

# Coeur d'Alene

## CITY COUNCIL MEETING

*May 6, 2014*

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**MEMBERS OF THE CITY COUNCIL:**

**Steve Widmyer, Mayor**

**Councilmen Adams, Edinger, Evans, Gookin, McEvers, Miller**

# CONSENT CALENDAR

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

**April 15, 2014**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room April 15, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Loren Ron Edinger	)	Members of Council Present
Amy Evans	)	
Woody McEvers	)	
Kiki Miller	)	(Via Telephone until 8:21 p.m.)
Steve Adams	)	
Dan Gookin	)	

**CALL TO ORDER:** The meeting was called to order by Mayor Widmyer.

**INVOCATION:** Pastor Bob Albing, Lutheran Church of the Master, provided the invocation.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilmember Gookin.

**Proclamation: Celebration of Arbor Day Week– April 20-26, 2014.** Urban Forestry Coordinator Katie Kosanke accepted the proclamation and introduced Urban Forestry Committee member John Schwandt. Mr. Schwandt presented the annual Arbor Day button designed by a local school student. He stated that they have given out about 60,000 seedlings to fourth graders throughout the county over the past 28 years. Ms. Kosanke stated that the main Arbor Day Celebration will be in conjunction with the Shadowwood Homeowners Association (located at Lunceford Lane and Honeysuckle Drive at 10:00 a.m.) to include the planting of 27 new trees. The Tree City USA Ceremony will take place at Northpines Park around noon and will include a free hamburger lunch (sponsored by Sun Valley Tree Service) and distribution of free tree seedlings.

**Presentation: U.S. 95 Corridor Study.** Don Davis, Senior Transportation Planner for the Idaho Transportation Department, stated that he wanted to bring attention to the revisions of the 2000 US 95 Corridor study, based on input from the business community and citizens. Due to the length of time from the original study until today, ITD has reviewed earlier forecasts in the original model. The new model rates the intersection on an alphabetical system wherein A is the best rated and F means it needs attention. Walnut Avenue was one of the main reasons that the 2000 study was done, as the intersection had congestion and accidents were increasing. Suggested solutions included a new alignment of Lincoln Way and a new interchange, which was controversial and not a quick fix. Current suggestions include turn restriction from residential streets and routing traffic to Harrison Avenue where a traffic signal exists. These

changes are hoped to help with previous congestion and lessen accidents. Ironwood is another segment of the study that demonstrated concern, and adds to existing concerns Kootenai Health recently announced their large expansion. Kootenai Health will be analyzing their traffic impacts and working with ITD. ITD will be putting some preliminary designs together before the end of the year and will provide them to the public for feedback. They are in the process of a five year improvement project plan, with a view toward the 10 year improvement plan. Mr. Davis stated that ITD is not ready for a project; however, they wanted to inform the public that change will be coming.

Councilmember Edinger asked for clarification regarding the idea of blocking off Linden Avenue. Mr. Davis explained that with the proposed double access at Linden Avenue, if additional movements were allowed it would cause congestion. Councilmember McEvers asked for clarification regarding access from Walnut Avenue. Mr. Davis stated that if left turn options were removed from Walnut Avenue one would need to go to Northwest Boulevard and get to the interchange and access US 95 from there. He further stated that there would need to be additional study regarding these alternate route suggestions. Councilmember Gookin stated that he would be reluctant to have more traffic go through a neighborhood.

#### **PUBLIC COMMENTS:**

Carson McGee, Coeur d'Alene Juvenile Diabetes, was in Washington DC speaking to congressional delegation who signed the special diabetes program bill to provide additional funding - \$150 Million. He was diagnosed three and half years ago and has raised \$12,000 for JDRF. He is currently doing a car design contest in which people are encouraged to vote. One can check in on Carson's progress at [www.carsonscruisers.blogspot.com](http://www.carsonscruisers.blogspot.com).

**CONSENT CALENDAR:** Motion by McEvers, seconded by Adams to approve the consent calendar as presented.

1. Approval of Council Minutes for March 25, 2014 and April 1, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for April 21, 2104, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Approval of Downtown Carriage Rides on Fridays August 8, 2014 through August 29, 2014 from 5:00 p.m. to 9:00 p.m.
5. Approval of Beer and Wine License Dog House, Suzi O'Brien, 110 North 4<sup>th</sup> Street (new)
6. Approval of S-3-14, Downtown Miller's Addition, final plat approval.
7. Setting of Public Hearing for A-3-14 (Proposed annexation from County I to City C-17), 2772 W. Seltice Way, for May 20, 2014.
8. Setting Public Hearing for O-1-14 (Request for below grade residential units in the NC and CC zoning districts, for May 20, 2014.

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

## **COUNCIL ANNOUNCEMENTS:**

Councilmember Gookin stated that the County released information yesterday regarding the urban renewal funds that included that LCDC will be receiving over \$5 Million of public money. He believes it is a large sum that is allowed to be spent without a publicly elected board and that LCDC has a flexible long range plan. He expressed concern that he cannot provide proper oversight of this organization. He clarified that if LCDC were closed those funds would come to the City.

Councilmember Adams stated that he had asked the County “What if the Urban Renewal agencies were never formed and what would that financial difference be to the City?” He found that one would need to consider if the improvements were never made and other variables, but that the money would be coming to the City rather than LCDC, and he believes that is money the City could use.

**MAYOR ANNOUNCEMENT:** Mayor Widmyer asked for approval of the appointment of John “Jack” Williams and Ann Melbourn to the Parking Commission.

**MOTION:** Motion by Edinger, seconded by McEvers to approve the appointment of John “Jack” Williams and Ann Melbourn to the Parking Commission.

**DISCUSSION:** Councilmember Adams stated that he previously served on the Parking Commission with Jack and Ann and felt they did an excellent job.

### **Motion Carried.**

**ADMINISTRATOR’S REPORT:** City Administrator Wendy Gabriel stated that the final colorful splash pad features at McEuen Park were set up on Friday and crews tested the water on Monday. Water from the splash pad will be recycled through a 60,000 holding tank situated below the Harbor House and used to irrigate the park. With a surface area of 12,000 square feet, the McEuen Park splash pad is twice the size of the second largest splash pad at Landings Park. She stated that an attractive Donor Wall is planned for McEuen Park that provides the opportunity for citizens to make a permanent show of support of McEuen and citywide parks. The Panhandle Parks Foundation has made the initial payment of \$25,000 to the City for construction of the wall, with an additional \$17,000 promised as donations are received. There are only 380 lines available and many have already been sold. For information on how to be a part of this exciting project contact Kim Stearns, Panhandle Parks Executive Director, at 818-6922, or email her at [kim@panhandleparksfoundation.org](mailto:kim@panhandleparksfoundation.org). Ms. Gabriel reiterated that weekly McEuen Park updates will be posted on the city’s website, [www.cdavid.org](http://www.cdavid.org), and blog, [www.cdacity.blogspot.com](http://www.cdacity.blogspot.com) and stated that the park is expected to open in May. For questions contact Keith Erickson at 208.819-0907. Ms. Gabriel thanked the Coeur d’Alene Parks Department employees and volunteers who last weekend planted 400 White Pine seedlings in the Fernan Lake Natural Area. White Pine is the Idaho state tree and was very prevalent in Idaho until a disease called White Pine Blister Rust wiped out the vast majority of the nation’s White Pines. The US Forest Service created a Blister Rust resistant species and has been working to reestablish the tree for quite some time. The group plans on planting 200 more White Pines in

other natural areas within the city soon. The city's website has been completely redesigned and is now even more user friendly for visitors who want to connect with the city online. The web site offers opportunities to pay utility bills online, learn about job opportunities, follow the City on social media, file reports, and watch past City Council meetings and learn about the city's 16 departments and 22 volunteer committees. Citizens can access the City's website at [www.cdaid.org](http://www.cdaid.org). The project was overseen by IT Design Administrator Brandon Russell. A 14-member committee assembled by Mayor Widmyer, representing a broad range of community leaders and law enforcement officials, has formalized the job announcement criteria for selecting a new Coeur d'Alene Police Chief. The nationwide search for a new chief includes a regional emphasis with advertising in several online law enforcement and public safety publications, local media, and the city's website. The city expects to appoint the new Chief this summer. The Recreation Department announced that they had one hundred 3-5 year old boys and girls participating in the mini-kickers soccer program this week. Also, the department and Sting Soccer held the Annual Picture Day and Soccer Festival where over 600 3rd through 8th graders participated. She thanked JumpN2Fun.com for supplying the Bounce Houses. This is National Library Week and the library is celebrating all week long. Today Libraries are more than repositories for books and other resources and they are often the heart of their communities. Throughout the week patrons of all ages can pick up a "Library Passport" at the checkout, and Research and Information desks and fill it out by visiting different spots throughout the building. Completed passport can be turned in for drawings to win books and DVDs for preschoolers, children, teens, and adults. For more information about other events and activities during Library week, visit the library at [www.cdalibrary.org](http://www.cdalibrary.org). Nearly twelve years ago, the Coeur d'Alene City Council passed an ordinance allowing youth representation on City Boards, Commissions, and Committees. Service on these boards gives students an unprecedented opportunity to learn about city government, special projects, and community needs. If you are interested in serving as a student representative on one of the city Committees, Commissions, or Boards, visit [www.cdaid.org](http://www.cdaid.org), click on "Volunteer Opportunities" in the left menu, and print out an informational letter and application form, noting that applications are due by June 15th. Ms. Gabriel announced and welcomed new employee Darci Todd. Darci started as the new Human Resources Assistant effective March 24th. The Coeur d'Alene Arts Commission is seeking Artists for its Utility Box Beautification Project. Nine box locations have been designated this year to be enhanced using an artist's design to be printed on vinyl and wrapped around the boxes. Information packets are available at City Hall or online at [www.cdaid.org](http://www.cdaid.org). Artist proposals are due by 5:00 p.m., May 19, 2014. For more information call Steve Anthony at 769-2249.

### **Purchase of a Patrol Apprehension/Drug Detection Canine.**

**MOTION:** Motion by Edinger, seconded by Evans to approve the purchase of a patrol apprehension/drug detection canine.

**DISCUSSION:** Councilmember Adams stated that although this was an unbudgeted item, and that the Police Department did have a dog previously, this would be paid for out of drug forfeiture money. Councilmember Gookin asked for clarification regarding the purchase of the dog at \$21,000 and the reference to the need for a new patrol car totaling \$51,000. Councilmember Gookin also noted that since the retirement of the City's police dog, the City has been relying on Post Falls and the County for use of their dog. He stated that Post Falls has two dogs and used them

in over 200 calls. He also stated that it was important to mention that there are liability issues with use of K-9's that result in court cases. Chief Clark stated that Sheriff's department is holding off on the purchase of another K-9 according to their annual plan as it is hard to determine work life of a K-9. He clarified that the drug forfeiture fund is intended to be used for these types of expenditures. Additionally, there are times when a K-9 bites that end with a lawsuit, and this is why the Police Department has policies in place that have been reviewed by legal, and as long as they have documented training and are following policies it will mitigate the liability. Chief Clark stated that the Sheriff's Department will potentially provide the training. Councilmember Gookin stated that Post Falls sends its officers to Alderhorse for training as they are experts in the field and he believes that would add extra protection from liability. Chief Clark stated that the City's previous dog was not trained by fulltime K-9 officer, and that the certifications are standardized and a lot depends on the dog you get and its demeanor and handler and that they could improve those items rather than spending the funds to train in California. Mayor Widmyer asked for clarification regarding the vehicle replacement costs. Chief Clark stated the replacement K-9 vehicle was part of the original budget and is not part of the current request, although it will also be paid out the drug forfeiture fund.

**Motion Carried.**

**Acceptance of Art donation "The Great Escape Blue Heron" created by Artist Jerold Smiley and donated by Dr. Justin StormoGipson.**

Steve Anthony presented a photo of the Art piece and stated that it is currently located at 2<sup>nd</sup> and Sherman Avenue as part of the Art Current program. It was awarded the People's Choice Award and Dr. StormoGipson has decided to buy the piece and donate it to the City. The placement of the piece would be along the sea wall at 3<sup>rd</sup> Street within McEuen Park. The Arts Commission would cover the cost of moving the piece. Dr. StormoGipson thanked the City for the opportunity to donate this piece in honor of his deceased wife, Maj. She was a supporter of the improvements to McEuen and loved Tubbs Hill.

**MOTION:** Motion by Edinger, seconded by Evans to accept the donation of "The Great Escape" art piece.

**DISCUSSION:** Councilmember Gookin stated that this was the favorite of all on the art selection committee and thanked Dr. StormoGipson. Councilmember Evans thanked Dr. StormoGipson for the donation and stated that she looks forward to visiting the piece in honor of Maj.

**Motion Carried.**

**PUBLIC HEARING: A-2-14 – (Legislative) Proposed Annexation from County C to City C-17L, U.S. Forest Service, 3600 W. Nursery Road for April 15, 2014.**

**STAFF REPORT:** Interim Planning Director Warren Wilson stated that tonight's item is an annexation with a zoning request from the U.S. Forest Service. The property is currently zoned as agriculture within the County and the applicant is requesting C17L within the City. He reviewed the 4 findings that the Council would need to determine for this item that includes that this proposal is or is not in conformance with the Comprehensive Plan polices; that public facilities and utilities are or are not available; that the physical characteristics of the site do/do not make it suitable for the request; and that the proposal would/would not adversely affect the surrounding neighborhood in regards to traffic, character and/or land use. He reviewed allowable uses within the C-17L zoning district and stated that the Comprehensive Plan notes the area is a transitional area under the Ramsey-Woodland area reference. He reviewed staff comments regarding utilities and infrastructure in the area. Mr. Wilson demonstrated that there is a current mix of different zonings within the proposed area. Mr. Wilson reiterated that the City Council will need to determine if they should approve the annexation, set the appropriate zoning, make the findings, and set any conditions. Staff recommends dedication of the Kathleen Avenue right-of-way and the requirement of a Planned Unit Development prior to development.

**DISCUSSION:** Councilmember Edinger asked if the Planning Commission denied the request. Mr. Wilson confirmed that they did deny the request. Mr. Wilson stated that the applicant is at the preliminary stage in their design plans and that the applicant will provide more information. Councilmember Gookin asked if the City Council could add additional recommendations. Mr. Wilson clarified that the Council may add conditions/recommendations and that they can also negotiate items within the annexation agreement. Councilmember Gookin stated that this property is owned by the Federal government so it would not be providing a property tax increase.

**PUBLIC COMMENTS:**

Andrew Schmitt, Coeur d'Alene, stated that he represents the Forest Service as the applicant. The Forest Service is seeking annexation and the C-17L zoning so that they could build their office building on land they already own. They looked at expanding the Fernan Ranger Station, but there is not enough room on that site. The proposed office complex would house 120-135 employees and save \$115 million over 20 years. The Forest Service owns the entire nursery property, which is one of five within the entire Forest Service organization and Coeur d'Alene should be proud of this nursery. The National Forest Service wants the nursery to continue to be a working and functioning nursery. The Forest Service is requesting the annexation of 13 acres as they need city services and are willing to work with the City regarding the best way to develop the 13 acres. The only zone that allows them to build an office is a city commercial zone, and proposing the PUD would limit the development and give the neighbors a better understanding of what the development would be in the future. The Forest Service would classify their use as civic, similar to a school or church, but it is not classified that way in the City code. They do plan to conserve trees that are over 6" in diameter. Mr. Schmitt stated that they met with the neighbors last night and looked at safety of trail and traffic crossings. The Forest Services is willing to buffer on the south side and to minimize exterior lighting. He clarified that they are

seeking to meet Silver LEED's building standards, so reduced lighting will be a requirement. He reiterated that he believes the PUD will help to mitigate the fears of the neighborhood. They have looked at other options, but found this to be the most viable option. Another option for the Forest Service would be to sell the property to gather funds to complete other more expensive options.

Councilmember McEvers asked for clarity regarding the nursery egress. Mr. Schmitt stated that the drawing is the proposed location, but they are willing to move it based on input from the City. Councilmember McEvers asked if they had incorporated changes into their plan based on input from the meeting held last night. Mr. Schmitt stated that last night was the first time the neighbors could see the drawing and there were mixed comments. He clarified that this property is excess to the nursery and they cannot move to other location on the property. Additionally, the drawing is only a 30% design and a PUD would be more detailed. Councilmember Gookin asked Mr. Wilson why a civic zone does work for this facility. Mr. Wilson stated that C17L is the lowest zone that allows the use by right, and that a structure this size does not fit in the lower residential zones. He reiterated that a PUD is a custom zone and if changed in the future it would go through another public process. Councilmember Edinger asked is the entry off of Kathleen Avenue is the only proposed entry. Mr. Schmitt stated that they intend to have one entry that serves both sides of the property, unless the city required otherwise.

Marilyn Reames, Coeur d'Alene, provided the City Council with photographs of the Nursery land that she felt could be developed. She stated that there are 13 homes along Nicklaus Drive that abut the south fence line of the nursery and this would impact all of them. This was denied by Planning and Zoning Commission at a C17 zone request, and she does not feel that a C17L changes the allowable uses by much. The Atlas Road photo demonstrates several rows of trees that are too large to transplant, and that the photo of the corner of Kathleen Avenue and Ramsey Road to the east has no plantings, just a lot of weeds. The photo of eastbound on Kathleen has an area of weeds, demonstrating areas that are not maintained that could have a building place on them. The Forest Service does not have their funding, as they stated the previous evening and that they would not build until 2018. Ms. Reames stated that she believes there are other locations for the buildings and this is such a prime piece of property for speculators she fears the Forest Service will sell it off, as she does not trust them.

Councilmember Gookin asked about the trail depicted in the photographs. Ms. Reames stated that it is a trail used by the Forest Services for ATV's to serve the property. Councilmember Gookin asked how large of a buffer Ms. Reames would want to see. She stated that she would like at least a 150 feet buffer to a parking lot dependent upon how many trees will be removed.

Mike Maker, Coeur d'Alene, stated he does not know how many acres are on the site, but it seems like a lot. One of his main concerns is that the access point is right as the Prairie trail crosses his back yard and that the egress is concerning due to high traffic volumes. He believes that the past thinning out of trees versus the proposed heavy removal is not a fair comparison. The C17L zone, even with a PUD, opens up Pandora's Box for uses on that site. He also expressed concern regarding the Forest Service statement that they might have to sell property to get funding. He does not believe that he would be able to get any additional buffer from the egress and they would be adding 500 vehicles per day.

Councilmember Gookin asked Mr. Maker if he would be amendable to a traffic light being installed at the intersection. Mr. Maker felt that it would just stop traffic right behind his house and reiterated that he does not believe it is the right location for the egress. Mayor Widmyer asked Mr. Maker if the egress was in a different location would it change his feeling about the project. Mr. Maker stated that he would feel better, but is still worried about C17 in general. Councilmember Edinger expressed concern about possible other entry points other than the proposed one.

Joe Myers, Coeur d'Alene, stated he is the Nursery Superintendent and has served in that role for 28 years. He stated that houses along Nicholas toward the south end of the property were allowed to be developed because the Forest Service agreed to move the power lines and that those lots are limited due to the petroleum and Yellowstone pipelines. He clarified that the south trail/roadway was originally established for access to power lines and GTE poles, and that underground there are 100/150 pair cables providing services for phone lines. Mr. Myers clarified that the remaining 220 acres within the fence include areas for long-term tests and genetic work and are placed specifically on the site. Some areas are used for weeds and seeds to increase plots for specific weeds for habitat restoration that takes a spectrum of shrubs, grasses, etc.

Doug McInnis, Coeur d'Alene, stated he supports the opposing comments already mentioned. He believes any zone change will adversely affect their property values and character of the neighborhood. He prefers the development not occur, but if this annexation moves forward he would like it to be the most stringent regulations possible so it would only be usable by the Forest Service, such as is his understanding with a PUD. He would like see to increased setbacks and visual barriers. With the proposed saving of 6" trees, there would only be 12 trees between his house and the parking lot. Councilmember Gookin asked how much of a buffer he would want. Mr. McInnis stated that he believes 150' or greater buffer area would be preferred.

Kevan McCrummen, Coeur d'Alene stated that he is in opposition to the proposed zone, and clarified that he does not distrust the Forest Service as he believes they will build what they are proposing. His concern is that they only have 10% of a plan for the use of the area and that they cannot get money until the property is rezoned. In the event they do not get the money they would sell land to the highest bidder. Additionally he does not believe this make sense with the surrounding area as any other zoning than agricultural would be detrimental. He stated he would like the Forest Service to request other areas of the land for development that would be away from the neighborhood. He is concerned with existing traffic, let alone with another 500 vehicles added. Councilmember Gookin asked Mr. McCrummen if he would be accepting of a 150' buffer. Mr. McCrummen stated that it would be better than what was proposed.

Mr. Schmitt Rebuttal: Councilmember Gookin asked Mr. Schmitt if the Forest Service could make a 150' buffer work and would they consider moving the egress. Mr. Schmitt stated that he believes they could accommodate 150' and that he is not sure where they could place the egress without affecting fields, but they would be willing to consider it in working with the City to improve safety. Councilmember Edinger asked if the egress were moved would it be the City's responsibility to put in a stop light. Mr. Schmitt thought that would be included in the annexation agreement. Councilmember Evans asked the City Engineer to address egress issues. Mr. Dobler stated that he has not reviewed any of the information or proposed drawings yet, and felt it would premature to

look at traffic signals; however, as they move forward they could bring back options with the annexation agreement. Councilmember Gookin asked if they could split the zoning request between the bottom 165' as R-1 providing natural open space and top part of the property as C17L. Mr. Wilson stated that he is not sure that would provide a workable solution, as a residential development could require that all the trees and reiterated that the PUD would require 10% open space and design guidelines for development including buffer yards and shielded lighting.

Seeing as there were no other comment, the Mayor closed public comments.

**DISCUSSION:** Councilmember McEvers asked for clarification regarding the PUD. Mr. Wilson stated that it allows the adoption of an agreement between the parties that the property cannot develop until they complete a PUD, thereafter the Planning Commission would notice the affected property owners and once approved the PUD would be binding. Councilmember Edinger stated that he wants to deny the request based on the additional traffic and he believes the buffer is still detrimental to the neighborhood.

**MOTION:** Motion by Edinger, seconded by Adams to deny A-2-14, Annexation from County C to City C-17L, U.S. Forest Service, 3600 W. Nursery Road and to direct staff to develop the necessary Findings and Order.

**DISCUSSION:** Councilmember Gookin stated that while he understands the reasoning for denial, he believes that there is support in the Comprehensive Plan, existing commercial uses, an existing school, a substantial buffer available, and the creation of jobs, he believes the issues can be worked out.

**ROLL CALL:** Edinger Aye; Adams Aye; McEvers No; Gookin No; Evans No. **Motion Failed.**

**MOTION:** Motion by Gookin second by McEvers motion to approve A-2-14, Annexation from County C to City C-17L, U.S. Forest Service, 3600 W. Nursery Road and to direct staff to negotiate an annexation agreement, develop the necessary Findings and Order, and prepare an Ordinance.

**DISCUSSION:** Councilmember Gookin clarified that he would like to include a recommendation to include the requirement of a PUD prior to development, including a 150' buffer to the south, and review of the placement of ingress/egress to ensure it is not pointing toward residents back yards or does not create a traffic hazard. Councilmember Evans asked if there were any other items that should be included to protect the neighbors. Mr. Wilson stated that the neighbors will be able to provide public comment when the PUD goes to the Planning Commission and that the annexation agreement will come back to the City Council. Councilmember Edinger stated that he thinks traffic will be a problem and that he believes the neighbors have spoken against it.

**ROLL CALL:** Edinger No; Adams No; McEvers Aye; Gookin Aye; Evans Aye. **Motion Carried.**

**PUBLIC HEARING: V-14-3 – (Legislative) Vacation of Utility Easement in the Neider Conference Center Addition.**

**STAFF REPORT:** City Engineer Gordon Dobler stated that this vacation request is regarding the water and sewer easement at the property of the old Elmer’s Restaurant and the new Organic Grocery. The new utility easements are in place and improvements are completed, so the old easements are no longer needed. He stated that they sent out 17 mailings with 3 responses that were neutral with no comments.

**PUBLIC COMMENTS:** Mayor Widmyer called for public comments with none being received.

**MOTION:** Motion by McEvers, seconded by Evans to approve the Vacation of Utility Easement in the Neider Conference Center Addition.

**ROLL CALL:** Adams Aye; McEvers Aye, Gookin Aye; Evans Aye; Edinger Aye. **Motion Carried.**

**EXECUTIVE SESSION:** Motion by Gookin, seconded by Evans to enter into Executive Session as provided by Idaho Code 67-2345 § (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; § (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

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

The City Council entered into Executive Session at 8:28 p.m. Those present were the Mayor, City Council, City Administrator, Finance Director, Deputy City Attorney, and City Attorney. Matters discussed were those related to property acquisition.

No action was taken and the Council returned to regular session at 8:38 p.m.

**MOTION:** Motion by McEvers, seconded by Gookin to recess April 22nd at 6:00 p.m. in the Library Community Room located at 702 Front Avenue for a Strategic Planning Workshop. **Motion Carried.**

The meeting recessed at 8:39 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

MINUTES OF A CONTINUED MEETING OF THE  
COEUR D'ALENE CITY COUNCIL  
HELD IN THE OLD COUNCIL CHAMBERS  
ON APRIL 22, 2014 AT 5:30 P.M.

The City Council of the City of Coeur d'Alene met in a continued session in the Library Community Room located at 702 Front Avenue held at 5:30 P.M. on April 22, 2014, there being present upon roll call a quorum.

Steve Widmyer, Mayor

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

**DEPARTMENT HEADS PRESENT:** Wendy Gabriel, City Administrator; Renata McLeod, City Clerk; Troy Tymesen, Finance Director; Mike Gridley, City Attorney; Gordon Dobler, City Engineer; Tim Martin, Street Superintendent; Ed Wagner, Building Services Director; Melissa Tosi, Human Resource Director; Warren Wilson, Interim Planning Director; Bill Greenwood, Interim Parks Director; Jim Markley, Water Superintendent; Sid Fredrickson, Wastewater Superintendent; Bette Ammon, Library Director; Steve Anthony, Recreation Director; Kenny Gabriel, Fire Chief; and Ron Clark, Interim Police Chief.

**CALL TO ORDER:** Mayor Widmyer called the meeting to order and stated that the purpose of the workshop was to provide an opportunity for staff and the City Council to conduct strategic planning for the upcoming fiscal year.

City Administrator Wendy Gabriel reiterated that tonight the City Council will hear the Department Head ideas, and then on April 29th, the City Council will bring forward additional ideas and prioritize items to be included in the budget.

City Clerk Renata McLeod presented a year in review, demonstrating the "City of Excellence," awards and recognition, as well as staff achievements.

Ms. Gabriel reviewed the vision statement and the resources that would be needed to continue to provide services that meet the vision statement. She presented a listing of the day to day work/service that is provided by the City and stated that these will continue unless the City Council directs otherwise. Ms. Gabriel reviewed several multi-year projects that will need additional funding or resources in order to be completed, such as the Wastewater Treatment Plant projects and Lake Coeur d'Alene Drive master planning. Mr. Gridley provided an update regarding Vision 2030, which he described as a large community survey project. He explained that funding would be needed, specifically regarding project management.

Ms. Gabriel continued the review of items provided by the City Department Heads and asked several to provide additional details. Mr. Wilson provided information regarding integrating healthy options through design of pedestrian facilities within neighborhoods. Councilmember Gookin suggested turning the Pedestrian Bicycle Committee into a Transportation Committee. Ms. Gabriel provided general information regarding the public safety needs for the near future. Fire Chief Gabriel explained that staffing and the GO bond tie together for future Fire Station No. 4, which will need 9 firefighters. There was some discussion regarding how best to serve the Seltice Way area. Police Chief Clark explained the concept of a substation on the south side of town, which would provide more exposure and interaction with the community. Discussion ensued regarding the options for alternatives to incarceration for non-violent offenders. Human Resource Director Melissa Tosi provided an update regarding the Classification and Compensation study. BDPA has provided a proposal for services and stated that it is recommended that a new survey be completed every 5-7 years.

Ms. Gabriel reviewed the capital and staffing needs and the need for a future City Hall expansion. Mr. Gridley stated that benefits for an expansion include bringing the Legal Department staff into one location, accommodating future staff growth, and movement of the reception area.

