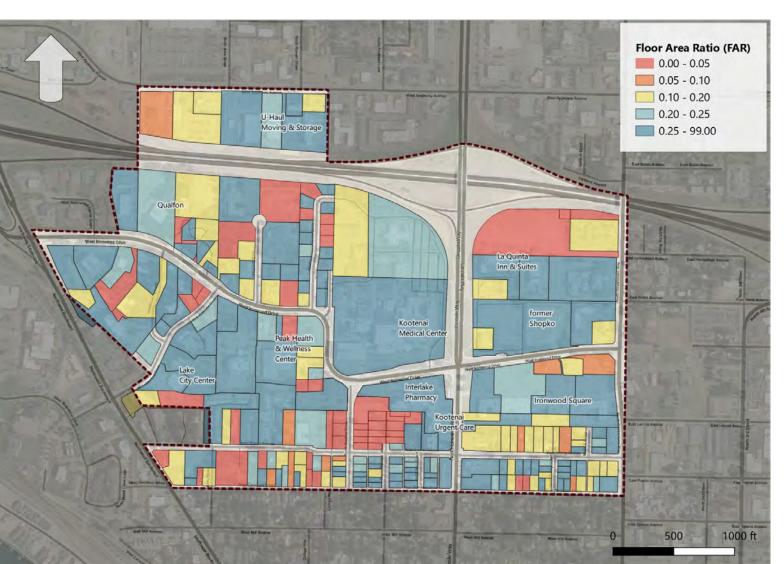
 July 8 visits included Visioning Summary and invitation to workshops.
 July 9 visits added a comment form and urged residents to

# WHY REDEVELOPMENT:

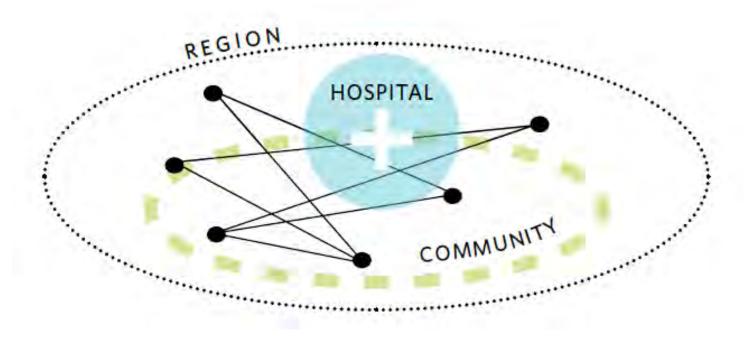
- Take a proactive role in shaping the community
- Preserve and attract jobs
- Grow tax base
- Attract private investment
- Reduce blight
- Accommodate changing market conditions



# **BARRIERS IN THE HEALTH CORRIDOR:**



- Obsolete buildings
- Parcelization
- Limited road network
- Bike/ped infrastructure
- Few amenities for workers or residents

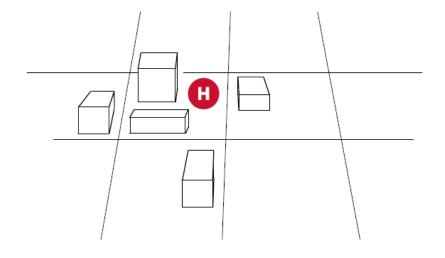






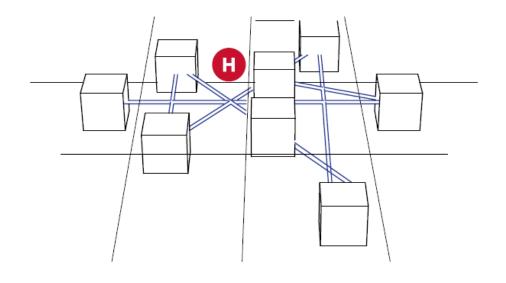
# **HEALTH-ORIENTED DEVELOPMENT**

# TRADITIONAL HOSPITAL CAMPUS



Isolated health campus

# CDA HEALTH CORRIDOR OPPORTUNITY



Integrated into community and mutually supportive

# **HEALTH-ORIENTED DEVELOPMENT**



#### PLAN LEGEND

- 1 Bridge Overpass over I-90
- 2 Right-In Right-Out off Hwy 95
- 3 Ironwood Drive Link with Pedestrian Hawk Signal
- 4 Realigned Ironwood Drive
- 5 Cycle Tracks along Ironwood
- 6 Central Public Green Space
- 7 Plaza Space at Hospitality Center / Ronald McDonald House
- 8 Focal Stair/Elevator Tower
- 9 District Greenway with Shareduse Path
- 10 Trailhead Arts Plaza
- 11 Auto Court / Entry Plaza
- 12 Kootenai Health Campus Green
- 13 Pocket Park
- 14 "Shopko Drive" Main Street
- 15 Enhanced Albertson's Facade
- 16 Hotel Drop-off Plaza
- 17 Traffic Calming Bump-outs at Intersections along Emma and Davidson Avenues
- 18 Pedestrian Promenade
- 19 Multi-use Trail
- 20 Trail Tunnel Under Northwest Blvd: Connection to Centennial
- 21 Green Infrastructure / Native Landscaping
- 22 Preserved Large Tree Canopy
- A Community Recreation Center
- B Hospital Bed Tower
- C Medical Office Building
- D Multi-family (MF) Residential Building
- E MF Residential / Senior Living
- F Mixed-use Building
- G Hotel
- H Retail / Commercial
- I Cottage Homes
- J Townhomes
- K Parking Structure



- Retain block structure and residential priority
- Improve pedestrian safety and access

# **NEIGHBORHOOD STABILIZATION**



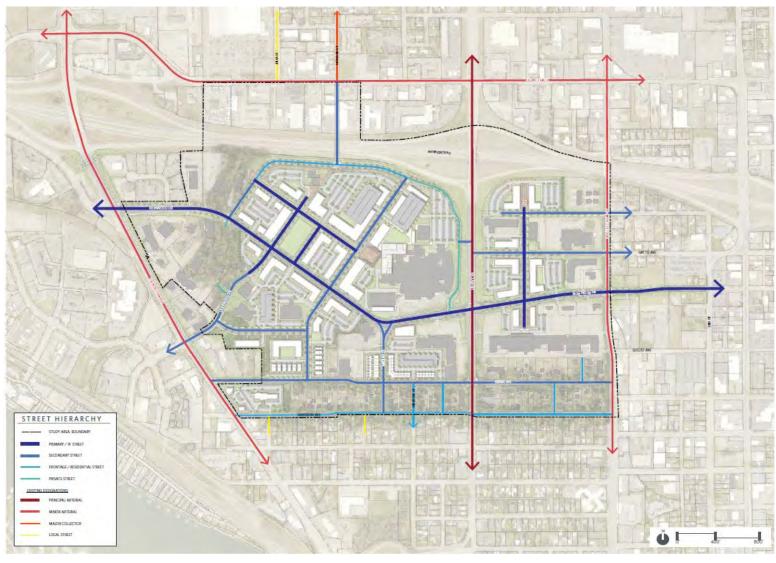




US Hwy 95 - Potential new access points

Ironwood – Realign and Re-link

- Increase connectivity in/out of Corridor
- Improve traffic flow within Corridor
- Create multi-modal options
- Pedestrian safety



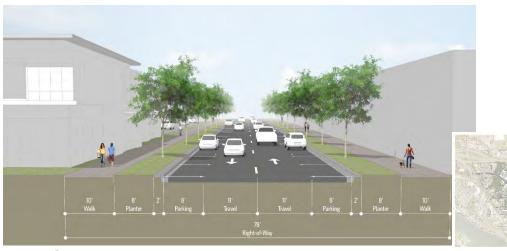
- Street heirarchy
- Wayfinding clarity
- Connectivity and permeability





Ironwood Drive – realignment, streetscape and multi-modal improvements







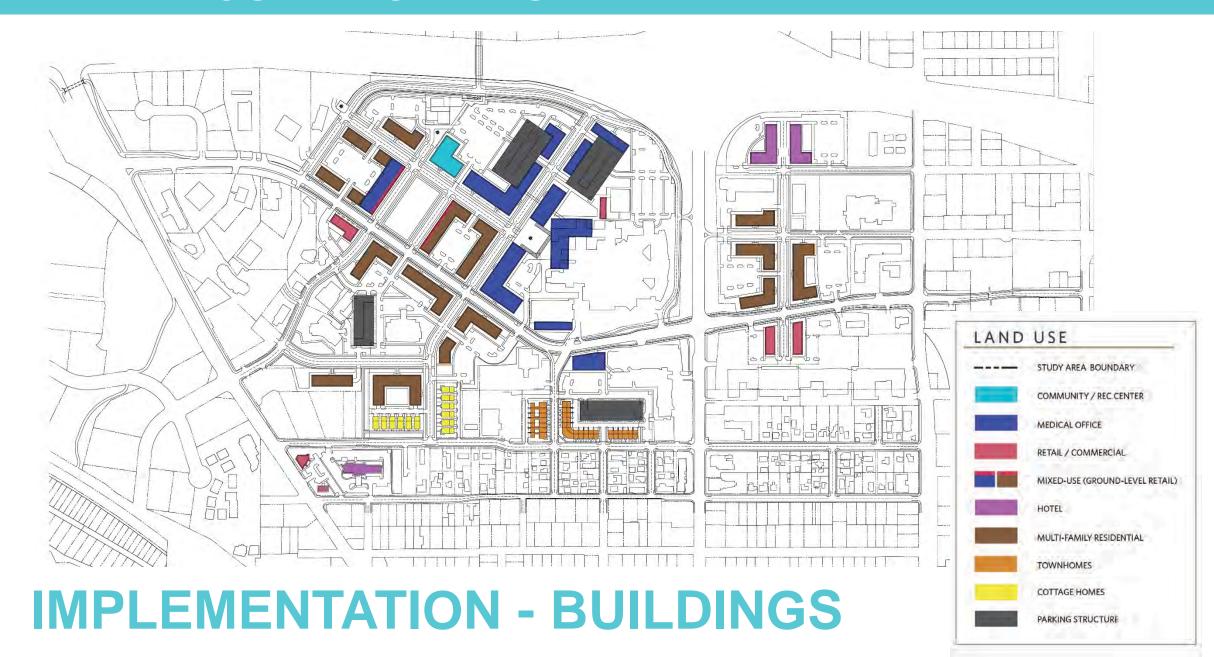


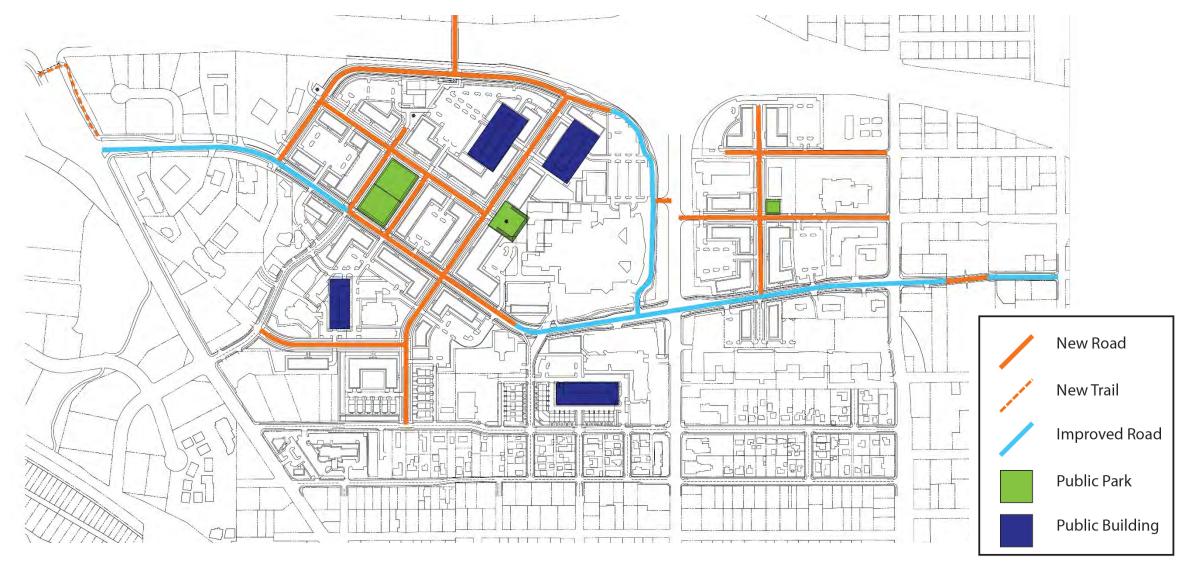
New "Health Drive"



Emma Ave – ped improvements



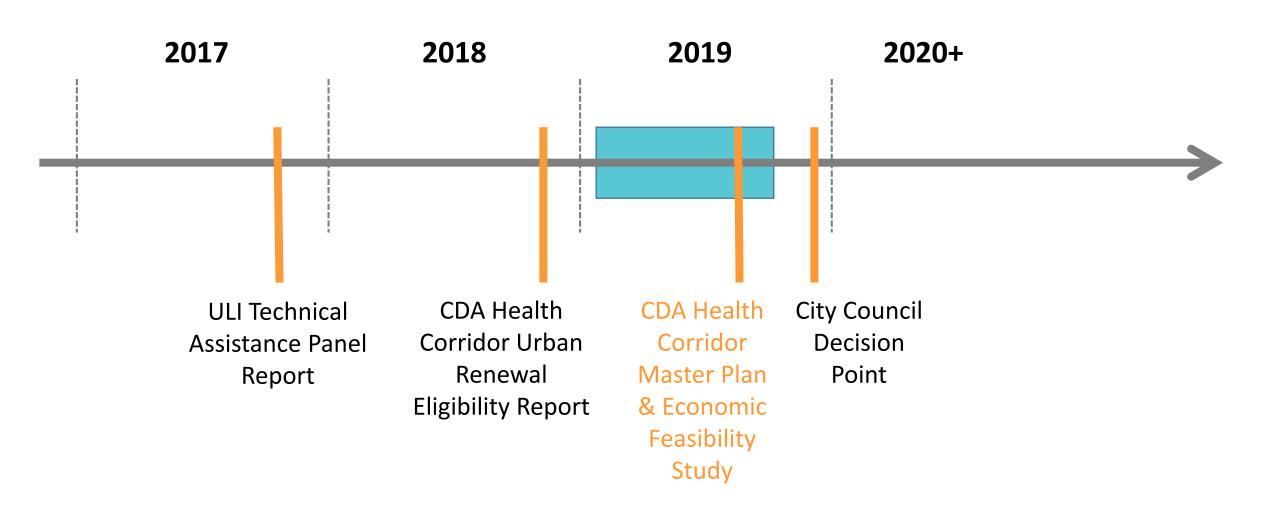




**IMPLEMENTATION - INFRASTRUCTURE** 



**IMPLEMENTATION - COMBINED** 



# PROCESS AND NEXT STEPS

The creation of this Vision, Master Plan and Economic Feasibility Study was a collaborative effort, including contributions from stakeholders, community leaders and the HDR design team.

# Ignite CDA Staff and Board Members

Tony Berns
Scott Hoskins
Mic Armon
Jim Chapkis
Sarah Garcia
Dan English
Steve Widmyer
(recused from
process)
Brad Jordan
Brinnon Mandel
Alivia Metts

### City of Coeur d'Alene Hilary Anderson Troy Tymesen

Chris Bosley

#### Kootenai Health

Derek Miller Jeremy Evans

#### School District 271

Tamara Freer Lynn Town

### North Idaho College

Sarah Garcia Lynn Covey Tim Shenton

#### HDR

Kaia Nesbitt
Doug Bisson
Andrew Gorham
Scott Foral
Stephanie Borders
Daniel Baker
Oliver Kuehne
Austin Vachal
Kate Eldridge
Kâren Sander
Mary Scalise
Stacia Albiston
Carrie Applegate

### **T-O Engineers**

Ben Weymouth Brian Clarkson Dan Janosko Brittany Clawson Julie Clark

#### Leland Consulting, Inc.

Chris Zahas, AICP Ted Kamp

#### GEL Oregon Andy Parks, CPA

Valbridge Property Advisors Vicki K. Mundlin

# **ACKNOWLEDGEMENTS**

### **Health Corridor Master Plan**



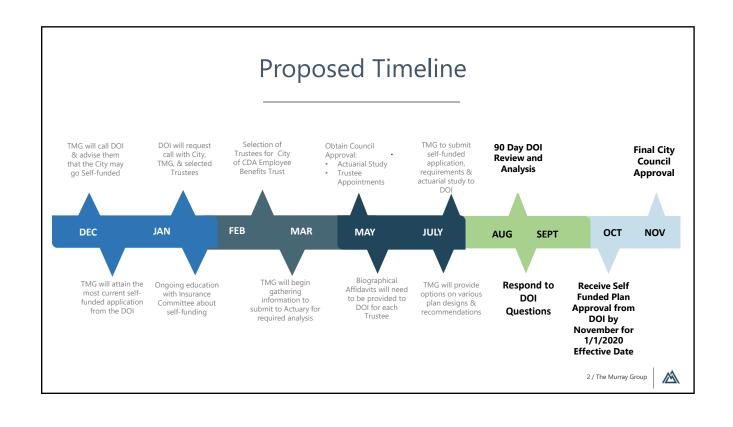


#### **PLAN LEGEND**

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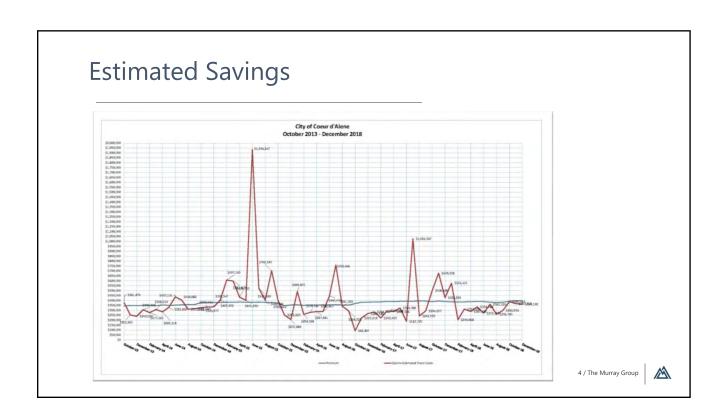




### Purpose of the Change...

**Increased Cost Efficiencies** for the City's Medical Plan





### Estimated Savings Over Last 5 Years

A) Fully Insured Premium Oct. 2013 through Dec. 2018: \$23,543,533

B) Projected Costs of Claims + Est Fixed Costs Oct. 2013 through Dec. 2018: (\$24,542,120)

C) Stop Loss Reimburements: \$3,618,355

D) Estimated Self-Funded Set-Up Charges: (\$50,000)

5 Yr. Difference Fully Insured vs. Self Funded: \$2,569,768

(A-B+C-D)

5 / The Murray Group



### Support of Bargaining Groups

The City has received letters of support and involvement from all three Bargaining Groups



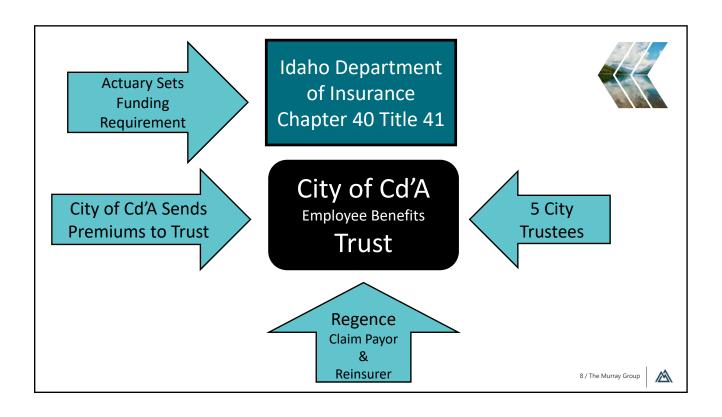


### **Trustee Appointments**



Randy Adams, Legal Vonnie Jensen, Finance Melissa Tosi, Human Resources Bill Dodd, Fire Brady Reed, Police



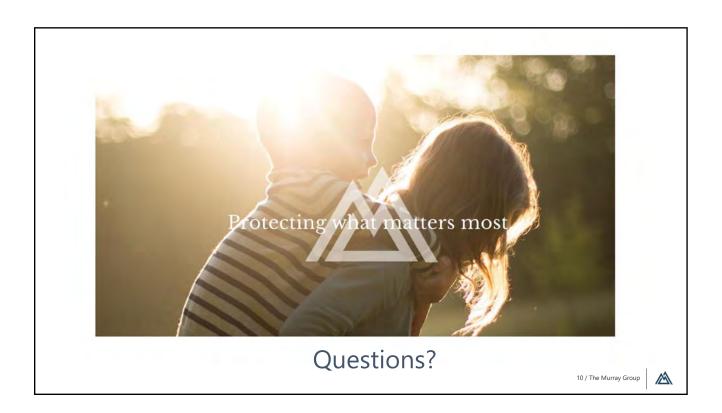


### Governance of the Trust



- Idaho Department of Insurance administers Chapter 40 Title 41
- Five City-Approved Trustees
- The Department approves or denies the Actuary's recommendations for Reserves and Premiums based upon Idaho code requirements
- Funds in the Trust can be Invested under the same requirements as the City's General Funds
- Returns on the Invested Funds must remain in the Trust
- Trust Reserves can only be accessed for Plan Expenses
- In future plan years, if the Trust Reserves exceed the Actuarial Requirements, the City can <u>reduce</u> monthly premiums or <u>omit</u> a monthly payment









### City Council Meeting Atlas Waterfront Park Project Update

August 20, 2019



Atlas Waterfront Park



### **Project Update**



Presentation Purpose: Provide Council a project update before the project advertises for bids.