Councilmember Gookin asked if the overlay budget was going to be replenished and if it would include 15<sup>th</sup> Street. City Engineer Gordon Dobler stated that the 15<sup>th</sup> Street project would be approximately \$1.3 million, which would be double the annual overlay budget. Councilmember Gookin asked if the dike levy costs would be added to the budget. Mr. Dobler stated that the City would partner with NIC and costs would be approximately \$700,000. Councilmember Gookin asked about extending Library hours and staffing needs. Library Director Bette Ammon stated that it would take two part-time staff persons for the Library to be open a full-day on Saturdays and she clarified that she will be seeking a re-organization that should fulfill staffing needs. Councilmember Gookin asked if the budget would include E-billing. Finance Director Troy Tymesen stated that the E-billing program would be included in the City Programmer work load. Councilmember Gookin asked if the City would consider placing an ATM in the lower level of City Hall. Mr. Tymesen stated that it would create liability for the City and that the City would need to insure the ATM and purchase the machine. He stated that there are many banks close to City Hall where customers would not be charged a fee and, additionally, payment can be made over the phone. Recreation Director Steve Anthony said that they are talking about using the utility payment system for recreation payments.

Councilmember McEvers asked about the potential location for a maintenance shop at McEuen. Interim Parks Director Bill Greenwood stated that it was not included in the McEuen plan, which means equipment will be coming from the City Park to serve McEuen and he would like to have a shop behind City Hall that could service the Jewett House, McEuen Park, and other area parks. Councilmember Evans asked if additional staff will be needed to coordinate programs at McEuen. Mr. Anthony stated that the first year's usage will be reviewed to determine the needs and that there may be a need for an events coordinator in the future. Mr. Greenwood clarified that the event sponsors will be required to pay for any additional needs such as porta-potties and security.

Councilmember Gookin asked what options there are to pay for a City Hall expansion. Mr. Gridley stated that there are several options including, but not limited to, a bond, cost avoidance from not paying rent and potentially other savings with resource sharing. He clarified that if Council wants staff to explore the concept, then staff would bring back funding options.

Councilmember Adams noted that he has received comments regarding deteriorated streets and asked if the Street Department was adding additional funding. Street Superintendent Tim Martin stated that the current asphalt budget is \$90,000, which is used for maintenance, pothole fixes and frost heave removals, with arterials as a priority. He will work with the City Engineer, who surveys the road conditions, regarding overlay areas. Mr. Martin clarified that even with additional funding he would not have the staffing to do more work, so he is comfortable with the City Engineer handling the overlay projects.

Mr. Tymesen provided an update regarding the self-insurance fund versus other insurance options. He stated that he has been seeking quotes from various insurance carriers. Mayor Widmyer asked Mr. Tymesen for clarification regarding the self-insurance fund system. Mr. Tymesen stated that the City used to add dollars to the fund annually, and then when financial times were tough the funding went down. A recent lawsuit has extinguished the self-insurance fund.

Mr. Tymesen presented an overview of the financial outlook for Fiscal Year 2014-2015. He stated that the City is better shape financially than it was a year ago and provided a brief education of the national economy. He stated that the General Fund is approximately \$31.7 million annually and that the fund balance of \$5.5 million is 17% of the budget. He explained the foregone taxes and levy rates. Going forward, Mr. Tymesen looks forward to feedback regarding items presented tonight including capital expenditures and self-insurance funds, merit and COLA costs, as well as health insurance.

Councilmember Gookin wanted to know what the new growth would be for next year. Mr. Tymesen said that the county has not projected that information yet. Councilmember McEvers commented that foregone is not real money, but gives the city authority to levy those dollars. He asked if the City could pay for the new City Hall with the fund balance. He also commented about Seltice Way development concerns and noted that it seems like it is good because taxes are paid and building permit fees are collected.

Mayor Widmyer said that he has heard concerns regarding Seltice Way being over built. He recently took a tour of Kendall Yards in Spokane and noted that it was mentioned that certain areas in Spokane with a large number of apartments actually resulted in poor school attendance due to the transient population of renters.

Ms. Gabriel stated that the second part of the Strategic Planning Workshop with council would be a meeting on April 29<sup>th</sup> at the Jewett House, wherein Council will be asked to discuss their ideas and help staff prioritize what needs to go into the budget. Mayor Widmyer said that he has 17 items that he will bring forward at the meeting and challenged the council to also come prepared to present their new ideas.

**RECESS: Motion** by McEvers, seconded Adams to recess to April 29, 2014 at 5:30 p.m. at the Jewett House located at 1501 E. Lakeshore Drive, Coeur d'Alene for a continuation of the Strategic Planning Workshop. **Motion carried.**

The meeting adjourned at 7:47 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

MINUTES OF A CONTINUED MEETING OF THE  
COEUR D'ALENE CITY COUNCIL  
HELD AT THE JEWETT HOUSE  
ON APRIL 29, 2014 AT 5:30 P.M.

The City Council of the City of Coeur d'Alene met in a continued session at the Jewett House located at 1501 E. Lakeshore Drive held at 5:30 P.M. on April 29, 2014, there being present upon roll call a quorum.

Steve Widmyer, Mayor

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

**DEPARTMENT HEADS PRESENT:** Wendy Gabriel, City Administrator; Renata McLeod, City Clerk; Troy Tymesen, Finance Director; Mike Gridley, City Attorney; Gordon Dobler, City Engineer; Tim Martin, Street Superintendent; Ed Wagner, Building Official; Melissa Tosi, Human Resource Director; Warren Wilson, Interim Planning Director; Bill Greenwood, Interim Parks Director, Jim Markley, Water Superintendent; Sid Fredrickson, Wastewater Superintendent; Bette Ammon, Library Director; Steve Anthony, Recreation Director; Kenny Gabriel, Fire Chief; and Ron Clark, Interim Police Chief.

**CALL TO ORDER:** Mayor Widmyer called the meeting to order and stated that the purpose of the workshop was to provide an opportunity for the City Council to conduct strategic planning for the upcoming fiscal year based on staff's input from last Tuesday night.

Mayor Widmyer clarified that as items are discussed he would like to rate them for staff's budgeting purposes. Items will be ranked numerically from 1-10, 10 being the highest priority, then the scores will be averaged. The first item discussed was the concept of a General Obligation Bond for May 2015. Finance Director Troy Tymesen stated that the City has a great credit rating and that it is a good time to go to market. He stated that a ladder truck has a life span of approximately 15 years, which is how old the City's trucks are currently. Fire Chief Kenney Gabriel stated that the life span of a fire truck is approximately 10 years and all their trucks are that old. He clarified that this bond would provide capital over the next 10 years. Interim Police Chief Clark stated that the Police Department would like to include vehicle purchasing in the bond with funds normally budgeted for vehicles put toward personnel costs. Mr. Tymesen clarified that this GO Bond would be less than the previously approved bond.

Councilmember McEvers asked if a future building would be included. Chief Gabriel stated that the bond would likely include a storage building behind the Police Department. Councilmember Gookin asked what the Fire Department does with the old trucks. Chief Gabriel stated that they would use them as a trade in. Councilmember Adams asked if the bond failed what the

alternative plans would be and if those options would be the same for Police and Fire. Chief Clark stated that the Police Department would look at leasing. Chief Gabriel stated that another alternative would be to look at foregone taxes as vehicles need to be replaced. Councilmember Adams asked if the Street Department could be included in the bond. Councilmember Gookin stated that he believes one-time expenses should be funded directly. Councilmember Evans wanted to be direct with the voters and that we should seek items in the bond that they are willing to approve. Mr. Tymesen clarified that the GO bond items should have a useful life of 10years. The average priority vote for this item was 10.

Discussion took place regarding retooling the Planning Department, specifically by enhancing dialog with stakeholders, adopting the Vision 2030 plan, integrating healing living into planning infrastructure, and engaging citizens. City Attorney Mike Gridley presented a list of items from the Vision 2030 surveys. Councilmember Miller asked how the City would take over the Vision 2030 recommendations and if it would include any revenue generation. Mr. Gridley stated that it could include looking for grants and that a position can be fashioned as needed to move the goals of the community forward. Interim Planning Director Warren Wilson stated that the concept of including healthy living infrastructure hits several areas from the Vision 2030 goals. This could be included in the re-write of the Comprehensive Plan with benefits including economic draw from the infrastructure investment from tourist and job creation to businesses with healthy life styles. He stated that the next step would be to get a silver designation as a pedestrian friendly community. Mayor Widmyer stated that he believes that doing a citizen survey is important to plan future needs. Councilmember Evans asked if the Mark Henshaw study of East Sherman is out of date. Mr. Wilson stated that the East Sherman study hit some resistance with the neighborhood and that stakeholder meetings could take place to determine movement forward. His recommendation is to have someone who works and lives here complete certain community projects such as the East Sherman study. Councilmember Evans stated that it would be nice to have a vision for Seltice Way, potentially including design standards. Councilmember Gookin stated that he understands there is also a need for the annexation fee policy to be reviewed. Mr. Wilson stated that the current fee was approved in 1998 so it should be revisited. Councilmember Gookin would like to include the permitting of vacation rentals and a park zone. Discussion ensued regarding East Sherman and problems with transients. The average priority vote for this item was 9.33.

The next item discussed was public safety. Chief Clark stated that the Police Department's largest priority is to hire more Police Officers based on the crime statistics compared to other cities. These other cities do not have the number of special events that take place in Coeur d'Alene. He stated that the question is what level of service the City wants. If the City rose to the service level provided by Post Falls, the Department would need 20 additional officers. He clarified that the amount of officers needed to meet the minimum comparative level would be 12. Chief Clark stated that they are working to increase the number of Reserve Officers, which does take a large time commitment. Councilmember McEvers asked if the City could have those putting on a special event provide their own security. Chief Clark stated that the City has had event sponsors hire more traffic control persons for events like the 4<sup>th</sup> of July and Ironman; however, it is expensive so event sponsors do not want to pay for it. Mr. Gridley clarified that a commercial event could be on the hook more than non-profits. Mr. Wilson stated that the City also needs to consider freedom of speech issues. Chief Clark stated that the Police Department is

currently looking at a Cops Grant that will allow funding for up to three officers. Mayor Widmyer stated that he is supportive of a police presence on East Sherman and believes it should be City Police Officers. Chief Clark stated that they have a space they are considering that would need some upgrades with technological enhancements and he believes it can be manned with volunteers and officers. Upgrades would include a fiber connection in order to make the space utilizable to officers. Councilmember Miller stated that there is a Juvenile Justice Grant for \$500,000 that is currently available for programs involving young offenders, interns, volunteers, and drug court related items. She could see a possible partnership with the Police Department at East Sherman, as well as potential partnerships with the Boys and Girls Club. Mayor Widmyer stated that the Police Department should have a presence in the area as long as there is a need. Chief Clark stated that the East Sherman sub-station would be a community placement opportunity for the department as it would be housed in a stand-alone building. The average priority vote for this item was 9.83.

The City Council discussed the concept of a remodel of City Hall and a space needs utilization study of future space needs over the next 10 years. Mr. Gridley stated that hiring of more police officers has a ripple affect with a need for more legal staff as it takes people to provide that service. Councilmember Gookin stated that he thinks it would be good for a single Customer Service Center such as Building Services, Parks Department, and the Recreation Department providing customer services with a common lobby. Councilmember Evans asked if there were a cost estimate for the study. Mr. Tymesen stated that the cost has not been determined, but they would come back with price during budget process. The average priority vote for this item was 9.17.

The City Council discussed the concept of the Memorial Field Grandstand restoration. Recreation Director Steve Anthony stated that it is one of the remaining historic sites in the community and will likely need a new roof this summer. Councilmember Miller asked if this item was a request for construction funding next fiscal year or funding for a study. Mr. Anthony stated it would be the beginning of the process. Mr. Tymesen stated that they need to determine if the grandstand is good to stay where it is currently located or if it should get reoriented. If it is going to be reoriented then it would not need to be reroofed. Mr. Anthony stated that they could do a partial reorientation so that it could keep its historic nature; however, if it was totally reoriented it would not be the same. Councilmember McEvers stated that he would like to create a committee to work on a parallel timeline as the Four Corners study to determine the orientation capabilities. Councilmember Adams asked was the cost estimate is for the roof. Mr. Anthony stated that it is estimated to be \$16,000 and he believes he can pay for that out of this year's budget. The average priority vote for this item was 9.5.

The City Council discussed the idea of a multipurpose field at Cherry Hill. Mr. Anthony stated that he is concerned about the Field of Dreams coming to fruition, so he was looking for basic fields to be installed at Cherry Hill similar to other parks. Councilmember Gookin thought the neighbors were concerned with lights and traffic. Councilmember McEvers stated that while he was rating it low, he knows there may be opportunities that arise over the next year or so that the City would have to jump at as they come forward. The average priority vote for this item was 4.33.

The City Council discussed the concept of a city-wide employee classification and compensation plan study. Human Resource Director Melissa Tosi stated that the last study was conducted in 2002 and it is recommended that a company update their plans every 5-7 years. In 2012 the City contracted with BDPA for some wage comparisons, which demonstrated that the City was within a competitive range. She clarified that as job descriptions change over the years it is good for an outside agency to review them and make suggestions. Ms. Tosi stated that the cost estimate for a complete study is \$38,000. Councilmember Adams asked if the study would include wages, benefits, vacation, and sick leave. Ms. Tosi stated that the study would compare benefits and wages, in addition to looking at contracts with the Associations and the Union in comparison to others. Councilmember Gookin stated that since the current employee contracts expire in 2017, he believes it would be better to postpone the study until a later date, so information would be more current as the contracts expire. Councilmember Adams stated that the contracts could be reviewed and renegotiated annually. Mayor Widmyer stated that all job descriptions would be reviewed so this would be more than just a wage comparison. Councilmember Gookin stated that it is in the contracts that unless both parties are willing to come to the table to renegotiate, the contract period stays the same. Discussion took place regarding the need for the study now versus closer to the contract expiration. Mayor Widmyer stated that this study would include a review of classification and job description changes and that the citizens are expecting the City Council to do something now versus later. Ms. Tosi stated that the contractor would recommend getting information into place and ready before the time to renegotiate agreements and clarified that the update would be a 7 month process. The average priority vote for this item was 8.17.

Next, the topic of training and education was discussed by the City Council. Mr. Tymesen stated that the departments cut this line item during the recession and they have not increased this line item since. Ms. Tosi stated that there are internal policies that need to be followed with not a lot of training on the processes and procedures. She stated that there may be cost sharing training available in partnership with the County with a cost estimate of \$12,000; however, this training may provide liability avoidance. Councilmember McEvers thinks training is a great incentive for employees. Councilmember Adams asked about the effect of the training reductions in the Street Department. Street Superintendent Tim Martin stated that field crews are provided with training but supervisors are not and he would like to have funding to provide supervisory training. Discussion ensued regarding the importance of training in each City department. The average priority vote for this item was 8.5.

The City Council discussed the water meter replacement project. Water Superintendent Jim Markley stated that meters start to lose efficiency when they are 8 years old. The Water Department would like to do a meter replacement program. They reviewed the option of contracting the project out; however, the Contractor would need to be supervised which would make it almost more expensive than to complete the project in house. The project will take 5 months with 2 employees, which is why they are requesting to increase staffing by 2 to start a water meter replacement program on an 8 year rotation going forward. Councilmember McEvers asked about the recent replacements with the radio read upgrade. Mr. Markley explained that in 2005 the meters were changed out for radio reading and at that time they found that revenue was lost due to the meters not being replaced sooner. Councilmember McEvers asked if this would impact the recent rate study. Mr. Markley stated that this project would be within the available revenues. The average priority vote for this item was 9.33.

**RECESS:** The Mayor called for a 10 minute recess at 7:27 p.m. The meeting resumed at 7:44 p.m.

Mayor Widmyer stated that he had a few suggestions he would like to present. He presented information regarding providing more green space at the Independence Point parking lot with handicap access to the water and providing a launch point for kayaks and paddleboards. He stated that there is an opportunity for more parking on Mullan Avenue near City Park and Memorial Field. He would like to see bike lane improvements, and move toward the goal of becoming silver rated. He agrees with the need for a Police Substation on East Sherman and he would like the City to take on the role of bringing partners together for the educational corridor development. He would like the City to be supportive of Kootenai Health's investment in the community. He would like to work with NIC design students to come up with a new city logo and hopefully include the phrase "the City with a Heart." Mayor Widmyer stated that he is supportive of the Four Corners project planning efforts and the Dike Road/Levee project. City Engineer Gordon Dobler stated that about 1/3 of the trees will need to be removed; however, most are diseased and small. There will be a study and a plan of options for enhancements presented to the City in the future.

Councilmember McEvers presented his idea regarding the potential conflict between manufacturing districts and residential zones and asked that Planning staff review the area of the gravel pit near Doyle's and provide a master plan for when that use changes to protect the neighborhood. He further asked that the Student Representatives program be revitalized and that the students be required to present what they learned at a City Council meeting that at the end of semester. He asked the City Council to determine what the future of CDATV Channel looks like to them and discussed some future funding options. He encouraged the use of security cameras for public parking garages and areas. He reiterated his support of the skate board park improvements.

Councilmember Evans stated she is concerned with the ability to keep up with the scheduling of events at McEuen Park, as their will be momentum for use, such as weddings and Zumba classes. Interim Parks Director Bill Greenwood stated that a facility use form would be used to manage the events, and he is not certain how the allowance of alcohol will be coordinated. She additionally would like the City to continue to build relationships with the community and for the City Council to meet with boards and organizations such as they do with the annual meeting with the Tribe, and continue to look for opportunities to work together with the community.

Councilmember Miller stated she is also looking at permits and use of public space, such as the area vacated on Front Avenue for use of a farmers market and carriage rides. She would like one system for use of all public space looking down the road 10 years. She stated that parents of students provided traffic control in the street near the Charter Academy until they were told they could not do that by the City. She stated that there should be a permit to allow for that type of volunteerism within a school zone. She supports the outreach to the community through a citywide survey, and felt there is inexpensive polling software that the City could use. Additionally she presented the idea of using the utility bills to direct citizens to the web-site to answer the poll question of the month. As a housekeeping item, she would like a calendar of

scheduled events that the fellow councilmembers are participating in, simply stating where and what they are presenting/discussion topics so other Councilmembers know and can be consistent.

Councilmember Adams stated that his two main goals are to get the City insured, and to provide more money to the Street Department for patching.

Councilmember Gookin stated that he would like a citywide policy manual and mileage logs on all vehicles, especially when they are retired. He would like clarity regarding the City Council role regarding the hiring of Department Heads via a policy. Additionally, he would like to see term limits for committees, and that City Councilmembers serve as ex officio members without voting rights. He stated that he was not excited about the option of accepting Coeur d'Alene Lake Drive from ITD. He expressed support regarding hiring another programmer. He would like to see a general business license/permit as it would give the City good data. He suggested an option of funding staff for the Street Department through the stormwater utility.

Councilmember Gookin stated that he would be supportive of engineering funding the levee and increasing the overlay fund. He would like to eliminate the self-insurance fund and properly fund the street light fund. He would like to see a uniform employee badge and a city-wide uniform policy. He would be supportive of alcohol in the parks under a permit system. He would like to see the Arts Commission focus on a collection and have an Artist in residence -- professional to assist and advise the Commission. He also suggested that the City look to fund activities within McEuen Park such as concerts.

Mr. Tymesen stated that staff will review the information provided tonight. Department Heads are working on budget drafts and will discuss and incorporate these strategic goals. He will work to forecast growth and revenues, and will make a presentation to the City Council in July.

**ADJOURN: Motion** by Gookin, seconded by Adams, that there being no further business before the Council, this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:48 p.m.

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Steve Widmyer Mayor

ATTEST:

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Renata McLeod, City Clerk

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services / Kathy Lewic / 01/14/14  
Department Name / Employee Name / Date  
Request made by: Sally Fender / 360-574-9084  
Name / Phone  
4005 NE 88th Way Vancouver WA 98665  
Address

The request is for:  Repurchase of Lot(s)  
 /  Transfer of Lot(s) from \_\_\_\_\_ to \_\_\_\_\_

Niche(s): \_\_\_\_\_  
Lot(s): 06 W 1/3, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ Block: 33 Section: 9

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

Copy of  Deed or  Certificate of Sale must be attached.

Person making request is  Owner /  Executor\* /  Other\* \_\_\_\_\_

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

Title transfer fee (\$ N/A ) attached\*\*.

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

**ACCOUNTING DEPARTMENT** Shall complete the following:

Attach copy of original contract.

Vonnie Jensen  
Accountant Signature

**CEMETERY SUPERVISOR** shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant:  Yes /  No
2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:  
Sally Fender
3. The purchase price of the Lot(s) when sold to the owner of record was \$ 650<sup>00</sup> per lot.

[Signature] / 4/22/14  
Supervisor's Init. / Date

**LEGAL/RECORDS** shall complete the following:

1. Quit Claim Deed(s) received:  Yes /  No.
- Person making request is authorized to execute the claim: [Signature] / 4-22-14  
Attorney Init. / Date

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

\_\_\_\_\_  
City Clerk's Signature / Date

**COUNCIL ACTION**

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

**CEMETERY SUPERVISOR** shall complete the following:

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

\_\_\_\_\_  
Cemetery Supervisor's Signature / Date

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

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

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

[Office Use Only] Amt Pd 208.34  
 Rec No 713082  
 Date 4/14/14  
 Date to City Council: 5/6/14  
 Reg No. \_\_\_\_\_  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_

Date that you would like to begin alcohol service \_\_\_\_\_

**Check the ONE box that applies:**

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

Business Name	Coeur d'Alene Powersports
Business Mailing Address	2745 Saltice Way
City, State, Zip	Coeur d'Alene, ID 83814
Business Physical Address	
City, State, Zip	
Business Contact	Business Telephone: 765-1495 Fax: 415-5050 Email address: rita@edahonda.com
License Applicant	Rita Sims-Snyder
If Corporation, partnership, LLC etc. List all members/officers	Rita Sims-Snyder Kenneth L. Snyder Darrell G. Sims Mary Kathleen Sims

RESOLUTION NO. 14-015

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 APPROVING THE DECLARATION OF SURPLUS PROPERTY - 1973 HOUGH PAYLOADER AND INDUSTRIAL ENGINE OFF BLOWER FROM THE STREET DEPARTMENT AND APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR PHASE 5C.1 INITIAL TERTIARY MEMBRANE FILTRATION (TMF).

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

- A) Approving the Declaration of Surplus Property - 1973 Hough Payloader and Industrial Engine Off Blower from the Street Department;
- B) Approving Amendment No. 2 to the Professional Services Agreement with HDR Engineering, Inc. for Phase 5C.1 Initial Tertiary Membrane Filtration (TMF);

AND;

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

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A through B" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

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

DATED this 6<sup>th</sup> day of May, 2014.

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Steve Widmyer, Mayor

ATTEST

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

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

ROLL CALL:

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

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

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

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

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

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

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

## **CITY COUNCIL STAFF REPORT**

**DATE:** April 16, 2014

**FROM:** Tim Martin, Street Superintendent

**SUBJECT:** DECLARE SURPLUS 1973 HOUGH PAYLOADER and INDUSTRIAL ENGINE OFF BLOWER

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### **DECISION POINT:**

The purpose of this report is for consent to declare various pieces of used equipment and items to be deemed surplus and authorization to auction.

### **HISTORY:**

For many years we have used the clearing house for a few vehicles and pieces of equipment in the past and this works well. We no longer have space at the Ramsey site for storage between auctions nor is it feasible to hold our own auction. Last winter the department purchased a more modern blower able to couple to our new loaders.

### **PERFORMANCE ANALYSIS**

This equipment has been deemed of little or no value.

### **FINANCIAL ANALYSIS**

There is no cost to the taxpayers. The Auction house takes a percentage of the bid auction item. There is a very minimal cost to the department for us to shuttle items to Post Falls.

### **DECISION POINT:**

The purpose of this report is to ask for Council Consent to declare this equipment surplus.

## PUBLIC WORKS COMMITTEE STAFF REPORT

**DATE:** April 21, 2014

**FROM:** James Remitz, Capital Program Manager

**SUBJECT:** Amendment No. 2 to Professional Services Agreement between City of Coeur d'Alene and HDR Engineering, Inc. for Phase 5C.1 Initial Tertiary Membrane Filtration (TMF) / Nitrification Improvements dated July 19, 2011

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**DECISION POINT:** The Council may wish to approve proposed Amendment No. 2 to the July 19, 2011 Agreement between the City of Coeur d'Alene and HDR Engineering, Inc. for Professional Services related to the design and construction administration of Phase 5C.1 Initial TMF and Nitrification Improvements. Amendment No. 2 will extend the completion date from May 30, 2014 to October 31, 2014.

**HISTORY:** The original Professional Services Agreement dated July 19, 2011 outlined professional engineering services related to the design and preparation of bidding documents for the Phase 5C.1 project. Amendment No.1 Revised, dated May 21, 2013, defined the construction administration services required for the construction phase of this project. Amendment No. 2 to the Agreement will simply extend the completion date for performance of the construction administration services from May 30, 2014 to October 31, 2014.

**PERFORMANCE ANALYSIS:** The purpose of Amendment No. 2 is to extend the completion date of the construction administration services defined in Amendment No. 1 Revised. This extension is needed due to the anticipated extended construction period for the project.

**FINANCIAL ANALYSIS:** There is no financial impact resulting from the approval of Amendment No. 2. All funding for the construction administration services has been budgeted in the current FY 2013/2014 Wastewater Operating Budget.

**RECOMMENDATION:** Wastewater Department staff recommends that the City Council approve the attached Amendment No. 2 to the Professional Services Agreement between the City of Coeur d'Alene and HDR Engineering, Inc. for Phase 5C.1 Initial Tertiary Membrane Filtration (TMF) / Nitrification Improvements dated July 19, 2011 and authorize the Mayor to execute said Amendment No. 2.

**AMENDMENT NO. 2**

**to**

**PROFESSIONAL SERVICES AGREEMENT**

**between**

**CITY OF COEUR D'ALENE**

**and**

**HDR ENGINEERING, INC.**

**for**

**PHASE 5C.1 INITIAL TERTIARY MEMBRANE FILTRATION (TMF) /  
NITRIFICATION IMPROVEMENTS**

The agreement, made and entered into the 19<sup>th</sup> day of July, 2011, between the CITY, City of Coeur d'Alene and the CONSULTANT, HDR Engineering, Inc. is hereby amended on the 6<sup>th</sup> day of May, 2014 as set forth herein.

**WITNESSETH:**

WHEREAS, the City faces changing effluent discharge conditions in the Spokane River as a result of water quality studies conducted by the Washington State Department of Ecology and renewal of the City's effluent discharge permit by Region 10 of the Environmental Protection Agency;

WHEREAS, the City has undertaken an analysis of the implications of these regulatory actions in preparation of an "Update to the Wastewater Facility Plan Amendment";

WHEREAS, the Phase 5 improvements will complete plant expansion to 6 mgd average daily capacity while preparing for future low effluent phosphorus concentrations;

WHEREAS, the City desires to design and construct the first full scale increment of low phosphorus improvements (Phase 5C.1 Initial TMF/Nitrification Improvements) to be required in upcoming permit renewals;

WHEREAS, the Consultant is conducting construction administration of the Phase 5C.1 Initial TMF/Nitrification Improvements;

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

WHEREAS, the Agreement contains provisions in Section 10 for the City to authorize modifications to this Agreement;

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 the 19<sup>th</sup> day of July, 2011, shall be amended as follows:

Section 1. Scope of Services

No additional services or modifications to the scope of services are provided in this Amendment.

Section 2. Compensation

No additional or changes in compensation are provided in this Amendment.

Section 3. Schedule

Schedule for completion shall be amended to extend the contract completion date to October 31, 2014.

CITY OF COEUR D'ALENE

HDR ENGINEERING, INC.

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

\_\_\_\_\_  
Karen M Doherty, Vice President

ATTEST:

ATTEST:

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

\_\_\_\_\_  
Zelma Z. Miller, Department Accountant



**AMENDMENT NO. 1 REVISED  
(Replaces previously approved Amendment No. 1)**

**EXHIBIT A**

**PHASE 5C.1 INITIAL TERTIARY MEMBRANE FILTRATION (TMF) / NITRIFICATION  
IMPROVEMENTS**

**SCOPE OF SERVICES, SCHEDULE, AND COMPENSATION  
FOR  
CONSTRUCTION ADMINISTRATION**

**INTRODUCTION**

Professional Consulting Services for the Construction Administration of the Phase 5C.1 Initial Tertiary Membrane Filtration and Nitrification Improvements (Phase 5C.1) project is described in this exhibit and it is amended to the original Agreement (City of Coeur d'Alene Professional Services Agreement Resolution No. 11-024) entered into on July 19, 2011. This supplement also extends the contract completion date to May 30, 2014. Tasks included in this Contract amendment include the following and are described in more detail below:

- Task 700 - Secondary Improvements
- Task 800 - Construction Administration
- Task 900 - Construction Engineering
- Task 1000 - Field Services
- Task 1100 - Application Software Programming Services
- Task 1200 - Systems Commissioning
- Task 1300 - Project Close-out
- Task 1400 - Additional Unanticipated, Urgent, or Special Services

**SCOPE OF SERVICES**

***Task 700 - Secondary Improvements***

**Sub-task 701 - Detailed Design for Secondary Aeration Improvements**

**Objective**

Provide plans and specifications for improvements to the secondary aeration system, including air scour for the integrated fixed-film activated sludge modules.

**Approach**

- Coordinate with high speed turbo blower approved manufacturers to select equipment and obtain details.
- Prepare detailed plans and specifications that define the size, configuration, process control and key features of the project components.
  - A preliminary drawing list includes:

- General
  - 000G06 - Site Plan, Staging Areas and Survey Control (modified)
  - 000G07 - Process Design Criteria (modified)
- Civil
  - 000C01 - Existing Yard Piping and Demolition Plan (modified)
  - 000C02 - Yard Piping Plan (modified)
  - 000C03 - Enlarged Yard Piping Plan (modified)
  - 000C06 - Finish Contours, Paving and Grading Plan (modified)
- Process
  - 501D02 Secondary Control Building - Aeration Air Piping Demolition Plan (new)
  - 501D03 - Secondary Control Building - Aeration Air Piping Plan and Section (new)
  - 501D04 - Secondary Control Building - Aeration Air Sections and Details (new)
  - 550D01 - Solids Contact/Sludge Reaeration Tanks - Aeration Air Piping Plan and Details (new)
- Mechanical
  - 501M01 - Aeration Blower Cooling System Plan and Section (new)
- Electrical
  - 000E15 - Electrical Distribution One-line Diagram Upgrade (modified)
  - 501E01 - Secondary Control Building - Control Plan and Details (modified)
  - 501E02 - Secondary Control Building - Photo Details and Panel Schedule (modified)
  - 501E03 - Secondary Control Building - Power Plan and Details (new)
  - 550E01 - Solids Contact/Sludge Reaeration Tanks - Power and Control Plan (new)
- Instrumentation
  - 000Y02 - PLC I/O Lists (modified)
  - 000Y19 - Process and Instrumentation Diagram - Secondary Aeration (new)
- A preliminary specification list includes:
  - Section 00300 - Bid Form (modified)
  - Section 01010 - Summary of Work (modified)
  - Section 01014 - Work Sequence (modified)
  - Section 01650 - Facility Start-up (modified)
  - Section 11081 - High Speed Turbo Aeration Blower (modified)
  - Section 13441 - Control Loop Descriptions (modified)
  - Section 13442 - Primary Elements and Transmitters (modified)
  - Section 15060 - Pipe and Pipe Fittings: Basic Requirements (modified)
  - Section 15605 - HVAC: Equipment (modified)

- Secondary aeration improvements will be incorporated into the Phase 5C.1 Initial TMF/Nitrification Improvements bid documents via addenda as a stand-alone bid item.
- Detailed design will include draft submittal to the City for review and comment, and a final submittal to Idaho DEQ for review and approval and to the City for incorporation into the bidding documents.
- Provide technical quality control review by HDR senior design staff.
- Provide opinion of probable construction cost for improvements.
- Conduct up to one (1) review meeting with City staff and up to two (2) Consultant staff members to discuss City comments on draft submittal.

### **Assumptions**

- Improvements will not require a preliminary engineering report but will require a plan and specification review by Idaho Department of Environmental Quality (DEQ).
- Drawings will be prepared per industry standards and specifications will be prepared using the sixteen-division format of the Construction Specifications Institute.
- The design will incorporate City and Consultant engineering and equipment standards to maintain consistency and compatibility with the City's facilities.
- Final
- Up to ten (10) drawings will be modified and up to eight (8) new drawings will be prepared for the Secondary Aeration Improvements.
- Up to nine (9) specification sections will be modified for the Secondary Aeration Improvements.
- City will assist with establishing final design criteria.
- City will perform a timely review of draft submittal and provide a single set of reconciled review comments.
- City will participate in review meeting.
- Final opinion of probable construction cost will be for continued cost baseline monitoring. Consultant will attempt to provide a range of accuracy based upon AACE International Recommended Practice No. 17R-97, Class 1, 70 to 100 percent project definition, +10% to -5% Range of Accuracy).

### **Deliverables**

- Draft design drawings and specifications transmitted to City via e-mail in .pdf format.
- Final design drawings and specification transmitted to City via e-mail in .pdf format.
- Opinion of probable construction cost transmitted to City via e-mail in .pdf format.

## **Sub-task 702 - Detailed Design for Tank Drain and Scum Pumping Station Improvements**

### **Objective**

Provide plans and specifications for improvements to the tank drain and scum pumping station.

### **Approach**

- Prepare detailed plans and specifications that define the size, configuration, process control and key features of the project components.
  - A preliminary drawing list includes:
    - General
      - 000G06 - Site Plan, Staging Areas and Survey Control (modified)
      - 000G07 - Process Design Criteria (modified)
      - 000G08 - Process Flow Diagram I (modified)
      - 000G09 - Process Flow Diagram II (modified)
    - Civil
      - 000C01 - Existing Yard Piping and Demolition Plan (modified)
      - 000C02 - Yard Piping Plan (modified)
      - 000C05 - Yard Piping Sections and Details (modified)
      - 000C06 - Finish Contours, Paving and Grading Plan (modified)
      - 000C08 - Enlarged Yard Piping Plan (new).
    - Process
      - 501D05 - Secondary Control Building & Clarifiers - Tank Drain and Scum Pumping Station Plan and Sections (new)
    - Electrical
      - 501E04 - Secondary Control Building & Clarifiers - Tank Drain and Scum Pumping Station Power and Control Plan (new)
    - Instrumentation
      - 000Y20 - Process and Instrumentation Diagram - Tank Drain and Scum Pumping Station (new)
  - A preliminary specification list includes:
    - Section 00300 - Bid Form (modified)
    - Section 01010 - Summary of Work (modified)
    - Section 01014 - Work Sequence (modified)
    - Section 01650 - Facility Start-up (modified)
    - Section 11076 - Pumping Equipment: Submersible Non-Clog (modified)
    - Section 13441 - Control Loop Descriptions (modified)
    - Section 13442 - Primary Elements and Transmitters (modified)
    - Section 15060 - Pipe and Pipe Fittings: Basic Requirements (modified)
- Tank Drain and Scum Pumping Station Improvements will be incorporated into the Phase 5C.1 Initial TMF/Nitrification Improvements bid documents via addenda as a stand-alone bid item.
- Detailed design will include draft submittal to the City for review and comment and a final submittal to Idaho DEQ for review and approval and to the City for incorporation into the bidding documents.
- Provide technical quality control review by HDR senior design staff.
- Provide opinion of probable construction cost for improvements.
- Conduct up to one (1) review meeting with City staff and up to two (2) Consultant staff members to discuss City comments on draft submittal.

## **Assumptions**

- Improvements will not require a preliminary engineering report but will require a plan and specification review by Idaho DEQ.
- Drawings will be prepared per industry standards and specifications will be prepared using the sixteen-division format of the Construction Specifications Institute.
- The design will incorporate City and Consultant engineering and equipment standards to maintain consistency and compatibility with the City's facilities.
- Up to eight (8) drawings will be modified and up to four (4) new drawings will be prepared for Tank Drain and Scum Pumping Station Improvements.
- Up to eight (8) specification sections will be modified for the Tank Drain and Scum Pumping Station Improvements.
- City will assist with establishing final design criteria.
- City will perform a timely review of draft submittal and provide a single set of reconciled review comments.
- City will participate in review meeting.
- Final opinion of probable construction cost will be for continued cost baseline monitoring. Consultant will attempt to provide a range of accuracy based upon AACE International Recommended Practice No. 17R-97, Class 1, 70 to 100 percent project definition, +10% to -5% Range of Accuracy).

#### **Deliverables**

- Draft design drawings and specifications transmitted to City via e-mail in .pdf format.
- Final design drawings and specification transmitted to City via e-mail in .pdf format.
- Opinion of probable construction cost transmitted to City via e-mail in .pdf format.

### **Task 800 - Construction Administration**

Assist City in administering the construction of the Wastewater Treatment Plant (WWTP) Phase 5C.1 Initial TMF and Nitrification Improvements (Phase 5C.1) project.

#### **Sub-task 801 - Project Management**

##### **Objective**

Provide scope, schedule, and cost control services of Consultant's contract during the construction phase of the project.

##### **Approach**

- Communicate scope, schedule, and budget status with City and the project team through project management plan, telephone calls, and e-mail communications.
- Monitor project progress including work completed, work remaining, budget expended, schedule, estimated cost of work remaining, and estimated cost at completion.
- Prepare and submit monthly progress reports and invoices to City. The monthly progress report will include work performed within invoiced period, tracking of Consultant contract changes and the cumulative effect of changes on Consultant contract budget.

### **Assumptions**

- This task is for the management of Consultant's contract.
- This Scope of Services assumes a single construction contract will be executed for the Phase 5C.1 project.
- Consultant will manage Consultant staff and sub-consultants.
- Costs for this contract will be tracked at the task level.
- Budget may be transferred between tasks and from sub-consultant to Consultant without an amendment to the Agreement, unless such transfers also require a change in total fee.
- Consultant will proportionately adjust loaded labor rates to actual salary and wage increases for individuals.
- Invoice and progress report format will follow Consultant standard format.
- Up to twelve (12) invoices and progress reports will be submitted to City.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Monthly progress reports and invoices transmitted to City via e-mail in .pdf format.

## **Sub-task 802 - Quality Assurance and Quality Control**

### **Objective**

Verify that services conform to generally accepted standard of care, i.e., the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality, and meet Consultant's expectations for quality.

### **Approach**

- Conduct a project approach and resource review (PARR) with Consultant's senior design and construction personnel. This review will serve as a verification of the procedures and practices being used by the construction administration team.
- Conduct up to four (4) management review meetings with City.
- Develop agendas and notes for each review meeting.

### **Assumptions**

- PARR will occur in Consultant's Coeur d'Alene office, will involve up to five (5) Consultant construction administration staff, and will last up to eight (8) hours.
- Management review meetings will occur in City's Wastewater Administration Building conference room, will involve up to four (4) Consultant construction administration staff, and will last up to eight (8) hours each.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- PARR form transmitted to City via e-mail in .pdf format, if requested.
- Agenda and notes for each management review meeting transmitted to City via e-mail in .pdf format.

## **Sub-task 803 - Safety Plan**

### **Objective**

Provide a safety plan for Consultant staff during the administration of the construction project.

### **Approach**

- Consultant will develop a Safety and Health Plan for Consultant staff.

### **Assumptions**

- City and Contractor are completely responsible for safety on this project, including the safety of City personnel and the public.
- Consultant shall not be responsible for the health and safety of City or Contractor, their employees, subcontractors, or agents on site or in any way arising from the work on this project.
- Direct expenses for printing, photocopying, and technology will be billed to City.

### **Deliverables**

- Consultant Safety and Health Plan transmitted to City via e-mail in .pdf format, if requested.

## **Sub-task 804 - Document Management System**

### **Objective**

Maintain an electronic Document Management System (DMS) for managing project electronic files.

### **Approach**

- Maintain electronic files in the DMS, including but not limited to shop drawing transmittals, requests for information, change proposal requests, change orders, field reports of project activities, digital photographs, audio recordings of meetings and conferences, material testing logs, work deficiency checklists, contractor payment certifications and correspondence between Consultant, Contractor, utility companies/agencies, other parties, and City.
- Provide logs for shop drawing transmittals, requests for information, field orders, change proposal requests, change orders, and work deficiency lists to City and Contractor on a weekly basis.
- Coordinate logs once per month with Contractor and resolve discrepancies.

### **Assumptions**

- Consultant will use Consultant's Project Tracker and Bentley ProjectWise for the DMS.
- Consultant will not maintain a hard copy of documentation in addition to the DMS.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Filing system index transmitted to City via e-mail in .pdf format.

- Weekly tracking logs for shop drawing transmittals, requests for information, field orders, change proposal requests, change orders, and work deficiency checklists transmitted to City and Contractor via e-mail in .pdf format.

## **Task 900 - Construction Engineering**

### **Sub-task 901 - Pre-construction Conference**

#### **Objective**

Conduct a pre-construction conference to establish basic project protocols and procedures.

#### **Approach**

- Identify with City and Contractor the parties to be included in the conference.
- Notify parties as to the time and place of the meeting. Include in the notification a preliminary agenda for comment and identification of specific items they may want addressed during the conference.
- Distribute final agenda and provide hard copies for participants.
- Conduct the pre-construction conference, including site walk, with City, construction contractor and their sub-contractors and suppliers, agency officials, and Consultant construction administration team.
- Distribute meeting notes to persons in attendance, parties notified of conference but not in attendance, and the DMS.

#### **Assumptions**

- Pre-construction conference will occur in City's Wastewater Administration Building conference room, will involve up to four (4) Consultant team members, and will last up to four (4) hours.
- Up to ten (10) hard copies of conference agenda will be furnished by Consultant.
- Conference audio will be digitally recorded and filed in the DMS.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

#### **Deliverables**

- Draft conference agenda transmitted to City and Contractor via e-mail in .pdf format.
- Final conference agenda transmitted to City and Contractor via e-mail in .pdf format and up to ten (10) hard copies delivered at conference.
- Meeting notes transmitted to City and Contractor via e-mail in .pdf format.

### **Sub-task 902 - City Coordination Meetings**

#### **Objective**

Conduct meetings with City to discuss project progress and City concerns.

#### **Approach**

- Utilize draft agendas for the construction progress meetings as the agenda for City coordination meetings.

- Conduct coordination meetings every other week with City to review progress, issues, and concerns prior to construction progress meetings.
- Additional participants in the meeting may include utility agencies and companies, and/or permitting agencies depending upon what is being discussed.
- Meeting notes may be incorporated into the final agenda for the construction progress meetings (see Sub-task 903 - Construction Progress Meetings).

#### **Assumptions**

- Coordination meetings will occur in City's Wastewater Administration Building conference room and via conference call for those team members not in physical attendance, will involve up to three (3) Consultant construction administration team members, and will last up to one (1) hour each.
- Meeting notes will not be issued separately for these coordination meetings.
- Up to twenty (20) coordination meetings are included in this sub-task.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

#### **Deliverables**

- Meeting agenda transmitted to City via e-mail in .pdf format.

### **Sub-task 903 - Construction Progress Meetings**

#### **Objective**

Conduct meetings with City and Contractor to discuss project progress.

#### **Approach**

- Prepare an agenda for the construction progress meetings incorporating City topics (see Sub-task 902 - City Coordination Meetings) and known issues. Other agenda items will include, but will not be limited to, project progress and schedule updates, review of shop drawing submittal and requests for information responses, review of known project issues, scheduled City training sessions, start-up and commissioning activities.
- Additional participants in the meeting may include utility agencies and companies, and/or permitting agencies depending upon what is being discussed.
- Distribute meeting notes to persons in attendance, parties notified of meetings but not in attendance, and the DMS.

#### **Assumptions**

- Consultant will prepare an agenda for the first construction progress meeting. Notes from the first meeting will be used as the agenda for subsequent meetings updated with current issues or concerns.
- Agendas will include current logs of outstanding shop drawing submittal and requests for information responses.
- Up to ten (10) hard copies of meeting agendas, including logs, will be furnished by Consultant.
- Meeting audio will be digitally recorded and filed in the DMS.

- Construction progress meetings will occur in City's Wastewater Administration Building conference room and via conference call for those team members not in physical attendance, will involve up to three (3) Consultant construction administration team members as appropriate, and will last up to two (2) hours each.
- Up to twenty (20) coordination meetings are included in this sub-task.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

#### **Deliverables**

- Meeting agendas transmitted to City and Contractor via e-mail in .pdf format prior to progress meetings and up to ten (10) hard copies delivered at meetings.
- Meeting notes transmitted to City and Contractor via e-mail in .pdf format.

### **Sub-task 904 - Contractors' Payment Administration**

#### **Objective**

Coordinate timely and equitable payment to Contractor in accordance with Contract provisions

#### **Approach**

- Review and approval of Schedule of Values:
  - Review Contractor's Schedule of Values (cost breakdown) by comparison to Engineer's Opinion of Probable Construction Cost to establish a reasonably balanced distribution of costs to the various elements of the total construction to serve as a basis for progress payments and determination of cost impact of changes.
  - Transmit comments to City and Contractor.
  - Meet with City and Contractor to reconcile disputed areas of apparent unbalanced costs and document reconciliation of disputed items.
  - Notify Contractor with letter of acceptance after reconciliation of costs
- Review Contractor's Applications for Payment
  - Review draft application for payment in comparison to progress of the work. Make notations of: deficient work not recommended for payment until corrected; deletion of payment for stored materials and/or equipment which do not have approved shop drawings and/or proper invoices; reduction of value for partially completed items claimed as complete.
  - Conduct review of storage areas and verify existence of invoiced materials/equipment and proper storage.
  - Return a copy of the reviewed draft application to Contractor.
  - Meet with Contractor to reconcile discrepancies.
  - Review revised application for payment and, if acceptable, advise Contractor to submit the required number of copies.
- Process Payment Application:
  - Execute completed application for payment indicating amount recommended for payment and transmit to City for processing of payment.
  - Monitor total payments to adjust retainage amounts as specified in the Contract Documents.

- At substantial completion, and at City's direction, adjust retainage from fixed percent to only enough retainage to provide for work completion.

### **Assumptions**

- The draft and final payment application requests will be submitted by Contractor each month on days agreed upon to meet City's processing schedule requirements.
- Consultant's recommendations for payment can be modified until final payment is approved and authorized by City.
- City is responsible for approving and authorizing payment submittals.
- Up to eight (8) payment applications will be reviewed by Consultant.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Written comments on Schedule of Values transmitted to City and Contractor via e-mail in .pdf format.
- Documentation of reconciliation of disputed items in Schedule of Values transmitted to City and Contractor via e-mail in .pdf format.
- Contractor's Payment Application Requests transmitted to City via e-mail in .pdf format with appropriate attachments.

## **Sub-task 905 - Shop Drawing Submittal Review and Tracking**

### **Objective**

Facilitate the achievement of substantial conformance to the design intent through technical review by Designers or Engineer of Record of Contractor's shop drawings.

### **Approach**

- Review Shop Drawing Submittal Schedule, including:
  - Review Contractor's Shop Drawing Submittal Schedule to ascertain that significant submittals are accounted for, that submittals are coordinated with the sequence of construction activities relying on them, that adequate and reasonable turn-around times for review are provided for, and that all shop drawings can be submitted and approved prior to 50 percent completion of the construction.
  - Notify Contractor with either letter of acceptance or a letter of rejection noting deficiencies and requesting correction of them and re-submittal.
  - Distribute copies of approved shop drawing submittal schedule to City and design team members responsible for shop drawing reviews.
- Administer shop drawing and other submittal requirements to effect substantial compliance with the intent of the Contract requirements, including:
  - Receive, log, and maintain shop drawing submittal documents in the DMS.
  - Conduct review of shop drawing submittals to confirm Contractor's compliance with administrative requirements and distribute to appropriate design team member(s) for review.
  - Review submittals for compliance with the specifications and provide written comments to Contractor.

- Receive and collate comments on submittal reviews performed by others, including City.
- Establish organized storage for samples and a tracking log for samples.
- Review Shop Drawing Schedule status, including:
  - Review weekly the approved submittal schedule and the actual shop drawing log for comparison.
  - Review shop drawing submittal log in regard to requirements that all shop drawings must be submitted and approved prior to 50 percent completion.
  - Provide written reminders or notice to Contractor whenever a submittal is overdue.
  - Address general status of shop drawings at construction progress meetings.
  - Utilize shop drawing submittal schedule as a checklist item for application for payment.

### **Assumptions**

- Contractor will prepare a listing of submittals and dates of expected submittal, coordinated with supply contract schedules to allow adequate time for review, resubmittal and review to meet the construction schedule. If Contractor fails to provide the submittal schedule and/or does not provide documents in accordance with the schedule, Consultant may be provided with additional time to review the submittal.
- Consultant will not review and comment on submittals related to temporary items and construction aides such as shoring and formwork. Receipt of these submittals are to confirm compliance with the contract requirements for submittal only and Consultant will not review for the content, compliance, calculations, etc. Consultant is not responsible for the content of the submittal.
- Consultant has not included staff or sub-consultants to review geotechnical and hazardous material issues that arise during construction other than the materials testing described in Sub-task 1002 - Materials Testing and Special Inspection.
- Consultant will use its standard Construction Contract Administration forms for shop drawing process.
- Reviews of requests for substitution are not included in this scope. If submitted by Contractor, the request will be sent to City for approval to proceed with review. Consultant time to process, review, and respond to request will be billed to City as a separate, out-of-scope activity.
- The fee for this sub-task is based upon receiving and reviewing three hundred seventy (370) submittals and one hundred twenty (120) re-submittals. Actual review time may vary depending upon the complexity and quality of the submittals. On average, it is estimated that each submittal will take 3 hours of construction administration team member time to review and process and each re-submittal will take 1.5 hours of construction administration team members' time to review and process. If Contractor submittals are incomplete or take longer to review than anticipated for reasons beyond the control of Consultant, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor through a construction contract change when appropriate.
- Submittal reviews following one (1) re-submittal will be billed to City as a separate, out-of-scope activity from which City can, at its discretion, deduct the amount from Contractor's payment application(s).

- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Contractor's approved Shop Drawing Submittal Schedule transmitted to City and design team members via e-mail in .pdf format.
- Assembled comment sheets in each submittal file in the DMS.
- Shop drawing responses transmitted to Contractor and City via e-mail in .pdf format.

## **Sub-task 906 - Request for Information Review and Tracking**

### **Objective**

Facilitate timely responses to requests for information (RFIs) to provide Contractor with clear and certain direction for the efficient execution of the Work.

### **Approach**

- Receive, log, and maintain RFI documents in the DMS.
- Distribute RFIs to appropriate design team members for review.
- Provide draft RFI responses to City for review, unless directed otherwise by City.
- Return final RFI responses to Contractor with copies to City and appropriate design team members.
- If the response to an RFI results in a change, then Consultant will prepare and issue field orders or change proposal requests, as appropriate.

### **Assumptions**

- Consultant review of RFIs regarding the design will be advisory and complementary to the design intent.
- Consultant will use its standard Construction Contract Administration forms for documenting contract interpretations.
- The fee for this sub-task is based upon receiving and responding to one hundred fifty (150) RFIs. Actual response time may vary depending upon clarity and complexity of the RFI. On average, it is estimated that it will take 2.25 hours of construction administration team member time to review and respond to each RFI. If Contractor RFIs are incomplete or take longer to respond to than anticipated for reasons beyond the control of Consultant, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor through a construction contract change when appropriate.
- Additional time required for excessive RFIs will be billed to City as a separate, additional fee activity.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Response supporting information filed in the DMS.
- Draft RFI responses transmitted to City via e-mail in .pdf format.
- Final RFI responses transmitted to Contractor, City, and Consultant's construction administration team members via e-mail in .pdf format.

## **Sub-task 907 - Field Orders and Tracking**

### **Objective**

Provide coordination and review to identify the need for minor changes in the Work consistent with the design intent, and issue Field Orders (FOs) to communicate the details of the minor changes involving no change in Contract Time or Contract Price.

### **Approach**

- Assemble documentation from the Contract Documents and/or field conditions related to the proposed minor change and furnish to the designer for evaluation of conformance with the design intent.
- Coordinate the preparation of technical descriptions of FOs and provide draft FO to City for review, unless directed otherwise by City.
  - If FO is the result of a response to a RFI, the draft FO will be included when the draft RFI response is sent to City for review.
- Issue final FO to Contractor with copies to City and appropriate design team members.
- Log FOs, including supporting information and City comments, in the DMS.
- Obtain from Contractor signed copies acknowledging Contractor's receipt of the FO and route copies to the appropriate project files.

### **Assumptions**

- Field Orders may be generated from responses to RFIs, design changes, Contractor initiated changes, Owner initiated changes, or unanticipated conditions.
- Consultant will use its standard Construction Contract Administration forms for documenting contract modification activities.
- The fee for this sub-task is based upon preparing and processing fifty (50) FOs. Actual preparation and processing time may vary depending upon the complexity of the FO. On average, it is estimated that it will take 1.5 hours of project team time to prepare and process each FO. If FOs take longer to prepare and process than anticipated for reasons beyond the control of Consultant, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor through a construction contract change when appropriate.
- Additional time required for excessive FOs will be billed to City as a separate, additional fee activity.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Supporting information filed in the DMS.
- Draft FOs transmitted to City via e-mail in .pdf format.
- Final FOs transmitted to Contractor, City, and Consultant's construction administration team members via e-mail in .pdf format.

## **Sub-task 908 - Change Proposal Requests and Tracking**

### **Objective**

Provide coordination and review to identify needed changes in the Work consistent with the design intent that involve changes in contract price and/or time, and issue Change Proposal Requests (CPRs) to communicate the details of the changes and request pricing from Contractor.

### **Approach**

- Assemble documentation from the Contract Documents and/or field conditions related to the proposed change and conduct evaluation of conformance with the design intent.
- Coordinate the preparation of the technical description of the CPR and assembly of necessary graphic details and specifications.
- Provide draft CPR to City for review, unless directed otherwise by City.
- Issue final CPR to Contractor with copies to City and appropriate design team members.
- Log CPRs, including supporting information and City comments, in the DMS.
- Review costs presented by Contractor for each CPR and conduct negotiation of pricing as necessary.
- Review negotiated CPR costs with City for City's approval.
- Assemble approved CPRs periodically into Change Orders.
- Track and report the status of CPRs using logs that track the dates of:
  - Return from Contractor with pricing.
  - Contract Administrator's review and recommendation of pricing.
  - City's acceptance.

### **Assumptions**

- Negotiations between Consultant and Contractor are not binding until accepted by City.
- Consultant will use its standard Construction Contract Administration forms for documenting contract modification activities.
- The fee for this sub-task is based upon preparing and processing one hundred (100) CPRs. Actual preparation and processing time may vary depending upon the complexity of the CPR. On average, it is estimated that it will take 3 hours of Consultant's construction administration team member time to prepare and process each CPR. If CPRs take longer to prepare and process than anticipated for reasons beyond the control of Consultant, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor through a construction contract change when appropriate.
- Additional time required for excessive CPRs will be billed to City as a separate, additional fee activity.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Change Proposal Request supporting information filed in the DMS.
- Draft CPRs transmitted to City via e-mail in .pdf format.
- Final CPRs transmitted to Contractor for pricing via e-mail in .pdf format.
- Recommendation of acceptance to City transmitted via e-mail in .pdf format.

## **Sub-task 909 - Construction Change Orders and Tracking**

### **Objective**

Coordinate the combining of change documentation into Change Orders for execution by Contractor and City.

### **Approach**

- Identify with City the strategy for combining CPRs and the timing of Change Orders.
- Evaluate the project on a continual basis to determine when proposed changes need to be finalized to avoid or minimize adverse impact on on-going construction activity.
- Combine Change Proposal Requests and Field Orders into Change Orders.
- Assemble the necessary documentation and prepare the Change Order package for circulation to City and Contractor for execution.
- Update Change Order logs and provide status reports tracking the execution of Change Orders.
- Track Change Orders through Contractor's signature, Consultant's signature recommending acceptance, and City executive action.
- Review pay requests to verify Change Order items are broken out and that payment is not made until work is complete.

### **Assumptions**

- City has the sole responsibility to authorize any changes to the construction contract.
- Consultant will use its standard Construction Contract Administration forms for documenting contract modification activities.
- The fee for this sub-task is based upon preparing and processing eight (8) Change Orders - one per month for seven of the eight months of construction and one finalizing change order. Actual preparation and processing response time may vary depending upon the complexity of the change order. On average, it is estimated that it will take 17 hours of Consultant's construction administration team member time to prepare and process each Change Order. If Change Orders take longer to prepare and process than anticipated for reasons beyond the control of Consultant, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor through a construction contract change when appropriate.
- Additional time required for excessive Change Orders will be billed to City as a separate, additional fee activity.
- CPR and Change Order logs will be updated once a month
- City will provide Consultant with copies of the fully executed change orders after signed by City and Contractor.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Change Order supporting information filed in the DMS.
- Change Orders, including supporting information for each Change Order via e-mail in .pdf format.

## **Sub-task 910 - Final Geotechnical Recommendations**

### **Objective**

Coordinate final geotechnical recommendations for the Phase 5C.1 project.

### **Approach**

- Consultant's geotechnical sub-consultant will review substantially complete design plans and interview structural engineering design team members regarding the anticipated structural loads for planned improvements.
- Consultant's geotechnical sub-consultant will review the 2009 geotechnical evaluation and preliminary recommendations for the project and issue an addendum including final geotechnical recommendations specific to the Phase 5C.1 improvements.