- Plans and Specifications are being finalized.
- Project will advertise for bid the end of August 2019
- Critical path element is the "low water" shoreline stabilization work.
- On a parallel path:
  - Master Plat and PUD
  - · Development Standards
  - Developer Outreach
  - Ignite CDA Request For Proposal Development









#### Atlas Waterfront Park



### **Project Meeting History**



- April 4, 2019, Planning Commission Workshop #2
- March 28, 2019, Council/ignite CDA workshop
- March 18, 2019, Parks and Recreation Commission Meeting
- March 15, 2019, City Council/ Parks and Recreation Commission Workshop
- February 29, 2019, Planning Commission Workshop #1
- February 25, 2019, Atlas Waterfront Project Open House
- February 13, 2019, Pedestrian and Bicycle Committee Meeting
- January 28, 2019, Parks and Recreation Commission Meeting
- January 14, 2019, Parks and Recreation Commission Workshop

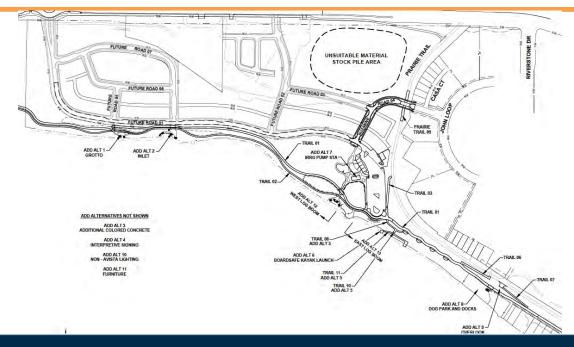
- December 20, 2019, Traffic Impact Study Open House
- December 11, 2019, Planning Commission, Traffic Impact Study Presentation
- November 20, 2018 City Council Meeting
- November 13, 2018, Planning Commission Meeting
- September 27, 2018, ignite CDA Masterplan & Financial Feasibility Presentation
- · April 26, 2018, City Council/ignite CDA Workshop
- April 25, 2018, Public Presentation/Open House Meeting #2
- March 22, 2018, Public Presentation/Open House Meeting #1
- February 7, 2018, COR Vision Group Meeting





## Site Overview







Atlas Waterfront Park





## ignite oco Atlas Recreation Support Building







Atlas Waterfront Park



### Picnic Shelter







### Picnic Shelter







Atlas Waterfront Park







### **East Elevation**





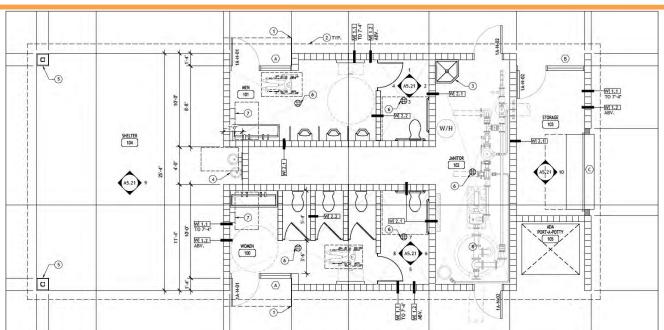


Atlas Waterfront Park



### Plan View



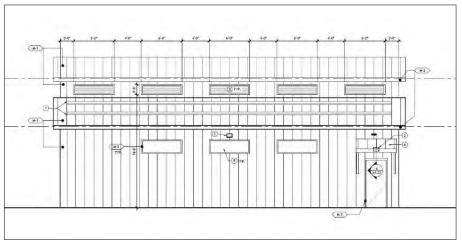


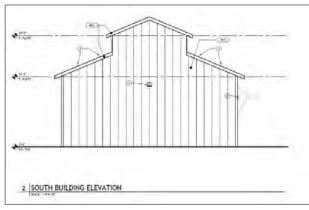




## ignite ocdo Atlas Parks Dept. Storage











### **Project Schedule**



Item	Date
Project Final Plan Staff Report to Renata	14-Aug
City Council Final Plan Presentation	20-Aug
ignite CDA Final Plan Presentation	21-Aug
Bid Advertisement to Newspaper	23-Aug
Advertise for Bids	27-Aug
Pre-Bid Walkthrough	10-Sep
Open Bids	24-Sep
Bid Award Staff Report to Renata	25-Sep
Council Awards Bid	1-Oct
ignite CDA Reviews Bids (before council mtg)	30-Sep
	or 1-Oct Special Call Meeting
Notice to Proceed	15-Oct
Contractors Submittals	16-Oct
Submittals Returned	23-Oct
Probable Low Water for Shoreline Work Start	15-Nov
Construction Completed	July 2020







### Thank you



Atlas Waterfront Park



## Memo to Council

DATE: August 15, 2019

RE: Appointments to Boards/Commissions/Committees

The following reappointments are presented for your consideration for the August 20, 2019 Council Meeting:

BRUCE HATHAWAY WOODY McEVERS JIM CHAPKIS CDA TV Committee CDA TV Committee ignite cda Board

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

Sincerely,

Amy Ferguson Executive Assistant

cc: Renata McLeod, Municipal Services Director/CDA TV Liaison

Tony Berns, ignite cda



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

#### **AUGUST 6, 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, August 6, 2019 at 6:00 p.m., there being present upon roll call the following members:

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

Steve Widmyer, Mayor

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

INVOCATION: Pastor Dan Christ with Canvas Church provided the invocation.

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

PRESENTATION OF A GIRL SCOUT GOLD AWARD TO CRISTA FALK: Brian Newberry, CEO of Girls Scouts Eastern Washington and Northern Idaho, explained that in the last year twelve girls have received their gold award. They are all working on sustainable solutions to problems and making their communities better. Crista Falk is an award winner that will compete on a National Gold Award level where she will demonstrate her findings that if STEM is taught in high school, one is 20 times more likely to succeed in College. Crista plans to attend MIT then come back to teach within the Coeur d'Alene community. Crista said that she is a recent graduate of Lake City High school and was recently awarded the highest honor a Girl Scout can receive. She focused her project on computer science education and developed her own engineering curriculum as an after-school program for high school students. The Mayor and Council congratulated Crista on her award and success and said that they look forward to her return to the community after college.

WHITE HOUSE RELOCATION AND MUSEUM CONCEPT AND REVIEW OF PROPOSED LEASE TERMS: Julie Gibbs, Chairman of the Museum Building Committee, said that she appreciated the opportunity to give an update on the Museum relocation and noted that she has worked with a fantastic team of people since the May presentation. It is exciting as the new site and facilities design has emerged to really start to see how they can expand the services that they offer the community. It will be a beautiful, family-friendly attraction that will welcome visitors to our city and give them an overview of our history and the culture that is unique to Coeur d'Alene. Will be able to continue their partnership with local schools and have

more room for school programs and also better access to their archives for research. She thinks that the location they are considering is ideal for additional and stronger partnerships with the City of Coeur d'Alene, the Library, the Friends of Tubbs Hill, and other city entities.

Steve Roth, with Architects West, presented a brief background of the project, an overview of the design, a schedule of costs and outlined the next steps. He noted that the Museum was established in 1968 and in 1979 moved to its current location. Purchased its own storage facility in 2016, and celebrated in 2019 forty years in that building. From 1968 to the present they have attempted a continual expansion of their services and collections. Mr. Roth discussed the reasons for a new museum. Space restrictions at the current location is one of the main reasons. Additionally, a new space will enable them to become a premier regional museum for citizens and visitors. Over the last 15 years several facilities and locations have been evaluated. In 2017-18, there were a few feasibility studies completed, and in early 2019 the concept was proposed to move and use the White House as the basis for the new museum. Between the beginning of the year and now they have come a long way and the group has put in a lot of hard work and effort to get them this far.

Mr. Roth presented an overview of the existing two facilities and noted the Museum currently has about 4,300 sq. feet. The storage building that the museum owns has about 4,000 sq. feet. About 8,300 square feet is what the museum consists of right now in two separate facilities. The new design provides approximately 20,000 square feet. The majority of the new building would be a publicly accessible space, and would utilize a combined 50,000 square feet of land, which includes several different ownership properties between the city, ignite and private ownership. He noted the area resources surrounding the site, including the park, Library and City Hall. It is an amazing opportunity for synergy between the museum, the City Hall, Library, McEuen Park and the Tubbs Hill natural area, all in one area. The site provides views and access from the front and back of the site and Mr. Roth reviewed the buildable area which led to placing the building closer to the front of the property with parking and access to the rear of the building, with vehicle access off of 8<sup>th</sup> Street. The building is set to have a left wing for the exhibit space and a right wing for the meeting space, with basement storage or exhibit space. Mr. Roth presented the site plan, including landscape design. He reiterated that the first step is to get the White House moved. He explained the reasons they are proposing the move, including the partnership opportunity, great location, high exposure to the park and visitor traffic, the fact that it offers growth and expansion space, preservation of the White House structure, and would allow for vacation of the existing Museum of North Idaho facility for city use. The schedule and cost analysis stated that they would be ready for permits to move the structure next week and thereafter renovation of the house, but meanwhile fundraising continues. The total project cost is estimated to be \$8.4 million, with a cost of \$1.6 million in moving and restoring the White House. They hope to have foundation construction beginning by September 3, 2019. In 2020, they will initiate a full capital campaign and continue collaboration for museum exhibits and programming.

Jim Foucher, Fundraising Chairman, presented an overview of the fundraising plan. He commented that it is wonderful to see collaborative efforts which will enhance fundraising through the region. The top question is location and once the location is set, fundraising will be easier to move forward. It will cost \$600,000 to move the White House, construct the

2

foundation, and winterize the house. The good news is that an anonymous donor will match all of the funds for the move of the White House, which will create momentum. They would like to combine phases to combine fundraising efforts and would like to have an event in the White House this September. Ms. Gibbs noted that the Museum has a reserve fund in the amount of \$525,000, and with the donor they can comfortably move the house, winterize it, and initialize the capital campaign for the phases. Mr. Roth said that the Museum looks forward to the Council's continued support, and moving forward involves a lease negotiation. City Administrator Troy Tymesen said that they are on a rapid timeline and noted that the City does not control all of the lots and in order to get a building permit there needs to be a lot consolidation completed, and eventually the land will come to the City either through a deed transfer early and/or when the Lake District closes.

Mayor Widmyer clarified that the presentation provided information for review and that there would be no decision made tonight. The next step will be that the ignite Board will provide authority for the City to enter into the lease agreement and complete a lot consolidation. Councilmember Gookin asked about the timeline of moving the project forward. Mr. Roth confirmed that they are comfortable with the timeline. Councilmember Gookin asked about the block design demonstrated in the drawings. Mr. Roth confirmed that they are an architectural placeholder in the design. Councilmember Gookin said that he would be in favor of more parking than the required amount.

Councilmember Edinger asked if the Tubbs Hill Foundation has reviewed the plan and what was their reaction. Mr. Roth said that they have and it was a positive reaction. Chuck Hosack, representing the Tubbs Hill Foundation, said that he lives at the corner where E. Lakeshore Drive, Mountain Avenue, and 10<sup>th</sup> Street all come together and has lived there for 40 years. He noted that the Foundation is very pleased with the Museum who has gone out of their way to coordinate with them. The project was presented to the Foundation and the advantages of the ground being preserved with public ownership and a community project such as the museum was enough to convince them that they would be willing to give up on their objections with regard to having a building there. The Museum is a wonderful opportunity to dress up and complete a unique downtown area. He commented that there is a gap to connect from the Tubbs Hill 10<sup>th</sup> Street entrance to the Park via the roadway, as there are no sidewalks. The Museum would provide an opportunity to run a trail through their grounds and that would bring a partnership to the history of Tubbs Hill and the White House.

Councilmember Miller asked what type of events would be held in the event wing. Mr. Roth said that would meeting space, classroom space, and a library reading room for the museum. Additionally, he said that the space could be rented out to community groups. Councilmember McEvers commented that the parking spaces seem to be under-counted. Mr. Roth said that the parking spaces are above and beyond the requirements, based on the 10,000 square foot main floor, which would be ten parking stalls, but he hears the concerns. Councilmember Miller asked if there could be more parking in the front if the trail was rerouted. Mr. Roth explained that part of the trail is the Centennial Trail and part is the Tubbs Hill Trail.

Councilmember Evans asked about the sustainability of the museum at the proposed location and what work has gone into ensuring that the business plan and model will be sustainable with the

larger space and added expenses. Ms. Gibbs said that they have looked at it and there are a number of options to stay open longer during the year as they close now due to lack of heating or cooling in the existing building. With the ability to expand more programming, they will be able to reach more people in the community and have opportunities for additional revenue. The museum has been self-sustaining but have also been able to build their reserve fund with the programs they currently offer. In addition to the reserve that they have available, they also have an endowment of roughly \$215,000. That will continue to grow over the years as well. They have done a five-year business plan model. Ms. Gibbs also said that they believe they would be able to increase their memberships, and noted that they are the largest publisher of regional history books and that has provided a very nice income for them over the last several years and they will continue to manage that as well.

Mayor Widmyer thanked the Launder family for their generous donation and they have been great to work with on moving the White House. He also noted that they would not be at this point without the years of service of Dorothy Dahlgren. They are looking forward to the next step.

#### **PUBLIC COMMENTS:**

Debra Mitchell said that she volunteers at the Museum of North Idaho, and feels the importance of the Museum is when there is a rainy day, the visitors come in and ask what else they can do. Having an expanded museum would be great for those visitors. In regard to property boundary disputes, they have been able to find old photographs. She also noted that it is part of Idaho's school curriculum that fourth graders are required to learn about Idaho history and they tour the museum. The idea to have a classroom area would facilitate the 4<sup>th</sup> grade curriculum.

#### **COUNCIL ANNOUNCEMENTS:**

Councilmember Evans said that the Arts Commission has installed a new bronze on Front Street, the Idaho Lumberjack, and a dedication has been scheduled for August 15<sup>th</sup>, at 11:30 a.m. The Mudgy and Millie statues have a new patina coating thanks to the artist, Terry Lee. There will be five new pieces added to the Art Currents collection, which will be installed on Sherman Avenue between 7<sup>th</sup> and 2<sup>nd</sup> street in October. The storm drain art has been installed and the Seltice roundabout art pieces have also been installed. The Mayor's Awards in the Arts will be held on October 9<sup>th</sup>.

Mayor Widmyer requested the appointment of Samantha Tuskan to the Childcare Commission and Richard Colburn to the International Board of Appeals.

**MOTION**: Motion by Edinger, seconded by McEvers, to appoint of Samantha Tuskan to the Childcare Commission and Richard Colburn to the International Board of Appeals. **Motion carried**.

**CONSENT CALENDAR: Motion** by McEvers, seconded by Edinger, to approve the Consent Calendar, including **Resolution No. 19-030**.

1. Approval of Council Minutes for the July 10 and July 16, 2019 Council Meeting.

- 2. Approval of Minutes for the July 22, 2019 General Services Committee Meeting.
- 3. Approval of Bills as Submitted.
- 4. Setting of General Services and Public Works Committees meetings for Monday, August 12, 2019 at 12:00 noon and 4:00 p.m. respectively.
- 5. Approval of an Outdoor Seating Permit for the True 1210 Tavern, Owner Katie Newman, located at 1210 Sherman Avenue.
- 6. Approval of Final Plat for SS-19-04; Elk Point First Addition
- 7. Approval of a One Day Alcohol Sales and Consumption on Sherman Avenue Right-of-Way for the 5th Annual PARK(ing) It On Sherman Event
- 8. Approval of Temporary Banners Across Sherman Avenue Right-of-Way for PARK(ing) It On Sherman Event
- 9. Resolution No. 19-030 A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING: FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS, APPROVAL OF MAINTENANCE/WARRANTY AGREEMENT, AND ACCEPTANCE OF SECURITY FOR VISTA MEADOWS; FINAL PLAT APPROVAL, APPROVAL OF PUBLIC IMPROVEMENTS AND LANDSCAPE IMPROVEMENT AGREEMENTS, AND ACCEPTANCE OF SECURITY FOR BOLIVAR 4TH ADDITION; AND APPROVAL OF AGREEMENT WITH NORTH IDAHO COLLEGE FOR SCHOOL RESOURCE OFFICER.

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

#### **RESOLUTION NO. 19-031**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF SONRAY ENTERPRISES FOR CONSTRUCTION OF A NEW WATER TRANSMISSION MAIN ON HEDBERG AND BOYD AVENUES, AND APPROVAL OF A CONTINGENCY.

STAFF REPORT: Assistant Water Superintendent Kyle Marine requested Council approval of a contract with Sonray Enterprises for construction of a new water transmission main extending from the Elm Street Booster Station to a connection point at N. 23rd Street. Mr. Marine noted that this is the first phase of a multi-phase transmission line project to increase flows and pressures in the area for the Elm Street Booster. The first phase also includes an option to replace all the services along the route as well. In the long-range planning there will be a second booster station years down the road, and another tank up on the hill. He said that the Elm Street Booster Station currently serves about 640 customers from Stanley Hill to Fernan Hill and everything in-between. The booster station has 3 pumps that are running at a maximum capacity of 1720 gallons per minute (GPM). The connections in that zone have exceeded the established capacity of the booster station and the Stanley Hill storage tank. If there is any significant amount of water usage in the boosted zone, either for fire flow or peak irrigation, the customers at the top of Fernan Hill Road immediately lose water pressure. Mr. Marine noted that the City can no longer guarantee that they can meet peak fire demand at the ends of Fernan Hill Road and

East Harrison Avenue. The 2012 Water Comprehensive Plan Update looked at this deficiency and recommended a phased approach for a new transmission main, a new booster station, and a new storage facility to split the existing zone into two smaller zones, each with their own station and tank. Mr. Marine noted that there are approximately 60 customers in the lower elevation who currently experience high pressure which could then be returned to the General Zone, alleviating some additional load on the existing system. This is expected to allow sufficient time for a phased upgrade approach. Funding for the proposed project is included in the 2018 -19 Fiscal Year budget at \$1 million. Mr. Marine said that it is part of their Water Comprehensive Plan schedule for the first phase of Elm Street boosted zone enhancement. He said that staff is requesting that a ten percent (10%) contingency be approved as well in the event that unknown obstacles are encountered during the project. The approved project total, including the requested \$389,489.00 contract and a ten percent contingency of \$38,949.00, would be \$428,438.00.

**DISCUSSION**: Councilmember Miller said that people who live up there want to know if this is a preliminary move for expansion of annexation property on top of Fernan Hill Road. Mr. Marine said that it is not necessarily for expansion – it's just to better serve the area. Ultimately, they would like to split the zones and have a booster station and tank for each zone that will better serve the whole community. Councilmember McEvers asked if all the customers are within the city limits. Mr. Marine noted that approximately 95% are, and there are just a few outside of the city limits.

**MOTION:** Motion by Gookin, seconded by McEvers to authorize **Resolution No. 19-031**, Approving an Agreement with Sonray Enterprises for Construction of a New Water Transmission Main on Hedberg and Boyd Avenues.

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

#### **RESOLUTION NO. 19-032**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A MEMORANDUM OF UNDERSTANDING WITH CDA 2030, INC., TO MEMORIALIZE THE UNDERSTANDING OF THE PARTIES AS TO THEIR RESPONSIBILITIES, MONETARY CONTRIBUTIONS, AND USE OF DOCUMENTS PRODUCED BY MIG, INC., WITH RESPECT TO THE PROJECT KNOWN AS "ENVISION COEUR D'ALENE."

STAFF REPORT: Community Planning Director Hilary Anderson explained that the City and CDA 2030 have worked together to launch the collaborative project known as "Envision Coeur d'Alene." The collaboration outlines the roles and responsibilities of the parties and also allows both parties to use the work product that is developed through the MIG, Inc. agreement the City previously entered into. The total cost of the contract with MIG is \$215,984. The City's Planning Department will be spending \$50,000 from the current Fiscal Year budget and is requesting the additional \$165,984 with the Fiscal Year 2019-2020 budget request. CDA 2030 has allocated \$23,000 to complete the vision validation and update of the Implementation Plan. Prior to this Memorandum of Understanding (MOU), the amount of \$10,886.25 had been paid to MDSN Design for project branding and website design, and employment of Jake Garringer as

Program Coordinator. A balance of \$12,113.75 remains to be expended on shared expenses and costs related to the completion of the vision validation and to update the Implementation Plan. Ms. Anderson noted that CDA 2030 would be able to help with community engagement through the development of the public engagement plan. She noted that MIG has begun collecting data and will assist with the public engagement plan development.

**DISCUSSION**: Councilmember McEvers confirmed that the implementation plan will tell them how to do everything. Ms. Anderson said that the Council has adopted the CDA 2030 Vision and Implementation Plan and that it will be updated and integrated into the Comprehensive Plan. As the Comprehensive Plan efforts are being made it would be done collaboratively with CDA 2030 so there is no confusion. We have 180 action items in the Implementation Plan currently. Will look at those and then will add new ones. It is a living document with the Comprehensive Plan.

Councilmember McEvers asked about the word "economy" being used. Ms. Anderson said it is a component required by the state statutes to look at jobs and economy. MIG has brought in a consultant, Bridge, and they specialize in that and work with communities to figure out what their challenges are. Councilmember Gookin said that it surprised him when he read through the contract regarding the amount of stuff that needed to be included versus the last comprehensive plan, such as the 17 points they have to cover including school facilities, hazardous areas, agriculture, airports, etc. He said that he understands that CDA 2030 wants to update their plan and wants the City to pay for it. Ms. Anderson said that the MOU represents a collaborative effort to align the Vision and Implementation Plan to the Comprehensive Plan and it makes sense to go to the community once, rather than twice. Councilmember Gookin commented that CDA 2030 wants to use the City's materials, but isn't their material open to the public anyway? Ms. Anderson said that could they could print them out, but they are looking to have a collaborative effort. Councilmember Gookin asked how they could ensure that the citizen input is from Coeur d'Alene citizens. Ms. Anderson responded that efforts will be made to citizens within the city and within the area of city impact, and people who might be doing business here. Councilmember Gookin said that he believes involving CDA 2030 will make it more complex and wants to ensure that the citizens in Coeur d'Alene give the input, and not people from outside of the city limits. Ms. Anderson said that in the scope of work CDA 2030 won't be involved in every aspect of the Comprehensive Plan and there will be areas of the plan that will be Coeur d'Alene specific. This MOU just clarifies how each will come to the table and roles and responsibilities.

Councilmember Miller said that she believes that working with CDA 2030 is important to avoid duplicate efforts and asked who would be managing the scope of work with CDA 2030. Ms. Anderson said that MIG is working on the public engagement plan and the City entered into the agreement with MIG; however, it is important to involve CDA 2030 in engagement efforts. Ms. Anderson noted that there will be interactive mapping and live stream meetings included on the website they are developing for the project and noted that Council will be invited to all the public engagement events and they will bring MIG staff to the City for presentations twice, and they can ask for more. Ms. Anderson noted that completion of the Comprehensive Plan will be December 2020. Councilmember Miller asked if the community advisory committee will be the same group throughout the entire process, and Ms. Anderson confirmed that it would. Ms.

Anderson said that the application form will be available on the project website and anyone in the community can apply to be on a focus group or CAC. They will be making sure that there is representation on each of the six focus groups from CDA 2030 and from that the CAC will be formed. MIG will be helping them to review the applications to make sure that they do have the right representation and will make sure that it is not the same people that are always involved.

**MOTION:** Motion by Evans, seconded by Miller to authorize **Resolution No. 19-032**, Approving a Memorandum of Agreement with CDA 2030 for collaboration of information regarding Envision Coeur d'Alene.

**DISCUSSION:** Councilmember Gookin said that he is opposed to the agreement and CDA 2030 is not a public non-profit and is not held to open meeting standards. Councilmember McEvers said that he remembers when the Comprehensive Plan was done internally. It is hard for him to think about spending \$265,000 on a Comprehensive Plan, but he will support it and look at future efforts later. Councilmember Miller said that she believes the Council will all be watching it very closely and it is not an unreasonable amount of money for what is being asked by the Idaho Code to accomplish. She believes the city has invested in CDA 2030 and should utilize that resource.

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

LEGISLATIVE PUBLIC HEARING: V-19-02 - VACATION OF A PORTION OF HANLEY AVENUE RIGHT-OF-WAY ADJOINING THE NORTH BOUNDARY OF LOTS 1 - 4, BLOCK 1, HERN INDUSTRIAL PARK AND TAX NUMBER 21582 IN THE CITY OF COEUR D'ALENE

**STAFF REPORT:** Engineering Project Manager Dennis Grant explained that the applicant, Chris M. Clark, Tri-State Consulting Engineers, Inc., is requesting the vacation of right-of-way along the South side of Hanley Avenue, between Carrington Lane and Atlas Road. The requested right-of-way was originally dedicated to the City of Coeur d'Alene in the Hawks Nest plat in 2006. The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 1.021 Acres (44,465 Square Feet) to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue, and to the land owner whose lot adjoins the strip of usable property. The purpose of the request is to vacate the existing right-of-way between the north line of section 33 and the existing fence line north of it. The reason for the requested vacation is to formalize the property boundary as it was agreed upon and established by the City of Coeur d'Alene and John Hern, with the exception of the area necessary for the city's proposed pathway. All utilities are existing and in place, and there is no foreseeable use for the additional right-of-way. Therefore, the vacation of that portion of rightof-way adjoining the parcel would not impact the City and would be a benefit to the property owner. The Development Review Team was informed about the vacation and did not have any concerns. Notices were sent to 51 households and Mr. Grant said that he received 5 responses with 1 in support, 1 against and three neutral.

**DISCUSSION**: Councilmember Gookin asked if there was a reason provided for the one person who opposed. Mr. Grant said that they did not put a name or reason on the response. **PUBLIC COMMENT**: Mayor Widmyer opened public comment and, with none being heard, public comment was closed.

### COUNCIL BILL NO. 19-1008 ORDINANCE NO. 3635

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, STATE OF IDAHO, VACATING A PORTION OF THE HANLEY AVENUE RIGHT-OF-WAY, GENERALLY DESCRIBED AS A PARCEL OF LAND ADJOINING THE NORTH BOUNDARY OF LOTS 1 - 4, BLOCK 1 OF THE HERN INDUSTRIAL PARK AND TAX NUMBER 21582 IN THE CITY OF COEUR D'ALENE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by Gookin, seconded by McEvers, to dispense with the rule and read **Council Bill No. 19-1008** once by title only.

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

MOTION: Motion by Gookin, seconded by McEvers, to adopt Council Bill 19-1008.

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

**ADJOURN:** Motion by Gookin, seconded by McEvers that there being no other business this meeting be adjourned. **Motion carried**.

	Steve Widmyer, Mayor
ATTEST:	
Renata McLeod, City Clerk	

The meeting adjourned at 7:50 p.m.



AUG 0 9 2019

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

### CITY CLERK BALANCE

FUND	BALANCE 6/30/2019	RECEIPTS	DISBURSE- MENTS	BALANCE 7/31/2019
General-Designated	\$1,770,376	\$19,784	\$105,978	\$1,684,182
General-Undesignated	8,372,384	20,995,113	13,725,300	15,642,197
Special Revenue:		5243331003	7.0 con 5.3	
Library	35,678	633,056	155,237	513,497
CDBG	22,499	40	4,748	17,791
Cemetery	80,312	55,685	35,677	100,320
Parks Capital Improvements	2,181,194	20,666	50,813	2,151,047
Impact Fees	3,539,873	57,590	231512	3,597,463
Annexation Fees	19,524	58,537		78,061
Cemetery P/C	1,442,242	13,635	28,797	1,427,080
Jewett House	34,588	5,830	4,713	35,705
Reforestation	24,857	347	108	25,096
Street Trees	197,859	7,273	8,800	196,332
	3,036	6	0,000	3,042
Community Canopy	51,205	97	4	51,298
Public Art Fund	593,080	1,119	61,214	532,985
Public Art Fund - ignite	98,215	185	100	98,300
Public Art Fund - Maintenance	90,213	100	100	30,000
Debt Service:	570 762	317,781	818,815	69,728
2015 G.O. Bonds	570,762	317,701	010,013	03,720
Capital Projects:	4 540 500	2.007	2.002	1 512 502
Street Projects	1,512,599	2,987	2,083	1,513,503
Atlas Waterfront Project	3			
Enterprise:		50.070	74 400	4.550
Street Lights	25,174	50,870	71,492	4,552
Water	2,841,606	745,270	738,360	2,848,516
Water Capitalization Fees	7,384,287	98,967	2,918	7,480,336
Wastewater	9,405,314	973,914	941,743	9,437,485
Wastewater - Equip Reserve	1,261,352	27,500		1,288,852
Wastewater - Capital Reserve	500,000	- 44-72		500,000
WWTP Capitalization Fees	2,483,541	185,459		2,669,000
WW Property Mgmt	60,668			60,668
Sanitation	1,545,156	365,220	303,987	1,606,389
Public Parking	72,084	86,724	10,209	148,599
Drainage	1,048,847	90,894	11,867	1,127,874
Wastewater Debt Service	1,322,396	2,493	264,111	1,060,778
Fiduciary Funds:				
Kootenai County Solid Waste Billing	232,512	219,734	232,565	219,681
LID Advance Payments	-			
Police Retirement	990,519	14,605	37,303	967,821
Sales Tax	1,713	3,852	3,856	1,709
BID	258,049	4,262	1,000	261,311
				368
Homeless Trust Fund	390	370	392	300

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, Comotroller, City of Coeur d'Alene, Idaho

### CITY OF COEUR D'ALENE BUDGET STATUS REPORT TEN MONTHS ENDED July 31, 2019

### **RECEIVED**

AUG 0 9 2019

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FUND OR DEPARTMENT	TYPE OF	TOTAL	SPENT THRU 7/31/2019	PERCENT EXPENDED
DEPARTMENT	EXPENDITURE	BUDGETED	7/3//2019	EXPENDED
Mayor/Council	Personnel Services	\$253,438	\$200,297	79%
,	Services/Supplies	11,400	6,911	61%
Administration	Personnel Services	299,969	166,098	55%
	Services/Supplies	20,200	2,486	12%
inance	Personnel Services	683,971	543,288	79%
	Services/Supplies	498,800	482,701	97%
Municipal Services	Personnel Services	1,236,651	1,037,791	84%
	Services/Supplies	628,479	525,429	84%
	Capital Outlay	16,000	16,650	104%
Human Resources	Personnel Services	312,985	242,346	77%
	Services/Supplies	74,125	44,306	60%
Legal	Personnel Services	1,178,684	976,669	83%
	Services/Supplies	53,253	59,115	111%
Planning	Personnel Services	594,382	488,326	82%
	Services/Supplies Capital Outlay	133,600	69,408	52%
Building Maintenance	Personnel Services	378,357	277,837	73%
	Services/Supplies	157,475	108,386	69%
	Capital Outlay	17,000	10,410	61%
Police	Personnel Services	13,247,773	10,586,273	80%
	Services/Supplies	1,309,691	1,041,870	80%
	Capital Outlay		64,448	
Fire	Personnel Services	9,439,387	7,645,001	81%
	Services/Supplies	607,909	435,637	72%
	Capital Outlay		42,495	
General Government	Services/Supplies	86,850	338,144	389%
	Capital Outlay		29,521	
Police Grants	Personnel Services	115,292	77,376	67%
13000 50000	Capital Outlay		64,030	
CdA Drug Task Force	Services/Supplies	40,000	1,200	3%
	Capital Outlay	60,000		
Streets	Personnel Services	2,990,394	2,499,380	84%
	Services/Supplies	1,694,650	659,489	39%
	Capital Outlay	241,500	742,384	307%
Parks	Personnel Services	1,553,223	1,186,091	76%
Lains	Services/Supplies	583,350	431,049	74%
	Capital Outlay	165,000	124,963	76%

#### CITY OF COEUR D'ALENE BUDGET STATUS REPORT TEN MONTHS ENDED July 31, 2019

FUND OR	TYPE OF	TOTAL	SPENT THRU	PERCENT
DEPARTMENT	EXPENDITURE	BUDGETED	7/31/2019	EXPENDED
Recreation	Personnel Services	550,643	439,256	80%
, 122.32.1	Services/Supplies	191,780	114,782	60%
	Capital Outlay	20,000	17,950	90%
Building Inspection	Personnel Services	886,775	696,177	79%
	Services/Supplies	39,410	19,323	49%
	Capital Outlay	33,935	32,797	97%
Total General Fund		40,406,331	32,548,090	81%
Library	Personnel Services	1,322,388	1,094,327	83%
	Services/Supplies	222,000	186,977	84%
	Capital Outlay	180,000	126,101	70%
CDBG	Services/Supplies	408,854	150,522	37%
Cemetery	Personnel Services	202,455	129,521	64%
	Services/Supplies	102,500	78,722	77%
	Capital Outlay	85,000	54,116	
Impact Fees	Services/Supplies	521,500	70,974	14%
Annexation Fees	Services/Supplies	286,000	286,000	100%
Parks Capital Improvements	Capital Outlay	131,500	222,365	169%
Cemetery Perpetual Care	Services/Supplies	207,000	167,380	81%
Jewett House	Services/Supplies	30,955	20,464	66%
Reforestation	Services/Supplies	8,000	6,248	78%
Street Trees	Services/Supplies	100,000	68,496	68%
Community Canopy	Services/Supplies	2,000	959	48%
Public Art Fund	Services/Supplies	348,500	178,500	51%
		4,158,652	2,841,672	68%
Debt Service Fund		876,931	876,928	100%
Dept delvice i una		0,001	0,0,020	.007

#### CITY OF COEUR D'ALENE BUDGET STATUS REPORT TEN MONTHS ENDED July 31, 2019

FUND OR	TYPE OF	TOTAL	SPENT THRU	PERCENT
DEPARTMENT	EXPENDITURE	BUDGETED	7/31/2019	EXPENDED
eltice Way	Capital Outlay		36,689	-04
eltice Way Sidewalks	Capital Outlay	72,000	3,500	5%
affic Calming	Capital Outlay	40,000	405 500	
ovt Way - Hanley to Prairie			195,536	
S 95 Upgrade	Capital Outlay			
athleen Avenue Widening	Capital Outlay	195,000		
argaret Avenue	Capital Outlay	120.000		
h and Dalton	Capital Outlay	50,000		
S 95 Upgrade	Capital Outlay	195,000	-21,0	0.24
5th Street	Capital Outlay	25,000	2,548	10%
dustrial Park Loop & Atlas	Capital Outlay		2,084	
owntown Signal Imprvmnts		154,000	2,000	
las Waterfront Project	Capital Outlay		197,425	
		731,000	439,782	60%
reet Lights	Services/Supplies	650,050	485,094	75%
	Personnel Services	2,073,534	1,689,080	81%
/ater		4,580,300	1,302,631	28%
	Services/Supplies	5,543,500	1,484,519	27%
	Capital Outlay	5,545,500	1,404,515	2770
later Capitalization Fees	Services/Supplies	1,700,000		
/astewater	Personnel Services	2,793,403	2,234,183	80%
	Services/Supplies	6,562,993	2,081,088	32%
	Capital Outlay	8,224,700	4,033,714	49%
	Debt Service	2,178,563	1,011,385	46%
/W Capitalization	Services/Supplies	1,000,000		
anitation	Services/Supplies	4,154,083	3,230,409	78%
ublic Parking	Services/Supplies	289,880	671,039	231%
	Capital Outlay			
rainage	Personnel Services	115,166	94,477	82%
	Services/Supplies	764,458	310,925	41%
	Capital Outlay	920,000	518,475	56%
Total Enterprise Funds		41,550,630	19,147,019	46%
ootenai County Solid Waste	e	2,600,000	2,029,073	78%
olice Retirement		180,760	149,405	83%
usiness Improvement Distri	ct	176,000	1,000	1%
omeless Trust Fund		5,200	4,067	78%
Total Fiduciary Funds		2,961,960	2,183,545	74%

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, Comatroller, City of Coeur d'Alene, Idaho



AUG 0 9 2019

### CITY CLERK

### City of Coeur d Alene Cash and Investments 7/31/2019

Description	City's Balance
U.S. Bank	
Checking Account	2,181,853
Checking Account	29,573
Investment Account - Police Retirement	952,322
Investment Account - Cemetery Perpetual Care Fund	1,418,710
Wells Fargo Bank	
Federal Home Loan Bank Bond	1,003,370
First Interstate Bank	
Certificate of Deposit	1,021,141
Certificate of Deposit	209,701
Idaho Central Credit Union	
Certificate of Deposit	261,010
Idaho State Investment Pool	
State Investment Pool Account	50,091,327
Spokane Teacher's Credit Union	
Certificate of Deposit	250,433
Cash on Hand	
Finance Department Petty Cash	500
Treasurer's Change Fund	1,350
Police Change Fund	75
Library Change fund	180
Cemetery Change Fund	20
Total	57,421,566

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

Vonnie Jensen, Comptroller, City of Coeur d'Alene, Idaho

DATE: AUGUST 14, 2019

TO: MAYOR AND CITY COUNCIL

FROM: PLANNING DEPARTMENT

RE: SETTING OF PUBLIC HEARING DATE: SEPTEMBER 17, 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.

ITEM NO.	REQUEST	<b>COMMISSION ACTION</b>	<b>COMMENT</b>
A-4-19	Applicant: T.J. Ross Location: 1905 E. Nettleton Gulch Request: A proposed 0.84 acre annexation from County Ag. Suburban to R-3 zoning district	Recommended approval	LEGISLATIVE

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **September 17, 2019** 

### CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request made by: Jean Gilmore Name  2200 - Docth	/ Date
Name	
2200 12 Death 1 220	209(64-87
	/ Phone
Address COA, ID 8381	14
Address	
The request is for: / / Repurchase of Lot(s)	200
/ Transfer of Lot(s) from Jean Colmore	e to levesa Kield
Niche(s):,	
Lot(s): 609,,, Block: _	
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 attac	hed.
Title transfer fee (\$40.00 ) attached**.	
**Request will not be processed without receipt of fee. Cashier R	eceipt 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  2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is 1:	
	7-7-7-7-7-7
3. The purchase price of the Lot(s) when sold to the owner of record wa	as \$ per lot.
	- Poi 1911
Supervisor's Init. Date	
EGAL/RECORDS shall complete the following:	
. Quit Claim Deed(s) received: / / Yes / / No.	
erson making request is authorized to execute the claim:	
Attorney Init.	
certify that all requirements for the transfer/sale/repurchase of ceme	etery lot(s) have been met and
recommend that transaction be completed.	
City Clerk's Signature	Date
	100
COUNCIL ACTION	
ouncil approved transfer/sale/repurchase of above-referenced Lot(s) in	regular session on: Mo./ Day /Yr.
EMETERY SUPERVISOR shall complete the following:	
change of ownership noted/recorded in the Book of Deeds: /X/ Yes /	/ No
Cemetery copy filed / /; original and support documents returned to Ci	ity Clerk / /
- TVWO MALT	81812014
Cemetery Supervisor's Signature	Date /

Distribution: Original to City Clerk
Yellow copy Finance Dept.

Pink copy to Cemetery Dept.

### CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received b	VICITY CLERKS. ALISON PALME	R 8/1/19
	Department Name / Employee Name	/ Date
Request made by:	ELVINA A DONEE	208-683 / Phone
-5-	Name	
25397	M. HATCH ROAD, ATHOL, ID 83801	
	Address	
The request is for	: /X/ Repurchase of Lot(s)	
1040001 10 101	/ Transfer of Lot(s) from ELVINA DOYLE to	CITY OF CO
Niche(s): .		Of 17 OF CID.
		Section: B
	in / / Forest Cemetery / / Forest Cemetery Annex (Riverview)	
	or / / Certificate of Sale must be attached.	, •
Person making requ	est is / / Owner / / Executor* / / Other* DAUGHTER	R
*If "executor" or	r "other", affidaviats of authorization must be attached.	
	(\$ ) attached**.	
	ot be processed without receipt of fee. Cashier Receipt No.:	
7200 #222 (10		
ACCOUNTING DEPARTME	ENT Shall complete the following:	
Attach copy of or	,	
necacii cupy ui di	Accountant Signature	
	Account ant Signature	
	Accountant Signature	
EMETERY SUPERV	ISOK shall complete the following:	
1	ecord of the Lot(s) in the Cemtery Book of Deeds is listed as:	per lot.
		+
	Supervisor's Init. Date	
	nall complete the following:	
	i(s) received: / / Yes / / No.	
erson making reque	est is authorized to execute the claim:	
nontify that all	Attorney Init. Date	40.00
	requirements for the transfer/sale/repurchase of cemetery lot(s) transaction be completed.	have been met and
	City Clerk's Signature Date	
	Date Date	
COUNCIL ACTION		
ouncil approved tr	ansfer/sale/repurchase of above-referenced Lot(s) in regular ses	sion on:
		Mo./ Day /Yr.
EMETERY SUPERVI	ISOR shall complete the following:	
hange of ownership	noted/recorded in the Book of Deeds: / / Yes / / No	
emetery copy filed	/ /; original and support documents returned to City Clerk /	1
		4
	Cemetery Supervisor's Signature Date	
: E4	No. 1 ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) (	
	Original to City Clerk	
A Company of the Company	Original to City Clerk Yellow copy Finance Dept. Pink copy to Cemetery Dept.	



### ORDINANCE NO. \_\_\_\_\_ COUNCIL BILL NO. 19-1009

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM R-3 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 4.96 ACRE PARCEL LOCATED ON THE WEST SIDE OF RAMSEY ROAD ALONG ALPS STREET & SOUTH OF PRAIRIE AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing on the hereinafter provided amendment, and after recommendation by the Planning Commission, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene, Idaho, that said amendments be adopted;

NOW, THEREFORE,

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

**SECTION 1.** That the following described property, to wit:

The property is described as a +/- 4.69 acre property known as 1781 W. Alps Street and legally described the East half of Tract 329, HAYDEN LAKE IRRIGATED TRACTS, according to the plat thereof recorded in Book C of Plats at Pages 66 and 67, Records of Kootenai County, Idaho

is hereby rezoned from R-3 (Residential at 3 units/acre) to R-17 (Residential at 17 units/acre.

**SECTION 2.** That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

**SECTION 3.** That the Planning Director is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene, and shall make an electronic copy available on the City's website.

**SECTION 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5.** 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.

1 1	oon which a roll call vote was duly taken and duly d'Alene at a regular session of the City Council on
APPROVED this 20th day of Augus	et 2019.
	Steve Widmyer, Mayor
ATTEST:	
Renata McLeod, City Clerk	

# SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_ Zone Change – ZC-1-19 A +/- 4.96 ACRE PARCEL ZONE CHANGE FROM R-3 TO R-17 at 1781 W. ALPS STREET

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR
D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691,
ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE
FOLLOWING DESCRIBED PROPERTY FROM R-3 TO R-17, SAID PROPERTY BEING
DESCRIBED AS FOLLOWS, TO WIT: A +/- 4.96 ACRE PARCEL LOCATED ON THE WEST
SIDE OF RAMSEY ROAD ALONG ALPS STREET & SOUTH OF PRAIRIE AVENUE:
REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH
AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE
UPON PUBLICATION OF THIS SUMMARY. 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, a +/- 4.96 acre parcel zone change from R-3 to R-17 at 1781 W. Alps Street, 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 20 <sup>th</sup> day of August, 2019.				
Randall R. Adams, Chief Civil Deputy City Attorney				

### ORDINANCE NO. \_\_\_\_\_ COUNCIL BILL NO. 19-1010

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM MH-8 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 0.82 ACRE PARCEL BOUND BY HOWARD STREET AND FRUITLAND LANE, NORTH OF NEIDER AVENUE, COMMONLY KNOWN AS 601 W. NEIDER AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing on the hereinafter provided amendments, and after recommendation by the Planning Commission, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene, Idaho, that said amendments be adopted;

NOW, THEREFORE,

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

**SECTION 1.** That the following described property, to wit:

Lot 1, Block 2, Clark Addition, according to the Plat thereof, recorded in Book I of Plats at Page 187, records of Kootenai County, Idaho

is hereby rezoned from MH-8 (Mobile Home at 8 units/acre) to R-17 (Residential at 17 units/acre).

**SECTION 2.** That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

**SECTION 3.** That the Planning Director is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene, and shall make an electronic copy available on the City's website.

**SECTION 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 5.** 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 whice enacted an Ordinance of the City of Coeur d'Alene August 20, 2019.	· · · · · · · · · · · · · · · · · · ·
APPROVED this 20 <sup>th</sup> day of August 2019.	
	G. W. I.
	Steve Widmyer, Mayor
ATTEST:	
Renata McLeod, City Clerk	

# SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_ Zone Change – ZC-2-19 A +/- 0.82 ACRE PARCEL ZONE CHANGE FROM MH-8 TO R-17; AT 601 W. NEIDER AVENUE

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM MH-8 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 0.82 ACRE PARCEL BOUND BY HOWARD STREET AND FRUITLAND LANE, NORTH OF NEIDER AVENUE, COMMONLY KNOWN AS 601 W. NEIDER AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. 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 have examined the attached summary of Coe parcel zone change from MH-8 TO R-17, at 6	City Attorney for the City of Coeur d'Alene, Idaho. our d'Alene Ordinance No, A +/- 0.82 acre 501 W. Neider Avenue, and find it to be a true and rovides adequate notice to the public of the context
DATED this 20th day of August, 2019.	
$\overline{R}$	andall R. Adams, Chief Civil Deputy City Attorney

#### RESOLUTION NO. 19-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN ANNEXATION AGREEMENT WITH JOHN HERN FOR THAT PORTION OF REAL PROPERTY NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF ATLAS ROAD AND HANLEY AVENUE, MORE PARTICULARLY DESCRIBED IN THE AGREEMENT.

WHEREAS, an annexation agreement has been negotiated between the City of Coeur d'Alene and John Hern, pursuant to the terms and conditions set forth in said 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 that the City enter into an annexation agreement with John Hern 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 of Coeur d'Alene.

DATED this 20<sup>th</sup> day of August, 2019.

	Steve Widmyer, Mayor
ATTEST:	
Renata McLeod, City Clerk	

Motion byresolution.	, Seconde	ed by	, to adopt the foregoing
ROLL CALL:			
COUNCIL MEMBE	R GOOKIN	Voted	
COUNCIL MEMBE	R MCEVERS	Voted	
COUNCIL MEMBE	R EVANS	Voted	
COUNCIL MEMBE	R EDINGER	Voted	
COUNCIL MEMBE	R MILLER	Voted	
COUNCIL MEMBE	R ENGLISH	Voted	
		was absent. Moti	on

## ANNEXATION AGREEMENT A-2-19

THIS AGREEMENT, made and dated this 20<sup>th</sup> day of August, 2019, by and between the *City of Coeur d'Alene*, a municipal corporation organized pursuant to the laws of the state of Idaho, hereinafter termed the "City," and *John Hern*, an individual, with an address of P.O. Box 1060, Coeur d'Alene, ID 83816 hereinafter referred to as the "Owner,"

#### WITNESSETH:

WHEREAS, the Owner owns a parcel of land adjacent to the City limits of the City, which the Owner wishes to develop, and the Owner has applied for annexation to the City, and said property to be annexed is more particularly described in Exhibit "A" attached hereto (hereinafter referred to as "the Property") and incorporated by reference into the substantive portion of this Agreement; and

WHEREAS, the Coeur d'Alene Planning and Zoning Commission has approved, subject to the successful completion of the annexation process, zoning for the Property. A copy of the approved Findings and Order are attached hereto as Exhibit "B" and are incorporated by reference into the substantive portion of this Agreement; and

WHEREAS, the Mayor and City Council of the City have determined that it would be in the best interests of the City and the citizens thereof to annex the Property subject to the Owners performing the conditions hereinafter set forth.