### **Assumptions**

- No additional fieldwork is anticipated for final recommendations.
- The geotechnical evaluation addendum will reference the 2009 Geotechnical Engineering Evaluation for the Advanced Water Reclamation Facility, Phase 5B and 5C Expansion prepared by Strata Geotechnical Engineering and Materials Testing and will include additional or alternate recommendations specific to this project phase.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Geotechnical evaluation addendum transmitted to City via e-mail in .pdf format.

## **Sub-task 911 - City Furnished Equipment Supplier Coordination**

### **Objective**

Provide coordination between Contractor and City (Owner) Furnished, Contractor Installed (OFICI) equipment suppliers, including Integrated Membrane System supplier.

### **Approach**

- Coordinate RFIs from Contractor related to OFICI systems with OFICI equipment suppliers.
- Coordinate shipping times and unloading requirements between OFICI equipment suppliers, Contractor, and City.
- Check OFICI equipment deliveries against shipping labels and bills of materials (BOMs) and inspect equipment for damage. Report any missing or damaged equipment to City or directly to OFICI equipment supplier.
- Coordinate storage requirements of OFICI equipment with City.
- Assist OFICI equipment suppliers with coordination of equipment installation and acceptance including equipment startup, commissioning and operations and maintenance training.

### **Assumptions**

- Reviews of Integrated Membrane System shop drawings and operations and maintenance manuals are provided under a separate scope.
- Consultant will process RFIs in accordance with Sub-task 906 - Request for Information Review and Tracking.
- Budget assumes Resident Project Representative is already on-site and does not include additional time or expenses for their services in this sub-task.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- List of missing or damaged OFCI equipment transmitted to City, or OFCI equipment supplier at City's direction, via e-mail in .pdf format.

## **Task 1000 - Field Services**

### **Sub-task 1001 - Field Observations**

#### **Objective**

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

#### **Approach**

- 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.
  - Document activities observed making note of deficiencies and any issues requiring resolution. Maintain work deficiency log in the DMS.
  - 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 record construction to document progress or deficiencies, and label and log photos in the DMS.
  - Conduct, or coordinate the conduct of, specified inspections and document results.
- Coordinate with Cultural Resources representative who is contracted directly with City, prior to construction activities to understand the role and activities of the representative and periodically during construction activities.
- Maintain copies of permits and summary of their conditions onsite.
- Monitor Contractor's compliance with permit conditions and Contractor's endeavor to resolve any known violations of local ordinance and other specific permit conditions.
- 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 are 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 1002 - 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 protect the equipment.
- Conduct periodic site visitations by design team member(s) and document observations by preparing Site Visitation Memorandums.
  - Follow up on any deficiencies noted by design team members by either requiring immediate correction or adding items to a progressive work deficiency list.
- Develop and provide to Contractor an on-going list of items requiring correction to encourage the timely correction of noted construction deficiencies, including:
  - Monitor and document construction throughout the project duration and identify deficient items.
  - Provide Contractor with an updated list of non-conforming items at construction progress meetings.
  - 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 Drawings 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 or monitoring portions 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.

- Consultant will use its standard Construction Contract Administration forms for documenting construction observation and inspection activities.
- City agrees to include a provision in the construction contract that requires Contractor to list Consultant as an additional insured on Contractor's commercial general liability insurance.
- Contractor is responsible for compliance with permit conditions; therefore Consultant cannot ensure Contractor's compliance with the permit conditions. Consultant will only notify City of observed conditions and violations.
- Responsibilities for jobsite safety are the sole responsibility of Contractor. The failure of Consultant to report on safety violations will neither relieve Contractor from their responsibility for safety on the project site nor shift this responsibility from Contractor to Consultant. Any unsafe activity or activities shall be halted immediately until remedial actions take place. Contractor shall resume work only if Contractor deems jobsite conditions safe to work.
- Monitoring removal and/or disposal of contaminated materials is not included.
- The fee for this sub-task is based upon field observation from a single Resident Project Representative (RPR) for eight (8) months [thirty five (35) weeks] conducted over a projected ten (10) month construction period. On average, it is estimated that RPR field observation will occur eight (8) hours per day for one hundred seventy five (175) days.
- Design team site visitations will last up to three (3) days each and a total of up to ten (10) visits will be conducted occurring approximately once per month.
- Normal working hours for Consultant inspection staff and Contractor will coincide with normal treatment plant hours: Monday through Friday, 7:00 am to 3:30 pm.
- Should Contractor elect to perform work outside of normal working hours, on Saturday, Sunday, or legal holiday, Consultant will require that City authorize field observation services prior to Consultant starting observation.
- If additional labor and expenses for performing field observation services outside normal working hours or beyond estimate included in this sub-task are required due to increased construction duration, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor or OFCI equipment supplier(s) through a construction contract change when appropriate.
- A field office will not be needed by Consultant for the project. Consultant will utilize its existing Coeur d'Alene office located across the street from the project site as the base for field inspection.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City. Meals will be billed at the current Idaho Transportation Department (ITD) Per Diem rate.

### **Deliverables**

- Inspector's Daily Reports transmitted to City via e-mail in .pdf format, if requested.
- Photographs filed in the DMS.
- Reports of property damage or personal injury accidents transmitted to City via e-mail in .pdf format.

## **Sub-task 1002 - Materials Testing and Special Inspection**

### **Objective**

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

### **Approach**

- Develop Materials and Special Inspection Plan presenting methodology for conducting site inspections and how reporting and certifications will be presented to the local building official, including:
  - Quality control testing of construction materials.
  - Quality control testing of equipment performance and systems.
  - Process performance testing.
  - Special Inspections per currently adopted Building Code.
  - Submit weekly summaries of Inspector's Daily Reports, materials testing information (as available), and special inspections (as available) to City and local building official.
  - Upon Substantial Completion of the project, Consultant will prepare a Special Inspection Certification for the project and submit to the local building official.
- Maintain records for materials testing and special inspections in the DMS.
- 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, verification of mix design and casting of compressive test cylinders for verification purposes.
  - Structural Masonry Testing including compression testing of pre-construction masonry prisms, grout, and mortar for at least each 5,000 square-foot (SF) of masonry construction.
  - 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
  - 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 Welding Society (AWS-CWI) or ICC to observe welding operations during structural steel erection and connection.

- Drilled-In-Anchors (Adhesive/Expansion Anchors) Special Inspection of adhesive or expansion anchors.
- Provide notification to Contractor of materials that fail to meet specifications.
- Testing shall be performed on an as-needed basis by an accredited testing laboratory approved by local building official.
- Consultant shall identify non-conformance issues, prepare reports, evaluate corrective actions, perform testing, establish conformance, and prepare documentation.

**Assumptions**

- Consultant will perform testing in accordance with construction contract documents and other recognized/applicable standards and
- Consultant assumes City has conducted an on-site hazardous materials assessment and has identified all required mitigation prior to project initiation.
- Casting of compressive test cylinders for verification purposes will include one (1) set of five (5) cylinders per one hundred (100) cubic yards or for each day's placement.
- Consultant has included a Sub-consultant fee of \$39,072.00 for materials testing and special inspections. The fee was prepared based on Sub-consultant's experience with testing requirements and an assumed construction approach.
- The material tests and special inspections assumed for the fee of this sub-task include:
  - Fifty (50) visits for soil density testing.
  - Twenty (20) visits for special inspection of reinforced concrete.
  - Thirty (30) visits for concrete testing.
  - Two hundred (200) concrete cylinder castings and compression tests.
  - Eight (8) sets of concrete shrinkage tests.
  - Sixteen (16) visits for special inspection of structural masonry.
  - Four (4) masonry grout prism tests.
  - Two (2) masonry mortar cylinder castings and compression tests.
  - Three (3) for special inspection of structural steel field welding.
  - Five (5) visits for special inspection of drilled in anchors.
  - Two (2) visits for asphalt material and density test.
- If Sub-consultant material tests and special inspection costs exceed the fee presented above for reasons beyond the control of Consultant or Sub-consultant, City will increase the fee for this activity as a separate, additional fee activity.
- Consultant will submit invoices to City for the costs of these tests plus Consultant mark-up of Sub-consultants.
- Direct expenses for travel, printing, photocopying, technology, and telephone conferences will be billed to City.

**Deliverables**

- Materials and Special Inspection Plan transmitted to City via e-mail in .pdf format and one (1) hardcopy delivered to local building official.
- Weekly summaries of Inspector's Daily Reports, materials testing information, and special inspections transmitted to City via e-mail in .pdf format and one (1) hardcopy delivered to local building official.

## **Sub-task 1003 - Field Surveying and Staking**

### **Objective**

Establish a horizontal and vertical survey control network around the project site for Contractor use in performance of the work.

### **Approach**

- Provide field surveying to establish horizontal and vertical control at multiple points on the site for facility construction, including:
  - Establishing two (2) horizontal control points.
  - Establishing two (2) vertical control points.

### **Assumptions**

- Control points will be established in City's existing on-site coordinate system.
- Field survey information will be developed and control points provided for project components to provide Contractor with reasonable information to complete their own on-site control and field survey of the work.
- Staking of pipelines, utility corridors, buildings, structures, access roads, parking areas, site grading, and fencing will be Contractor's responsibility.
- Control points will be set one time only. Re-setting control points for Contractor to complete the work shall be done solely at Contractor's expense.
- Consultant has included a Sub-consultant budget of \$2,200.00 for field surveying and staking. The fee was prepared based on Sub-consultant's experience with these activities and an assumed approach.
- If Sub-consultant field surveying and staking costs exceed the fee presented above for reasons beyond the control of Consultant or Sub-consultant, City will increase the fee for this activity as a separate, additional fee activity.
- Consultant will submit invoices to City for the costs of these services plus Consultant mark-up of Sub-consultants.
- Direct expenses for travel, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Established horizontal and vertical control points indicated by pins set and/or stakes.

## ***Task 1100 - Application Software Programming Services***

### **Sub-task 1101 - Programming and System Integration Services**

#### **Objective**

Provide software programming services for equipment installed as part of this project.

#### **Approach**

- Conduct onsite meetings with City and Contractor to discuss the mechanics of implementing the software changes and to define standards to be followed.

- Review Contractor provided equipment, electrical and instrumentation and control system submittals, and provide coordination for electrical and instrumentation systems.
- Develop Programming Schedule following receipt of Contractor's project schedule to show the required programming to be completed one month before the associated construction start-up date.
- Manage the work provided to verify compliance with the current wastewater treatment plant HMI software standards, quality of documentation, and scheduling.
- Assist City with the selection of computer workstations, software packages, and networking components required for the process control and monitoring equipment for the project. This includes the recommendation of computer hardware and software for the SCADA Workstations, SCADA Servers, and Office Workstations.
- Provide plant programmable logic controllers (PLC) system integration and supervisory control and data acquisition (SCADA) system programming services for equipment provided by Contractor. Provide programming and system integration services to interface equipment provided by contractor with OFCI equipment.
- Program and test operator interface terminal (OIT) and humane machine interface (HMI) process screens and database configuration.
- Perform functional testing and verification of software programming.
- Provide field commissioning and software startup support.
- Develop a PLC, Operator Interface (OI) and HMI program modification Plan.
- Before loading the new or modified programming into the various PLC, OIT, and HMI systems, coordinate with City and Sub-consultant to confirm if additional modifications have been made to the PLC, OI or HMI software.
- Develop programming for the new equipment to meet the requirements identified in the updated Final Software Pre-Design Report developed during the Phase 5B project.
- Merge the new or modified PLC, OI and HMI programming with the existing PLC ladder logic and OI and HMI graphic displays where required.
- Obtain the current HMI process screens, configuration files, and databases (i.e., process database, alarm area database, picture files, etc.) for the WWTP from City.
- The new HMI and OI process tag databases, tag-groups, process screens and the picture files for the new equipment being added will be merged or replaced with existing screens and files on the SCADA Server. Screen navigation, consistent with existing, will be modified to integrate these changes into the system.
- Coordinate with City for required modifications to existing HMI and OI screens.
- Test and debug software programming. Consultant may use a software simulation package (where possible and practical) to thoroughly test the PLC, HMI and OI software process interface. The input/output (I/O) simulator software program will be used to simulate the real I/O to be connected for this project. Only the pertinent process databases and process screens will be active in the simulator for testing to limit confusion and expedite testing.
- Conduct a review meeting to present the 90 percent software programming to City for review.
- Finalize software programming.

## **Assumptions**

- Meetings will occur monthly in City’s Wastewater Administration Building conference room and via conference call for those team members not in physical attendance, will involve up to three (3) Consultant team members, and will last up to one (1) hour each.
- A project FTP site within Consultant’s FTP system will be developed to enable “common” access to available information applicable to system integration.
- Consultant has not included fees for procurement of these components, and assumes these hardware and software items will be delivered to Consultant by City as needed by the project schedule.
- City will provide current PLC programs, OI and HMI process screens, configuration files, tag database(s), data files, and other required files prior to Consultant beginning the programming effort.
- The fee for this sub-task is based upon factory acceptance testing occurring within a 500 mile radius of the project site and occurring over a single, continuous period of up to five (5) days.
- Consultant has included a Sub-consultant budget of \$142,340.00 for systems integration. The fee was prepared based on Sub-consultant’s experience with these activities and an assumed approach. If Sub-consultant systems integration costs exceed the fee presented above for reasons beyond the control of Consultant or Sub-consultant, City will increase the fee for this activity as a separate, additional fee activity.
- Consultant will submit invoices to City for the costs of these services plus Consultant mark-up of Sub-consultants.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

**Deliverables**

- Meeting agendas and notes transmitted to City via e-mail in .pdf format.
- Project FTP site.
- Software programming loaded into new PLC.
- HMI process screens loaded into existing SCADA system.

**Task 1200 - Systems Commissioning**

**Sub-task 1201 - Operations and Maintenance Manual Review and Tracking**

**Objective**

Facilitate review of Contractor provided manufacturer operations and maintenance (O&M) manuals.

**Approach**

- Receive, log, and maintain O&M manual documents in the DMS.
- Conduct review of O&M manual transmittal form and manual contents to confirm Contractor's compliance with administrative requirements and distribute to appropriate design team member(s) for review.
- Review manuals for compliance with the specifications.
- Receive and collate comments on manual reviews performed by others, including City.

- Provide written comments or approval to Contractor.
- Obtain from Contractor the required number of hard copies for distribution and project files.

### **Assumptions**

- Consultant will use its standard Construction Contract Administration forms for the O&M Manual review process.
- The fee for this sub-task is based upon receiving and reviewing eighty (80) submittals and fifty (50) re-submittals. Actual review time may vary depending upon the complexity and quality of the submittals. On average, it is estimated that each submittal will take 2.75 hours of construction administration team member time to review and process and each re-submittal will take 1.75 hours of construction administration team members' time to review and process. If Contractor submittals are incomplete or take longer to review than anticipated for reasons beyond the control of Consultant, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor through a construction contract change when appropriate.
- Submittal reviews following one (1) re-submittal will be billed to City as a separate, out-of-scope activity from which City can, at its discretion, deduct the amount from Contractor's payment application(s).
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Assembled comment sheets in each manual file in the DMS.
- Operation and Maintenance Manual review responses transmitted to Contractor and City via e-mail in .pdf format.

## **Sub-task 1202 - Electronic Operations and Maintenance Manual Update**

### **Objective**

Prepare an electronic Operations and Maintenance (eO&M) Manual which addresses the improvements incorporated in this project.

### **Approach**

- Prepare an eO&M Manual that includes:
  - Electronic text and graphics files to reflect the changes in the plant.
  - Unit process operating procedures.
  - General standard operating procedures for the key process systems included in the Phase 5C.1 project and identified for facility startup and operator training, and software links from the eO&M links to provide operator access to selected eO&M materials.
  - Facility and equipment descriptions, design criteria, process control narratives, design drawings, and vendor manuals.
- Develop as a web application in the Microsoft ASP.net web environment in the following steps that will function on a City provided Windows-based server.
  - Web Site Map Expansion.

- Conduct a project kick-off meeting to discuss general eO&M content, system configuration and customizations, system installation and training, coordination with the design team, and the overall time schedule for development and implementation of the eO&M Manual system.
- Develop web site map modifications in coordination with City.
- Focus on developing the high level architecture of the eO&M Manual structure to define the structure and organization.
- Prepare a draft web site map modification for review and comment.
- Manual Content Preparation.
  - Prepare eO&M manual content for each unit process shown in the web site map.
  - Example content definitions are shown in the following table.

<b>Example eO&amp;M Content</b>	
<b>Section</b>	<b>Content</b>
Overview	A short description of each unit process.
Theory	A short description of the theory behind each unit process illustrating the design intent. Strategies for evaluating data and making process adjustments.
Schematic	Hyperlinks to 2D and 3D figures illustrating each unit process.
Design Criteria	Tabular listing of unit process sizes, loadings, and other design criteria.
Equipment	Hyperlinks to equipment manuals provided by equipment vendors in PDF file format.
Controls	A description of manual and automatic controls.
Procedures	A list of duties to be performed by operators when making daily process checks. General procedures for starting up and shutting down the process.
Safety	General safety considerations for the unit process.

- Note that content definitions for this project will be specific and customized to those sub-sections agreed upon and defined by the web site map developed with City.
- Graphic Content Definition.
  - Develop 2D and 3D figures for communicating to City plant O&M staff the design intent, and how to operate the unit process.
  - Conduct a site visit near the end of construction to allow the content author to take pictures of equipment, panels, screens, process areas, etc. for incorporation into the eO&M.
  - Incorporate the Phase 5C.1 record drawings into the eO&M Manual in .pdf file format and provide hyperlinks to each drawing.
- System Configuration and Customization.
  - Develop specific system customizations, including screen layouts, file formats, administration and integration needs.
  - Identify technology issues related to installation on City's web server.
- System Installation.

- Develop the draft and final eO&M Manuals on City's server.
- Prepare and deliver a draft electronic copy of the revised text and graphics for review by City approximately one month prior to startup.
- Revise the text and graphic files and deploy one (1) final electronic version on City's server.
- Facilitate a four-hour training session with City plant staff on how to use and maintain the eO&M.
- Provide Idaho Department of Environmental Quality (DEQ) with a CD-ROM containing the associated electronic text and graphics files.

### **Assumptions**

- The eO&M Manual content and format will follow previously developed eO&M standards and will at least provide the content required for Idaho DEQ.
- Kick off meeting will occur in City's Wastewater Administration Building conference room, will involve up to one (1) Consultant team member, and will last up to four (4) hours.
- Detailed standard operating procedures will not be developed, except under contract amendment if directed by City operations staff. If detailed standard operating procedures are developed, they will be completed in collaboration with City staff.
- The eO&M Manual will be internally accessible via Internet Explorer and will not be accessible by the general public.
- An on-line HTML text editor (Cute Editor) will be embedded in the eO&M Manual to enable easy text editing by City without having to know HTML. Consultant owns a Cute Editor Enterprise License that allows for free distribution as long as the software is used on Consultant's eO&M application.
- The servers, other hardware, and software necessary to store, view, and operate the eO&M Manual are not included in this scope. City will provide ancillary software on City's computers necessary to run the eO&M Manual, including Microsoft Internet Explorer, MS Windows, or Vista and the SQL database. The systems in-place are assumed to meet the following minimum requirements:
  - Path to and the necessary space on a City provided server at the WWTP facilities for the eO&M Manual. The server shall be a Microsoft Windows machine (running Microsoft Windows Server 2003).
  - At least a 2.0 GHz processor or better and 512 of RAM and at least 2 gigabytes of hard drive space.
  - IIS (Internet Information Services 5.0 or higher).
  - Microsoft.NET (pronounced dot net), Framework 1.1.
  - SQL Server 2000 or later.
  - AutoCAD viewer.
- City will provide Information Technology (IT) staff for maintaining eO&M Manual functionality. As the eO&M Manual will be developed using City's virtual private network (VPN), City will maintain that network connection for HDR access throughout the course of the work.
- The figures will be developed from the conformed contract drawings but will be modified by deleting extraneous construction related information that is not pertinent to O&M personnel.

- Figures will be prepared in AutoCAD and converted to PDF file format for inclusion in the eO&M Manual.
- Graphics will be sized for the monitor size that City intends to use to access the eO&M Manual.
- A total of twenty (20) 2D and five (5) 3D figures are anticipated.
- Site visit will involve up to one (1) Consultant team member and will last up to four (4) hours.
- City will provide a single set of unconflicting review comments on draft eO&M Manual within two weeks of receipt.
- Training session will occur in City's Wastewater Administration Building Conference Room, will involve up to one (1) Consultant team member, and will last up to four (4) hours.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Kick-off meeting agenda and notes transmitted to City via e-mail in .pdf format.
- Draft eO&M Manual loaded on City's server.
- Final eO&M Manual loaded on City's server.
- Training session materials delivered to City in hard copy form, up to ten (10) copies.

## **Sub-task 1203 - Facility Commissioning**

### **Objective**

Assess overall performance of equipment and systems installed as part of this project.

### **Approach**

- Provide operational assistance to City after system start-up by Contractor and OFCI equipment suppliers
- Provide pre-startup training to communicate to the plant operators the following:
  - Design criteria and process flow for each unit process.
  - Available field and SCADA equipment controls.
- Provide startup coordination between Contractor, Consultant's construction administration team and City plant staff during startup of the new equipment. The startup coordinator will allow the startup of new equipment to occur if, and only if, the equipment and ancillary subsystems are considered by both Contractor and Consultant to be ready for service and the manufacturer's O&M manuals are on-site and available for use by City plant staff.
- Observe Contractor's clean water testing. The clean water test occurs prior to startup and uses non-potable water to demonstrate the functionality of new equipment and controls. The following process units will have a clean water test:
  - Secondary effluent transfer pumping and straining.
  - Membrane filtration including permeate and backpulse pumping.
  - Return tertiary sludge pumping.
  - Tank drain pumping.
  - Waste tertiary sludge pumping.

- Aeration Air.
- Membrane Scour Air.
- Conduct startup service for each project element or unit. Startup means placing the equipment into operation for its intended purpose and using the intended process material. Startup services will include the following activities:
  - Review and approve equipment supplier training agendas and training material outlines as provided by Contractor. Using discretion based on experience with vendor training, enforce contract provisions for vendor training duration.
  - Coordinate vendor training schedule with Contractor and plant staff for vendor training to occur on Wednesdays as a first choice, Tuesdays and Thursdays as second choice, and avoid Mondays and Fridays.
  - Prepare a startup plan that lists specific responsibilities for Contractor, construction administration staff, PLC/SCADA programmer(s) and plant staff.
  - Provide the written startup plan to Contractor, the construction administration staff, PLC/SCADA programmer(s) and the plant staff approximately one month before startup.
  - Schedule and conduct startup review meetings (as required) between Contractor, the construction management staff, PLC/SCADA programmer(s) and the plant staff approximately two weeks before startup.
  - Revise and reissue the startup plan and schedule as needed based on the review meeting.
  - Verify the equipment is ready for the clean water test.
  - Verify the manufacturer's field service forms have been completed for each piece of equipment.
  - Verify pipe pressure tests and concrete water tightness tests have been conducted.
  - Verify rotating equipment has been bumped to check for proper operation and rotation.
  - Verify instrument calibration and loop testing is complete.
  - Coordinate with Contractor, Consultant's construction administration team, the PLC/SCADA programmer and City plant staff for process material to be introduced to the process in such a way avoids or reduces the impact to the rest of the plant.
  - Verify and document that the controls and alarms are working in conformance with the software pre-design report.
  - Verify and document the results of testing that was deferred from the clean water test.
  - Identify and document equipment or control deficiencies (i.e., punch list).
  - Provide discipline-specific deficiency lists.
- Conduct operator training during the clean water test and startup on an informal basis in the field. The purpose of this training is to provide an opportunity to answer operator questions, to demonstrate the transition from manual control to automatic control, and to demonstrate alternate modes of operation.

## **Assumptions**

- Present the pre-startup training in a classroom setting using a lecture format supplemented with figures and graphics delivered via an overhead projector or using Microsoft PowerPoint on an LCD projector.
- Include draft copies of the Operations Manual sections or HDR developed process presentations in the training material for each specific session.
- The portion of each module pertaining to SCADA controls will be presented by Consultant SCADA programmer who programmed that system. Consultant SCADA programmer will use an LCD projector to show the actual SCADA screens for each equipment item discussed in the module. The SCADA presentation will cover manual starting, stopping and speed control of equipment, set-point adjustment, operating mode changes, alarms, data collection and trending.
- The fee for this sub-task is based upon commissioning services from a single operations specialist for up to eight (8) site visits of up to forty (40) hours each. Actual commissioning time may vary depending upon the complexity of the systems being commissioned or unforeseen delays.
- Normal working hours for Consultant operations specialist, Contractor, and OFCI equipment suppliers will coincide with normal treatment plant hours: Monday through Friday, 7:00 am to 3:30 pm.
- Should Contractor or OFCI equipment suppliers elect to perform work outside of normal working hours, on Saturday, Sunday, or legal holiday, Consultant will require that City authorize commissioning services prior to Consultant starting.
- Actual hours will be tracked and additional work will not be performed without prior approval from City.
- If additional labor and expenses for performing commissioning services outside normal working hours or beyond estimate included in this sub-task are required due to delays from Contractor or OFCI equipment suppliers, City will increase the fee for this activity as a separate, additional fee activity which City could recover from Contractor or OFCI equipment supplier(s) through a construction contract change when appropriate.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Startup checklists and training materials customized for this project.
- Training sessions for each of the separate unit project element or process (may be consecutive or combined with other systems and held on the same day).
- Startup plans coordinated with the construction schedule.

## ***Task 1300 - Project Close-out***

### **Sub-task 1301 - Construction Contract Close-out**

#### **Objective**

Achieve an orderly, well-documented and complete closeout of the construction contract.

#### **Approach**

- Receive and review Contractor's required substantial completion submittal, and determine if Project is ready for substantial completion inspection, including:
  - Develop substantial completion submittal checklist.
  - Verify submittal of required documents.
  - Review Contractor Record Drawings.
  - Review Contractor's punch list and Consultant's progressive list of incomplete and deficient items and determine if the substantial completion inspection is appropriate in accordance with Contract requirements.
  - Schedule substantial completion inspection, or notify Contractor that the Work has not progressed to point of substantial completion as defined by the Contract Documents.
- Coordinate, conduct and document the substantial completion inspection and issuance of the Certificate of Substantial Completion including:
  - Notify City and design team members of date of substantial completion inspection.
  - Prepare and distribute the punch list format to the parties conducting the inspection.
  - Conduct the Substantial Completion Inspection.
  - Compile the punch list and identify the tentative date of substantial completion, and prepare and issue tentative Certificate of Substantial Completion to City for review and concurrence.
  - If there are multiple portions of the Work with different substantial completion dates, prepare a summary of the dates of expiration of the various Correction Periods.
  - Upon concurrence of City, issue the definitive Certificate of Substantial Completion and punch list setting the date of Substantial Completion.
  - Review progress of corrective action on punch list items and periodically update and re-issue the punch list and issuance of the Certificate of Substantial Completion for the entire or designated portions of the Work.
- Receive and review Contractor's required final completion submittal.
- Coordinate and attend the final inspection meeting and physical walk-through of the Project, including:
  - Schedule the final inspection date and notify Contractor, City and Regulatory Agency.
  - Assemble the various final completion submittal documents, required by the Contract Documents, for the final inspection meeting and review them with the various parties.
  - Conduct, document and distribute the findings of the final inspection.
- Collect closeout documents required by the Contract Documents and forward the documents along with Contractors Final Application and Certificate for Payment to City for processing by City.
- Compile one set of construction project files (submittals, RFIs, change orders, record drawings, permits, written correspondence and documentation, digital photographs, test results, daily reports, work directives, warranties, operational manuals, etc.) and submit to City.

### **Assumptions**

- Project Closeout may start when Contractor is still on site, but Contractor will be offsite for most of the closeout period.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Certificate(s) of Substantial Completion and punch list(s) transmitted to City and Contractor via e-mail in .pdf format.
- Certificate of Final Completion with Contractors Final Application and Certificate for Payment transmitted to City and Contractor via e-mail in .pdf format.
- One complete set of electronic construction project files delivered to City on CD-ROM.

## **Sub-task 1302 - Record Drawings**

### **Objective**

Prepare record drawings for project.

### **Approach**

- Consultant will monitor the status of Contractor's as-built drawings every other week at the Construction Progress Meetings. The Design Team will make changes to the contract documents showing field adjustments and changes on a monthly basis.
- Prepare final record drawings.
- Provide City with one (1) half-size hard copy set of record drawings (11 IN x 17 IN sheets).
- Provide record drawings in .pdf format for use in the eO&M Manual.