#### NOW, THEREFORE,

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

#### ARTICLE I: LEGAL DESCRIPTION

1.1. <u>Legal description</u>: The properties are described as a +/- 11.73 acre property and known as 6215 N. Atlas Road and legally described as Lot 1 and Lot 3, of Block 1 per the plat of the Hern Industrial Park recorded in Book "L" at pages 310 and 310A-310C, Records of Kootenai county, Idaho situate a portion of the Northeast Quarter of Section 33, Township 51 North, Range 4 West, Boise Meridian, City of Coeur d' Alene, Kootenai County, Idaho.

#### **ARTICLE II: STANDARDS**

2.1. <u>Applicable standards</u>: The Owner agrees that all laws, standards, policies and procedures regarding public improvement construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City Code shall be those in effect at the time of plan approval. The Owner further waives any right the Owner may have regarding the date used

to determine what public improvements; construction laws, standards, policies and procedures shall apply.

#### **ARTICLE III. UTILITIES**

- 3.1. Water and sewer: The Owner agrees to use the City's water and sanitary sewer systems for this development. The Owner will extend, at its own cost, the water and sanitary sewer systems and further agrees to fully comply will all City policies for its water and wastewater systems.
- 3.2. <u>Water rights</u>: Prior to the recordation of any plat on the Property or any other transfer of an ownership interest in the Property, the Owner will grant to the City, by warranty deed in a format acceptable to the City, all water rights associated with the Property. The party expressly agrees that the Owner is conveying the water rights to the City so that the City will have adequate water rights to ensure that the City can provide domestic water service to the Property.
- 3.3. <u>Garbage collection:</u> The Owner agrees that upon the expiration of the existing term of any contract to provide garbage collection services to the Property, that the Owner will begin using the garbage collection service in effect within the City of Coeur d'Alene, which garbage collection service shall be identified by the City.
- 3.4. <u>Street lights</u>: The Owner agrees to adhere to City policies and standards for street light design and construction.
- 3.5. <u>Street Trees</u>: The Owner agrees to adhere to City policies and standards for street trees.

#### **ARTICLE IV: PUBLIC IMPROVEMENTS**

- 4.1. <u>Installation of public improvements</u>: The Owner further agrees prior to occupancy of the Property, and prior to issuance of any building permits for the Property, the Owner shall submit plans for approval and construct and install, or otherwise secure the required construction and installation in a manner acceptable to the City, of all improvements required by this Agreement or by City Code including but not limited to sanitary sewer improvements, storm water disposal, water lines, hydrants, monumentation, grading, subbase, paving, curbs, dry utility conduit, street lights, pedestrian/bicycle paths, and sidewalks. The City shall have no obligation, if any exists, for maintenance of improvements until such time as the City formally accepts the improvements.
- 4.2. <u>Compliance with conditions of approval:</u> The conditions of approval, attached as Exhibit "B," are expressly incorporated into this Agreement as binding provisions of this Agreement. As such, the Owner specifically agrees to fulfill each condition of approval as if each condition was specifically enumerated in this Agreement.

4.3. Any future changes to the lot configuration shall be required to meet all Subdivision Standards.

#### **ARTICLE V: FEES**

- 5.1. <u>Consideration</u>: The Owner agrees to provide specific consideration in the amount of One hundred forty-nine thousand and two hundred and fifty dollars and no/100 (\$149,250.00) to the City at the times specified in Section 5.3 below. This amount is based on the policy adopted by the City Council by Resolution 98-112 and represents a fee of Seven Hundred Fifty Dollars and no/100 (\$750.00) per residential lot in the approved C-17 zone on the approved plat. The sum provided for by this Agreement is deemed by the parties to be a reasonable fee for City benefits and services to the Owners' Property, including but not limited to public safety and other services. The Owner will remain responsible for all other costs and fees required by City Code.
- 5.2. <u>No extension of credit</u>: The parties, after careful consideration of the actual burdens on the City, have agreed to a specific dateline in which those burdens will occur. This section anticipates specific payment at a specific date and is in no manner a loan of services or an extension of credit by the City.
- 5.3. Payment of annexation fees: On or before the date of the publication of the ordinance annexing the Property into the City, the Owners will pay one-third of the total required annexation fee in the amount of Forty-Nine Thousand Seven-Hundred Fifty dollars and no/100 (\$49,750.00). On or before August 20, 2021, the owner will pay the additional two-thirds of the total required annexation fee in the amount of Ninety-Nine Thousand Five Hundred dollars and no/100 (\$99,500.00). Owner expressly agrees that if the required payments have not been made according to the above stated schedule the City may withhold building permits on the property, or any other discretionary approvals on the property, until such time as the required fees are paid. Further, Owner expressly agrees that any past due amounts will be subject to a late fee of One Thousand Dollars (\$1,000) and accrue interest at twelve percent (12%) per annum until paid in full and that Owner will pay to the City all costs and attorney's fees incurred by the City in pursuing the collection of any past due amount.
- 5.4. Other fees: Additionally, the Owner shall be responsible for all required fees and charges including but not necessarily limited to water hook-up fee(s), water connection (capitalization) fee(s), sanitary sewer connection (capitalization) fee(s), building permit fees, and any applicable impact fees that may be imposed. Fees referred to in this paragraph, are set forth by Municipal Ordinance and/or resolution and arise independent of this Agreement.
- 5.5. The Owner's reimbursement to the City: The Owner further agrees that the City has utilized substantial staff time to prepare the Annexation Agreement that will benefit the Owner. The Owner further agrees the City shall be reimbursed a reasonable fee for its costs to prepare such agreement. The Owner further agrees that such fee shall be in the amount of Eight Hundred Dollars (\$800.00).

#### ARTICLE VI. MISCELLANEOUS

- 6.1. <u>Deannexation</u>: The Owner agrees that in the event the Owner fails to comply with the terms of this Agreement, defaults, is otherwise in breach of this Agreement, the City may deannex and terminate utility services without objection from the Owner, or their assigns or successors-in-interest of such portions of the Owners' Property as the City in its sole discretion decides.
- 6.2. The Owner to hold the City harmless: The Owner further agrees it will indemnify, defend and hold the City harmless from any and all causes of action, claims and damages that arise, may arise, or are alleged, as a result of the Owner's development, operation, maintenance, and use of the Property described in Exhibit "A." The Owner further agrees to pay the City's legal costs, including reasonable attorney fees, in the event this annexation is challenged in a court of law. Payment for the City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.
  - 6.3. <u>Time is of the essence</u>: Time is of the essence in this Agreement.
- 6.4. <u>Merger:</u> The representations, warranties, covenants, conditions and agreements of the parties contained in the Agreement shall survive the acceptance of any deeds and/or easements.
- 6.5. Recordation; Merger; Amendment: The Owner further agrees this Agreement shall be recorded by the City at the Owners' expense. All promises and negotiations of the parties merge into this Agreement. The parties agree that this Agreement shall only be amended by a writing signed by the Owner. The Owner agrees that this Agreement shall not be amended by a change in any law. The Owner agrees this Agreement is not intended to replace any other requirement of City Code.
- 6.6. <u>Section headings:</u> 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 pertain.
- 6.7. <u>Compliance with applicable laws</u>: The Owner agrees to comply with all applicable laws.
- 6.8. <u>Covenants run with land</u>: The covenants herein contained to be performed by the Owner shall be binding upon the Owner and the Owners' heirs, assigns and successors-in-interest, and shall be deemed to be covenants running with the land.
- 6.9. <u>Publication of ordinance</u>: The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owners' Property shall occur. Upon proper execution and recordation of this Agreement, the City will, to the extent lawfully permitted, adopt and thereafter publish an ordinance annexing the Owners' Property.

6.10. <u>Promise of cooperation:</u> Should circumstances change, operational difficulties arise, or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate other legal action, or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this Agreement to be executed by its Mayor and City Clerk and its corporate seal affixed hereto, and John Hern have caused the same to be executed the day and year first above written.

CITY OF COEUR D'ALENE	JOHN HERN	
By: Steve Widmyer, Mayor	By:	
ATTEST:		
Renata McLeod, City Clerk		

STATE OF IDAHO	
County of Kootenai	) ss. )
Steve Widmyer and respectively, of the	day of August, 2019, before me, a Notary Public, personally appeared december of Renata McLeod, known to me to be the Mayor and City Clerk, City of Coeur d'Alene that executed the foregoing instrument and that said City of Coeur d'Alene executed the same.
	WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the ertificate first above written.
	Notary Public for Idaho Residing at My Commission expires:
STATE OF IDAHO County of Kootenai	) ) ss.
On this <b>John Hern,</b> known o	day of August, 2019, before me, a Notary Public, personally appeared or identified to me to be the person whose name is subscribed to the within wledged to me that he executed the same.
	WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the ertificate first above written.
	Notary Public for Idaho Residing at My Commission expires:

Resolution No. 19-033

# EXHIBIT "A" ANNEXATION DESCRIPTION ANNEXATION AREA 1

A PARCEL OF LAND BEING LOT 1 BLOCK 1 PER THE PLAT OF HERN INDUSTRIAL PARK RECORDED IN BOOK "L" AT PAGES 310 AND 310A-310C, RECORDS OF KOOTENAI COUNTY, IDAHO. SITUATE IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 33 BEING A FOUND PK NAIL PER CP&F INSTRUMENT NO. 1781922, RECORDS OF KOOTENAI COUNTY, IDAHO, FROM WHICH THE NORTHEAST CORNER OF SECTION 33 BEARS S88°39'20"E A DISTANCE OF 2626.96 FEET; THENCE, S88°39'20"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 216.66 FEET TO A FOUND 5/8" REBAR AND CAP MARKED PLS 6374 ON THE EXISTING BOUNDARY OF THE CITY OF COEUR D'ALENE AND THE TRUE POINT OF BEGINNING.

THENCE, CONTINUING ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 33 AND SAID CITY BOUNDARY S88°39'20"E A DISTANCE OF 611.54 FEET TO A FOUND 1/2" REBAR AND CAP MARKED PLS 9367:

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THENCE, ALONG SAID NORTHEASTERLY BOUNDARY, N51°25'13"W A DISTANCE OF 768.11 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID PARCEL OF LAND CONTAINING 3.262 ACRES OR 142,114 SQUARE FEET, MORE OR LESS.



Resolution No. 19-033 Exhibit "A"

# EXHIBIT "A" ANNEXATION DESCRIPTION ANNEXATION AREA 2

A PARCEL OF LAND BEING LOT 3 BLOCK 1 PER THE PLAT OF HERN INDUSTRIAL PARK RECORDED IN BOOK "L" AT PAGES 310 AND 310A-310C, RECORDS OF KOOTENAI COUNTY, IDAHO. SITUATE A PORTION OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

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THENCE, ALONG THE SAID CITY BOUNDARY THE FOLLOWING FIVE (5) COURSES:

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Resolution No. 19-033 Exhibit "A"

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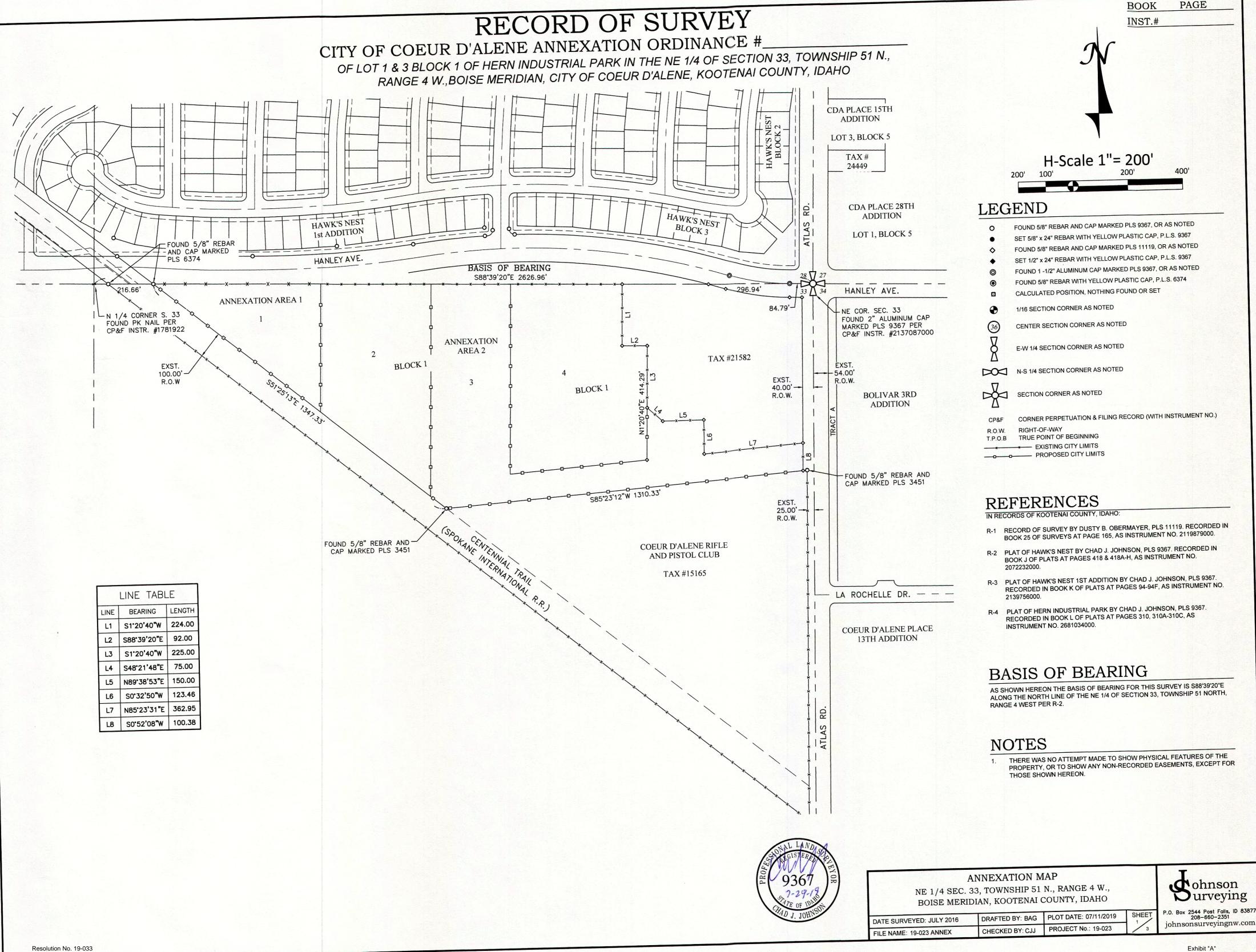
THENCE, LEAVING SAID RIGHT-OF-WAY AND SAID CITY BOUNDARY S85°23'12"W A DISTANCE OF 1310.33 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY OF THE CENTENNIAL TRAIL (SPOKANE INTERNATIONAL R.R.) AND A FOUND 5/8" REBAR AND CAP MARKED PLS 3451;

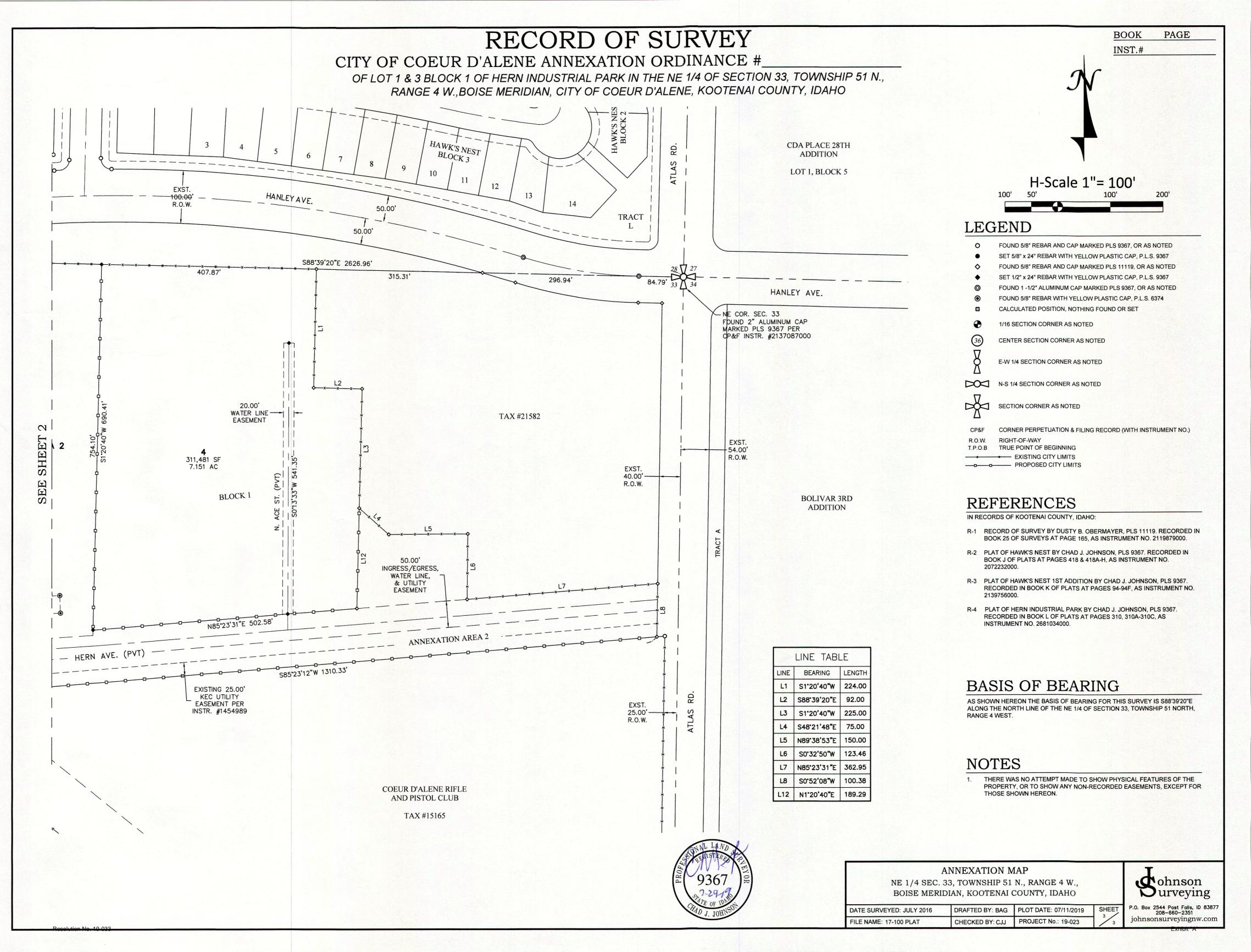
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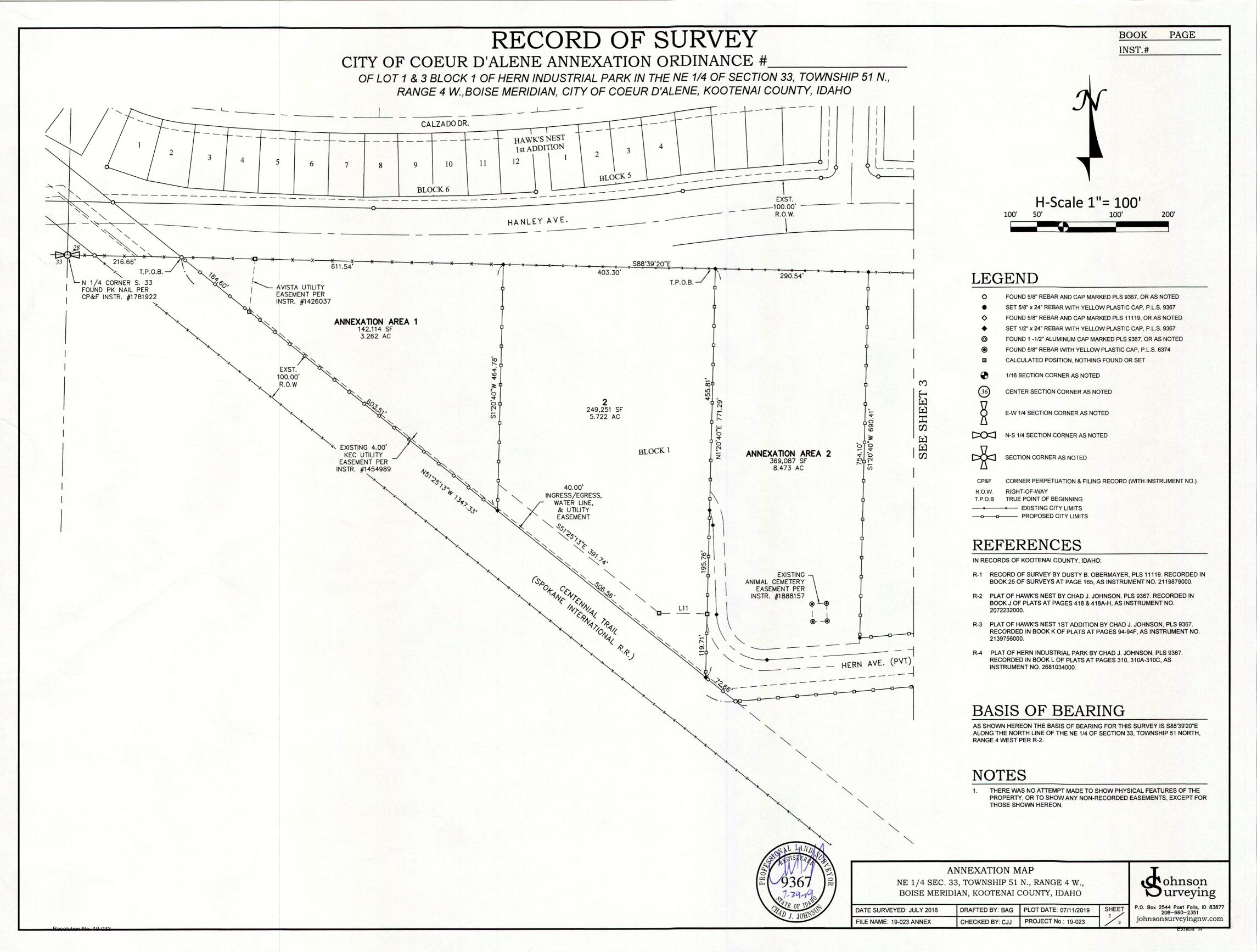
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SAID PARCEL OF LAND CONTAINING 8.473 ACRES, OR 369,087 SQUARE FEET, MORE OR LESS.









#### **EXHIBIT "B"**

#### COEUR D'ALENE CITY COUNCIL FINDINGS AND ORDER

#### A. INTRODUCTION

This matter having come before the City Council on June 18, 2019 and there being present a person requesting approval of ITEM A-2-19, a request for zoning prior to annexation from County Light Industrial to City C-17.

APPLICANT: JOHN HERN

LOCATION: TWO PARCELS, IN AGGREGATE MEASURING +/- 11.74 ACRES LOCATED NEAR

THE SOUTHWEST CORNER OF THE INTERSECTION OF ATLAS ROAD AND

HANLEY AVENUE

## B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

(The City Council may adopt Items B1 to B7.)

- B1. That the existing land uses are single family and commercial.
- B2. That the Comprehensive Plan Map designation is Atlas-Prairie, Transition.
- B3. That the zoning is County Light Industrial.
- B4. That the notice of public hearing was published on May 31, 2019, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on June 18, 2019.

B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

#### **Objective 1.11- Community Design:**

Employ current design standards for development that pay close attention to context, sustainability, urban design, and pedestrian access and usability throughout the city.

#### **Objective 1.14 - Efficiency:**

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

#### **Objective 1.16 - Connectivity:**

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trail systems.

#### **Objective 2.02 - Economic & Workforce Development:**

Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.

#### **Objective 3.01 - Managed Growth:**

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on there wasn't any public testimony in opposition and all city staff stated they could provide service.
- B10. That the physical characteristics of the site do make it suitable for the request at this time because this property is flat and has multiple services surrounding it.
- B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because we are surrounded by residential as well as county industrial and that will be buffered by proper landscaping and pathways.

#### C. ORDER: CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned, finds that the request of JOHN HERN for zoning prior to annexation as described in the application should be approved.

Suggested provisions for inclusion in an Annexation Agreement are as follows:

#### PLANNING:

- Any structures within the subject properties that do not meet the uses by right for the requested C-17 zoning designation be converted to a use as allowed in C-17, obtain approval of a special use permit as defined in code to validate non-conforming use(s), or be demolished.
- 2. The applicant has expressed a need to use the proposed annexation properties as staging for construction activities. This is allowed by code, however, at the time of certificate of occupancy issuance for new development, the site(s) must be at a minimum cleared and graded, saving any trees onsite where feasible.

PLANNING COMMISSION FINDINGS: A-2-19 MAY 14, 2019 Page 2

 Any commercial standards deviation request resulting in blank walls and/or absence of glazing along a street frontage must provide a dense, continuous, irrigated landscape buffer to mitigate.

#### PARKS:

- 4. A paved 10' trail along the south side of Hanley will be required to be built prior to certificate of occupancy. The entire trail must be built from the existing terminus to the existing Prairie Trail to the west, preventing piecemeal patchwork of trail improvements.
- 5. The applicant must work with the city to provide an acceptable form of perpetual protection of the trail location, if needed. This may be in the form of an easement or conveyance of additional right-of-way, or other means approved by the City Attorney. Any cost associated with this requirement will be borne by the developer.

#### **ADMINISTRATION & FINANCE:**

6. Annexation fees for this request and A-6-16 must be resolved to the satisfaction of the city at the time of annexation recordation.

#### **WASTEWATER:**

7. Extension of the public sewer "To and Through" subject properties, per code and policies of the city, must be provided.

#### WATER:

- 8. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permit.
- 9. All water rights associated with the parcels to be annexed shall be transferred to the City at the owner's expense.

Motion by Gookin, seconded by Edinger, to adopt the foregoing Findings and Order.

#### **ROLL CALL:**

Council Member	Gookin	Voted	Yes
Council Member	Edinger	Voted	Yes
Council Member	Evans	Voted	Yes
Council Member	McEvers	Voted	Yes
Council Member	English	Voted	Yes
Council Member	Miller	Voted	Yes

Motion to approve carried by a 6 to 0 vote.

#### ORDINANCE NO. \_\_\_\_ COUNCIL BILL NO. 19-1011

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said property be annexed;

NOW, THEREFORE,

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

**SECTION 1.** That the property as set forth in Exhibit "A," attached hereto and incorporated herein, contiguous and adjacent to the City of Coeur d'Alene, Kootenai County, Idaho, be and the same is hereby annexed to and declared to be a part of the City of Coeur d'Alene, Kootenai County, Idaho, and the same is hereby zoned as City C-17 (Commercial at 17 units/acre).

**SECTION 2.** That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, be and the same is hereby amended as set forth in the preceding section hereof.

**SECTION 3.** That the Planning Director be and she is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** 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 August 20<sup>th</sup>, 2019.

APPROVED by the Mayor this 20<sup>th</sup> day of August, 2019.

ATTEST:	Steve Widmyer, Mayor	
Renata McLeod, City Clerk		

### SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_

A-2-19 Annexation of  $\pm$ 11.74 two-acre parcels located near the southwest corner of the intersection of Atlas Rd. and Hanley Ave.

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY
OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED
PORTIONS OF SECTION 33, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN
ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; REPEALING
ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND
PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON
PUBLICATION OF THIS SUMMARY. 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, A-2-19 Annexation of +/- 11.74 two-acre parcels located near the southwest corner of the intersection of Atlas Rd. and Hanley Ave., 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 20 <sup>th</sup> day of August, 2019.
Randall R. Adams, Chief Deputy City Attorney

# EXHIBIT "A" ANNEXATION DESCRIPTION ANNEXATION AREA 1

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Exhibit "A"

# EXHIBIT "A" ANNEXATION DESCRIPTION ANNEXATION AREA 2

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CB 19-1011 Exhibit "A"

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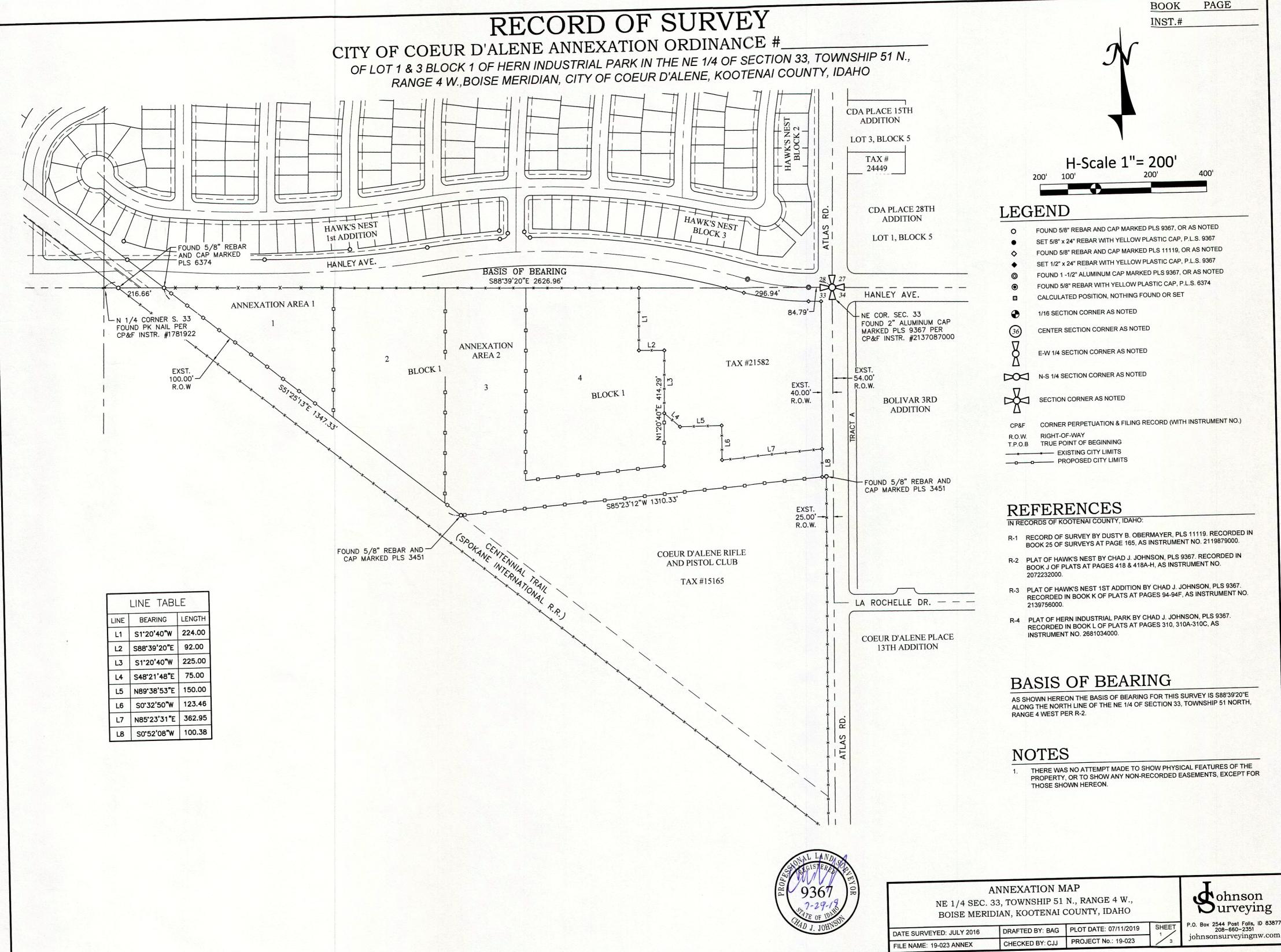
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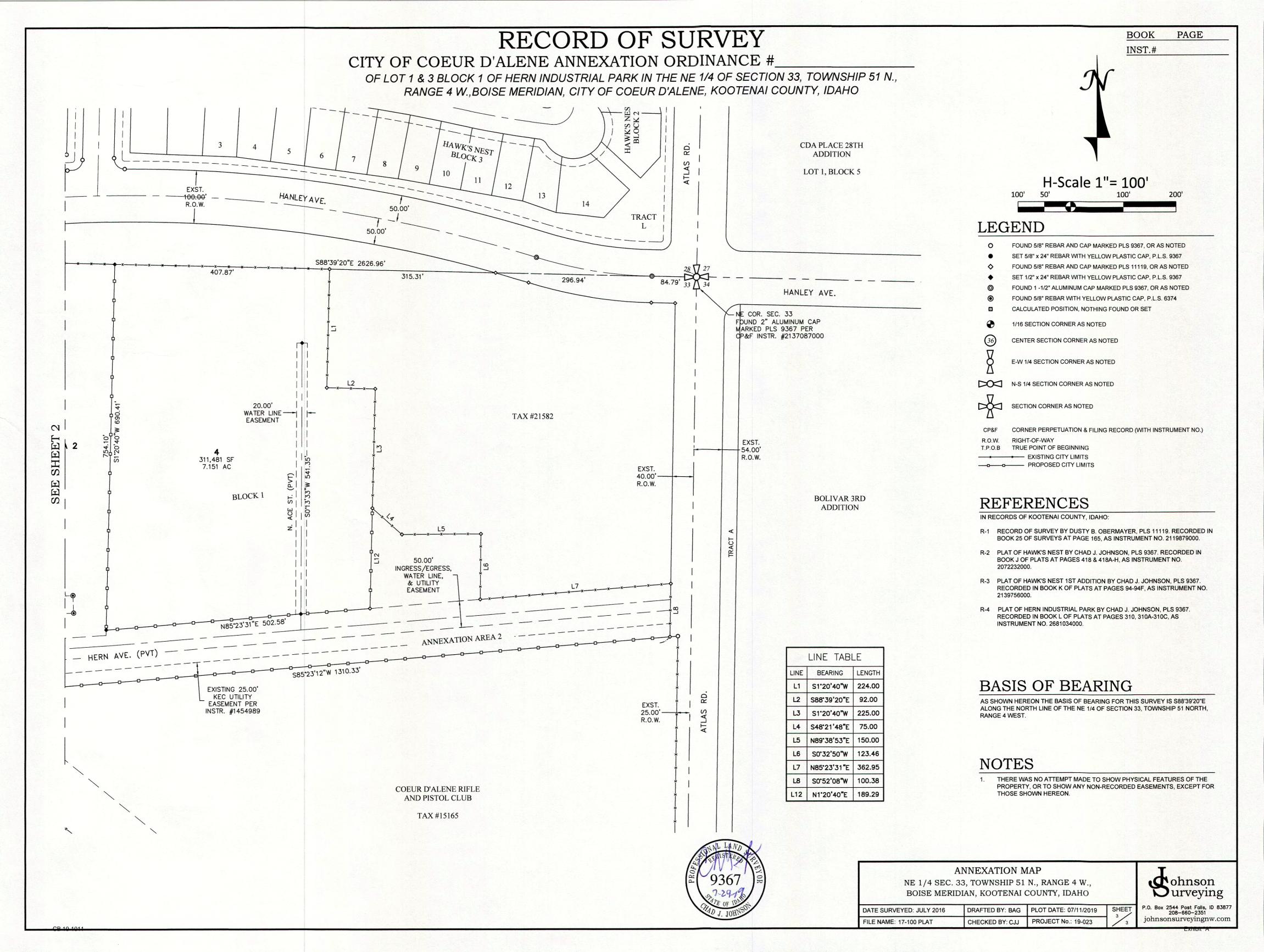
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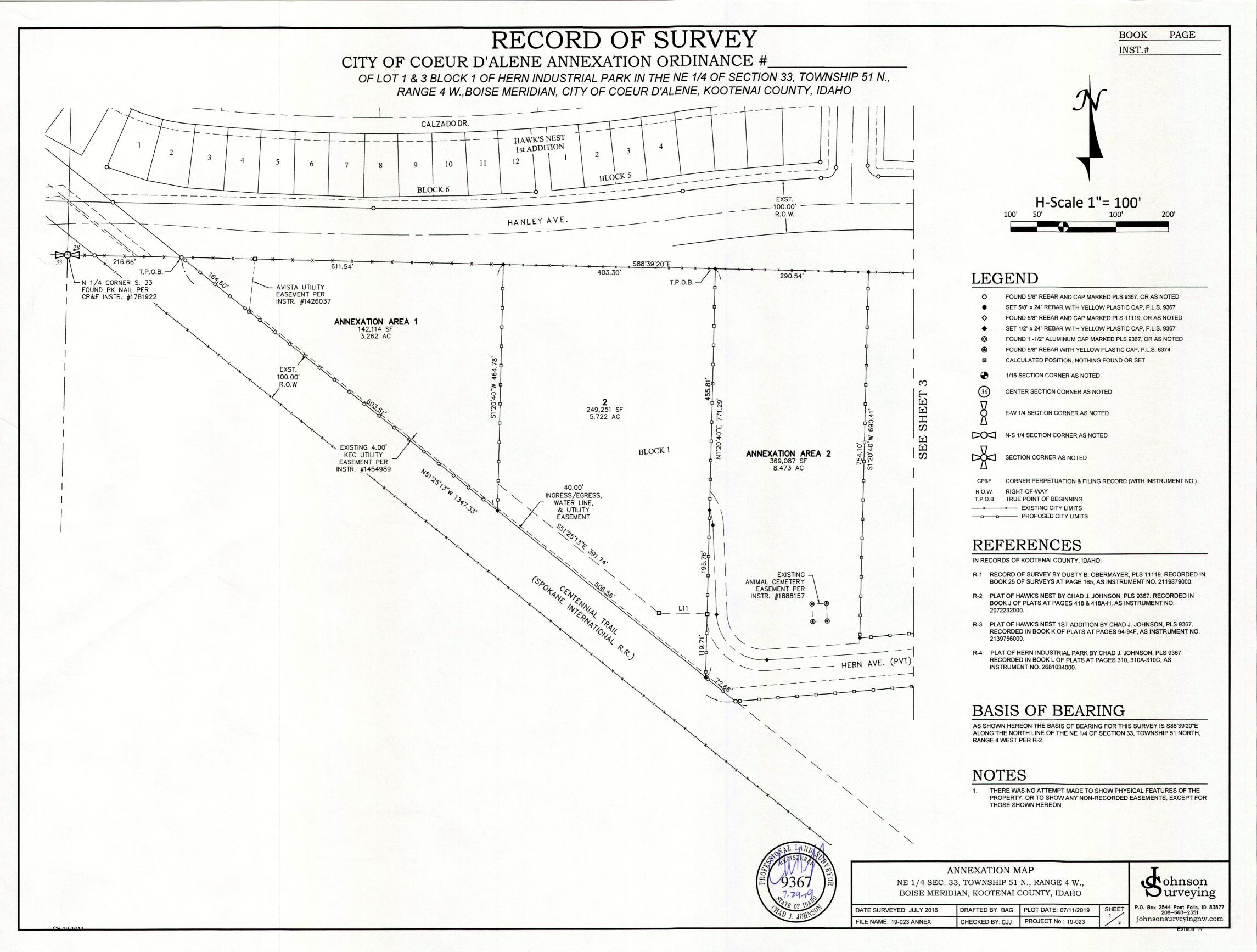
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CB 19-1011





## CITY COUNCIL STAFF REPORT 0-1-19

**DATE:** August 20, 2019

**FROM:** Mike Behary, Associate Planner

**SUBJECT:** Accessory Dwelling Units (ADU) Code Amendments

#### **DECISION POINT:**

Staff is requesting approval from the City Council for the proposed code amendments to the Zoning Ordinance regarding accessory dwelling units, as recommended by the Planning Commission.

#### **PLANNING COMMISSION:**

At their regular monthly meeting on July 9th, 2019, the Planning Commission unanimously recommended approval for the zone change request.

#### **BACKGROUND:**

In 2007 the City first adopted zoning code language that allowed ADU's within the city. Since that time city staff has become aware of some of the issues relating to the existing ADU code, including a restriction on homeowners and builders building an ADU above a garage. The primary reason for bringing forward the proposed code changes is to allow ADU's above garages.

An ADU & Infill Housing Committee was formed and workshops were held together with the Planning Department staff to discuss possible code changes regarding ADU's. A joint workshop was also conducted with the Planning Commission to work on the proposed ADU code amendments. The following is a list of the history and prior workshops that were held:

January 2019 - Goal set to amend ADU Code

- ADU & Infill Housing Committee formed

February 22, 2019 - 1<sup>st</sup> Workshop
 March 15, 2019 - 2<sup>nd</sup> Workshop
 April 26, 2019 - 3<sup>rd</sup> Workshop

May 28, 2019 - 4<sup>th</sup> Joint Workshop With Planning Commission

#### **PURPOSE:**

The purpose of the proposed ADU Code amendments is to primarily address the code issue of the height restriction that did not allow for accessory dwelling units above garages in the rear yard. The ADU & Infill Housing Committee and City Staff also agreed that there should be a side and rear yard "Second Story Step Back" for detached ADU's in order to provide air space and light between properties.

The proposed ADU code amendments addresses these issues along with others items, such as Lot Coverage, size of ADU, Design Standards, allowing existing garages to be converted to an ADU, and side and rear setback requirements. Below is a list of the items that were discussed at the recent workshops. The full proposed ADU code amendments are attached at the end of this staff report. The purpose of these revisions to the Zoning Code is to ensure health, safely, and welfare of the public and property owners in the City of Coeur d'Alene, while protecting property rights.

#### PROPOSED ZONING CODE AMENDMENTS AT A GLANCE (FULL AMENDMENTS ATTACHED):

#### 1.ADU Unit Size: Proposed Code Changes

- No Minimum unit size.
- Maximum up to 800 SF (finished square footage; doesn't include unfinished basements).
- ADU shall not exceed 75% of the total square footage of the primary dwelling unit.

#### 2. Building Height of Detached ADU: Proposed Code Changes

- Maximum Height 24' for unit above garage (the roof slope requirements would be removed for new detached ADUs, but two story ADUs must meet second story step back).
- Maximum Height 18' for one story unit.
- Allowable projections per existing code for such things as chimneys, antennas, etc.
- Railings and parapets cannot exceed maximum height.

#### 3. Owner Occupancy Requirement: Proposed Code Changes

- Not required, unless the property has a Short Term Rental (STR).
- If property is used for Short Term Rental (STR) then one unit must be owner occupied.
- Affidavit would still be required for all ADU's to acknowledge ADU status of property and compliance with code. City Code will be amended to address owner occupancy requirement for Short Term Rentals.

#### 4. Parking Space Size: No Change

> Parking space size remains 9' x 20'

#### 5. Design Standards: Proposed Code Changes

Not a requirement for new detached ADU's.

Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principle dwelling unit.

#### 6. Existing garages and sheds: Proposed Code Changes

- Allow existing garages and sheds would be allowed to be converted to an ADU provided that the structure can meet the current adopted building codes and that it is not over the property line or in the City's right-of-way.
- ➤ The structure could not be expanded outward or upward without triggering the Non-Conforming Code and requiring the structure to meet the current standards.
- Existing 25' tall garages could be converted to an ADU without having to meet the 24' maximum height or the second story step back requirements, but they would need to meet Building Code and ADU parking requirement, affidavit, etc.

#### 7. Setbacks of Detached ADU: Proposed Code Changes

> SIDE: Minimum Five foot side yard setback required.

All ADU's shall be set back from the side lot line at least five feet (5').

Remove the language from the code that allows ADU's to be three feet (3') from the property line. "However, an accessory structure may be set back three feet (3') from the side property line provided the roof does not slope toward the side property line."

REAR with Alley: Minimum 3'REAR No Alley: Minimum 5'

## 8. Step Back of second story of Attached and Detached ADU's from property lines in the rear yard: Proposed Code Changes

- ➤ The group agreed that there should be some sideyard Step Back for the second story of detached and attached ADU's in order to provide air space and light between properties. NOTE: This is being required to remove the concern of the previously repealed code that allowed 25' tall accessory structures that negatively impacted neighboring properties.
- ➤ The upper step back would begin at 10' height on the interior side property line and at 15' height on the rear yard property line (see exhibit).
- ➤ The step back would be 1:1 measurement, which equates to a 45 degree angle.
- There would not be a second story step back requirement on the street side of a corner lot.
- > Eaves can project 2 feet into the step back air space.
- Building permit submittals would need to show all dimensions, setbacks and step backs.

#### 9. Lot Coverage & Pervious Surface Requirement - Proposed Code Changes

- ➤ A 30% Pervious surface will be required for all lots with an ADU.
- Pervious surfaces include such things as grass, AstroTurf, pavers, grasscrete, gravel, and decking materials (unless it has a concrete or impervious surface below it).
- There will not be a dimensional requirement or a requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
- The permit submittal will need to show all pervious areas on the lot and calculations.

#### **DECISION POINT RECOMMENDATIONS:**

Staff and the Planning Commission recommend to City Council that the proposed code amendments regarding accessory dwelling units be adopted.

#### Attachments:

Ordinance ADU Code Amendments Planning Commission Meeting Minutes, July 9, 2019 1. Applicant: City of Coeur d'Alene

Request: A proposed amendment to the Accessory Dwelling Unit Code

LEGISLATIVE (O-1-19)

Mike Behary, Associate Planner, said that staff is requesting a recommendation from the Planning Commission to the City Council on the proposed code amendments to the zoning ordinance regarding Accessory Dwelling Units (ADU).