### **Assumptions**

- Contractor will red-line a full size (22"x34") hard copy of the construction contract documents on a monthly basis to incorporate RFIs, field orders, change proposal requests, submittal data, and changes based on records received from both Consultant and City.
- Record drawings will be based on construction records provided by Contractor, City and on-site resident project representatives and will be completed within three (3) months of the date of receipt of all of the marked-up prints and other necessary data from Contractor.
- Direct expenses for printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- One (1) hard copy set of record drawings delivered to City.
- One (1) electronic copy of record drawings in .pdf format delivered to City on CD-ROM.

## **Sub-task 1303 - Project Completion Certification**

### **Objective**

Conduct final project reviews and assist City in completion of project close-out reporting and coordination with Idaho DEQ. Conduct final one-year certification evaluation and reporting to meet Idaho DEQ project closeout requirements.

### **Approach**

- Provide City with certification documentation required for submittal to Idaho DEQ.
- Conduct a final construction inspection within sixty (60) days after final completion and review the following items:
  - The facility is complete, operating, and meets effluent limitations.
  - The facility conforms to the approved construction drawings, specifications, and change orders.
  - Construction and accounting records are adequate and available.
  - Construction impact mitigation measures and special conditions of the loan authorization have been met.
- Complete Idaho DEQ Form 11-E, the Final Construction Inspection Report, and provide a copy to City.
- Conduct a one-year certification including on-site inspection and process data review (420) days after final completion. Review the following items:
  - The facility is operating in accordance with the approved plans and specifications and meets effluent limitations and process performance criteria.
  - Construction warranty items have been addressed and special conditions of the project loan(s) have been met.

### **Assumptions**

- Deficiencies discovered during the inspection will be discussed with City for City to assign correction to Contractor as a warrantable item during the correction period.
- Direct expenses for travel, subsistence, printing, photocopying, technology, and telephone conferences will be billed to City.

### **Deliverables**

- Final Construction Inspection Report transmitted to City via e-mail in .pdf format.
- Final One-year Certification Memorandum transmitted to City via e-mail in .pdf format.

## ***Task 1400 - Additional Unanticipated, Urgent, or Special Services***

### **Sub-task 1401 - Allowance for Unanticipated Costs**

#### **Objective**

Allow for cost of unanticipated, but necessary additional Consultant services.

#### **Approach**

- Consultant will provide additional Consultant services, which are unplanned, urgent and/or critical to maintaining the project schedule and progress of the work.
- The services for this task must be specifically scoped, agreed to and authorized in writing by City prior to performing the work.

- An allowance of \$30,000 has been included for additional unanticipated, urgent or special services.

**Assumptions**

- If Contractor files a claim on the work in accordance with the General Conditions, City can amend this contract to provide associated claims and litigation services. There is no budget included in this agreement for services to assist in litigation.
- Additional unanticipated, urgent or special services provided by a sub-consultant and contracted through Consultant are allowed under this sub-task with appropriate Consultant mark-up.

**Deliverables**

- As defined in future work authorizations.

## SCHEDULE

Assuming that Notice to Proceed will be issued on May 27, 2013, the project schedule is as follows. If the NTP occurs after this date, the schedule will be moved by an equal number of days.

Task	Description	Schedule
700	Secondary Improvements	Through June 11, 2013
800	Construction Administration	Through May 30, 2014
900	Construction Engineering	Through May 30, 2014
1000	Field Services	Through May 30, 2014
1100	Application Software Programming Services	Through May 30, 2014
1200	Systems Commissioning	Through May 30, 2014
1300	Project Close-out	Through May 30, 2014
1400	Additional Unanticipated, Urgent, or Special Services	To be determined

## COMPENSATION

Consultant's total compensation for professional services provided pursuant to this agreement, including labor and overhead costs and expenses, subconsultant compensation, subconsultant mark-up, and Consultant's fixed fee of \$94,115.00, shall not exceed \$1,243,098.00 without written authorization by City.

Consultant shall invoice City monthly for Consultant's services. Invoices shall itemize costs incurred for each task identified in the scope of work.

**AMENDMENT NO. 1 REVISED  
(Replaces previously approved Amendment No. 1)**

**EXHIBIT B**

**PHASE 5C.1 INITIAL TERTIARY MEMBRANE FILTRATION (TMF) / NITRIFICATION  
IMPROVEMENTS**

**COMPENSATION SCHEDULE  
FOR  
CONSTRUCTION ADMINISTRATION**

Coeur d'Alene Wastewater Treatment Plant - Phase 5C.1 Tertiary Membrane Filtration/Nitrification Improvements  
Construction Administration Budget Summary

TASK	HDR DIRECT LABOR	HDR INDIRECT LABOR	HDR TOTAL LABOR	EXPENSES	HDR FIXED FEE	SUB- CONSULT. MARK-UP	HDR NFE	SUB- CONSULT.	TOTAL
Task 700 - Secondary Control Building Improvements	\$ 18,330	\$ 32,078	\$ 50,408	\$ 3,761	\$ 6,049	\$ 596	\$ 60,814	\$ 11,920	\$ 72,734
Task 800 - Construction Administration	\$ 21,071	\$ 36,875	\$ 57,946	\$ 19,754	\$ 6,953	\$ 500	\$ 85,153	\$ 10,000	\$ 95,153
Task 900 - Construction Engineering	\$ 120,511	\$ 210,895	\$ 331,406	\$ 12,963	\$ 39,769	\$ 1,680	\$ 385,816	\$ 33,600	\$ 419,418
Task 1000 - Field Services	\$ 69,282	\$ 121,243	\$ 190,525	\$ 62,680	\$ 22,863	\$ 2,429	\$ 278,497	\$ 48,572	\$ 327,069
Task 1100 - Application Software Programming Services	\$ -	\$ -	\$ -	\$ 1,470	\$ -	\$ 2,440	\$ 3,910	\$ 48,800	\$ 52,710
Task 1200 - Systems Commissioning	\$ 38,080	\$ 66,641	\$ 104,721	\$ 21,219	\$ 12,567	\$ 1,500	\$ 140,007	\$ 30,000	\$ 170,007
Task 1300 - Project Close-out	\$ 17,922	\$ 31,363	\$ 49,285	\$ 9,888	\$ 5,914	\$ 520	\$ 65,607	\$ 10,400	\$ 76,007
Task 1400 - Additional Unanticipated, Urgent, or Special Services	\$ -	\$ -	\$ -	\$ 30,000	\$ -	\$ -	\$ 30,000	\$ -	\$ 30,000
<b>TOTAL COMPENSATION</b>	<b>\$ 285,197</b>	<b>\$ 499,895</b>	<b>\$ 784,291</b>	<b>\$ 161,735</b>	<b>\$ 94,115</b>	<b>\$ 9,665</b>	<b>\$ 1,049,806</b>	<b>\$ 193,292</b>	<b>\$ 1,243,098</b>

# ANNOUNCEMENTS

# Memo to Council

DATE: April 29, 2014

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the May 6th Council Meeting:

CYNTHIA TAGGART

CDA TV COMMITTEE

A copy of the data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Renata McLeod, Municipal Services Director

OTHER COMMITTEE MINUTES  
(Requiring Council Action)

**GENERAL SERVICES COMMITTEE  
STAFF REPORT**

**DATE:** March 24, 2014  
**FROM:** Mike Gridley – City Attorney  
**SUBJECT:** Robot regulation

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**DECISION POINT:**

CDA resident Nick Smoot, CEO and founder of “Here on Biz”, has approached staff with the request that City Council adopt an ordinance to promote and regulate the use of robots in CDA. Staff brings the request to the committee for guidance on how to go forward with this request.

**HISTORY:**

CDA and surrounding schools have been very successful in robot development and competition. Mr. Smoot is one of the leaders of a group of creative and innovative citizens who are meeting regularly to share ideas and discuss how technology can be used to solve problems and have fun while creating new job and start-up opportunities in CDA. Mr. Smoot believes that by adopting an ordinance promoting and regulating robots, CDA will distinguish itself as a leader in the field of robotics while regulating them in a manner that addresses any potential problems.

**FINANCIAL ANALYSIS:**

Cost to the city would be staff time in researching and developing an appropriate ordinance. However, Mr. Smoot believes that a robot ordinance will promote and encourage technology that could bring many intangible financial benefits for the community. This may lead to tangible benefits in the form of new companies and jobs in CDA and the surrounding area. One idea that Mr. Smoot has suggested is that this type of ordinance may help CDA develop a relationship with entities like MIT or Google as "sister cities" for robotics and that we would have signage showcasing our relationship upon entering the city limits.

**PERFORMANCE ANALYSIS:**

A robot ordinance could regulate the use of public property, i.e. streets, sidewalks, parks, etc. by robots. Mr. Smoot has also suggested the following basic items that a robot ordinance might include:

- Licensing of robots 100kg in weight and over is required and under is an option;
- Robots must have permit or license plate displayed;
- Must abide by Asimov's Three Laws. The Three Laws are:
  1. A robot may not injure a human being or, through inaction, allow a human being to come to harm.
  2. A robot must obey the orders given to it by human beings, except where such orders would conflict with the First Law.

3. A robot must protect its own existence as long as such protection does not conflict with the First or Second Law.

Other suggested ordinance ideas include:

- All Robots that wish to be operated unsupervised on public property must be licensed with the city of Coeur d'Alene.
- Azimov's zeroth law: 0. A robot may not harm humanity, or, by inaction, allow humanity to come to harm.

Robots would be allowed to:

- Swim in the lakes and rivers;
- Hike, camp and climb trees in state and national forests;
- Fly in "drone zones" to deliver product or gather operational data;
- Transport themselves as any other law-abiding citizen does. (Ride a bike, jog, walk, use a skateboard, etc.);
- "Wait" or park in designated robot parking stalls.

Robots are not allowed to:

- Carry weapons;
- Attack other living creatures;
- Defend themselves with force unless in a robotics competition or city sanctioned activity;
- Break any law that citizens are held to unless the law is unique to robots (drone zones.).

Humans are not allowed to:

- Intentionally interfere with or harm a robot.

**DECISION POINT/RECOMMENDATION:**

Should city staff proceed with researching and drafting an ordinance promoting and regulating robots in CDA?

STAFF REPORT

To: General Services Committee and City Council

From: Kathy Lewis, Deputy City Clerk

Date: March 25, 2014

Re: Childcare Code Amendment regarding Violations

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**Decision Point:** Should the City Council adopt an enhancement to Municipal Code Section 5.68.140 section C to include additional language regarding penalties for Childcare facility violations.

**History:** The Childcare ordinances provide language for a misdemeanor for violations of the Municipal Code in Section 1.28.010 of the code. Chapter 5.68.140-C. provides grounds for revocation if three or more violations of ratios occur within two years. Panhandle Health performs annual health inspections for the City and also responds to complaints filed with the City that regard health issues. The City receives copies of these reports. The health regulations are applied by the State through Panhandle Health with the regulations in State Statutes and not the Municipal code. The Fire Department also performs an annual inspection of the childcare facilities and also respond when complaints are filed that may relate to fire codes. The fire regulations are in the International Fire Code and not the city's Municipal Code. The Municipal Code for Childcare licensing needs to be expanded to not only include ratio violations but include 3 or more violations of state health and safety regulations, fire regulations, and City regulations regarding childcare facilities within a two year period.

**Financial Impact:** None other than cost of publishing the ordinance and codification.

**Quality of Life:** There are many other safety issues other than ratios and this gives the City the right to revoke or deny a license based on health issues that are in the State Health Code for childcare facilities or serious issues that are contained in the International Fire Code, that may not be included in the Municipal Code of the City.

**Decision Point:** Should the City expand Code Section 5.68.140 to read any facility receiving three or more violations of State of Idaho childcare health and safety regulations, international fire code regulations, or childcare regulations in the Municipal Code, within a two year period may be subject to revocation and/or denial of renewal of license.

To: General Services Committee and City Council  
From: Kathy Lewis, Deputy City Clerk  
Date: March 25, 2014  
Re: Childcare Licensing- Playground Requirements

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**DECISION POINT: Does the City Council wish to adopt the recommendation of the Childcare Commission to adopt requirements for shade and availability of water on playgrounds?**

**HISTORY:** The Childcare Commission has brought this issue forward as they feel outdoor play areas have been overlooked in this area of safety and many children spend a great deal of time outdoors during the warmer temperatures. They are recommending the Council adopt language to ensure that children are protected while playing outdoors. The City currently has a requirement for a 75 square foot per child fenced play yard. The Childcare Commission is concerned, as some childcare play areas contain open spaces that do not contain any trees or any form of shade. They utilize pea gravel, concrete, and other surfaces that retain additional heat in the summer months. The Commissioners also were adamant that there needs to be access to drinking water while outdoors in the sun as well to avoid dehydration and overheating. The Childcare Commission is recommending the Council adopt language to ensure that children are protected while playing outdoors.

**FINANCIAL IMPACT:** Cost of providing shade and water would be borne by the facility. The cost could be minimal using inexpensive water jugs and paper cups, individual water bottles etc. The cost to provide shade could be using temporary fabric "sails" or create a corner using a beach type tent etc.

**SUGGESTED LANGUAGE:** that could be added to Section of the Municipal Code Section 5.68.030 Section I-f: "Outdoor play areas shall be maintained in a clean and safe condition, free from debris, dilapidated structures, broken and worn out play equipment, building supplies, glass, sharp rocks, toxic plants, animal feces, cigarette butts, and any other potentially injurious materials. All outdoor play, eating, or assembly areas shall be enclosed with a fence.

Outdoor play areas shall have a safe and reliable drinking water supply which may be water fountain, water jug and paper cups, sanitized water bottles, etc. with access to the water on the playground which complies with the health standards of the Panhandle Health District.

All outdoor play areas are required to have some form of seasonal shade installed, or shaded treed area for the entire summer season for cooling which covers a minimum of 10% of the play yard. Temporary hand held beach umbrellas, etc. do not meet this requirement, but it may be a fabric covering, shade tent, etc. installed for the summer. "

**PERFORMANCE ANALYSIS:** This would help maintain a safer outdoor environment for children at childcare facilities within the City.

**DECISION POINT/RECOMMENDATION:** Does the City Council wish to adopt the recommended Childcare licensing code changes to require shade and access to drinking water on playgrounds?

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 14-1003

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 5.68.030 AND 5.68.140 TO REQUIRE SHADE AND WATER BE PROVIDED IN OUTDOOR PLAY AREAS OF CHILD CARE FACILITIES AND PROVIDING THAT THREE OR MORE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS MAY RESULT IN DENIAL OR REVOCATION OF A CHILDCARE LICENSE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after recommendation by the General Services Committee, 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 Coeur d'Alene Municipal Code Section 5.68.030(I) is amended to read as follows:*

- I. Facility License Requirements: In order to obtain a facility license which expires December 31 annually:
  1. Operator must hold a current childcare owner/operator's license.
  2. Facility must have an approved health inspection during the past three hundred sixty five (365) days.
  3. Facility must have an approved fire inspection, conducted by the city of Coeur d'Alene fire department, within the past three hundred sixty five (365) days.
  4. As of June 1, 1999, all new applicants for a facility license must have a safe, fenced, outdoor play area with no jagged or sharp edges. Fence must be built of suitable material to contain the ages of children being cared for. The outdoor fenced area must meet a minimum of seventy five (75) square feet per child. Exception: Those facilities where care is intended to be two (2) hours or less, and the parent is on site as in health clubs, grocery stores, etc.
    - a. **Outdoor play areas must be maintained in a clean and safe condition, free from debris, dilapidated structures, broken and worn out play equipment, building supplies, glass, sharp rocks, toxic plants, animal feces, cigarette butts, and any other potentially injurious materials.**

**b. Outdoor play areas must have a safe and reliable drinking water supply accessible in the play area. The water supply may be a water fountain, water jug and paper cups, sanitized water bottles, etc. and must comply with the health standards of the Panhandle Health District.**

**c. All outdoor play areas are required to have some form of seasonal shade covering at least 10% of the play yard from May 1<sup>th</sup> through October 1<sup>st</sup> of each year. The shaded area may be provided by a fabric covering, shade tent, treed area but beach/patio umbrellas do not meet this requirement.**

5. Childcare facilities with swimming pools, wading pools, or hot tubs (inground or aboveground) containing twenty four inches (24") or more of water, must comply with title 8, chapter 8.20 of this code. In addition the childcare facility must comply with the following:

a. The water shall be clean and treated to comply with health department recommendations. In addition, wading pools shall be emptied at the end of each day and remain empty unless the wading pool is in active use.

b. A person holding a water safety certificate through the American Red Cross shall be present at all times when a swimming pool is in use. Lifesaving equipment must be near the pool premises.

c. When any of the above are available to children, continuous adult supervision is required.

d. The care provider shall have on file written, signed permission from each child's parent/guardian to allow participation in a swimming pool, wading pool or hot tub.

e. The area surrounding the pool or hot tub must be fenced and locked in a manner that prevents access by children as follows:

(1) There may be no vertical openings in the fencing more than four inches (4") wide and the fence must have a self-closing gate, with a self-latching mechanism, and otherwise be designed so that a young child cannot climb or squeeze under or through the fence.

(2) If the house forms one side of the barrier for the pool or hot tub area, all doors that provide direct access to the pool or hot tub area must have alarms that produce an audible sound when the door is opened.

(3) Furniture or other large objects must not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool.

**SECTION 2.** *That Coeur d'Alene Municipal Code Section 5.68.140 is amended to read as follows:*

**5.68.140: VIOLATION; PENALTY; ADDITIONAL REMEDY:**

- A. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor punishable as provided in section 1.28.010 of this code. Each day of the violation shall be considered a separate offense.
- B. Any operator or person convicted for a violation of this chapter shall be denied a license for a period of two (2) years.
- C. Any facility receiving three (3) or more violations of ratios within a two (2) year period may be subject to revocation and/or denial of renewal of license. **Any facility receiving three (3) or more violations of State of Idaho childcare health and safety regulations, international fire code regulations, or childcare regulations in the Municipal Code, within a two year period may be subject to revocation and/or denial of renewal of license.**
- D. Any renewal of license after expiration date, for persons or facilities continuously in operation, will be subject to double the amount of the license fee to the city.

**SECTION 3.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 5.** 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, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 6.** 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.

APPROVED, ADOPTED and SIGNED this 6<sup>th</sup> day of May, 2014.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending M.C. Section 5.68.030 - Childcare License Requirements for playgrounds &  
Section 5.68.140 - Childcare Facility violations.

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 5.68.030 AND 5.68.140 TO REQUIRE SHADE AND WATER BE PROVIDED IN OUTDOOR PLAY AREAS OF CHILD CARE FACILITIES AND PROVIDING THAT THREE OR MORE VIOLATIONS OF HEALTH AND SAFETY REGULATIONS MAY RESULT IN DENIAL OR REVOCATION OF A CHILDCARE LICENSE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY. 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.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Amending M.C. Section 5.68.030 - Childcare License Requirements for playgrounds & Section 5.68.140 - Childcare Facility violations, 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 6<sup>th</sup> day of May, 2014.

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Warren J. Wilson, Chief Deputy City Attorney

**April 21, 2014**  
**PUBLIC WORKS COMMITTEE**  
**MINUTES**  
**4:00 p.m., Library Community Room**

**COMMITTEE MEMBERS PRESENT**

Council Member Dan Gookin  
Council Member Kiki Miller  
Council Member Woody McEvers

**STAFF PRESENT**

Amy Ferguson, Executive Assistant  
Tim Martin, Street Supt.  
Warren Wilson, Deputy City Attorney  
James Remitz, Capital Program Mgr  
Troy Tymesen, Finance Director

**Item 1            Declare Surplus 1973 Hough Payloader and Industrial Engine Off Blower  
Consent Calendar**

Tim Martin, Street Superintendent, presented a request for consent to declare various pieces of used equipment and items to be deemed surplus and authorization to auction, including a 1973 Hough Payloader and Industrial Engine Off Blower.

Mr. Martin stated in his staff report that last winter the department purchased a more modern blower able to couple to their new loaders. The equipment has been deemed to be of little or no value and there is no cost to the taxpayers. The Auction house takes a percentage of the bid auction item and there is a very minimal cost to the department to transport the items to Post Falls.

Mr. Martin explained that the blower was used in the downtown area. The motor will be auctioned off, and the rest of the blower will be sold for scrap. The blower was given to the city by the Forest Service in the 70s.

**MOTION: Motion by Councilmember Miller, seconded by Councilmember Gookin to recommend Council approve Resolution No. 14-015 declaring as surplus a 1973 Hough Payloader and Industrial Engine Off Blower and authorize staff to take to auction. Motion carried.**

**Item 2            Amendment to Parking Ordinance 10.20.060A  
Agenda Item**

Warren Wilson, Deputy City Attorney, presented a request, on behalf of Anna Eckhart, for amendment of Parking Ordinance 10.20.060, subsection A, to clarify the manner of parking vehicles within the City.

Ms. Eckhart stated in her staff report that the ordinance amendment would clarify that a driver must park a vehicle not more than eighteen inches (18”) from a curb whether or not they are parking on the right side or the left side of the street. The amendment will make this requirement for parking clear to all drivers and ensure accurate and fair enforcement of the ordinance.

Mr. Wilson clarified that this request would simply clean up the language to the code.

**MOTION: Motion by Councilmember Gookin, seconded by Councilmember Miller, to recommend Council adoption of the amendment to Subsection A of Ordinance 10.20.060. Motion carried.**

**Item 3            Amendment No. 2 to Professional Services Agreement between City of  
Coeur d'Alene and HDR Engineering, Inc. for Phase 5C.1 Initial Tertiary  
Membrane Filtration (TMF) / Nitrification Improvements**

**Consent Calendar**

James Remitz, Capital Program Manager, presented a request for council approval of Amendment No. 2 to the July 19, 2011 Agreement between the City of Coeur d'Alene and HDR Engineering, Inc. for Professional Services related to the design and construction administration of Phase 5C.1 Initial TMF and Nitrification Improvements. Amendment No. 2 will extend the completion date from May 30, 2014 to October 31, 2014.

Mr. Remitz stated in his staff report that the extension is needed due to the anticipated extended construction period for the project. There is no financial impact resulting from the approval of Amendment No. 2 and all funding for the construction administration services has been budgeted in the current FY 2013/2014 Wastewater Operating Budget.

Mr. Remitz said that he doesn't anticipate the project to be substantially complete until August and this extension will give the engineers enough time to do the project closeout, testing, and commissioning of the project.

Councilmember Gookin asked if the work has been moving along at a slower rate than anticipated. Mr. Remitz said that the contractor is a little behind schedule as there have been a lot of issues, including funding issues, etc. When the HDR professional services agreement was put together, it was before the contract went out to bid and they estimated at that time that the project would be completed by May 30<sup>th</sup>. Mr. Remitz confirmed that the request for extension was initiated by HDR.

Mr. Remitz said that this is an \$8.5 million dollar construction project and includes installing filters to filter the wastewater and take out the phosphorous pursuant to the discharge permit. They have prepurchased the filters from GE Water and the contractor will be installing the filters. It will be challenging as there are a number of systems and processes that will need to come together to make it work. The manufacturers of the filters will be on site for about five weeks to commission the filters, which are very specialized and very expensive. Mr. Remitz invited the committee members to take a tour of the project.

**MOTION: Motion by Councilmember Gookin, seconded by Councilmember Miller , to recommend Council approval of Resolution No. 14-015, authorizing Amendment No. 2 to the Professional Services Agreement between the City of Coeur d'Alene and HDR Engineering, Inc. for**

\* \* \* \* \*

\* \* \* \* \*

**Phase 5C.1 Initial Tertiary Membrane Filtration (TMF) / Nitrification Improvements dated July 19, 2011 and authorize the Mayor to execute said Amendment No. 2. Motion carried.**

The meeting adjourned at 4:13 p.m.

Respectfully submitted,

Amy C. Ferguson  
Public Works Committee Liaison

**PUBLIC WORKS COMMITTEE  
STAFF REPORT**

DATE: April 21, 2014  
FROM: Anna M. Eckhart, Deputy City Attorney  
SUBJECT: Amendment to Parking Ordinance: 10.20.060 A

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**DECISION POINT:**

The Council is requested to amend Parking Ordinances 10.20.060 subsection A to clarify the manner of parking vehicles within the City.

**HISTORY:**

In reviewing the parking ordinances governing the manner of parking vehicles, it was noted this subsection only discussed situations where a person would park on the right-hand side of the road but not times (specifically one-way streets) where parking is allowed on the left-hand side of the road.

**FINANCIAL ANALYSIS:**

There would be no financial impact to the City.

**PERFORMANCE ANALYSIS:**

This amendment clarifies a driver must park a vehicle not more than eighteen inches (18") from a curb whether or not they are parking on the right side or the left side of the street. This amendment will make this requirement for parking clear to all drivers and ensure accurate and fair enforcement of the ordinance.

**QUALITY OF LIFE ANALYSIS:**

The amendment will improve the quality of life in the City because it will ensure our Parking Ordinances are consistent.

**DECISION POINT/RECOMMENDATION:**

It is recommended the Council adopt the proposed amendment to Subsection A of Ordinance 10.20.060.

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 14-1006

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 10.20.060 TO CLARIFY THAT PARKING MUST BE IN THE DIRECTION OF TRAVEL ON ONE WAY STREETS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the Public Works Committee, 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 Coeur d'Alene Municipal Code Section 10.20.060 –A, is hereby amended to read as follows:*

**10.20.060: MANNER OF PARKING:**

A. Motor vehicles shall be parked parallel to the curb or edge of the roadway on all streets and avenues, in the direction of authorized traffic movement, **and** with the **right hand** wheels within eighteen inches (18") of the curb or edge of the roadway.

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

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 4.** 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,

and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**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.

APPROVED, ADOPTED and SIGNED this 6<sup>th</sup> day of May, 2014.

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Steve Widmyer, Mayor

ATTEST:

---

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending M.C. Section 10.20.060 - Manner of Parking

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 10.20.060 TO CLARIFY THAT PARKING MUST BE IN THE DIRECTION OF TRAVEL ON ONE WAY STREETS; 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.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Amending M.C. Section 10.20.060 Manner of Parking, 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 6<sup>th</sup> day of May, 2014.

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Warren J. Wilson, Chief Deputy City Attorney

OTHER BUSINESS

## STAFF REPORT

TO: Mayor Widmyer and City Council

FROM: Melissa Tosi; Human Resources Director

RE: Personnel Rule Amendments

Date: May 6, 2014

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### DECISION POINT

To authorize Resolution No. 14-016, authorizing the following amendments to Personnel Rule I, Section 3,4,12,13,15; Rule XI, Section 10, Rule XIX, Section 2; and Rule XXI, Section 3. Additionally, authorizing the following amendments to the City's Classification and Compensation Plan.

Current Title	Proposed Title	Current Pay Grade	Proposed Pay Grade
Public Information Coordinator	Communication Coordinator	14	14
Librarian		11	12

### HISTORY

The proposed Personnel Rule amendments were posted at a minimum of ten (10) consecutive days before this City Council meeting. The amendments have been discussed with the Associations and Fire Union. Additionally, BDPA reviewed the requirements and made recommendations for the Librarian reclassification.

### FINANCIAL ANALYSIS

There are no hard costs associated with the housekeeping Personnel Rule amendments or the title change. The reclassification of the two (2) Librarian positions (pay grade 11 to a pay grade 12) is anticipated to cost an additional \$2513 for fiscal year 2013-2014, which will be absorbed in the Library Departments budget. The Library will have wage savings due to the Deputy Library Director position being vacated in March and reorganizing to fill that position with a Librarian.

### PERFORMANCE ANALYSIS

Authorizing these amendments will provide consistency and clarity to the Personnel Rules. As a result of the Library reorganization, it will allow the Library to extend weekend hours.

### RECOMMENDATION

To authorize Resolution No. 14-016, authorizing the following amendments to Personnel Rule I, Section 3,4,12,13,15; Rule XI, Section 10, Rule XIX, Section 2; and Rule XXI, Section 3. Additionally, authorizing the above noted amendments to the City's Classification and Compensation Plan.

RESOLUTION NO. 14-016

A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D’ALENE PERSONNEL RULES MANUAL BY AMENDING **RULE I, SECTION 3**, ENTITLED “PERSONNEL APPEALS BOARD” TO INCREASE THE MEMBER TERM FROM TWO TO FOUR YEARS; **SECTION 4**, ENTITLED “COMPETITIVE SERVICE” TO CHANGE ‘NEPOTISM’ TO ‘CONFLICT OF INTEREST’; TO ADD A NEW **SECTION 12**, ENTITLED “OUTSIDE EMPLOYMENT” & A NEW **SECTION 13**, ENTITLED “CITY COMMISSIONS, COMMITTEES AND BOARD”; **SECTION 17** ENTITLED “FLSA EXEMPT EMPLOYEES” TO ADD ‘CAPITAL PROGRAM MANAGER’ TO THE DEFINITION OF FLSA EXEMPT EMPLOYEES; **RULE XI, SECTION 10**, ENTITLED “OUTSIDE EMPLOYMENT” TO DELETE SECTION; **RULE XIX, SECTION 2**, ENTITLED “ALLOWABLE EXPENDITURES” TO CLARIFY REIMBURSABLE AMOUNTS FOR TRAVEL AND TRAINING; **RULE XXI, SECTION 3**, ENTITLED “DRUG/ALCOHOL TESTING POLICY” TO UPDATE THE LIST OF SAFETY SENSITIVE POSITIONS; AND TO AUTHORIZE THE BELOW NOTED AMENDMENTS TO THE CITY’S CLASSIFICATION AND COMPENSATION PLAN.