Mr. Behary provided the following statements:

- In 2007 the City first adopted zoning code language that allowed ADU's within the city. Since that time city staff has become aware of some of the issues relating to the existing ADU code restricting homeowners and builders from the ability to build an ADU above a garage. The primary reason for bringing forward the proposed code changes is to allow ADU's above garages.
- An ADU & Infill Housing Committee was formed and workshops were held together with Planning Department staff to discuss possible code changes regarding ADU's. A joint workshop was also conducted with the Planning Commission to work on the proposed ADU code amendments. The following is a list of the history and prior workshops that were held:
  - January, 2019 Goal set to amend ADU Code
    - ADU & Infill Housing Committee formed
  - February 22, 2019 1<sup>st</sup> Workshop
  - March 15, 2019 2<sup>nd</sup> Workshop
  - April 26, 2019 3<sup>rd</sup> Workshop
  - May 28, 2019 4<sup>th</sup> Joint Workshop With Planning Commission
- The purpose of the proposed ADU Code amendments is to primarily address the code issue of height restriction that did not allow for ADU's above garages in the rear yard. The ADU & Infill Housing Committee and City Staff also agreed that there should be a side and rear yard "2<sup>nd</sup> Story Step Back" for detached ADU's in order to provide air space and light between properties.
- The proposed ADU code amendments address those issues, along with others items such as Lot coverage, size of ADU, Design Standards, allowing existing garages to be converted to an ADU, and side and rear setback requirements.

Mr. Behary concluded his presentation

**Commission Comments:** 

Commissioner Luttropp asked who were the members involved with the subcommittee.

Mr. Behary replied that the Infill and ADU Committee included architects, professionals, builders and realtors.

Ms. Anderson commented that Mr. Adams asked a previous question regarding the conversion of an existing garage, and for clarification she explained that if someone converts a garage they would still have to maintain an off-street parking space. She explained that they can't convert a garage and not have off-street parking, so the house would be required to have two off-street parking spaces and the ADU (Accessory Dwelling Unit) would require one, so the total required would be three. She added that if they have more room on their property and want to convert a garage, they can still have some surface parking.

Commissioner Mandel asked if staff had made a decision on the set back requirement for an ADU.

Mr. Behary explained that for an ADU that is attached to the principal dwelling, they would still require the second story stepback if located in the rear yard and staff recommends that be added to the code and asked for clarification from the commission if that is acceptable.

Commissioner Mandel replied that she agrees with the staff recommendation for the step back requirement for an ADU.

Public testimony open.

Kevin Jester thanked staff and the members of the subcommittee. He said that he supports the request and, if approved, the change would go a long way to preserving some of the older neighborhoods, which are the ones that are impacted by the ADU's.

Josh Suhr thanked staff and noted that the committee researched all sides of the issue by involving many people from the city. He said that he supports the changes and feels that an ADU has been a desired housing product within the Downtown Core and as Infill starts to become nonexistent, the changes will preserve the integrity of the residential parts of the neighborhood and allow homeowners to use it as a tool.

Public testimony closed.

#### Discussion:

Commissioner Ingalls said that it is a great process when you get people involved who are designers and builders and involve them in a committee. He added that the city deserves a "pat on the back," and said with four workshops done that is a lot of input, debate and fine tuning, and he feels it's ready to go.

Chairman Messina thanked staff and expressed appreciation to Mr. Behary for his work coordinating all the workshops that contained a lot of visuals and information.

Motion by Mandel, seconded by Fleming, to approve the item 0-1-19 that includes the step back requirement. Motion approved.

## City Council



August 20, 2019

## Accessory Dwelling Units - Proposed Code Amendments

## **Accessory Dwelling Units: ADU's**





## **ADU –Workshop History:**

- > History and Prior Workshops:
  - January 2019 Goal set to amend ADU Code
    - ADU & Infill Housing Committee formed
  - February 22, 2019 1<sup>st</sup> Workshop
  - March 15, 2019 2<sup>nd</sup> Workshop
  - April 26, 2019 3<sup>rd</sup> Workshop
  - May 28, 2019 Joint Workshop with Planning Commission



## Accessory Dwelling Units - Proposed Code Amendments

## **ADU & Infill Housing Committee Members:**

- Keven Jester Architects West , semi-retired (Architect)
- > Shauna Clark First Light Properties (Builder & Designer)
- ➤ Josh Suhr CDA Association of Realtors (Realtor)
- ➤ Jef Lemmon JL Design Build Group (Architect & Builder)
- Dennis Cunningham Activewest Builders (Developer)
- ➤ James Caper Habitat for Humanity of North Idaho (Executive Director)
- Chad Oakland Northwest Realty Group (Relator/Builder /Developer)
- ➤ Adam Graves Homeowner (Community member at large)
- ➤ Dale Johnson JRA Architecture & Planning (Architect)



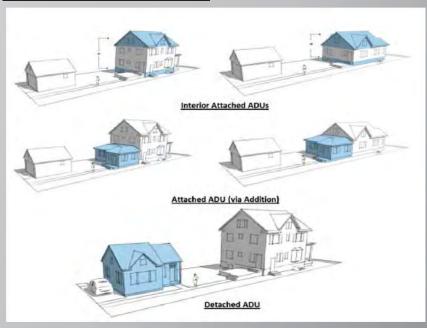
## **ADU – Code Items – Today's Discussion:**

- 1. ADU Unit Size
- 2. Building Height
- 3. Owner Occupancy
- 4. Parking Space Size
- 5. Design Standards
- 6. Existing garages and sheds
- 7. Setbacks
- 8. 2<sup>nd</sup> Story Stepback
- 9. Lot Coverage



## Accessory Dwelling Units - Proposed Code Amendments

## **Discussion Item – 1:** ADU Unit Size





## **Discussion Item – 1:** ADU Unit Size

Current Code: "ADU shall be a minimum of 300 square feet and a maximum of 700 square feet, excluding any garage area; provided, the square footage of the ADU shall not exceed 40% of the total square footage of the primary dwelling unit."

### **Proposed Code Changes**

- > No Minimum unit size.
- Maximum up to 800 SF
- ➤ ADU shall not exceed 75% of the total square footage of the primary dwelling unit.



## Accessory Dwelling Units - Proposed Code Amendments

## Discussion Item – 2: Building Height







## Accessory Dwelling Units - Proposed Code Amendments

## Discussion Item – 2: Building Height

Current Code: "HEIGHT: 14" with a low or no slope roof (slope  $< 2 \frac{1}{2}$ " - 12")

HEIGHT: 18' with a medium to high slope roof ( slope > 2 1/2" - 12")

HEIGHT: 32' in the buildable area."

### **Proposed Code Changes**

- Maximum Height 24' for unit above garage (the roof slope requirements would be removed for new detached ADUs, but 2<sup>nd</sup> story ADUs must meet 2<sup>nd</sup> story step back).
- Maximum Height 18' for one story unit.
- Allowable projections per existing code for such things as chimneys, antennas, etc.
- > Railings and parapets cannot exceed maximum height.



## **Discussion Item - 3:** Owner Occupancy

Current Code: "An owner of the property must occupy either the primary residence or the ADU".

### **Proposed Code Changes**

- Not required, unless the property has a Short Term Rental (STR).
- ➤ If property is used for Short Term Rental (STR) then one unit must be owner occupied.
- Affidavit would still be required for all ADU's to acknowledge ADU status of property and compliance with code. City Code will be amended to address owner occupancy requirement for Short Term Rentals.



## Accessory Dwelling Units - Proposed Code Amendments

**Discussion Item - 4:** - ADU's – Parking / Size of Parking Space





**Discussion Item - 4:** - ADU's – Parking / Size of Parking Space

Current ADU Code: One off street parking space is required.

SIZE: 9' x 20'

- Some other cites:
  - > Spokane, WA 8' 6"' x 18'
  - ➤ Sandpoint, ID 9' x 19'
  - ➤ Bend, OR 9' x 20'
  - ➤ Bellingham, WA 9' x 18'



## Accessory Dwelling Units - Proposed Code Amendments

**Discussion Item - 4:** - ADU's – Parking / Size of Parking Space

Current ADU Code: 9' x 20' parking Space is required.

#### N/A

> Parking space size remains 9' x 20'

#### **Discussion Item – 5:** Design Standards

Current ADU Code: Some design standards required.

#### **Proposed Code Changes**

- Not a requirement for new detached ADU's.
- Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principle dwelling unit.

## Accessory Dwelling Units - Proposed Code Amendments

<u>Discussion Item − 5:</u> Design Standards



## **Discussion Item - 6:** - Existing garages converted into ADU's

Current ADU Code: Not allowed/ no provision for this unless they meet all setbacks and height requirements.

#### **Proposed Code Changes**

- Allow existing garages and sheds to be converted into an ADU provided that the structure can meet the current adopted building codes and that it is not over the property line or in the City's right-of-way.
- The structure could not be expanded outward or upward without triggering the Non-Conforming Code and meeting the current standards.
- Existing 25' tall garages could be converted to an ADU without having to meet the 24' maximum height or the 2nd story step back requirements.

#### Accessory Dwelling Units - Proposed Code Amendments

**Discussion Item - 6:** - Existing garages converted into ADU's





**Discussion Item - 6:** - Existing garages converted into ADU's





## Accessory Dwelling Units - Proposed Code Amendments

**Discussion Item - 6:** - Existing garages converted into ADU's





#### **Discussion Item - 7:** - Setbacks ADU's

Current ADU Code: Allows ADU's to be 3 feet from side property line

#### **Proposed Code Changes**

SIDE: Minimum five foot side yard setback required.
All ADU's shall be set back from the side lot line at least five feet (5').

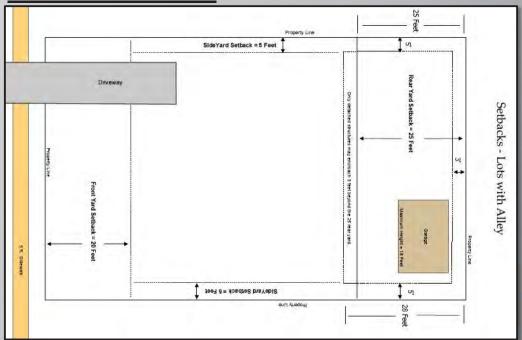
Remove the language from the code that allows ADU's to be three feet (3') from the property line. "However, an accessory structure may be set back three feet (3') from the side property line provided the roof does not slope toward the side property line."

> REAR with Alley: Minimum 3'

> REAR No Alley: Minimum 5'

## Accessory Dwelling Units - Proposed Code Amendments

#### Discussion Item - 7: - Setbacks ADU's





#### **Discussion Item - 8:** 2<sup>nd</sup> Story setbacks for ADU's

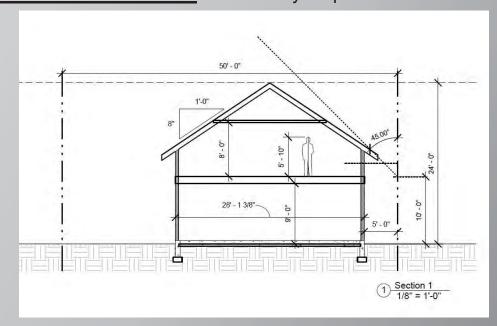
Current Code: Does not address 2<sup>nd</sup> Story setbacks for ADU's.

#### **Proposed Code Changes**

- Second Story step back of detached and attached ADU's in rear yard.
- The upper step back would begin at 10' height on the interior side. property line and at 15' height on the rear yard property line (see exhibit).
- ➤ There would not be a 2nd story step back requirement on the street side of a corner lot.
- > Eaves can project 2 feet into the step back air space.
- Building permit submittals would need to show all dimensions, setbacks and step backs.

## Accessory Dwelling Units - Proposed Code Amendments

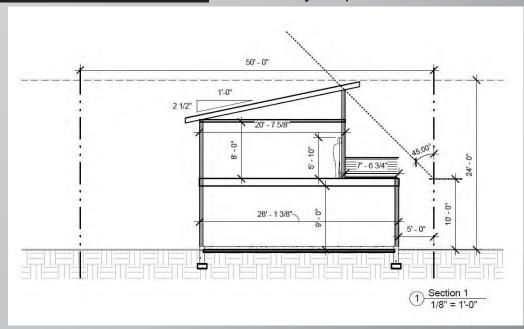
#### **Discussion Item - 8:** 2<sup>nd</sup> Story step backs for ADU's





Coeur d'Alene

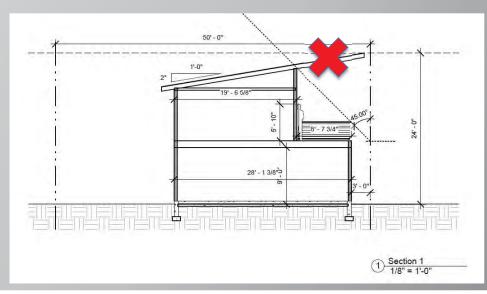
#### **Discussion Item - 8:** 2<sup>nd</sup> Story step backs for ADU's



## Accessory Dwelling Units - Proposed Code Amendments

<u>Discussion Item - 8:</u> 2<sup>nd</sup> Story step backs for ADU's

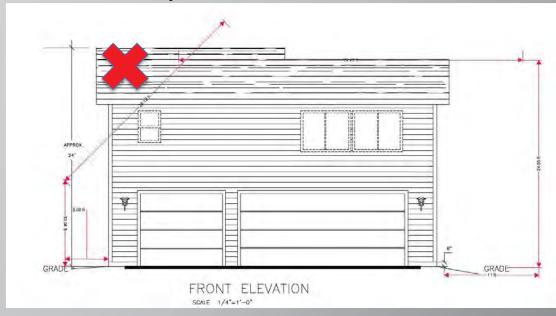
Shows 3' sideyard setback and eave extending beyond 2'





Coeur d'Alene

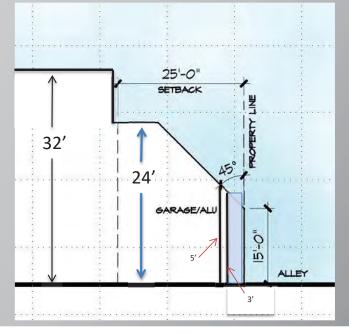
<u>Discussion Item - 8:</u> 2<sup>nd</sup> Story step backs for ADU's – corner lot example





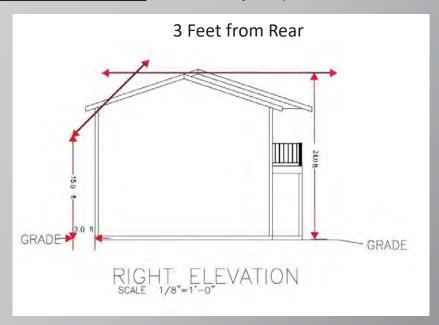
## Accessory Dwelling Units - Proposed Code Amendments

**Discussion Item - 8:** 2<sup>nd</sup> Story step backs for ADU's from alley





**Discussion Item - 8:** 2<sup>nd</sup> Story step backs for ADU's from alley

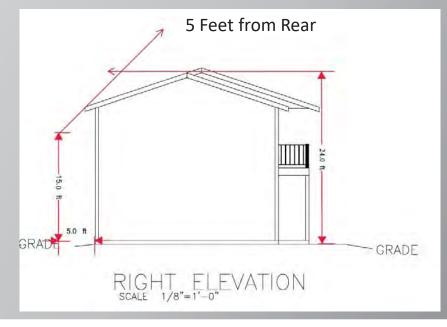




## Accessory Dwelling Units - Proposed Code Amendments

<u>Discussion Item - 8:</u> 2<sup>nd</sup> Story step backs for ADU's from non-alley

property line





#### **Discussion Item - 9:** - Lot Coverage & Pervious Surface

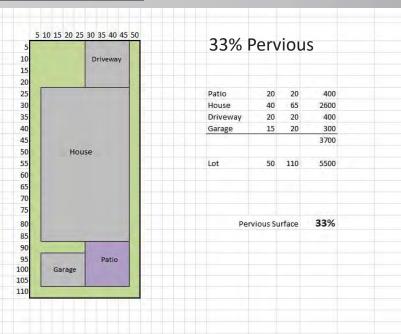
Current Code: Does not address Lot Coverage.

#### **Proposed Code Amendments**

- ➤ A 30% Pervious surface will be required for all lots with an ADU.
- Pervious surfaces include such things as grass, AstroTurf, pavers, grasscrete, gravel, and decking materials (unless it has a concrete or impervious surface below it).
- There will not be a dimensional requirement or a requirement for a certain type or quantity of landscaping/trees (other than the standard street tree requirements).
- The permit submittal will need to show all pervious areas on the lot and calculations.

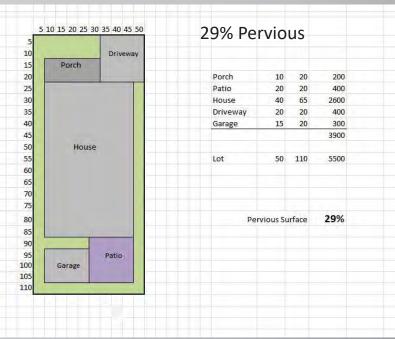
## Accessory Dwelling Units - Proposed Code Amendments

#### **Discussion Item - 9:** Lot Coverage





**Discussion Item - 9:** Lot Coverage





## Accessory Dwelling Units - Proposed Code Amendments

#### **DECISION POINT:**

To make a decision to on the proposed ADU code amendments to:

- Approve
- □ Deny

or

☐ to direct staff to make changes.



#### ORDINANCE NO. \_\_\_\_ COUNCIL BILL NO. 19-

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 17.06.630, 17.06.635, 17.06.640, 17.06.650, 17.06.660, AND 17.06.670; 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 amendments be adopted;

NOW, THEREFORE,

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

**SECTION 1.** That section 17.06.630 of the Coeur d'Alene Municipal Code be amended as follows:

- A. <u>Subject to subsection B hereof</u>, <u>Aa</u> structure shall be considered to be accessory to and shall not be subject to the same site performance standards as the principal structure on the same lot if one or more of the following conditions applies:
  - 1. The structure is detached and separated from the principal structure by six feet (6') or more.
  - 2. The structure is attached to the principal structure by a breezeway roof with an intervening space of five feet (5') or more, and the space is open on at least two (2) sides.
  - 3. The structure is a private storage garage, fuel storage shed, private noncommercial greenhouse, or a child's playhouse, per subsection 17.06.495C1 of this chapter.
- B. A structure shall not be considered to be accessory and shall be subject to the same site performance standards as a principal structure on the same lot if one or more of the following conditions applyies:
  - 1. The structure is part of or joined to the principal structure by a common wall, or is not separated by more than six feet (6').
  - 2. The structure has sleeping or living accommodations, in which case the structure must comply with the requirements for an Accessory Dwelling Unit.

**SECTION 2.** That section 17.06.635 of the Coeur d'Alene Municipal Code be amended as follows:

Accessory uses as defined in section 17.06.630 of this chapter include, but are not limited to, those indicated below:

- A. Off Street Parking And Loading Facilities: Off street parking and loading facilities serving a principal residential or nonresidential use, whether located on the same lot or on another lot, but only if reserved for the residents, employees, patrons, or other persons participating in the principal use.
- B. Open Areas And Swimming Pools: Open areas developed for passive or active recreation, located on the same lot as a principal use.
- C. Storage And Service Areas And Buildings: Storage and service areas and accessory buildings, other than those listed elsewhere in this section, if serving a principal use on the same lot.
- D. Certain Living Quarters: Living quarters in connection with a principal nonresidential use on the same lot, but only if the residents are required to remain on the premises for employment, protective, conference, or comparable technical purposes, including, but not limited to, caretakers and watchmen. This also applies to such living quarters located in Accessory Dwelling Units.
- E. Temporary Construction Yards: Temporary construction yards and similar facilities which are necessary and incidental to the development of the same lot, or on another of several lots being developed at the same time.
- F. Temporary Real Estate Office: A temporary real estate office which is necessary and incidental to, and located on the site of, a subdivision.
- G. Home Occupations: Home occupations, as subject to the home occupation regulations set forth in article VIII of this chapter.
- **SECTION 3.** That section 17.06.640 of the Coeur d'Alene Municipal Code be amended as follows:
- All Aaccessory structures other than Accessory Dwelling Units and Caretakers Units shall be subject to the height regulations specified in article IV of this chapter and to the spacing and setback regulations specified in article V of this chapter.
- **SECTION 4.** That section 17.06.650 of the Coeur d'Alene Municipal Code be amended as follows:
- A. Purpose: The purpose of allowing ADUs is to:
  - 1. Provide homeowners with a means of obtaining, through tenants in either the ADU or the principal unit, rental income, companionship, security, and services.

- 2. Add affordable units to the existing housing.
- 3. Make housing units available to moderate income people who might otherwise have difficulty finding homes within the City.
- 4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
- 5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this chapter.
- B. Applicability: Accessory dwelling units are permitted within all residential and commercial zoning districts, subject to the provisions of this Code.

**SECTION 5.** That section 17.06.660 of the Coeur d'Alene Municipal Code be amended as follows:

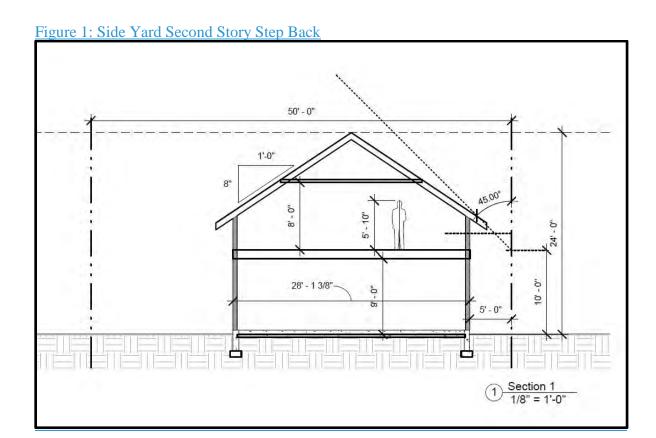
- A. Maximum Building Height: Maximum building heights for ADUs are:
  - 1. Thirty two feet (32') when built within the <u>buildable area building envelope</u> for the principal structure.
  - 2. Fourteen feet (14') when built in the rear yard with a low or no slope roof or eighteen feet (18') when built in the rear yard with a medium or high slope roof One Story ADU Structure: Eighteen feet (18') when built in the rear yard.
  - 3. ADU above a detached garage: Twenty-four feet (24') when built in the rear yard and must meet the second story step back requirement as provided in section 17.06.660(M).
  - 4. Railing, parapets, equipment, and other similar structures/fixtures/architectural elements are included in the maximum height.
- B. Setbacks: Setbacks for ADUs are:
  - 1. Setbacks for ADUs in the principal building envelope are:
    - 4a. Front: The front yard requirement shall be twenty feet (20').
    - 2b. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten feet (10') minimum.
    - 3c. Side, Street: The street side yard requirement shall be ten feet (10').

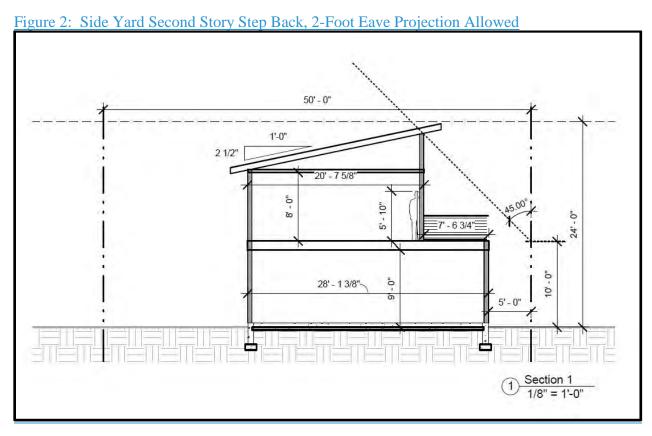
- 4<u>d</u>. Rear: Setbacks for ADUs located in the rear twenty five feet (25') of a lot: The rear yard shall be twenty-five feet (25') from the rear property line. Setbacks for ADUs located in the rear twenty-five feet (25') of a lot:
  - a. Side Yard: All accessory structures sShall be at least five feet (5')set back from the side lot line at least five feet (5').
    - (1) However, an accessory structure may be set back three feet (3') from the side property line provided the roof does not slope toward the side property line.
    - (2) A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above mentioned requirement, provided the height of the detached structure does not exceed eighteen feet (18').
  - b. Rear Yard: All accessory structures sShall be at least five feet (5')set back from the rear lot line at least five feet (5').
    - (1) However, an accessory structure may be set back three feet (3') from the rear property line, provided the roof does not slope toward the rear property line.
    - (2i) Lots with an alley in the rear of the lot may have an accessory structure that can be a set back of three feet (3') from the rear property line regardless of how the roof is sloped.
    - (3ii) Rear Yard Exception: A detached ADU may encroach up to three feet (3') beyond the twenty five foot (25') rear yard and still maintain the above mentioned stated requirements, provided the height of the detached structure does not exceed eighteen feet (18')the maximum height set out in section 17.06.660(A) and meets the second story step back requirements of section 17.07.660(M).
- C. Parking: One additional parking space beyond that required for the principal dwelling is required for an ADU.
- D. Owner Occupancy: Either the principal dwelling unit or the accessory dwelling unit must be occupied by a majority owner of the property or an immediate family member of the property ownerif a unit is used as a short-term or vacation rental. "Owner occupiedancy" is defined asmeans that a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually physically resides at the site more than six (6) months out of any given calendar year.
- E. Number Of Occupants: One accessory dwelling unit is permitted as subordinate to an existing single-family dwelling; provided the total number of occupants in both the principal

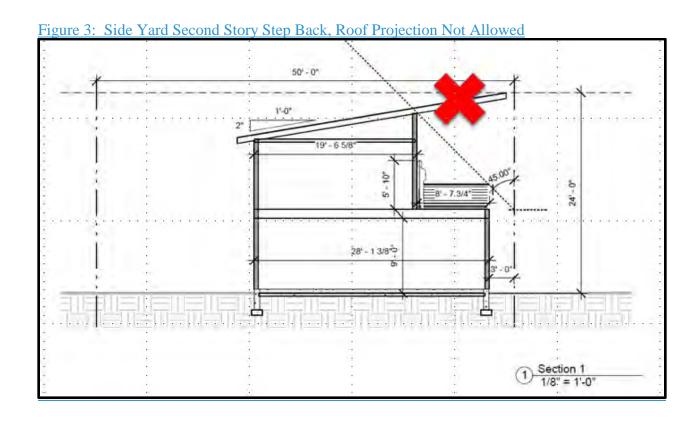
dwelling unit and accessory dwelling unit combined does not exceed the maximum number established for a "family" as defined in section 17.02.055 of this title.

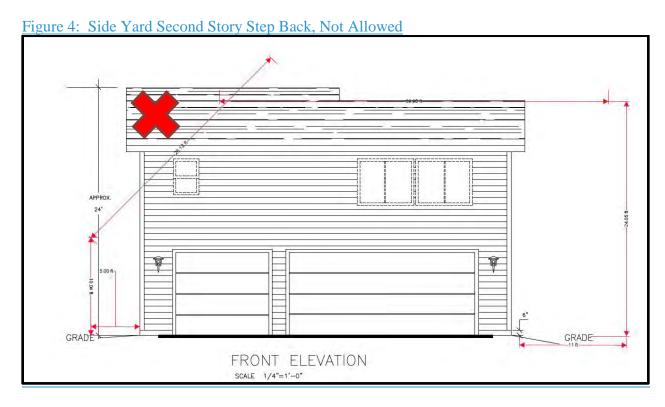
- F. Subdivision: An Aaccessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- G. Size And Scale: The square footage of the accessory dwelling unit shall meet the following:be a minimum of three hundred (300) square feet and a maximum of seven hundred (700) square feet, excluding any garage area; provided, the square footage of the accessory dwelling unit shall not exceed forty percent (40%) of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.
  - 1. No minimum size.
  - 2. Maximum size shall be eight hundred (800) square feet (finished area; does not include unfinished basements).
  - 3. An ADU shall not exceed seventy-five percent (75%) of the total square footage of the primary dwelling unit, excluding the garage area.
- H. Location: The accessory dwelling unit may be added to or included within the principal unit, including a basement, or located in a detached structure. Other Code standards may apply.
- I. Entrances for ADUs attached to principal unit: The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each front or street side of the residence for the ADU.
- J. Additions: Additions to an existing structure or newly constructed detached structures created for the purpose of developing an accessory dwelling unit, shall be designed consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
- K. Conversion Of Existing <u>Detached</u> Structures/<u>Garages/Sheds</u>: Any existing <u>detached</u> structure <u>may bethat is</u> converted into an accessory dwelling unit <u>provided it meets the following: must meet all of the requirements of this section.</u>
  - 1. The structure meets the current adopted Building Code and a building permit can be issued.
  - 2. The structure is not over the property line or in the City's right-of-way.
  - 3. The structure complies with current building and zoning standards if it is to be expanded.
  - 4. The structure cannot be expanded outward or upward, regardless of the provisions of the Non-Conforming Code, without complying with current standards.

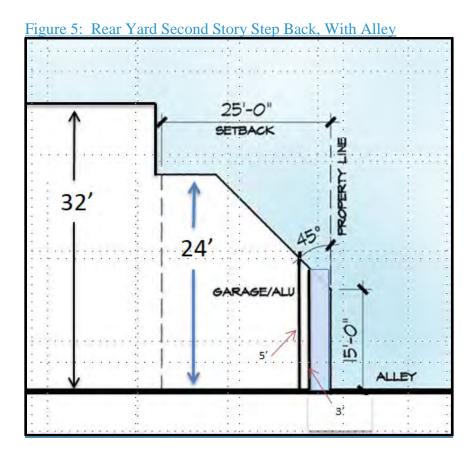
- 5. An existing garage with a valid building permit and a height between eighteen feet (18') and twenty-five feet (25') may be converted into an ADU if it can meet the requirements of item 1 above.
- L. Short-Term Rentals: If an accessory dwelling unit (ADU) is going to be used for less than 30-day stays, the owner shall comply with the rules of short-term rental requirements in chapter 17.08, article X of this title.
- M. Second Story Step Back: Required for Attached and Detached ADUs in the Rear Yard. A newly constructed or second-story addition to an existing structure within the Rear Yard must have second story step backs that meet the following requirements:
  - 1. The upper step back begins at a height of ten feet (10') on the interior side property line and at fifteen feet (15') on the rear yard property line (*see* figures below).
  - 2. The step back is at 1:1 measurement, which equates to a forty-five degree (45°) angle.
  - 3. A building permit application must show all dimensions, setbacks, and step backs as shown in the figures below.
  - 4. There is no second story step back requirement on the street side of a corner lot.
  - 5. Eaves are allowed to project two feet (2') into the step back air space.

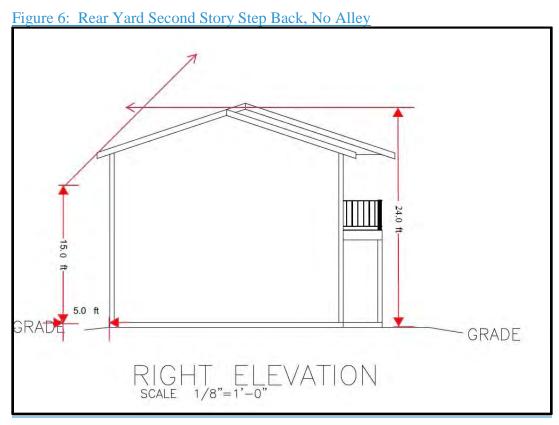












- N. Lot Coverage/Open Spaces & Pervious Surface Requirement:
  - 1. A thirty percent (30%) pervious surface is required for all lots with an ADU.
  - 2. Pervious surfaces include such things as grass, Astro Turf, pavers, grasscrete, gravel, and decking materials (unless there is a concrete or impervious surface below).
  - 3. There is no dimensional requirement or requirement for a certain type or quantity of landascaping/trees (other than the standard street tree requirements).
  - 4. The building permit application must show all pervious areas on the lot and the calculation of a separate plan titled "Lot Coverage/Pervious Surface Plan."

**SECTION 6.** That section 17.06.670 of the Coeur d'Alene Municipal Code be amended as follows:

#### 17.06.670: ADU PERMITTING AND ENFORCEMENT:

- A. Application: The property owner shall apply for an accessory dwelling unit permit and other applicable permits from the City. The application shall include an affidavit signed by the property owner affirming the ADU status of the property and, if applicable, compliance with the Short-Term Rentals code that a majority owner or an immediate family member will occupy the principal dwelling unit or accessory dwelling unit for more than six (6) months per year.
- B. Applicable Codes: The accessory dwelling unit shall comply with all standards for single-family dwellings, including height and setbacks, In addition to the provisions of this Code and the Short Term Rentals code, all Health and Safety Codes shall apply as required by the Building Departmentand all other applicable codes, except as provided in section 17.06.650 of this chapter through this section.
- C. Recording Requirements: Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the County Recorder which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or thean accessory dwelling unit is located on the property, and includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this section, and provides for the removal of the accessory dwelling unit if any of the requirements of this chapter are violated.
- D. Permit: Upon compliance with the provisions of sections 17.06.650 and 17.06.660 of this chapter through this section, an accessory dwelling unit permit will be issued.
- E. Enforcement: The City retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this section.

F. Elimination/Expiration: Elimination of an accessory dwelling unit may be accomplished by the owner recording a certificate with the County and the City's Planning Department stating that the accessory dwelling unit no longer exists on the property.

**SECTION 7.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8.** 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 9.** 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 August 20, 2019.

APPROVED, ADOPTED and SIGNED this 20th day of August, 2019.

	Steve Widmyer, Mayor	
ATTEST:		
Renata McLeod, City Clerk		

#### SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_ Amending Sections 17.06.630, 17.06.635, 17.06.640, 17.06.650, 17.06.660, and 17.06.670 of the Coeur d'Alene Municipal Code

#### 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 sections 17.06.630, 17.06.635, 17.06.640, 17.06.650, 17.06.660, and 17.06.670 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 20<sup>th</sup> day of August, 2019.

Randall R. Adams, Chief Deputy City Attorney



#### FINANCE DEPARTMENT

710 E. Mullan Avenue Coeur d' Alene, Idaho 83814 (208)769-2225 – FAX (208)769-2284 www.cdaid.org

#### STAFF REPORT

Date: August 20, 2019

From: Vonnie Jensen, Comptroller

Subject: Amendment to the 2018-2019 Fiscal Year Appropriations (Budget)

#### **Decision Point:**

To approve Resolution No. 19-033 to amend the Fiscal Year 2018-19 Budget by a total of \$4,911,807.

#### **History:**

The City Council annually amends the original appropriations ordinance for unanticipated expenditures.

#### **Financial Analysis:**

Idaho code allows the City Council at any time during the current fiscal year to amend the appropriations ordinance to reflect the receipt of revenues and/or the expenditure of funds that were unanticipated when the ordinance was adopted. The City each year adopts an amendment or amendments to the appropriation's ordinance.

#### **Performance Analysis:**

The budget amendment shows increases in expenditures due to carryovers of projects, state and federal grants received, purchase of the East Sherman property, purchase of the 3<sup>rd</sup> Street property, Memorial Park Grandstand and miscellaneous additional items. Additional revenues of \$1,176,521 are projected to be received in the General Fund to cover the increased expenses for the fiscal year, \$168,051 is coming from designated fund balance and \$375,524 is projected to come from Undesignated General Fund fund balance.

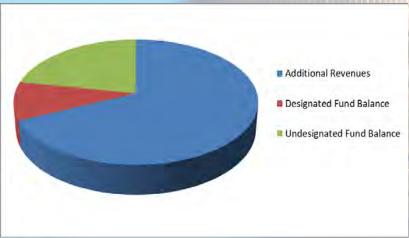
#### **Decision Point:**

To approve Resolution No.19-033 to amend the Fiscal Year 2018-19 Budget by a total of \$4,911,807.

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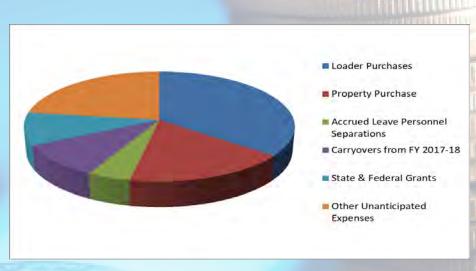


## Additional Revenues General Fund



General Fund Additional Expenses	
Police & Fire Department Grants	\$164,171
Separation Payouts – Accrued Vacation & Sick Leave	\$79,000
Project Carryovers	\$168,051
Purchase of East Sherman Property	\$300,000
Transfers Out – Atlas Waterfront & Street Light Fund	\$119,445
Police Department – Call Out Availability Pay	\$78,000
Fire Dept – Compressor & Storm Repair	\$46,100
Streets – Loader Rental, Chemicals & Cardlock	\$114,321
Legal Claims	\$32,188
Loaders – Purchased through Lease	\$607,400

## Additional Expenses General Fund



Other Funds - Additional Expenses	
Grants – Library and E Sherman Lighting	\$25,500
Street Lighting – Relight Phase 2 – LEDs	\$37,900
Atlas Waterfront Project	\$34,131
Street Projects	\$879,500
Sanitation Fund – Recycling & Collection	\$85,000
Parking Fund – 3 <sup>rd</sup> Street Property	\$275,000
Parking Fund – Garage & Shared Lot Carryover	\$193,100
Parks Capital – Trail Realignment	\$191,000
Parks Capital – Carryovers	\$204,000
Parks Capital – Memorial Park Grandstand	\$1,278,000

# Additional Expenses Other Funds



				The same of the sa	
Fiscal Year	Unassigned Fund Balance	Budgeted Revenues	16.7% of Budgeted Revenues	Over (Under) 16.7%	% of FB to Budgeted Revenues
2020	\$7,804,627	\$41,779,359	\$6,977,153	\$827,474	18.68%
2019	\$8,805,200	\$39,823,081	\$6,650,455	\$2,154,745	22.11%
2018	\$9,799,963	\$38,399,442	\$6,412,707	\$3,387,256	25.52%
2017	\$8,328,872	\$36,895,068	\$6,161,476	\$2,167,396	22.57%
2016	\$8,788,602	\$40,032,393	\$6,685,410	\$2,103,192	21.95%
2015	\$7,663,870	\$32,817,274	\$5,480,485	\$2,183,385	23.35%
2014	\$6,142,590	\$31,564,647	\$5,271,296	\$871,294	19.46%
2013	\$5,589,570	\$30,240,904	\$5,050,231	\$539,339	18.48%
2012	\$4,852,673	\$29,561,374	\$4,936,749	(\$84,076)	16.42%
2011	\$4,815,782	\$29,162,631	\$4,870,159	(\$54,377)	16.51%
				1000	



#### RESOLUTION NO. 19-034

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ESTABLISHING NOTICE OF THE TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED AMENDED BUDGET FOR FISCAL YEAR 2018-2019, INCLUDING PROPOSED EXPENDITURES BY FUND AND/OR DEPARTMENT, AND A STATEMENT OF THE AMENDED ESTIMATED REVENUE FROM PROPERTY TAXES AND THE AMENDED TOTAL AMOUNT FROM SOURCES OTHER THAN PROPERTY TAXES FOR THE CITY FOR THE ENSUING FISCAL YEAR, AND PROVIDING FOR PUBLICATION OF THE SAME.

WHEREAS, it is necessary, pursuant to Idaho Code § 50-1003, for the City Council of the City of Coeur d'Alene, prior to passing an Amended Annual Appropriation Ordinance, to prepare a proposed amended Budget, tentatively approve the same, and enter such proposed amended Budget at length in the journal of the proceedings;

#### NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the following be and the same is hereby adopted as an Amended Estimate of Expenditures and Anticipated Revenue of the City of Coeur d'Alene for the fiscal year beginning October 1, 2018:

	FY 2018-19 BUDGET	FY 2018-19 AMENDED BUDGET
GENERAL FUND EXPENDITURES:		
Mayor and Council	\$ 264,838	\$ 264,838
Administration	320,169	320,169
Finance Department	1,182,771	1,182,771
Municipal Services	1,881,130	1,881,130
Human Resources	387,110	387,110
Legal Department	1,231,937	1,264,125
Planning Department	727,982	727,982
Building Maintenance	552,832	552,832
Police Department	14,557,464	14,753,084
Drug Task Force	100,000	100,000
Police Dept Grants	115,292	208,293
Fire Department	10,047,296	10,150,364
General Government	86,850	535,795
Streets and Engineering	4,926,544	5,736,463
Parks Department	2,301,573	2,301,573
Recreation Department	762,423	769,358
Building Inspection	960,120	979,120
TOTAL GENERAL FUND EXPENDITURES:	\$ 40,406,331	\$ 42,115,007

SPECIAL REVENUE FUND EXPENDITURES:	FY 2018-19 BUDGET	FY 2018-19 AMENDED BUDGET
Library Fund	\$ 1,724,388	\$ 1,738,388
Community Development Block Grant	408,854	408,854
Impact Fee Fund	521,500	521,500
Parks Capital Improvements	131,500	1,804,500
Annexation Fee Fund	286,000	286,000
Cemetery Fund	389,955	389,955
Cemetery Perpetual Care Fund	207,000	207,000
Jewett House	30,955	30,955
Reforestation/Street Trees/Community Canopy	110,000	110,000
Public Art Funds	348,500	348,500
TOTAL SPECIAL FUNDS:	\$ 4,158,652	\$5,845,652
ENTERPRISE FUND EXPENDITURES:		
Street Lighting Fund	\$ 650,050	\$ 699,450
Water Fund	12,197,334	12,197,334
Wastewater Fund	19,759,659	19,759,659
Water Cap Fee Fund	1,700,000	1,700,000
WWTP Cap Fees Fund	1,000,000	1,000,000
Sanitation Fund	4,154,083	4,239,083
City Parking Fund	289,880	757,980
Drainage	1,799,624	1,799,624
TOTAL ENTERPRISE EXPENDITURES:	\$ 41,550,630	\$42,153,130
FIDUCIARY FUNDS:	\$ 2,961,960	\$ 2,961,960
CAPITAL PROJECTS FUNDS:	731,000	1,644,631
DEBT SERVICE FUNDS:	876,931	876,931
GRAND TOTAL OF ALL EXPENDITURES:	\$ 90,685,504	\$95,597,311
GRAND IOTAL OF ALL EAFENDITURES.	ψ 70,085,504	\$75,577,511
		FY 2018-19
ESTIMATED REVENUES:	FY 2018-19	<b>AMENDED</b>
ESTIMITED REVEROES.	BUDGET	BUDGET
Property Taxes:		
General Levy	\$ 19,906,067	\$ 19,906,067
Library Levy	1,689,288	1,689,288
Fireman's Retirement Fund Levy	250,000	250,000
2006 and 2008 G.O. Bond Levy	876,931	876,931
TOTAL REVENUE FROM PROPERTY TAXES:	\$ 22,722,286	\$ 22,722,286

	FY 2018-19 FY 2018-19 BUDGET  FY 2018-19 BUDGET	
ESTIMATED OTHER REVENUES:		
Interfund Transfers	\$ 6,294,930	\$ 6,014,930
Beginning Balance	23,418,751	24,992,137
Other Revenue:		
General Fund	16,964,034	18,129,135
Library Fund	35,100	49,100
Community Development Block Grant	408,854	408,854
Parks Capital Improvement Fund	164,000	1,532,320
Insurance/Risk Management		
Cemetery	187,000	187,000
Annexation Fee Fund	1,000	1,000
Impact Fee Fund	870,000	870,000
Cemetery Perpetual Care Fund	20,000	20,000
Jewett House	16,000	16,000
Reforestation	3,000	3,000
Street Trees	84,250	84,250
Community Canopy	2,000	2,000
Arts Commission		
Public Art Funds	104,000	104,000
Street Lighting Fund	558,152	569,652
Water Fund	7,891,619	7,891,619
Wastewater Fund	14,930,251	14,930,251
Water Capitalization Fees	1,000,000	1,000,000
WWTP Capitalization Fees	1,360,000	1,360,000
Sanitation Fund	4,211,000	4,296,000
City Parking Fund	496,566	666,566
Drainage	1,032,088	1,032,088
Fiduciary Funds	2,728,500	2,728,500
Capital Projects Fund	142,500	947,000
Debt Service Fund		
TOTAL REVENUE OTHER THAN PROPERTY TAXES:	\$ 82,923,595	\$ 87,835,402
SUMMARY:		
PROPERTY TAXES	\$ 22,722,286	\$ 22,722,286
OTHER THAN PROPERTY TAXES	82,923,595	87,835,402
TOTAL ESTIMATED REVENUES	\$ 105,645,881	\$ 110,557,688

BE IT FURTHER RESOLVED that the same be spread upon the Minutes of this meeting and published in two (2) issues of the Coeur d'Alene Press, seven (7) days apart, to be published on August 26, 2019, and September 2, 2019.

BE IT FURTHER RESOLVED that a Public Hearing on the Budget be held on the 17<sup>th</sup> day of September, 2019, at the hour of 6:00 o'clock p.m. on said day, at which time any interested person may appear and show cause, if any he has, why the proposed amended Budget should or should not be adopted.

DATED this 20<sup>th</sup> day of August, 2019.

	Steve Widmyer, Mayor
ATTEST:	
Renata McLeod, City Clerk	
Motion by, Seconded by resolution.	, to adopt the foregoing
resolution.	
ROLL CALL:	
COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER GOOKIN	Voted
COUNCIL MEMBER EDINGER	Voted
COUNCIL MEMBER MCEVERS	Voted
COUNCIL MEMBER ENGLISH	Voted
was absent. Motion	1

#### PUBLIC WORKS COMMITTEE STAFF REPORT

**DATE: August 12, 2019** 

FROM: Mike Anderson, Wastewater Superintendent

SUBJECT: Approval of Change Order #2 for Collection System Telemetry Upgrade

.\_\_\_\_\_

**DECISION POINT:** The Council may decide to approve Change Order #2 for the Cd'A Collection Telemetry Upgrade, which includes a change from ESTeem 195M radios to Esteem 210M radios and modifications associated with this change.

**HISTORY:** The Wastewater Utility began to upgrade the collections telemetry system in 2018 with the intent to reduce "loss of communication" issues with the current system. Issues with the selected Programmable Logic Control (PLC) resulted in Change Order #1. Change Order #2 was found to be necessary to allow communication between the Radio and the newly selected PLC.