WHEREAS, the need to revise various Personnel Rules, as noted above, has been deemed necessary by the City Council; and

WHEREAS, the following proposed Classification and Compensation Plan changes are deemed necessary by the City Council; and

Current Title	Proposed Title	Title Change or Classification Change	Current Pay Grade	Proposed Pay Grade
Public Information Coordinator	Communication Coordinator	Title Change	14	14
Librarian		Classification Change	11	12

WHEREAS, said Personnel Rules and Classification and Compensation amendments have been properly posted at a minimum of ten (10) days prior to this Council Meeting; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof that such rules attached hereto as Exhibit "A," and Plan amendments as noted above be adopted; NOW, THEREFORE,

DATED this 6<sup>th</sup> day of May, 2014.

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

ATTEST:

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

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

ROLL CALL:

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

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

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

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

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

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

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

## Personnel Rule Updates & Amendments

As required by Personnel Rule I, Section 5, Rule IV, Section 2, and Rule V, Section 2 the below changes are proposed amendments to the Personnel Rules and the Classification and Compensation Plan.

Current Title	Proposed Title	Title Change or Classification Change	Current Pay Grade	Proposed Pay Grade
Public Information Coordinator	Communication Coordinator	Title Change	14	14
Librarian		Classification Change	11	12

The following amendments reflect housekeeping changes.

**RULE I: GENERAL PROVISIONS**  
**SECTION 3. Personnel Appeals Board**

There is hereby created a Personnel Appeals Board to consist of a panel of six (6) members to be appointed for a ~~4~~ (four~~two~~) year staggered term appointed by the Mayor with the concurrence of the City Council, and members may in a like manner be removed. The Personnel Appeals Board of three (3) persons shall be selected from the six (6) member panel as follows: One (1) member to be selected by the appellant employee; one member to be selected by the Personnel Officer; and the third member to be selected by mutual agreement of the first two selected. The Personnel Appeals Board shall adopt reasonable rules of procedure and shall select a chairman from among its membership who shall act as presiding officer.

Vacancies on the panel shall be filled by appointment by the Mayor with the concurrence of the City Council for the unexpired term. Each member shall serve until his successor is appointed and qualified.

Members of the Personnel Appeals Panel shall be residents of this City. No person shall be appointed to the panel who holds any salaried office or employment with the City.

The functions of the board shall be to hear appeals submitted by any persons in the competitive service relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this chapter or the Personnel Rules and to certify its findings and recommendations to the City Council which body shall finally determine the appeal as provided in the Personnel Rules, which final determination shall be subject to judicial review as may be allowed by law.

**SECTION 4. Competitive Service**

Except as otherwise specifically provided in a contract between an employee association and the City, the provisions of these rules shall apply to all offices, positions and employment in the service of the City, except:

- (a) Elective officers;

- (b) Members of appointive boards, commissions and committees;
- (c) The City Administrator, City Clerk/Municipal Services Director, Fire Chief, Growth Services Director, Human Resources Director, City Attorney, Library Director, Parks and Cemetery Director, Planning Director, Police Chief, Recreation Director, Street Superintendent, Treasurer/Finance Director, Wastewater Superintendent, and Water Superintendent;
- (d) Persons engaged under contract to supply expert, professional, technical or other services;
- (e) Volunteer personnel, such as volunteer firefighters and reserve police officers;
- (f) Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake which threaten life or property;
- (g) Employees who are employed less than half time which is hereby defined as employees who are expected to or do work less than one thousand one hundred forty (1040) hours in any one fiscal year or employees temporarily appointed to provide services to the City;
- (h) Exempted employees.

Notwithstanding the provisions of this section, and unless otherwise provided by contract or agreement, the provisions of these Rules relating to attendance, leaves, harassment, ~~nepotism~~ [conflict of interest](#), drug policy, standards of conduct, and assignment and use of City property (including electronic use policy), and request for reimbursement procedures shall apply to all employees, volunteers, and elected officials. Department Heads shall be regulated in accordance to Rule 1, Section ~~14~~5.

## SECTION 12. Outside Employment

Employees may engage in outside employment, in addition to their City employment, only under the following conditions:

- (a) There shall be no conflict of interest or incompatibility with the employee's City employment.
- (b) The time involved in outside employment shall not adversely affect the employee's attitude or efficiency in his or her City employment.
- (c) No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment.
- (d) Each employee shall report all outside employment to his or her department head and shall secure the written approval of such department head prior to the commencement of such outside employment. The department head shall notify the City Administrator through the Human Resource Director at the time such outside employment is approved.
- (e) For the purposes of this section, employment does not include serving as an unpaid member of the board of directors for a non-profit corporation.

## SECTION 13. City Commissions, Committees and Boards

Purpose: To avoid conflict of interest, to ensure City commissions, committees, and boards are citizen driven, and to provide clarity regarding appointment and participation in City commissions, committees or boards.

City employees shall not serve as members on any City commission, committee or board. However, an employee may participate at meetings as a resource but only when invited by the City Liaison and Chair of the commission, committee or board, and with the permission of the applicable department supervisor and/or department head. If not attending at the request of the City Liaison and Chair, the employee may attend as any other member of the general public.

City employees may serve on non-City commissions, committees or boards and conflict of interest will continue to be determined per above Section 12, Outside Employment.

### **SECTION 124. Penalties**

Any person who willfully violates any provisions of these rules and policies established hereunder shall be subject to disciplinary action as provided for in these personnel rules.

### **SECTION 135. Limitations**

All concerned parties are directed to recognize that at all times the City Council must act within the bounds prescribed by the Idaho Code.

### **SECTION 146. Department Heads**

- (a) Purpose/Intent: The purpose of this rule is to create a section of the City of Coeur d'Alene Personnel Rules and Regulations that specifically pertain to Department Heads, which are herein determined to be FLSA "exempt employees." Department Heads serve and perform work at the pleasure of the Mayor and City Council under the day-to-day guidance of the Deputy City Administrator. The intent of this Rule is to create consistency among Department Heads and to transition those currently on contracts to be bound by these rules.
- (b) Definition:
  - (1) Department Head shall mean an employee responsible for the management of a city department, including the following positions and any newly created future department; Building Services Director, City Attorney, City Clerk/Municipal Services Director, Deputy City Administrator, Engineering Services Director, Finance Director, Fire Chief, Human Resource Director, Library Director, Parks Director, Planning Director, Police Chief, Recreation Director, Street Superintendent, Wastewater Superintendent, and Water Superintendent.
  - (2) Executive exempt employee shall be the Fair Labor Standards Act classification that Department Heads will be regulated under. As

such, the Department Heads shall be paid salary and not eligible for compensatory or overtime pay.

- (3) At Will: Department Heads shall be considered at will, with no property right to continued employment.
- (c) Residency: Certain positions, at the discretion of the Deputy City Administrator, may be required to reside within a twenty (20) minute driving response time to the City limits.
- (d) Duties: Department Head duties and responsibilities shall be in accordance with the adopted job description, as well as all matters assigned by the Deputy City Administrator.
- (e) Benefits/Compensation:
  - (1) Department Heads shall be exempt from the personnel rules except the following:
    - (i) Rule I, Section 11, “Standards of Conduct:
    - (ii) Rule XI, Section 3 entitled “Sick Leave”
    - (iii) Rule XI, Section 4 entitled “Bereavement Leave”
    - (iv) Rule XI, Section 5 entitled “Military Leave”
    - (v) Rule XI, Section 7 entitled “Witness and Jury Leave”
    - (vi) Rule XI, Section 9, entitled “Holidays”
    - (vii) Rule XI, Section 11, entitled “Family and Medical Leave”
    - (viii) Rule XI, Section 12, entitled “Retirement Medical Benefit”
    - (ix) Rule XVIII, entitled “City Property”
    - (x) Rule XIX, entitled “Authorization and Procedures for Expense Reimbursement” and
    - (xi) Rule XXI, entitled “Drug Policy”
    - (xii) Rule XXIII, entitled “Prohibition Against Harassment and Violence in the Workplace”
    - (xiii) Any rule specifically applicable to Department Heads
  - (2) Department Heads shall abide by City policies and procedures approved by the City Council as listed above and any additional policies and procedures adopted by resolution not incorporated in the personnel rules.
  - (3) Vacation Accruals: Vacation accruals shall be as follows:
    - (i) First through third year of service: 8 hours of leave accrued for each complete month of service
    - (ii) Fourth through tenth year of service: 12 hours of leave accrued for each complete month of service
    - (iii) Eleventh through fifteenth year of service: 16 hours of leave accrued for each complete month of service
    - (iv) Sixteen or more years of service: 20 hours of leave accrued for each complete month of service

Grandfather Clause: Current accruals for all Department Heads remain in effect and further accrual increases will be according to the schedule above.

Maximum accumulation will not exceed three-hundred-twenty (320) hours. Vacation leave in excess of this amount will be forfeited on October 1 of each year. However, excess leave shall be allowed until January 15<sup>th</sup>, unless otherwise specifically approved by the Deputy City Administrator.

In order for a new hire to get credit for similar past work experience, they shall provide detailed information to the Human Resources Director regarding past work experience, including but not limited to a job description. The Human Resource Director will establish starting vacation accrual amount based on the information provided and the similarity to the Department Heads position with the City of Coeur d'Alene.

- (4) Sick Leave: As FLSA exempt employees, Department Heads shall continue to accrue sick leave according to Rule XI, Section 3 (ten hours per month). However, due to the exempt employee status, leave will only be required to be noted on time records when it is eight consecutive hours or more. Department Head shall be eligible to participate in the sick leave bank. Department Head shall not receive compensation for accumulated sick leave unless the Department Head retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code. Sick leave paid out at retirement will be paid to the Department Head's VEBA account, at the maximum rate of 1/3 of their accrued sick leave balance at the date of retirement. Sick leave options 1 and 2, found in Rule XI, Section 3, are applicable.
- (5) Compensatory Time (comp time): As FLSA exempt employees, Department Heads are not eligible for comp time. Any existing comp time that the Department Head has accrued prior to the adoption of these rules shall be used at a rate of at least 40 hours per year beginning the date of the adoption of these rules.
- (6) Appointment to position: The Department Head is eligible for a pay increase twelve (12) months from their appointment date. Promotional appointments will include a minimum of a 10% pay increase.
- (7) Compensation/salary increases: Department Heads shall be paid a salary within the range identified in the City of Coeur d'Alene adopted pay/classification plan and as may be amended thereafter. Department Heads shall receive annual salary increases on a performance-based evaluation. Based on a performance evaluation from the Deputy City Administrator, Department Heads shall receive a salary increase ranging 0% to 8% if the performance is rated standard or above. Salary shall not exceed the maximum amount as authorized by the pay/classification plan currently in effect. Salary over the maximum of the pay/classification plan will remain at the current rate and will increase only as CPI adjustments permit, unless otherwise approved by the City Council.
- (8) Cost of living increases: Cost of living increases shall be based upon the July "Consumer Price Index (CPI) for "All Urban Consumers" based upon the U.S. City average for the preceding 12-month period with a three percent (3%) maximum increase, effective October 1 of each fiscal year.
- (9) Miscellaneous: The Deputy City Administrator shall authorize car assignments.
- (10) Severance: The City will provide four (4) months of salary, including fringe benefits as identified in Section "11" below, to

Department Heads except under the following circumstances: retirement from the City of Coeur d'Alene, voluntary resignation, discharge resulting from a felony conviction, or during the first year of employment.

- (11) Fringe Benefits: Department Heads shall receive fringe benefits as those authorized in a given fiscal year by the City Council per the exempt personnel resolution, for the following: Social Security (F.I.C.A.), Idaho Public Employees Retirement System (I.P.E.R.S.), medical, dental, and vision insurance, long term disability insurance, and VEBA.
- (12) Life Insurance: The City will provide life insurance for Department Head and ~~dependants~~dependents as follows: 1) Department Head life insurance shall be \$50,000; 2) ~~Dependant~~Dependent life insurance, \$1,000; 3) Accidental death and dismemberment insurance, Department Head only, shall be \$50,000.
- (f) Policies and Procedures: All Department Heads shall follow all established City and Department policies and procedures, unless specifically exempt.
- (g) Supervisor: Department Heads shall be supervised by the Deputy City Administrator, and subject to disciplinary action as deemed appropriate by the Deputy City Administrator.
- (h) Dismissal: At the demand or request of the Mayor and a majority of the City Council, or by mutual agreement of the Parties. Department Heads shall be afforded a reasonable opportunity to address the City Council and provide any additional information to be considered before final determination of dismissal is made.
- (i) Appointive officers: Appointive officers shall include the City Clerk, City Treasurer, City Attorney, and City Administrator. Appointment and removal shall be in accordance with I.C. Sections 50-204, 205, and 206.

## **SECTION 157. FLSA Exempt Employees**

- (a) Purpose/Intent: The purpose of this rule is to create a section of the City of Coeur d'Alene Personnel Rules and Regulations that specifically pertain to FLSA Exempt Employees other than Department Heads.
- (b) Definition:
  - (1) FLSA Exempt Employees shall mean an employee responsible for management within a city department, and under the day to day guidance of the Department Head, including the following positions: Assistant Street Superintendent, Assistant Wastewater Superintendent, Assistant Water Superintendent, Senior Planner, Attorneys, Deputy Engineering Services Director, Deputy Finance Director, Deputy Fire Chief's, Deputy Library Director, IT Network Administrator, IT Database Application Developer, Police Captains, Project Coordinator, Assistant Project Manager, ~~and~~ Project Managers, and Capital Program Manager.
  - (2) FLSA Exempt Employees are classified as Executive Exempt employees for FLSA purposes. As such, FLSA Exempt Employees shall be paid salary and are not eligible for compensatory or overtime pay.
- (c) Residency: Certain positions, at the discretion of the Deputy City

Administrator, may be required to reside within a twenty (20) minute driving response time to the City limits.

- (d) Duties: FLSA Exempt Employee's duties and responsibilities shall be in accordance with the adopted job description, as well as all matters assigned by the Department Head.
- (e) Benefits/Compensation:
  - (1) FLSA Exempt Employees shall be regulated by the personnel rules except as specifically provided by this rule or as otherwise provided by written agreement.
  - (2) FLSA Exempt Employees shall abide by City policies and procedures approved by the City Council and any additional policies and procedures adopted by resolution not incorporated in the personnel rules.
  - (3) Vacation Accruals: Unless otherwise provided by written agreement, Vacation accruals shall be in accordance with the Personnel Rule XI, Section 2. The employee will not lose any vacation leave accrued at the time the employee becomes an exempt employee. Maximum accumulation of vacation leave will not exceed three-hundred-twenty (320) hours. Any accrued vacation leave in excess of this amount as of October 1<sup>st</sup> of each year must be used by January 15<sup>th</sup> of the following year or be forfeited, unless otherwise specifically approved by the Personnel Officer.
  - (4) Sick Leave: As FLSA Exempt Employees, the employees shall continue to accrue sick leave according to Rule XI, Section 3 (ten (10) hours per month). However, due to the exempt employee status, leave will only be required to be noted on time records when it is eight consecutive hours or more. Employee shall be eligible to participate in the sick leave bank. Employee shall not receive compensation for accumulated sick leave unless the Exempt Employee retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code. Sick leave options 1 and 2, found in Rule XI, Section 3, are applicable.
  - (5) Compensatory Time (comp time): FLSA Exempt Employees are not eligible for comp time. It is recommended that Exempt Employees use any comp time accrued at the time they became an Exempt Employee at a rate of at least 40 hours per fiscal year.
  - (6) Promotional Appointment to position: The FLSA Exempt Employee is eligible for a pay increase twelve (12) months from their appointment date. Appointments will include a minimum of a 10% pay increase or a maximum of the position wage level.
  - (7) Compensation/salary increases: FLSA Exempt Employees shall be paid a salary within the range identified in the City of Coeur d'Alene adopted pay/classification plan and as may be amended thereafter. Employees shall receive annual salary increases on a performance-based evaluation. Based on a performance evaluation from the Department Head, the employee shall receive a salary increase ranging 5% to 8% if the performance is rated standard or above. Salary shall not exceed the maximum amount authorized by the pay/classification plan currently in effect. Salary over the maximum of the pay/classification plan will remain at the current

rate and will increase only as CPI adjustments permit, unless otherwise approved by the City Council.

- (8) Cost of living increases: Cost of living increases shall be based upon the July “Consumer Price Index (CPI) for “All Urban Consumers” based upon the U.S. City average for the preceding 12-month period with a three percent (3%) maximum increase, effective October 1 of each fiscal year.
  - (9) Miscellaneous: The Deputy City Administrator shall authorize car assignments.
  - (10) Fringe Benefits: FLSA Exempt Employees shall receive fringe benefits as those authorized in a given fiscal year by the City Council per the exempt personnel resolution, unless otherwise provided by contract or written agreement, for the following: Social Security (F.I.C.A.), Idaho Public Employees Retirement System (I.P.E.R.S.), medical, dental, and vision insurance, long term disability insurance and VEBA.
  - (11) Life Insurance: The City will provide life insurance for Exempt Employee and dependents as follows: 1) Exempt Employee life insurance shall be \$50,000; 2) Dependent life insurance, \$1,000; 3) Accidental death and dismemberment insurance, Exempt Employee only, shall be \$50,000.
- (f) Policies and Procedures: All FLSA exempt employees shall follow all established City and Department policies and procedures, unless specifically exempt.

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## RULE XI: ATTENDANCE AND LEAVES

### ~~SECTION 10. ——— Outside Employment~~

~~Employees may engage in outside employment, in addition to their City employment, only under the following conditions:~~

- ~~(a) There shall be no conflict of interest or incompatibility with the employee’s City employment.~~
- ~~(b) The time involved in outside employment shall not adversely affect the employee’s attitude or efficiency in his or her City employment.~~
- ~~(c) No telephone calls or personal contacts concerning the outside employment shall be made during the hours of City employment.~~
- ~~(d) Each employee shall report all outside employment to his or her department head and shall secure the written approval of such department head prior to the commencement of such outside employment. The department head shall notify the City Administrator through the Human Resource Director at the time such outside employment is approved.~~
- ~~(e) For the purposes of this section, employment does not include serving as an unpaid member of the board of directors for a non-profit corporation.~~

### SECTION 110. Family and Medical Leave (FML)

- (a) Purpose: The Family Medical Leave Act, allows an employee who has been

employed by the City for at least twelve (12) months and has worked at least 1,250 hours during the immediately preceding 12-month period to request up to twelve (12) work weeks of unpaid, leave during a 12-month period under certain circumstances.

(b) Definitions: The following definitions apply to this section.

- (1) “12-month period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- (2) “Certification” means a statement by a healthcare provider which includes the date on which the serious health condition began; the probable duration of the condition; appropriate medical facts regarding the conditions; a statement that the employee is needed to care for a spouse, parent or child, along with the estimated length of time; or that the employee is unable to perform his or her duties; and in the case of intermittent leave, the dates and duration of treatments to be given. Additionally, if an employee is utilizing vacation leave a certificate may be a birth certificate, certificate of adoption and/or foster placement, or other eligibility documentation.
- (3) “Child” shall include the biological, adopted, foster, stepchild, legal ward or a child of an individual acting in the parent’s stead. For the purposes of this policy, a child must be under the age of eighteen (18) unless the child is incapable of self-care because of physical or mental disability.
- (4) “Parent” means a biological parent or an individual who stands or stood in place of a biological parent to an employee when the employee was a child.
- (5) “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
- (6) “Spouse” means a husband or wife as defined and recognized under Idaho State law.

(c) Allowed Uses: FML may be used for the following purposes:

- (1) to care for a child after birth or placement for adoption or foster care of the child, within twelve (12) months of the birth or placement;
- (2) for the care of the employee’s spouse, son, daughter, or parent, who has a serious health condition;
- (3) for a serious health condition that makes the employee unable to perform their job.

(d) Notification: The Human Resource Department shall notify the employee upon the employee’s absence from work for five (5) consecutive sick days of their available FML options. This notice shall have the Request for Family/Medical Leave form attached. This will begin the 12 month period.

(e) FML Requests: In order to request FML, the employee must submit a completed “Request for Family/Medical Leave” form (available from the Human Resource Department) and a certification for leave to the Human Resource Director. At least thirty (30) days advance notice is required when the need for the leave is foreseeable. Approval or disapproval shall be made in accordance with the current regulations of the Department of Labor enacted pursuant to the provisions of the Family and Medical Leave Act of

1993 (FMLA).

- (f) Use of Other Accrued Leave: An employee requesting FML because of a birth, adoption or foster care placement of a child must use any accrued vacation leave in lieu of unpaid FML, unless under the care of a health care provider, which allows the employee to be eligible for use of accrued sick leave. An employee requesting FML for any other allowed use must use any accrued sick leave and vacation leave, in that order, in lieu of unpaid FML. If the employee exhausts his or her accrued paid leave, a sufficient period of unpaid FML will be granted to ensure that the employee receives the full twelve (12) weeks of leave.
- (g) Continuation of Coverage: An employee granted FML will continue to be provided City health, life, and disability insurance under the same conditions as coverage would have been provided if the employee had been continuously working during the leave period. Employee contributions for health insurance will continue to be required, either through payroll deduction (where the employee has used accrued paid leave), or by direct payment to the City Finance Department. Payment for employee contributions will be due by the last working day of the month. If the employee's contribution is more than one month late, the City may terminate the employee's insurance coverage or elect to advance the employee contribution, in which case, the employee will be required to reimburse the City for delinquent payments upon returning from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.
- (h) Both Spouses as Employees: A husband and wife who both work for the City have a combined twelve (12) weeks total leave in a 12 month period for the birth of a child, placement of a child for adoption or foster care, or for the care of a sick parent. The full twelve (12) weeks of leave is available to each employee for their own serious health condition or that of a child or spouse.

| **SECTION 121. Retirement Medical Benefit**

This is a discretionary medical benefit available to employees seeking retirement if the decision to retire results in cost savings to the City. To be eligible for consideration, the employee must submit a written request to the Human Resource Director, at least ninety (90) days prior to separation of employment. The request will be reviewed by the Department Head, Human Resource Director, and the Personnel Officer to verify that the criteria are met and to make a recommendation to the City Council. In determining if the City should grant the retirement medical benefit the City will take into account the following criteria:

- (a) The employee must be eligible for retirement from the City of Coeur d'Alene pursuant to the provisions of Idaho Code pertaining to P.E.R.S.I.,
- (b) The retirement must result in a savings of at least \$6,000 a year for three (3) years for \$18,000 over three (3) years.
- (c) The necessity of the retiree's consultation to the City.
- (d) The retiree's availability to provide consultation services to the City for a minimum of two hundred forty (240) hours, for the typical three (3) year

contract, or prorated accordingly, during the term of the negotiated contract up to three (3) years following retirement.

- (e) The employee must be willing to sign an agreement releasing the City of Coeur d'Alene of any and all claims of the employee. The agreement will further outline the terms of the separation.

Upon approval of the benefit, the employee must select one of the following options.

**OPTION 1:** The City will pay up to eighty percent (80%) (to a maximum of \$500.00/month) of the retired employee's medical premium for the employee and spouse, if applicable, for the term of the negotiated contract or until one of the following occurs (the spouse may not be included if eligible for Medicaid or Medicare):

- (a) Employee becomes eligible for Medicaid or Medicare.
- (b) The spouse is no longer included once eligible for Medicaid or Medicare.
- (c) The employee dies.
- (d) The spouse is or becomes employed elsewhere and medical benefits are available.
- (e) The employee becomes employed elsewhere and medical benefits are available.

The City shall pay the approved portion of the medical benefit premium to the insurer. No payment shall be paid directly to the employee.

**OPTION 2:** The employee may request to opt out of the City's medical insurance plan and receive a lump sum payment to the employee's health reimbursement plan.

## **RULE XIX: AUTHORIZATION AND PROCEDURES FOR EXPENSE REIMBURSEMENT**

### **SECTION 2. Allowable Expenditures**

- (a) Meals: A maximum allowance per day will be given depending on the destination, in accordance with the current IRS Publication 1542- and 463- Per Diem Rates For Travel Within the Continental United States. *The IRS publication is updated annually; this updated amount shall be the maximum allowable reimbursement rate.* (Current per diem rates can be found at the U.S. General Services Administration website: [www.gsa.gov](http://www.gsa.gov)). The established per meal break down for reimbursement shall be utilized when submitting meal reimbursement through "Official Representation," or other like accounts, and when some, but not all, meals are included in the registration fee. In order to break down the per meal expenses, please use the following; breakfast 26%, Lunch 26%, and dinner 48%.

The maximum reimbursable amount for gratuity is fifteen percent (15%) of the allowable meal expense for the City employee. If gratuity greater than 15% is a requirement by the establishment, all amounts over the allowable 15% must be documented by the establishment as a requirement.

Meals that are included in the registration fee of a seminar, conference, or any substantial breakfast provided via the lodging accommodations etc.,

will not be reimbursed ([substantial breakfast must include more than cereal, pastry, and juice](#)). If claimant attends a seminar or conference in which one or more meals are included in the registration fee, their daily maximum allowance amount will be adjusted according to the per meal break down percentage as indicated above. The only exception to this adjustment is claims submitted for reimbursement under "Official Representation." For instance, a daily local meal allowance may be claimed when claimant is required to attend a seminar, professional meeting, or other business meeting where no meal is provided, and only if it is necessary to meet with other organizations, not other city employees, to discuss business related topics. A valid receipt must be submitted and include details regarding with whom the lunch discussion took place and what was discussed.

- (b) Travel: Reimbursement for reasonable costs of business travel is authorized by this rule; however, such costs shall be approved in advance by the Department/Division Head. Travel costs such as parking, ferry, or bridge tolls are reimbursable. The City will not pay any fines associated with vehicular travel, such as parking tickets or traffic tickets.

If personal travel is combined with business travel, the traveling claimant shall be responsible for paying any increase in costs necessary to accommodate the personal portion of the trip. If changes in travel plans occur as a result of City business requirements, the associated costs shall be paid by the City. Increases in costs of travel due to changes for personal convenience shall be borne by the claimant.

- (c) City Vehicle: Reasonable and necessary out-of-the-City costs of vehicle operation are authorized, such as gas, oil, and, under emergency conditions only, tires and necessary repairs.
- (d) Personal Vehicle: Reasonable and necessary expenses shall be reimbursed at a rate per mile not to exceed the then-current maximum rate allowed by the Internal Revenue Service for business travel expense deductions (hereinafter referred to as the "I.R.S. RATE.") Any claimant receiving the I.R.S. RATE for use of a personal vehicle must pay for the gas; City gas cards cannot be used under those circumstances.
- (e) Air Travel: Air travel on City-related business may be coordinated a travel agent or the individual department.
- (f) Other Travel Expenses: Miscellaneous travel costs, which are reasonable and necessary such as bus, taxi, bridge, parking, ferry, are authorized for reimbursement by listing them on the reimbursement form, including valid receipts. Reasonable and necessary costs not exceeding \$25.00 may be reimbursed through petty cash in the Finance Department, with a valid receipt.
- (g) ~~Out-of-State City Related Business~~ or Overnight Travel: To be eligible for City reimbursement for ~~out-of-state city related business~~ and/or overnight travel expenses, ~~the one-way travel distance must be greater than forty (40) miles one of the following must be met.~~
  - 1. The one way travel distance must be greater than 40 miles; or
  - 2. Consecutive hours away from the work place must be greater than 12 hours.
- (h) Lodging; Hotel/Motel Accommodations: The claimant must provide the final hotel bill showing the cost of the lodging and some documentation

showing that the bill has been paid in full. The bill must be an itemized statement showing daily room charges, meals, telephone calls, and any other reimbursable expenses.

- (i) Incidental Expenses: Reasonable and necessary incidental expenses include, but are not limited to, the following:

Allowable Incidental Expenses include but are not necessarily limited to: Laundry expenses if away from home one week or more, baggage checking, business telephone and FAX charges, one phone call home daily if the employee is away from home more than twenty-four hours, and business postage expenses.

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**Rule XXI: Drug Policy**  
**SECTION 3: Drug/Alcohol Testing Policy**

- (a) Statement: According to the United States Drug Enforcement Administration (DEA), drug abusers lose three times as much time from work as non-abusers and have four times as many accidents. In recognition of the harmful effects that the use of drugs and the misuse of alcohol can have, the City of Coeur d'Alene (City) has a responsibility to its employees, and the public at large, to see that its employees are both drug and alcohol free while on duty. This responsibility comes in light of studies showing that employees who are in consumption of drugs or alcohol while on duty are more likely to cause accidents and injuries, both to themselves and co-workers, as well as the public at large.

Therefore, the City of Coeur d'Alene is continuing Drug and Alcohol Testing for positions that are within the provisions of the regulations contained within the United States Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing, as contained in 49 CFR Part 382. The City is also implementing Drug and Alcohol Testing for all new appointments (to include employees transferred/promoted to other positions since a change of position constitutes a new appointment), and all "safety sensitive" positions. A safety sensitive position will be defined as a position in which the duties that are performed as a regular part of the job could reasonably expect to affect health, safety, and security of citizens. Safety sensitive positions are those which require employees to:

- (1) Qualify and maintain qualification standards to carry firearms;
- (2) Perform emergency medical, lifesaving, and/or fire suppression activities;
- (3) Supervise employees during the performance of critical functions which require employees to qualify to carry firearms, perform emergency medical, lifesaving and/or fire suppression activities;
- (3) Operate, maintain or inspect emergency vehicles, heavy equipment, or vehicles having a gross combination weight rating of 26,001 or more pounds and/or life savings equipment used for emergency services;
- (4) Exercise custodial responsibility for illegal drugs or precursors;

- (5) Supervise minor children and/or a position requiring monitoring and maintaining parks, playgrounds, Library, or beach areas; and
- (6) Handle hazardous materials that if mishandled, place the general public at risk of serious injury.

These positions are characterized by safety or security responsibilities as related to the mission of the City. The job functions associated with these positions directly and immediately relate to or affect public health and safety, the protection of life, and law enforcement.

“Safety Sensitive” positions will also include any job that requires some special and obvious physical or ethical demands which, if compromised, could have detrimental consequences upon public and co-worker safety or security.

Classifications are to include, but are not limited to the following:

**POLICE CHIEF**  
**POLICE CAPTAIN**  
**POLICE LIEUTENANT**  
**POLICE SERGEANT**  
**POLICE OFFICER**  
**CIVILIAN REPORT TAKERS**  
~~**CHILDREN’S LIBRARIAN**~~  
~~**BOOK KEEPER/TECHNICAL SERVICES CLERK**~~  
**PUBLIC RELATIONS VOLUNTEER COORDINATOR**  
**YOUNG ADULT COORDINATOR**  
**EVIDENCE OFFICER**  
**FIRE CHIEF**  
**DEPUTY FIRE CHIEF**  
**FIRE INSPECTOR**  
**FIRE CAPTAIN**  
**FIRE LIEUTENANT**  
**FIRE ENGINEERS**  
**FIREFIGHTER**  
**MECHANIC**  
**SHOP SUPERVISOR**  
**STREET SUPERINTENDENT**  
~~**ASST. STREET SUPERINTENDENT**~~  
**STREET FIELD SUPERVISOR**  
**HEAVY EQUIPMENT OPERATOR**  
~~**SIGN SIGNAL SUPERVISOR**~~  
~~**SIGN SIGNAL TECH**~~  
~~**WELDER – STREET**~~  
**LEAD MAINTENANCE WORKER**  
~~**MAINTENANCE WORKER II**~~  
~~**MAINTENANCE WORKER I**~~  
**MAINTENANCE WORKER**  
**RECREATION DIRECTOR**  
**RECREATION SUPERVISOR**

RECREATION **SPECIALIST**LEADER  
RECREATIONAL INSTRUCTORS  
UTILITY SUPERINTENDENT  
UTILITY WORKER II  
UTILITY WORKER I  
COLLECTION SUPERVISOR  
COMPOST FACILITY LEAD  
WASTEWATER TREATMENT OPERATOR III  
WASTEWATER TREATMENT OPERATOR II  
WASTEWATER TREATMENT OPERATOR I  
COMPOST FACILITY OPERATOR II  
COLLECTION OPERATOR III  
COLLECTION OPERATOR II  
COLLECTION OPERATOR I  
CHIEF WASTEWATER OPERATOR  
WASTEWATER MAINTENANCE MECHANIC

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 14-1007

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 FOLLOWING DESCRIBED PROPERTY FROM R-3 AND C-17L TO R-8, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10<sup>TH</sup> ADDITION"; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE 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 for 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 3, THE LANDINGS AT WATERFORD TENTH ADDITION, according to the plat recorded in the office of the County Recorder in Book K of Plats at Page 413, records of Kootenai county, Idaho.*

is hereby changed and rezoned from R-3 (Residential at 3 units/acre) and C-17L (Limited Commercial at 17 units/acre) zoning districts to R-8 (Residential at 8 units/acre) zoning district.

**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 three (3) official Zoning Maps of the City of Coeur d'Alene.

**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.

APPROVED this 6<sup>th</sup> day of May 2014.

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

ATTEST:

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

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

**Zone Change – ZC-1-13**

+/- 12.66 ACRES AT “THE LANDINGS AT WATERFORD 10<sup>TH</sup> ADDITION”

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 FOLLOWING DESCRIBED PROPERTY FROM R-3 AND C-17L TO R-8, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 12.66 ACRES AT “THE LANDINGS AT WATERFORD 10<sup>TH</sup> ADDITION”; 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.

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Renata McLeod, City Clerk

## STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, 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. \_\_\_\_\_, Zone Change – ZC-1-13, +/- 12.66 ACRES AT “THE LANDINGS AT WATERFORD 10TH ADDITION”, 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 6<sup>th</sup> day of May, 2014.

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Warren J. Wilson, Chief Civil Deputy City Attorney

COUNCIL BILL NO. 14-1008  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A SEWER AND WATER EASEMENT IN THE NEIDER CONFERENCE CENTER ADDITION SUBDIVISION, RECORDED IN BOOK "G" OF PLATS, PAGES 355/A, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; GENERALLY DESCRIBED AS THAT TWENTY FOUR FOOT (24') SEWER AND WATER EASEMENT ADJOINING THE SOUTHERLY BOUNDARY LINE OF LOT 2; 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 easement be vacated; NOW, THEREFORE,

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

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

That twenty four foot (24') wide City sewer and water easement adjoining the southerly boundary of Lot 2, of the Neider Conference Center Addition to Coeur d'Alene, recorded in Book "G" of Plats, Pages 355/355A, situated in Section 2, Township 50 North, Range 4 West, BM, records of Kootenai County, Idaho, be and the same is hereby vacated.

**SECTION 2.** That said vacated easement shall be relinquished, released, revoked and abandoned, and the current owners of the property affected by said easement, their heirs and assigns, shall be the beneficiary of the vacation.

**SECTION 3.** That the franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law.

**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.

APPROVED by the Mayor this 6<sup>th</sup> day of May, 2014.

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

ATTEST:

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

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_  
V-14-3 RIGHT-OF-WAY VACATION  
Utility Easement Neider Conference Center Addition

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_\_, vacating a twenty four foot (24') sewer and water easement.

Such easement is more particularly described as follows:

That twenty four foot (24') wide City sewer and water easement adjoining the southerly boundary of Lot 2, of the Neider Conference Center Addition to Coeur d'Alene, recorded in Book "G" of Plats, Pages 355/355A, situated in Section 2, Township 50 North, Range 4 West, BM, records of Kootenai County, Idaho, be and the same is hereby vacated.

The ordinance further provides that 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 Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, V-14-3, twenty four foot (24') sewer and water easement adjoining the southerly boundary of Lot 2, Neider Conference Center Addition to Coeur d'Alene, 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 6<sup>th</sup> day of May, 2014.

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Warren J. Wilson, Chief Civil Deputy City Attorney

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

**A. INTRODUCTION**

This matter having come before the City Council on April 1, 2014, and there being present a person requesting approval of ITEM SP-6-13, a request for a Single Family Detached only Designation special use permit in the R-8 zoning district.

APPLICANT: ANN MELBOURN, PRESIDENT OF THE FORT GROUNDS HOA

LOCATION: A 23.252 ACRE PORTION OF THE FORT GROUNDS NEIGHBORHOOD

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

- B1. That the existing land uses are single family homes, duplexes and civic use.
- B2. That the Comprehensive Plan Map designation is Historical Heart.
- B3. That the zoning is R-8.
- B4. That the notice of public hearing was published on, March 15, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, March 24, 2014, which fulfills the proper legal requirement.
- B6. That 147 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 14, 2014.
- B7. That public testimony was heard on April 1, 2014 including:

Sean Holm, City Planner.

Mr. Holm presented the staff report and identified the area of the request. He indicated that the majority of the area is currently single family uses with only limited multifamily uses. He noted that if the request is granted, the only use that would be allowed by right is single family uses. As such, duplexes would not be allowed. He explained the basis of the request is related to Municipal Code Section 17.09.205, which allows a neighborhood sponsor to restrict development to single-family detached housing only at eight (8) units per acre.

Warren Wilson, Interim Planning Director/Deputy City Attorney.

Mr. Wilson indicated that in the special use permit was granted that the only remaining principal use would be single family dwellings. The list of specially permitted uses and accessory uses would also still be available.

Ken Murphy, Coeur d'Alene.

Mr. Murphy testified that when he retired in 2012 he chose to retire to the Fort Grounds because it was a small neighborhood that was rich in character and that he was willing to pay a premium for that. The reason the special permit is being requested is due to multi-family dwelling units impacting the neighborhood. Mr. Murphy stated that the comprehensive plan references a need to

protect the residential nature of the Fort Grounds. He noted that approval criteria for the special use permit indicate that the proposal should conform to the comprehensive plan, be compatible with adjacent properties, and be adequately served by utilities. He indicated that there are currently 116 properties that are single family uses. Additionally, the Comprehensive Plan states that the Fort Ground area is the historical heart of the City and held out as unique and the oldest neighborhood that should be preserved. He referenced the petition wording that stated that they want to limit the district to single family dwellings and that the petition had 90 valid signatures. He stated that a higher density use would increase traffic flow. Additionally, he believes that this request is a limiting of use not a loss of property value as limited rights do not lower property value. Mr. Murphy stated that the current zoning is an imminent threat as there are currently 24 properties that could be developed into multi-family uses. He reiterated that their request is to preserve the neighborhood. He clarified that there are 68 homes on the national historic register and that if this request is not approved they believe property values will decline, as well as the character and nature of the neighborhood.

Rick Gunther, Coeur d'Alene.

Mr. Gunther testified that he believes that the requested overlay will adversely affect the property value within the Fort Grounds. He has lived in the neighborhood for 33 years and has remodeled and sold many properties within the neighborhood. He indicated that some residents felt misled by the petition and did not understand the impact of the overlay district. The neighborhood is historic land and more houses have been remodeled or torn down, and it will continue to be changed and he believes property values increased. He clarified that there would be approximately 5 families that would be able to do a multifamily home, and it would not make sense to tear those houses down. He believes the character of the Fort Grounds will continually change and pointed to other similar locations around town like Foster Avenue. The properties abutting his development did not oppose the project and they would be most affected. Mr. Gunther stated that the multi-family development will be a great project when it is complete and it is the most premier spot in Coeur d'Alene.

Marlo Faulkner, Coeur d'Alene.

Ms. Faulkner testified that she wanted to address what is a historic district. She lives in the home she was raised in and it was built in 1907. In 1905 the Fort Sherman subdivision was created and it had a restricted deed that stated that development will be single family and set forth certain setbacks. In 1992 the National Historic Society qualified the neighborhood as a historic district. Today there are 65 structures with period architecture and there is a historic lay out to the streets. Ms. Faulkner stated that the three findings should be found in the affirmative as they do meet the Comprehensive Plan and that the neighborhood has been stable until recently. Councilmember Miller asked if the homeowners association is incorporated. Ms. Faulkner stated that an organized association began in 1907 and 1912, and has been inactive and active over the years. In 1972 the association became very active against the college to fight eminent domain, and has met regularly since. They have a website, provide notification of meetings, but there are no dues and membership is voluntarily.

Catherine McLandress, Coeur d'Alene.

Ms. McLandress testified that she moved to Coeur d'Alene in 1958, and lived on Wallace Avenue and later lived in the Sanders Beach area. She always wanted to live in the Fort Grounds to raise their children, and eventually was able to move there. She stated that they are able to sit on the porch and talk with neighbors, which is different that most of the country. She believes this is important to protect, and requested the City Council approve the special use permit for the single family designation.

Tom Melbourn, Coeur d'Alene.

Mr. Melbourn testified that until recently the association members were under the impression they would continue to be an area of single family homes with the zoning of the area as R-8. Mr. Melbourne stated that the Special Use Permit would eliminate multifamily development, but allow accessory uses such as accessory dwelling units, like mother-in-law quarters. He asked the City Council to preserve the historical nature of the neighborhood.

Kevin Cooke, Coeur d'Alene.

Mr. Cooke testified that he has lived in the neighborhood for 25 years. He stated he is in support of the proposal, as it is important to preserve the character of the neighborhood.

Kevin Kok, Coeur d'Alene.

Ms. Kok testified that when she and her husband were looking for a neighborhood in Coeur d'Alene they looked at the quality of life style, character of the neighborhood, and location. The historical district sign at the entrance to the neighborhood indicated to her that the character of the neighborhood would be protected. She stated that hundreds of people walk through their neighborhood as they enjoy it as a special place of the community. She asked council to consider the special use permit request.

Ed Kok, Coeur d'Alene.

Mr. Kok testified that this is not about money but it is about management of an important resource. He stated that values are more than just economics; it is a preservation of the neighborhood culture. Mr. Kok believes the special use permit is for the good for the neighborhood.

Dena Williams, Coeur d'Alene.

Ms. Williams testified that she is in favor of the special use permit and read a letter from Judy Blake White in support of single family limitation. She also read a letter from Ron Yates who has fond memories of Coeur d'Alene but does not live here anymore. The letter stated that he lived in three different homes in the Fort Grounds and supports the protection of the historical area.

Richard Shaffer, Coeur d'Alene.

Mr. Schaffer testified that he has been a resident of North Idaho for 22 years and has lived the past two in the Fort Grounds. He believes the historic designation adds value to the homes, and to the fabric of the community. The National Historic Register guidelines are voluntary, but those that buy within the neighborhood understand the intent. Mr. Shaffer stated that he might not have bought his home had he realized it was not protected as a single family neighborhood. He stated that the Comprehensive Plan protects the character of the Fort Grounds and that he is in full support of the petition and asked the City Council to preserve the historic nature of the neighborhood.

Ann Melbourn, Coeur d'Alene.

Ms. Melbourn testified that the original lots had a single family deed restriction. She stated that the 1983 zoning allowed multi-family dwellings in the area. She stated that developers could buy multiple lots to create parcels large enough for multi-family uses. She testified that the approval of the special use permit would uphold the Comprehensive Plan.

Dick McLandress, Coeur d'Alene.

Mr. McLandress testified that the vast majority of owners signed the petition and that the request boils down to maintaining the character of the community. He believes the neighborhood is a place to be a child and a place to grow old, as there is support of the young and old around the neighborhood. He asked the City Council to be in favor of the request.

Steve MacCaskill, Coeur d'Alene.

Mr. McCaskill testified that he is in support of the petition and reiterated that he knew what he was signing when he signed the petition. He stated that he is proud to say that he lives in the Fort Grounds. He reiterated that the character is important.

Marty Mueller, Coeur d'Alene.

Mr. Mueller testified that living in the Fort Grounds is special. He stated that recent removal of an old home with its replacement with a multi-family dwelling that dwarfs the neighborhood does not fit. He asked the City Council to help preserve the neighborhood.

Patti Jester, Coeur d'Alene.

Ms. Jester testified that at the Planning Commission meeting it was stated that there are only a few properties large enough to be converted to multifamily uses. She stated that there are six properties that are 11,000 square feet and are large enough for multi-family housing and four lots that can be constructed as four dwelling units; with twenty four lots in all. This is more than a "few" and would negatively impact the neighborhood. Ms. Jester testified that if the six homes along Park Drive were removed they could be replaced with 13 dwelling units and that this risk is scattered throughout the neighborhood. This higher density and structures are not in keeping with the character of the neighborhood. Additionally, on-street parking is a constant issue and any additional density will increase parking issues, removal of mature trees, increased absentee owners, and blocked views and vistas. She asked the City Council to protect legacy of the neighborhood for future generations.

Tanden Launder, Coeur d'Alene.

Mr. Launder testified that he represented the younger generation and hopes to be able to point to the great neighborhood for future generations and asked it be preserved.

Robert Schini, Coeur d'Alene.

Mr. Schini testified that he was raised at 205 Park Drive and that it was a great place to be raised. After High School he went on to dental school and wanted to come back to Coeur d'Alene due to his fond memories in the Fort Grounds. He believes the Fort Grounds neighborhood is an awesome place and wants it to be protected for future generation, as he believes it would encourage youth to come back and be leaders within the community. He is in support of the Special Use Permit.

Karen Lawson, Coeur d'Alene.

Ms. Lawson testified that she purchased her home in the Fort Grounds in 2000. It is a craftsman bungalow over 100 years old and it is on the National Historic Register. The neighborhood is unique and Norman Rockwell is often referenced to describe the neighborhood. Most of the residences want to see the character protected. She does not believe that condominiums reflect the character and it would be sad to see the area more developed.

Steve McCrea, Coeur d'Alene.

Mr. McCrea testified he moved into the neighborhood in 1981 with a duplex across the street. The National Register talks to the neighborhood consisting of multi and single family dwellings. He does not see anything wrong with people who choose to live in common wall houses without yards. He sees it as enhancing the neighborhood, and that the limit is the density that is set forth in the zoning regulations. The Comprehensive Plan discourages urban sprawl and encourages infill and development of areas within the city limit boundaries, and encourages diversity of housing. Mr. McCrea stated that the current building regulations and zoning allows large houses on little lots with no setbacks. He stated that there have been 11 new houses built since 1981 that are not historic and many existing houses have been remodeled. Many of the homes within the neighborhood have apartments within them and would be considered multifamily housing.

Gil Stinson, Coeur d'Alene.

Mr. Stinson testified that he owns three properties in the Fort Grounds, and is worried about the future, and that he is in favor of the restriction to single family dwellings.

Abby Torres, Coeur d'Alene.

Ms. Torres testified that she was raised in the Fort Grounds where she made life-long friends. She supports of the Special Use Permit. The charm and character of the neighborhood is known throughout the United States. She desires protection and preservation of the historical integrity of the neighborhood.

Barbara Mueller, Coeur d'Alene.

Ms. Mueller testified that people often stop by her yard and say how much they love the neighborhood. She agreed that change is inevitable, but felt that how it changes should be planned. She spoke to the feeling of the neighborhood, and asked the City Council to preserve what makes them unique and believes that multifamily dwellings have the potential to destroy the character.

Deb Cordes, Coeur d'Alene.

Ms. Cordes testified that when she signed the petition she knew what she was signing. She stated that the Comprehensive Plan encourages the historic nature of the Fort Grounds neighborhood, and that the 2007 Comprehensive Plan has eight specific references to the Fort Grounds. The plan specifically mentions protecting and preserving existing neighborhoods from incompatible developments. She provided a copy of a post card the neighborhood received from a realtor/developer requesting to purchase more homes within the Fort Grounds. She believes that the advertisement is intending for homes to be sold and scraped with more multi-family structures to come. She asked the City Council to approve the Special Use Permit.

John Bruning, Coeur d'Alene.

Mr. Bruning testified that he did not sign the petition because his residence is outside of the R-8 zoning district. However, he would have signed the petition. He has been a member of the association for the past 10 years. He mentioned the Comprehensive Plan and its protection of the Fort Grounds neighborhood. As a past Planning Commission member he stated that the Comprehensive Plan is a vision statement of the city and is a guiding statement. He is asking that the City Council approve the Special Use Permit.

Debra Bell, Coeur d'Alene.

Ms. Bell testified that she understands the charm of the neighborhood and lives in a 1906 house that she loves, but she believes this request will not stop a person from tearing down a house and building something that does not fit. Ms. Bell stated that she bought her house as an investment with the potential for future development and that it does not seem fair to change now. An apartment in the top and bottom may not be an option anymore and would discourage a future buyer. She wants to have potential for future sale of the property.

Roxanne Gunther, Coeur d'Alene.

Ms. Gunther testified that people who live in condos are still good people. The R-8 zone was developed by progressive people for downtown residences, the core of Coeur d'Alene. The zone allows pocket housing, duplex, multifamily housing, and compact infill development which are all a part of progress. She believes that large lots with one single family are wasted space. In the Fort Grounds the average lot is 50'x110' however, the property at 701 W. Lakeshore had lots combined when taxes were low, with an old home moved to the parcels in 1955. Last winter the heating bill for that house was over \$800 a month for a family of two and the taxes were over \$1,300 a month, which was not efficient for two people. The new multi-family units will be energy efficient and an asset to the area. She stated that there are twelve locations that could be developed into multifamily dwellings not twenty four. She believes that not allowing people with larger lots to develop will take away their property options and she would call that a taking.

Judy Cicanese, Coeur d'Alene.

Ms. Cicanese testified that she came from Florida and when she moved here she found the Fort Grounds neighborhood and loved it due to its atmosphere, camaraderie, and its history. She is opposed to multi-family development and would like to see the historic nature of the neighborhood preserved. She read two letters into the record. The first letter was from William Roads who lived in the Fort Grounds in 1957, he is requesting the historic neighborhood be preserved and for the City Council to vote yes. The second letter was from Jim Lepard who reiterated the Comprehensive Plan objectives and its support of the preservation of the historic neighborhood. He asked the City Council to adopt the code for single family homes only.

Frank Lawson, Coeur d'Alene.

Mr. Lawson testified that he has lived in Fort Grounds neighborhood since 2000 and serves on the board of the association. He agrees with points that have already been made and does not believe that the Mayor and City Council would want to see a wall of condos along Park Drive. He believes the property values will go down and with one currently built it will encourage more of the same.

Greg Gillespie, Coeur d'Alene.

Mr. Gillespie read a letter from Cliff Fender, who previously owned the home he currently now lives in. Mr. Fender is in support of the Special Use Permit. Mr. Gillespie moved here in 2004 after a vacation to the area in 1984 because he was so impressed with the area. He stated that the Fort Grounds is a truly beautiful neighborhood and they choose to live there. He expressed disappointment that there are condos where a historic home once existed.

Terry Godbout, Coeur d'Alene.

Mr. Godbout testified that he has been a resident of Coeur d'Alene for over 20 years and currently owns a home in the Fort Grounds. He clarified that the association is seeking a Special Use Permit not an overlay district and that the code worked for the Pinegrove subdivision and should be approved for the Fort Grounds. He believes the explanation given to turn this down at the

Planning Commission included that the zoning only affected four or five lots; they have now shown that it is 24 lots that could be immediately converted to multi-family. Additionally, anyone can buy a couple lots and adjust lot lines to make them developable as multi-family.

Mary Godbout, Coeur d'Alene.

Ms. Godbout read a letter on behalf of Donald Gumprecht, which provided a brief history of the association. The goal of the association was to maintain the physical and emotional character of the neighborhood. The letter stated that the future the neighborhood needs the protection of single family dwelling zoning.

Albert Martinez, Coeur d'Alene.

Mr. Martinez testified that the presence of so many neighbors is a testimony to the strength of the neighborhood. He is a 25 year resident of Coeur d'Alene and has lived in the Fort Ground for the past couple years and he values the neighborhood. He stated that the neighborhood homes are not speculative investments. The charm, history, and sense of community drove him to buy in the neighborhood. He asked the City Council to support the proposal.

Dan Geiger, Coeur d'Alene.

Mr. Geiger testified that he has owned property in the Fort Grounds for 10 years and does not regret it, but when he bought it, the property was zoned a certain way. He understood he could not build a duplex because of how it is zoned, he is not asking the City to change the zoning to suit him. He believes there are approximately 24 lots that might have been purchase the zoning to build duplex or condos and does not believe there is anything wrong with it and he does not want to take away private property rights by downzoning. He asked the City Council to consider the property rights of others.

Jan Thomas, Coeur d'Alene.

Ms. Thomas testified that she has lived in Fort Grounds for eight years, and moved there for same reason as others. She believes that there is vulnerability for the neighborhood without the Special Use Permit and wants to protect its existing character and asked for the City Council to provide support in favor of the permit.

Brinnon Mandel, Coeur d'Alene.

Ms. Mandel testified that she is a proud Fort Grounds rooky as she just moved in six months ago and she is very happy to live in the neighborhood. She wanted to live downtown and wanted a good neighborhood and walkability. She believes there are other areas better suited for new development and townhomes. Additionally, she believes that protecting one neighborhood as historic ads a lot of value and provides an anchor to the community.

Kathryn Boss, Coeur d'Alene.

Ms. Boss testified that she was fortunate to buy a house in the Fort Grounds and live there 30 years. She believes it is a special place to live and encouraged the City Council to drive within the neighborhood and then compared it to what is being built on the shoreline to determine if it fits.

Kevin Jester, Coeur d'Alene.

Mr. Jester testified that the Fort Grounds is a wonderful neighborhood even if not all the neighbors are on the same page, but appreciates the City Council providing an objective ear. He noted that he is in agreement with earlier testimony and is in support of the Special Use Permit.

He stated that he has lived in the Fort Grounds for 35 years and he loves this community and hopes that the City Council approves the request.

Jim Addis, Coeur d'Alene.

Mr. Addis testified that he shares a love of the neighbors but does not agree on the issue. He believes the request prohibits certain types of housing, that it is a taking of a right, and that it would reduce property values. He does not believe that this action passes the fairness test. He purchased a home built in 1950, which is not historic and that he understood the R-8 zone. Mr. Addis stated that he does not believe this request addresses the issue.

Amy Hewel, Coeur d'Alene.

Ms. Hewel testified that her parcel is over a half acre large and clarified that she bought the property thinking of options for the future. She stated that while some of the neighbors like the quiet and not so many people around, others enjoy hearing the concerts in the park and life around the neighborhood. Ms. Hewel stated that she thinks it is unrealistic to think that condos will be popping up all over the neighborhood and that duplexes could be tastefully done, so more people would get to enjoy living in the Fort Grounds. She believes the request would dramatically affect her property value.

Denny Davis, Coeur d'Alene.

Mr. Davis testified that he is only the fourth owner of his home in the Fort Grounds. His home was built in 1908 and he has spent a lot of time and money on it. He was involved with the association in preventing a dock but he does not agree with this request and he is not adverse to multifamily dwellings. There are only a limited number of tools for the City to deal with these types of issues. He believes this is not about the type of use but rather the size, scale, and setbacks. He recommended that a floor area ratio system would govern how much size of living structure would be allowed based on lot size although not an immediate solution.

Martin Stacey, Coeur d'Alene.

Mr. Stacey testified that the Fort Grounds neighborhood is a place in the community that deserves protection and that this request is a starting point in protecting the historic area, though he does not live in the Fort Grounds he views it as sacred ground.

Roger Snyder, Coeur d'Alene.

Mr. Snyder testified that he signed the petition for single family dwelling zoning and stands by his signature. He moved to the Fort Ground in 1981 and has a historic home that has been modernized and is efficient. He believes the request meets the requirements to comply with the Comprehensive Plan and that private property rights do not mean the developers rights trump everyone else's rights. He believes this permit would protect the neighborhood from irreparable harm. The Pinegrove neighborhood was in the same situation and the Fort Grounds is asking for the same consideration. He expressed fear that tomorrow someone could scrape a house and put up three dwelling units on a lot and does not that is what the comprehensive Plan intends. He also expressed concern that there would be a cascade of development occurring as there is a current incentive to scrape and replace with more units for economic gain. Additionally, he felt the Planning Commission understood there were only a few lots affected and that has been rebutted and clearly demonstrated that there are 24 lots affected. Mr. Snyder did not believe this is a down zone, as it is an allowable Special Use Permit. He clarified that there are currently 68 historic homes and the neighborhood is at risk of losing them, as well as the character, large trees, and charm. He asked neighborhood is at risk of losing them, as well as the character, large trees, and charm. He asked the City Council to pass the request for a Special Use Permit for the sake of the City and future generations.

B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the Planning Commission:

B8A The proposal **is** in conformance with the comprehensive plan, as follows:

The Fort Grounds neighborhood is recognized by the Comprehensive Plan as a stable established neighborhood within the historic heart area. A stable established area is an area where the character of the neighborhood has largely been established and, in general should be maintained. With the number of building lots and general land uses not expected to change greatly. Additionally, the Fort Grounds is unique in that it is recognized as a special area in the Comprehensive Plan that is deserving of special consideration. The plan indicates that the City will protect the neighborhood as a historic area. Finally, in this regard, Objective 3.06 indicates that the City will protect and preserve existing neighborhoods from incompatible land uses. Based on the significant testimony received at the hearing, we find that the potential conversion of multiple single family lots to multi-family developments creates a threat to the historic character of the Fort Grounds that the Comprehensive Plan seeks to protect. This threat includes a potential change in the types of residential uses as well as the potential for significant negative impacts created by increased density, such as parking, in an area that is tightly constrained. As such, we find that the proposal, which will preserve the largely single family nature of the Fort Grounds, is in conformance with the Comprehensive Plan.