**FINANCIAL ANALYSIS:** The original contract total was \$134,405. Change Order #1 was approved for \$34,250. Change Order #2 will add \$22,960.77 to the contract for a total of \$191,615.77. This project is funded as a portion of a multi-year SCADA upgrade project that budgeted \$215,000 for 2018 and \$200,000 in 2019. Change can therefore be accounted for by postponing other projects.

Other options, including an "adapter" that would allow communication between the new PLC and originally specified Radios proved more costly and possibly less reliable.

**PERFORMANCE ANALYSIS:** The intention of the upgrade is not only to prevent "nuisance" false alarms and the resultant overtime but to ensure the proper operation of the City's eleven lift stations.

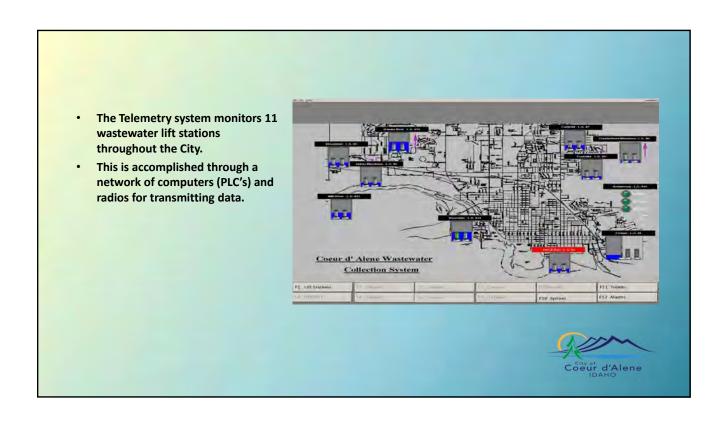
**DECISION POINT/RECOMMENDATION:** Council should approve Change Order #2 to the Cd'A Collection Telemetry Upgrade.

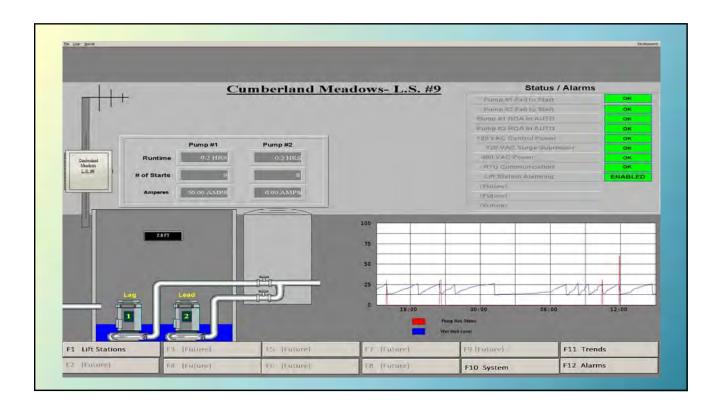


## Collections System Telemetry Upgrade

August 12, 2019









#### **RESOLUTION NO. 19-035**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING CHANGE ORDER NO. 2 TO THE AGREEMENT WITH POWER CITY ELECTRIC, INC., FOR THE COLLECTION SYSTEM TELEMETRY UPGRADES, INCREASING THE CONTRACT AMOUNT BY \$22,960.77.

WHEREAS, the City approved an agreement with Power City Electric, Inc., for the Collection System Radio/Telemetry upgrade on April 17, 2018, per Resolution No. 18-023; and

WHEREAS, the City approved Change Order No. 1 to the agreement with Power City Electric, Inc., for the Collection System Radio/Telemetry upgrade on October 2, 2018, per Resolution No. 18-054; and

WHEREAS, the Wastewater Superintendent of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene approve Change Order No. 2 to the agreement, pursuant to terms and conditions set forth in Change Order No. 2, 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 approve Change Order No. 2 to the agreement with Power City Electric, Inc., as approved by the engineer, Trindera Engineering, for the Collection System Radio/Telemetry upgrade, 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 20th day of August, 2019.

Steve Widmyer, Mayor	

ATTEST:		
Renata McLeod, City Clerk		
Motion by, Second resolution.	ed by	, to adopt the foregoing
ROLL CALL:		
COUNCIL MEMBER EVANS	Voted	
COUNCIL MEMBER MCEVERS	Voted	
COUNCIL MEMBER MILLER	Voted	
COUNCIL MEMBER EDINGER	Voted	
COUNCIL MEMBER GOOKIN	Voted	
COUNCIL MEMBER ENGLISH	Voted	
was absent. N	1otion	·



#### **Change Proposal Request (CPR)**

 CPR No.
 #2

 CPR Date:
 2019.07.15

 CDA Collections

Project: Telemetry Upgrades

City of Coeur d' Alene Wastewater

Client: Department

Client Project No. 15228

15228

Date Sent to Contractor:

Date Received from Contractor

TEI Project No.

#### **Description of the proposed changes:**

Proposed changes as itemized below:

#### 1) Radio Installation Modifications (Site Specific)

a. Per the submitted BOM and list of modifications included in the CPR #1, Item #2 response (MOD004), provide installation and all required equipment for completion of the aforementioned work.

#### 2) Radio Net Cost Change

- a. Provide pass through, net cost change, of thirteen (13) 195M radios at \$900 per radio, per ESTEEM correspondence dated 03/27/2019 provided by Eric Marske in exchange for (13) 210M radios.
- b. Provide all appurtenances for connection to the new radio with the existing hardware as required for operation. Per the aforementioned correspondence, hardware additions should be minimal with power supply connectors and termination pieces varying from the original contract requirements for successful operation of the radio telemetry system.
- c. Modifications shall include all pertinent equipment and/or hardware required for the installation of the 210M in place of the 195M for proper operation of the respective equipment inside the local control panel.
- d. Per the submitted BOM, Engineer letter and Contractor response (MOD005), provide installation and all required equipment for completion of the aforementioned work.

All work shall be in accordance with the terms, stipulations, and conditions of the original Contract Documents.



<u>Change Proposed by</u>: Grady J. Weisz, P.E. Trindera Engineering, Inc.

Title: Electrical Engineer

<b>Contractor Pro</b>	vide Information:	
Add: Deduct: Net Changed: Contractor: By: Date:	\$ 22,960.77 \$ 22,960.77 Power City Electric, WC-18041 Steve Gilbertz 2019.06.11	
Engineer's Rev	iew:	
Reason for Non	☐ Non Approval Weisz, P.E. Date: 2019.07.15	
Engineer's Appr		
HADT WE	, E18 <b>1</b> —	
OWNER'S ACT	ION: ⊠ ACCEPTED NOT ACCEPTED	
BY: Mike Anderson, Acting Capital Program Manager Date: 2019.07.15		
Owner's Commer	its:	

#### PUBLIC WORKS COMMITTEE STAFF REPORT

**DATE:** August 12, 2019

FROM: Mike Anderson, Wastewater Superintendent

SUBJECT: Amendment No. 3 to Professional Services Agreement between City of

Coeur d'Alene and HDR Engineering, Inc. for Tertiary Treatment Phase 2

Improvements, dated September 15, 2015.

\_\_\_\_\_

#### **DECISION POINT:**

The Council may wish to approve proposed Amendment No. 3 to the Agreement between the City of Coeur d'Alene and HDR Engineering, Inc. for Professional Services for the design and construction of Tertiary Treatment Phase 2 Improvements. Amendment No. 3 will provide for additional field services including field observations and materials testing/special inspections. Amendment No. 3 will be billed on the same basis as the original Agreement with an estimated additional cost of \$139,750.

#### **HISTORY:**

The September 15, 2015 <u>Professional Services Agreement between the City of Coeur d'Alene and HDR Engineering, Inc. for Tertiary Treatment Phase 2 Improvements</u> scope of services consisted of the design and bidding phases necessary for this project. Amendment No.1 to this Agreement identified and defined the Professional Consulting Services for Services during Construction for this project. Amendment No. 2 provided the design phase services that were required for the construction of the bridge crane.

Agreement (9/15/2015)	Design Services	\$ 1,710,810
Amendment No. 1 (1/3/2017)	Construction Phase Services	\$ 2,113,441
Amendment No. 2 (2/26/2018)	Bridge Crane Design	\$ 33,701
Amendment No. 3	Additional Field Services	\$ 139,750

#### **PERFORMANCE ANALYSIS:**

HDR Engineering, Inc. has successfully performed similar professional services to the satisfaction of the Coeur D'Alene Wastewater Department.

#### FINANCIAL ANALYSIS:

Funding for this amendment will come from the current FY 2018-2019 City of Coeur D'Alene Wastewater Operating Fund budget. Funds have been budgeted and are available in account # 031-052-4954-7925.

#### **RECOMMENDATION:**

Approve Amendment No. 3 for additional professional design services and authorize the Mayor to execute Amendment No. 3 to the September 15, 2015 <u>Professional Services Agreement Between City of Coeur d'Alene and HDR Engineering, Inc.</u> for these additional professional services.

Attachments:

Amendment No. 3, Exhibit A – Scope of Services



# Wastewater Tertiary Treatment Upgrade: Engineering Contract Amendment 3 August 12, 2019





## Amendment 3 Provides for Field Observations & Materials Testing/Special Inspections

#### **Field Observations**

- Original fee based on 94,
   40 hour weeks.
- Additional tasks (requested by owner) resulted in 125, 40 hour weeks

#### **Materials Testing**

- \$30,597.63
- Testing included soils, concrete, asphalt, etc.
- Special inspections included concrete pours, field welding, anchors, etc.

Coeur d'Alene

#### RESOLUTION NO. 19-036

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AMENDMENT NO. 3 TO THE AGREEMENT WITH HDR ENGINEERING FOR THE TERTIARY TREATMENT PHASE 2 IMPROVEMENTS.

WHEREAS, the City approved the agreement with HDR Engineering for the Tertiary Treatment Phase 2 improvements on September 15, 2015; and

WHEREAS, the City approved Amendment No. 1 to the agreement on January 3, 2017, per Resolution No. 16-068; and

WHEREAS, the City approved Amendment No. 2 to the agreement on March 6, 2018, per Resolution No. 18-014; and

WHEREAS, the Wastewater Superintendent of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene approve Amendment No. 3 to the agreement, 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 approve Amendment No. 3 to the agreement with HDR Engineering for the Tertiary Treatment Phase 2 improvements, 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 20 <sup>th</sup> day of August, 2019.	
	Steve Widmyer, Mayor

ATTEST:		
Renata McLeod, City Clerk		
Motion by, Secons resolution.	onded by	, to adopt the foregoing
ROLL CALL:		
COUNCIL MEMBER MCEVERS	Voted	
COUNCIL MEMBER EVANS	Voted	
COUNCIL MEMBER MILLER	Voted	
COUNCIL MEMBER EDINGER	Voted	
COUNCIL MEMBER GOOKIN	Voted	
COUNCIL MEMBER ENGLISH	Voted	
was absent	Motion	

#### AMENDMENT NO. 3

to

#### PROFESSIONAL SERVICES AGREEMENT

#### **Between**

#### CITY OF COEUR D'ALENE

And

#### HDR ENGINEERING, INC.

For

#### TERTIARY TREATMENT PHASE 2 IMPROVEMENTS

The Agreement, made and entered into the 15<sup>th</sup> day of September, 2015, between the City of Coeur d'Alene, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the state of Idaho, hereinafter referred to as the "City," and HDR Engineering, Inc., a Nebraska corporation, with its principal place of business at 412 E. Parkcenter Blvd., Suite 100, Boise, Idaho 83706, hereinafter referred to as the "Consultant," is hereby amended on the 20<sup>th</sup> day of August, 2019, as set forth herein.

#### WITNESSETH:

WHEREAS, the City Tertiary Treatment Phase 2 Improvements is nearing completion; and

WHEREAS, in order for the City to accept the project, observations and testing must be completed to determine conformance of the completed construction with the requirements of the Contract Documents, and to monitor the quality of the work; and

WHEREAS, Consultant is available and is willing to provide personnel and services to accomplish the required observations and testing according to the City's schedule; and

WHEREAS, the original Agreement contains provisions in Section 10, for the City to authorize extra services in connection with this project.

NOW, THEREFORE, in consideration of the terms, conditions and covenants of performance contained or incorporated herein, the City and the Consultant agree that the agreement entered into on the 15<sup>th</sup> day of September, 2015, shall be amended as follows:

#### Section 1. Scope of Services

The scope of services is amended to revise the project budget to cover the observations and testing required to accept the work upon completion of the Tertiary Treatment Phase 2 Improvements at the Wastewater Utility facility. The work tasks are to be performed in accordance with Exhibit "A" hereto: Scope of Services, Additional Geotechnical Services, Additional Field Services.

#### Section 2. Compensation

For services described in this Amendment, Consultant's total compensation for professional services, including labor and overhead costs and expenses, sub-consultant compensation, sub-consultant mark-up, and Consultant's additional fixed fee, shall be One-Hundred Thirty-Nine Thousand Seven Hundred Fifty and no/100 Dollars (\$139,750.00), of which the fixed fee is Eleven Thousand Three Hundred Fifty-Two and no/100 Dollars (\$11,352.00). This brings the total compensation under the Agreement to \$3,997,702.00 for design and construction observation, with a fixed fee total of \$324,903.00.

#### Section 3. Schedule

Project Duration shall be amended according to the schedule presented in Exhibit "A."

CITY OF COEUR D'ALENE	HDR ENGINEERING, INC.
Steve Widmyer, Mayor	Kate Eldridge, Vice President
ATTEST: ATTEST:	
Renata McLeod, City Clerk	Zelma Z. Miller, Department Accountant

#### **Amendment No. 3**

#### **EXHIBIT A**

#### **TERTIARY TREATMENT PHASE 2 IMPROVEMENTS**

### SCOPE OF SERVICES ADDITIONAL GEOTECHNICAL SERVICES ADDITIONAL FIELD SERVICES

#### Introduction

Professional Consulting Services for the Services During Construction (SOC) of the Tertiary Treatment Phase 2 Improvements project are described in this Exhibit and are amended to the original Agreement (City of Coeur d'Alene Professional Services Agreement Resolution No. 15-48) entered into on September 15, 2015. Tasks included in this Contract amendment include the following and are described in more detail below:

#### **Key Understandings**

- This is a Time and Materials contract. Consultant will charge the City for actual hours worked on the project by assigned personnel and direct expenses attributed to the project.
- Direct expenses for travel, subsistence, technology, printing, photocopying, and conference calls will be billed to City with no mark-up.

#### **Scope of Services**

Task 900 - Field Services

#### **Sub-task 901 - Field Observations**

#### **Objective**

Determine substantial conformance of the completed construction with the requirements of the Contract Documents through observation of the work.

#### **Approach**

This sub-task includes services related to providing observation of field activities. Specific activities conducted by Consultant will include the following:

#### **ACTIVITY 901.1 CONSTRUCTION OBSERVATION**

Provide general observation including:

- Observe, record, and report Contractor's daily work progress to determine the Work observed is in general conformance with the requirements of the Contract Documents.
- o Document activities observed making note of deficiencies and any issues requiring resolution. Maintain work deficiency log in the OMS.
- Create daily field reports defining specified work completed, Contractor work force figures, progress made on the controlling activity established by the approved construction schedule, job site visitors, and weather conditions.
- Review approved shop drawings and apply them to the conducting of observations.
- Photograph construction to document progress of deficiencies, and log photos in the OMS.
- Conduct, or coordinate the conduct of, specified inspections and document results.
- Notify Contractor when written verification from the Materials Testing sub-consultant representative has been obtained stating that acceptable subgrade preparation is provided for structures and is ready to receive concrete for foundations and structural slabs on grade.
- Monitor the prequalification of soils and concrete materials, and coordinate in-place moisture and density testing and the sampling and testing of concrete (see Sub-task 902 - Materials Testing and Special Inspection).
- Observe and document pressure testing of interior and exterior piping systems.
- Review stored materials and/or equipment for quantity determination for Contractor payment and to verify that equipment and/or materials are adequately protected until installed. Consultant will notify Contractor if additional measures are required to protect the equipment.
- Develop and provide to Contractor an on-going list of items requiring correction to encourage correction of noted construction deficiencies, including:
  - Monitor and document construction throughout the project duration and identify deficient items.
  - o Provide Contractor with an updated list of non-conforming items at construction progress meetings.
  - o As deficiencies are corrected, revise the list by indicating corrected status.
  - Utilize the deficiencies list to aid in identifying appropriate retainage amounts near project completion.
  - Issue Non-Conformance Reports for deficiencies not being acknowledged or addressed by Contractor with corrective measures or corrective action plans.

- On a monthly basis, prior to signing off on the monthly payment request, review Contractor's as-recorded drawings to verify the Contract Documents are up-to-date with contract modifications and annotated to reflect actual construction.
- Review tagging of equipment to verify conformance with approved registers for equipment, valves, and other items designated to be tagged by the Contract Documents.
- Coordinate training activities between Contractor and City.
- Monitor vendor training for City's operations and maintenance personnel.
- Document any observations made of property damage or personal injury accidents within the project construction limit lines, and notify and provide a written report to City.

#### **Assumptions**

- Consultant's observation of the work performed under the construction contract shall not relieve Contractor from responsibility for performing work in accordance with applicable contract documents.
- Consultant shall not control or have charge of, and shall not be responsible for, construction means, methods, techniques, sequences, procedures of construction, health or safety programs or precautions connected with the work and shall not manage, supervise, control or have charge of construction.
- Consultant shall not be responsible for the acts or omissions of construction Contractor(s) or other parties on the project.
- Observations will be performed in accordance with industry-recognized standard practices.
- Monitoring removal and/or disposal of contaminated materials is not included.
- The original fee for this sub-task was based upon field observation from a single Resident Project Representative (RPR) for eight (8) weeks at twenty-four (24) hours per week during initial project ramp-up and then eighty-six (86) weeks at forty (40) hours per week for a total of 94 weeks. Due to the addition of Owner requested work items, the project duration related to field observation has increased from 94 weeks to 125 weeks for a total of 31 weeks of additional field observation at 40 hours per week. However, this amendment is only requesting 21 weeks at 40 hours of RPR time.

#### **Deliverables**

- Resident Project Representative's Daily Reports transmitted to City via e-mail in .pdf format, if requested.
- Photographs filed in the OMS.

#### **Sub-task 902 - Materials Testing and Special Inspection**

#### **Objective**

Monitor quality of work by testing construction materials and conducting special inspections.

#### Approach

This sub-task includes services related to conducting materials testing and special inspections. Specific activities conducted by sub-consultant will include the following:

ACTIVITY 902.2 MATERIALS TESTING AND SPECIAL INSPECTION

- Quality control testing of construction materials may include:
  - Soil/Aggregate Observation and Testing including observation and testing of compaction during site grading, excavation, footing and slab subgrade preparation, utility trench and wall backfilling; and sampling, testing, and recommendations regarding suitability of on-site and any imported materials used for backfill.
  - Concrete Sampling and Testing including testing for slump, temperature (concrete and ambient), air content, and casting of compressive test cylinders for verification purposes.
  - o Structural Masonry Testing including compression testing of pre-construction masonry prisms, grout, and mortar.
  - o Hot Mix Asphalt (HMA) Observation and Testing including observation, sampling and compaction testing during HMA paving placement.
- Special Inspections per currently adopted Building Code may include:
  - Reinforcing Steel Placement and Embedded Items Special Inspection by International Code Council (ICC) certified special inspector to verify the placement of reinforcing steel and embedded items prior to the placement of concrete.
  - Concrete Observation by ICC certified special inspector to observe placement of structural concrete.
  - o Structural Masonry Observation by ICC certified special inspector to observe placement of structural concrete.
  - Structural Masonry Observation by ICC certified special inspector to observe placement of masonry units, mortar, reinforcing steel, and items embedded in masonry.
  - Structural Steel Field Welding Special Inspection by a special inspector certified by either the American Society (AWS-CWI) or ICC to observe welding operations during structural steel erection and connection.
  - o Drilled-In-anchors (Adhesive/Expansion Anchors) Special Inspection of adhesive or expansion anchors.

- Testing shall be performed on an as-needed basis by an accredited testing laboratory approved by local building official.
- Identify non-conformance issues, prepare reports, evaluate corrective actions, perform testing, establish conformance, and prepare documentation.
- Maintain records for materials testing and special inspections in the OMS.

#### **Assumptions**

- Sub-consultant will perform testing in accordance with construction contract documents and other recognized/applicable standards.
- Consultant initially included a sub-consultant fee of \$90,000.00 for materials testing
  and special inspections. Sub-consultant throughout project requested increases to
  their fee of an additional \$30,597.63 for additional materials testing and special
  inspections. HOR provided these fee adjustments to their sub-consultant and notified
  the City. It was discussed that if HOR was able to absorb these additional costs in
  their original budget then HOR would not need to request a contract amendment.
  However, because of the increase in the project timeline it was not possible for HOR
  to absorb these costs in their original budget.

#### **Deliverables**

- Materials Testing and Special Inspection Plan transmitted to City and local building official via e-mail in .pdf format.
- Weekly summaries of Daily Reports, materials testing information, and special inspections transmitted to City and local building official via e-mail in .pdf format.
- Summaries of materials testing information transmitted to Contractor via e-mail in .pdf format.

#### Compensation

Consultant's total compensation for professional services provided pursuant to this amendment, including labor and overhead costs and expenses, sub-consultant compensation, sub-consultant mark-up, and Consultant's additional fixed fee for services in Amendment No. 3 shall be \$139,750.00, including the Fixed Fee for Amendment No. 3, which is \$11,352.00.

This brings the total compensation under this contract to \$3,997,702.00 for design and construction observation, with a fixed fee total of \$324,903.00.

#### STAFF REPORT TO CITY COUNCIL

**DATE:** August 20, 2019

FROM: Troy Tymesen, City Administrator

SUBJECT: Four modifications to the City's public parking program

**DECISION POINT:** Should the City Council direct staff to move forward with the four Parking Commission recommendations to the City's public parking program?

**HISTORY:** The City has been charging for public parking since 1942 when parking meter zones were instituted. In 1955 the City established a position for a parking meter officer. In 1986 the parking meters were suspended and the two hour free parking in the downtown business core district was initiated.

**FINANCIAL ANALYSIS:** It is anticipated that the change to event parking will reduce revenue by approximately \$5,000 - \$10,000 per year and the reduction in revenue for the addition of the 2 hour pass program is undetermined. However, the amount collected will be greater than the 2018 parking fund gross income figure because the 2 hour parking pass applies to local residents only.

**PERFORMANCE ANALYSIS:** 1. Institute an annual pass program for Coeur d' Alene city residents to use the McEuen and Memorial field public parking lots for up to two hours per day per vehicle for \$10 per year. Verification of residency to be provided and it is recommended that there be no proration's for the annual pass fee. 2. Institute an annual pass program for Kootenai County residents to the same lots with the same criteria with a cost of \$20 per year. 3. To modify the event parking days to the 4<sup>th</sup> of July only. This partnership helps pay for the annual fireworks display. Previous event parking days would be charged at the normal published rates. 4. Proceed with a Request for Proposal for parking services management for the City lots, garages and mooring slips. It is anticipated that the RFP will take two months to complete.

**DECISION POINT:** Should the City Council direct staff to move forward with the four Parking Commission recommendations to the City's public parking program?