B8B. The design and planning of the site **is** compatible with the location, setting, and existing uses on adjacent properties.

The proposed limitation to single family residential uses as the only allowed by right principal use is consistent with the location, setting and existing uses in the area. The Staff Report and testimony indicated that the area is largely a single family neighborhood with limited multi-family uses. Given that, a restriction to only allowing single family residential uses is compatible with the location, setting and existing uses on adjacent properties. We find that the proposed special use permit meets this criteria.

B8C The location, design, and size of the proposal are such that the development **will** be adequately served by existing streets, public facilities and services.

The nature of the requested special use permit does not in any way increase or otherwise change the needs for service by existing streets and other public facilities and services since it simply limits the type of residential development allowed in an already developed location. As such, we find that this finding is satisfied.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of ANN MELBOURNE for a special use permit, as described in the application should be approved.

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

ROLL CALL:

Council Member Edinger	Voted Aye
Council Member Miller	Voted Nay
Council Member McEvers	Voted Aye
Council Member Adams	Voted Aye
Council Member Evans	Voted Aye

Council Member Gookin was absent.

Motion to approve carried by a 4 to 1 vote.

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MAYOR WIDMYER

**PUBLIC WORKS COMMITTEE  
STAFF REPORT**

DATE: May 6, 2014

FROM: Warren Wilson, Chief Deputy City Attorney

SUBJECT: Approval of Annexation Agreement with Lake Forest, LLC.

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**DECISION POINT:**

Approve the Annexation Agreement with Lake Forest LLC.

**HISTORY:**

On March 18, 2014 the City Council approved the annexation of the subject property, which sits north of Hanley Ave. along Ramsey Road subject to the negotiation of an annexation agreement. Staff has negotiated the attached agreement with the developer, which addresses all of the issues identified by staff.

**FINANCIAL ANALYSIS:**

The annexation fee for the subject property is \$168,990.00, which is based on the adopted city policy. Additionally the developer is responsible for all of the costs of providing services to the property and the agreement includes a reimbursement for staff time expended preparing the agreement.

**PERFORMANCE / QUALITY OF LIFE ANALYSIS:**

This parcel is an un-annexed island of County jurisdiction. Completing this annexation will close this gap. Annexation of this parcel presents relatively few obstacles for the City. The annexation agreement does address the manner in which utility services must be extended to service the parcel along with a setting out the standards that will be applicable for this development. Finally, the agreement requires that any water rights associated with the property be transferred to the City.

**DECISION POINT/RECOMMENDATION:**

Approve the Annexation Agreement with Lake Forest, LLC.

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

**A. INTRODUCTION**

This matter having come before the City Council on, March 18, 2014, and there being present a person requesting approval of ITEM A-1-14, a request for zoning in conjunction with annexation from County Agricultural-Suburban and Commercial to City R-8 (Residential at 8 units/acre), and C-17 (Commercial at 17 units/acre)

APPLICANT: LAKE FOREST, LLC

LOCATION: 54.9 ACRES ON THE NORTHEAST CORNER OF HANLEY AVENUE AND RAMSEY ROAD

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

- B1. That the existing land uses are single-family residential, multi-family, cemetery, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is County Agricultural-Suburban and Commercial.
- B4. That the notice of public hearing was published on March 1, 2014, 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 135 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on February 28, 2014.
- B7. That public testimony was heard on March 18, 2014 including:

Tami Stroud, City Planner.

Ms. Stroud presented the staff report indicating that the applicant is seeking annexation and zoning of a 55 acre parcel into the City. The applicant is seeking R-8 zoning for the bulk of the property with C-17 zoning for approximately 3 acres at the corner of Hanley Avenue and Ramsey Road. She noted that the requested zoning for the property is consistent with the surrounding area. The majority of the surrounding zoning is for residential use. With the Lake Forest Subdivision, immediately to the East, zoned R-12, the Legacy Place subdivision, immediately to the North, being zoned R-5 and the residential properties in the Coeur d'Alene Place subdivision being zoned R-8 PUD. She noted that there are smaller areas of Commercial zoning (both C-17 and C-17L) directly across Ramsey Road from the portion of the subject property that the applicant is seeking to zone C-17. Ms. Stroud noted that the subject property is within the Ramsey-Woodland area in the Comprehensive Plan, which provides for density of 3 to 4 units per acre within the area with neighborhood (commercial) nodes where appropriate. She noted that the density of the proposed subdivision would be 3.2 units per acre. Concerning the availability of public facilities and utilities, she noted that the all necessary utilities and facilities are currently available or will be made available by development of the subdivisions infrastructure. She

noted that the subject property is bounded on its West and South sides by major roads that can service the additional units.

Drew Dittman, Applicant's Representative.

Mr. Dittman said that the property is designated as a transition area but it is almost entirely surrounded by a stable established area. They believe that the plat they have submitted represents all of the characteristics of the Ramsey Woodland land use area. The majority of the property would be zoned R-8, reserving the corner of Ramsey and Hanley as C-17. In regard to the trees, it is his understanding that applicant is just doing some selective logging right now and that they are intending to leave the trees along Ramsey Road to the extent possible. He explained that the subject parcel is a 55 acre parcel that is completely surrounded by the city limits. As such, he testified that the property is a natural fit for annexation into the City. The proposed plan will have 175 single family homes. He discussed the access issues with staff and a secondary access on Ramsey will be provided and used by the Fire Department. Mr. Dittman stated that there would be entrances into the subdivision and that there would be traffic calming devices to help alleviate traffic concerns. Mr. Dittman testified that the development was paying the park development impact fee rather than develop a park within the development but that a sidewalk to connect to the development with surrounding schools and parks in the area will be constructed with phase 1 of the development.

Tony Prka, 7069 Windy Pines, Coeur d'Alene.

Mr. Prka testified that he is an educator and noted that on the east side of the Lake Forest area they aren't any parks. Children would either have to cross Ramsey, Wilbur, or Hanley Avenue, which are pretty busy thoroughfares. He asked the city to take a look at some green space park area for the Lake Forest development. He is also concerned about through traffic on Canfield in that it would cut right through the middle of the residential area and he would have some strong concerns with the safety of children in the area.

Warren Wilson, Interim Planning Director/Deputy City Attorney.

Mr. Wilson testified that the school district had provided a letter stating their concern with the proposed density of the development but that the development is consistent with the density targets contained in the comprehensive plan, which was developed with input from the school district in 2007. He indicated that he would be happy to meet with the school district to discuss growth. Regarding parks, he testified that there is a largely undeveloped city park immediately north of the subdivision in Legacy Place that will be connected to the subject property via trails and sidewalks.

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

The Staff Report indicates that the Subject Property is a transitional property within the Ramsey-Woodland planning area. In this area, the Plan contemplates overall density on the order of 3 to 4 units per acre with commercial neighborhood service nodes where appropriate. The Applicant's requested zoning is consistent with these goals. The requested R-8 zoning is consistent with the surrounding residential zones and will allow for development at approximately 3.2 units per acre as outlined in the Staff Report. Additionally, we find that the requested C-17 zoning at the corner of Ramsey Road and Hanley Avenue (both arterials) is an appropriate location for a commercial neighborhood service node. This determination is supported by the location of a convenience store and commercial zoning directly across Ramsey Road from the proposed commercial zoning on the subject property. Given the above, we find that this requirement has been met.

B9. That public facilities and utilities **are** available and adequate for the proposed use.

As noted in the Staff Report, both water and wastewater is available for extension to the property and sufficient to service the proposed development. Additionally, the Staff Report indicates that the subject property is bracketed by two major City arterial roadways; Ramsey Road on the West and Hanley Avenue on the South. Bisecting the proposed development will be an extension of Canfield Avenue which is a major E/W collector roadway. These roadways all make direct connections to the primary urban arterial travel ways of U.S. Hwy 95 and U.S 90 that move large volumes of the city's traffic. Given the above, we find that is requirement is satisfied.

B10. That the physical characteristics of the site **do** make it suitable for the request at this time.

As noted in the Staff Report, the topography of the site is relatively flat with no features that would prevent development of the site as proposed by the Applicant. As such, we find that this requirement has been satisfied.

B11. That the proposal **would not** adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, **or** existing land uses.

As noted in the findings above and the Staff Report, the Applicant's proposal is largely identical to the surrounding uses with regard to zoning, proposed density and existing land uses. As such we determine that this proposal will not adversely affect the surrounding neighborhoods concerning these factors.

With respect to traffic, there was testimony that the proposed development will increase traffic through the existing Lake Forest subdivision along Canfield Avenue, which will be extended through the proposed development to Ramsey Road. Completion of Canfield Avenue, which according to the staff report is a major East/West collector roadway, will almost certainly increase traffic along Canfield Avenue in the Lake Forest Subdivision. However, the proposed development will also be served by Ramsey Road and Hanley Avenue, which are arterial roadways. We find that given the two arterial and one collector roadways serving the proposed development that the traffic volumes will be accommodated and that the surrounding neighborhoods will not be adversely impacted on this basis.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of LAKE FOREST, LLC for zoning in conjunction with annexation, as described in the application should be **approved**.

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

ROLL CALL:

Council Member Gookin	Voted Aye
Council Member Edinger	Voted Aye
Council Member Evans	Voted Aye
Council Member McEvers	Voted Aye
Council Member Adams	Voted Aye
Council Member Miller	Voted Aye

Motion to approve carried by a 6 to 0 vote.

---

MAYOR STEVE WIDMYER

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 14-1009

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 26, 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; 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 R-8 (Residential at 8 units per/acre) and C-17 (Commercial at 17 units/acre) as depicted in the attached Exhibit "B", which by this reference is incorporated herein.

**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 he is hereby instructed to make such change and amendment on the three (3) official Zoning Maps of the City of Coeur d'Alene.

**SECTION 6.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7.** 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.

APPROVED by the Mayor this 6<sup>th</sup> day of May, 2014.

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

ATTEST:

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

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

A-1-14, Lake Forest, LLC.

54.9 Acres on the NE Corner of Hanley Ave. & Ramsey Rd.

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 26, 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.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, A-1-14, Lake Forest, LLC. 54.9 Acres on the NE Corner of Hanley Ave. & Ramsey Rd., 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 6<sup>th</sup> day of May, 2014.

---

Warren J. Wilson, Chief Civil Deputy City Attorney

*Legal Description for*

*City of Coeur d'Alene Annexation Ordinance # \_\_\_\_\_*

A parcel of land being a portion of the West half of the southwest quarter of Section 26, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwest corner of said Section 26 being a 2 inch aluminum cap in monument box per CP&F 1244173, records of Kootenai County, from which the West quarter corner bears N0° 34' 16"E, 2648.86 feet; thence along the South line of said Section 26, S89° 06' 03"E, 25.00 feet; thence leaving said South line, N0° 34' 16"E, 25.00 feet to a point on the existing City boundary, also being the True Point of Beginning;

Thence along said existing City boundary, N0° 34' 16"E, 2495.29 feet;

Thence leaving said existing City boundary, N89° 29' 48"E, 370.10 feet to the southeast corner of the parcel described in the quitclaim deed recorded under Book 300, Page 985, Records of Kootenai County;

Thence along the West line of the parcel described under Book 300, Page 985, N1° 01' 53"E, 117.56 feet to a point on the North line of said southwest quarter;

Thence along said North line, S88° 49' 11"E, 60.00 feet to a 5/8 inch rebar with yellow plastic cap marked PLS 3390 at a corner of said existing City boundary;

Thence along said North line and the existing City boundary, S88° 49' 11"E, 543.30 feet to the northwest corner of the East half of the East half of the West half of the southwest quarter;

Thence along the West line of said East half of the East half of the West half and said existing City boundary, S0° 37' 43"W, 2618.94 feet;

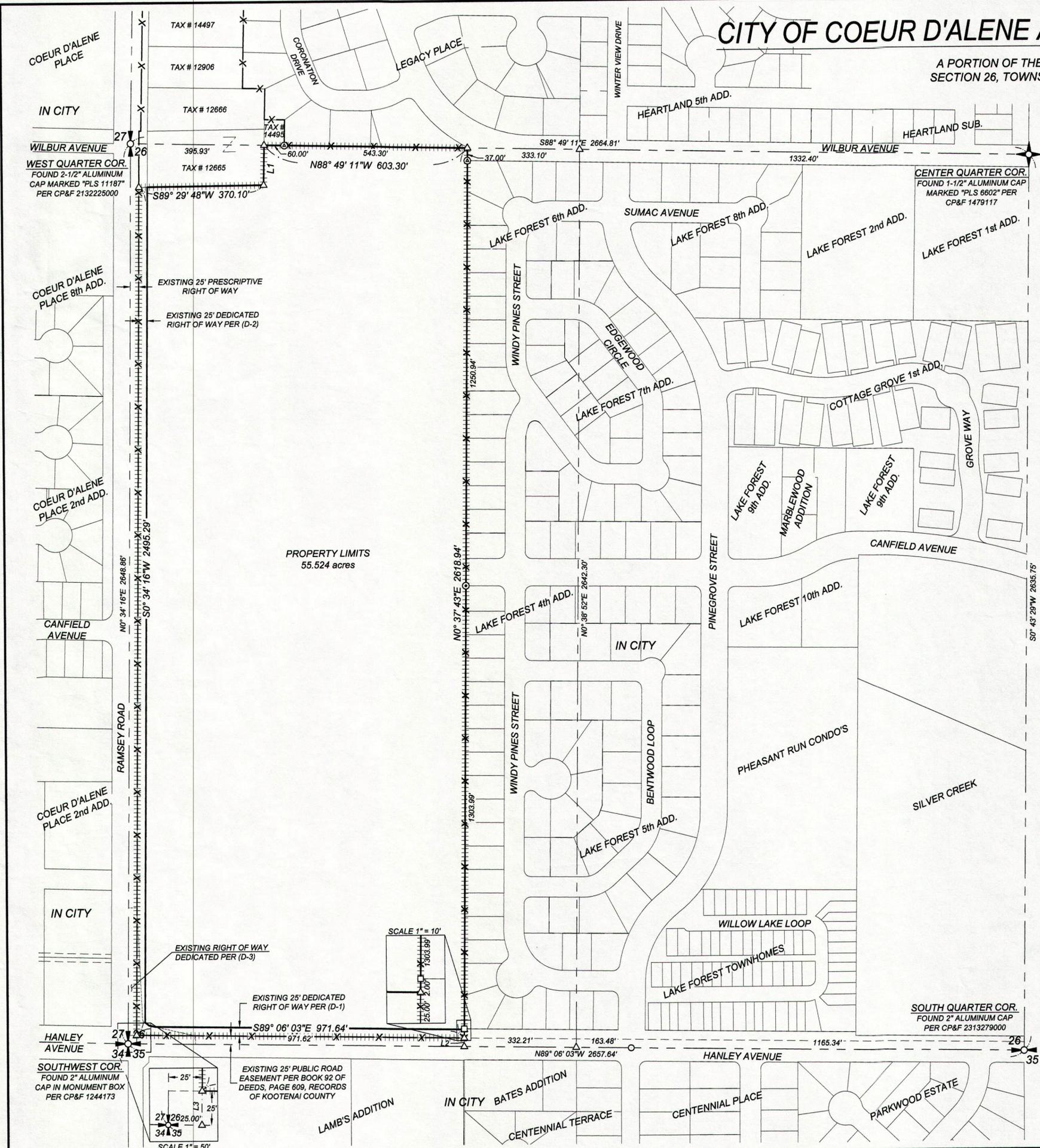
Thence leaving said West line along said existing City boundary, N89° 06' 03"W, 971.64 feet to the True Point of Beginning.

Annexation parcel containing 57.50 acres of land, more or less.



# CITY OF COEUR D'ALENE ANNEXATION ORDINANCE No.

A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO



## BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS N89°06'13"W, SHOWN HEREON AND ON (P-1) AS THE SOUTH LINE OF THE SOUTHWEST QUARTER PER IDAHO STATE PLANE, WEST ZONE (NAD83).

## NOTE

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

## REFERENCE DOCUMENTS

- (R-1) RECORD OF SURVEY PREPARED BY RUEN-YEAGER & ASSOCIATES, INC. AND FILED AT BOOK 25 OF SURVEYS, PAGE 319, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-1) PLAT OF LAKE FOREST TOWNHOUSES PREPARED BY FRAME & SMETANA, PA CONSULTING ENGINEERS AND FILED AT BOOK J OF PLATS, PAGE 238, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-2) PLAT OF LAKE FOREST 1st ADDITION PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK G OF PLATS, PAGE 425, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-3) PLAT OF LAKE FOREST 2nd ADDITION PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK I OF PLATS, PAGE 57, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-4) PLAT OF LAKE FOREST 3rd ADDITION PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK I OF PLATS, PAGE 222, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-5) PLAT OF LAKE FOREST 4th ADDITION PREPARED BY INLAND NORTHWEST CONSULTANTS AND FILED AT BOOK I OF PLATS, PAGE 233, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-6) PLAT OF LAKE FOREST 6th ADDITION PREPARED BY INLAND NORTHWEST CONSULTANTS AND FILED AT BOOK I OF PLATS, PAGE 308, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-7) PLAT OF LEGACY PLACE PREPARED BY E.D. SMITH AND FILED AT BOOK I OF PLATS, PAGE 444, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-8) PLAT OF COEUR D'ALENE PLACE PREPARED BY INLAND PACIFIC ENGINEERING AND FILED AT BOOK G OF PLATS, PAGE 210, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-1) WARRANTY DEED DATED SEPTEMBER 21, 2006 AND FILED AS INSTRUMENT NUMBER 2056813000, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-2) WARRANTY DEED DATED SEPTEMBER 21, 2006 AND FILED AS INSTRUMENT NUMBER 2056814000, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-3) WARRANTY DEED DATED NOVEMBER 23, 1994 AND FILED AS INSTRUMENT NUMBER 1355413, RECORDS OF KOOTENAI COUNTY, IDAHO.

## LEGEND

- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 6602"
- ⊙ FOUND 1/2" BENT REBAR OR AS NOTED
- FOUND 2-1/2" ALUMINUM CAP
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "JUB PLS 4565"
- △ CALCULATED POINT, NOTHING FOUND OR SET
- PROPERTY LINE
- - - SECTION LINE
- · - · - EXISTING LOT LINE
- - - EASEMENT LINE
- X - X - EXISTING CITY LIMITS
- +++++ PROPOSED ANNEXATION BOUNDARY OR SET

Line Table		
Line #	Length	Direction
L1	117.86	N1° 01' 53"E
L2	25.00	N0° 37' 43"E
L3	25.00	N0° 34' 16"E

## SURVEYOR'S CERTIFICATE

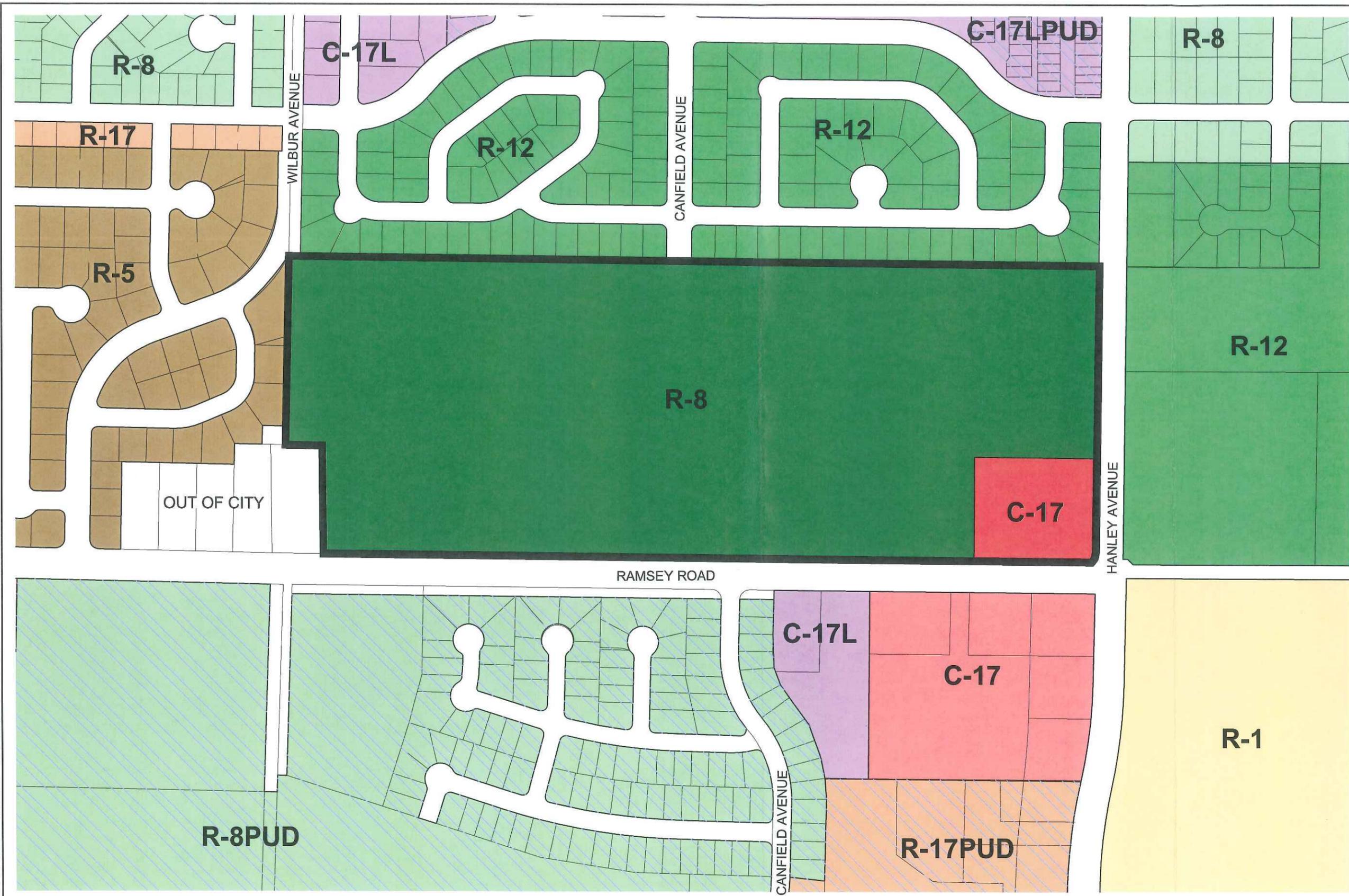
THIS MAP CORRECTLY REPRESENTS A SURVEY PERFORMED BY ME IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO, COMPLETED IN OCTOBER 2013, AT THE REQUEST OF HALLMARK HOMES.

SCALE: 1" = 200'

3909 N. SCHREIBER WAY, STE. 4  
COEUR D'ALENE, IDAHO 83815  
PHONE: 208-678-0230

CHECKED BY:	DES
DRAFTED BY:	SMA
SCALE:	1" = 200'
DATE:	11/1/2013
JOB NO.:	LCE 13-078

viewed-user, Plotted: Nov 01, 2013 - 12:58pm, L:\2013\13-078\ACAD\13-078-ZONING EXHIBIT\_11x17.dwg



**PROJECT MATRIX:**  
 PROPOSED ZONING: R-8 & C-17  
 EXISTING ZONING: AG-SUBURBAN



**LAKE CITY ENGINEERING**  
 3909 N. SCHREIBER WAY, STE. 4  
 COEUR D'ALENE, IDAHO 83815  
 PHONE: 208.676.0230

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**LAKE FOREST WEST**  
**ZONE CHANGE**  
**COEUR D'ALENE, IDAHO**

DESIGNED BY:	DCD
DRAFTED BY:	SMA
DATE:	11/1/2013
JOB NO:	LCE 13-078
SCALE:	N.T.S.
Not To Scale	

RESOLUTION NO. 14-017

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH LAKE FOREST, LLC.

WHEREAS, an annexation agreement has been negotiated between the City of Coeur d'Alene and LAKE FOREST, LLC pursuant to the terms and conditions set forth in said agreement, a copy of which is attached hereto as exhibit "1" and by this 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, that the City enter into an Annexation Agreement with Lake Forest, LLC in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said 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 6<sup>th</sup> day of May, 2014.

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

ATTEST:

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

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

ROLL CALL:

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

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

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

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

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

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

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

## ANNEXATION AGREEMENT

THIS AGREEMENT, made and dated this 6<sup>th</sup> day of May, 2014, 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 Lake Forest, LLC, a limited liability company, organized pursuant to the laws of the State of Idaho, with its address at 179 E. Wilbur Avenue, Dalton Gardens, ID 83815, hereinafter referred to as the "Owner,"

### W I T N E S S E T H:

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, a subdivision of the Property, which is commonly known as Lake Forest West. 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 Owner 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. Legal description: The Property to be annexed is located north of Hanley Avenue along Ramsey Road and is bordered on the east and north by the existing Lake Forest and Legacy Place subdivisions and is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

### ARTICLE II: STANDARDS

2.1. Applicable standards: 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 codes 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 to each lot within the approved Lake Forest West subdivision and further agrees to fully comply with all city policies for its water and wastewater systems.

3.2. Water rights: 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 parties expressly agree 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. Garbage collection: 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. Street lights: The Owner agrees to adhere to City policies and standards for street light design and construction.

3.5. Street Trees: The Owner agrees to adhere to City policies and standards for street trees.

### ARTICLE IV: PUBLIC IMPROVEMENTS

4.1. Installation of public improvements: 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. Compliance with conditions of approval: The conditions of approval for the subdivision of the Property 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.

## ARTICLE V: FEES

6.1. Consideration: Owner agrees to provide specific consideration, in the amount of One Hundred Sixty Eight Thousand Nine Hundred and Ninety Dollars and no/100 (\$168,990.00) to the City at the times specified in Section 6.3 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 Lake Forest West subdivision and a fee of Seven Hundred Fifty Dollars and no/100 for each potential residential unit on the 2.96 acre lot zoned C-17 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 Owner's project, 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.

6.2. No extension of credit: 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. The following sum shall be paid upon fulfillment of the conditions precedent set forth below.

6.3. Payment of annexation fees: On or before the date of City Council approval of the final plat(s) for the approved Lake Forest West subdivision, the owner will pay the required fee for each lot contained in the final plat. Owner expressly agrees that the City may withhold final plat approval or building permit issuance until such time as the required fees are paid.

6.4. 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), and 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.

6.5. Owner's reimbursement to the City: The Parties further agree that the City has utilized substantial staff time to prepare the annexation agreement that will benefit the Owner. The Parties further agree the City shall be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee shall be in the amount of Two Hundred Fifty Dollars and no/100 (\$250.00).

## ARTICLE VII. MISCELLANEOUS

7.1. Deannexation: 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 owners, assigns or successors in interest of such portions of Owner's Property as City in its sole discretion decides.

7.2. Owner to hold 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." Owner further agrees to pay City's legal costs, including reasonable attorney fees in the event this annexation is challenged in a court of law. Payment for City's legal costs will be remitted within thirty (30) days after receipt of invoice from the City for legal expenses.

7.3. Time is of the essence: Time is of the essence in this agreement.

7.4. Merger: The representations, warranties, covenants, conditions and agreements of the parties contained in the agreement shall survive the acceptance of any deeds and/or easements.

7.5. Recordation: The Owner further agrees this agreement shall be recorded by the City at the Owner's expense. All promises and negotiations of the parties merge into this agreement. Parties agree that this agreement shall only be amended in writing and signed by both parties. The parties agree that this agreement shall not be amended by a change in any law. The parties agree this agreement is not intended to replace any other requirement of City code.

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

7.7. Compliance with applicable laws: The Owner agrees to comply with all applicable laws.

7.8. Covenants run with land: The covenants herein contained to be performed by the Owner shall be binding upon the Owner and Owner's heirs, assigns and successors in interest, and shall be deemed to be covenants running with the land. This document shall be recorded at the Kootenai County Recorder's Office at the sole cost of the Owner.

7.9. Publication of ordinance: The parties agree that until the date of publication of the annexation ordinance, no final annexation of Owner's 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 Owner's Property.

7.10. Promise of cooperation: 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 Lake Forest L.L.C. have caused the same to be executed the day and year first above written.

**CITY OF COEUR D'ALENE**

**LAKE FOREST, L.L.C.**

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

By: \_\_\_\_\_  
Michael Fitzgerald, Member

**ATTEST:**

\_\_\_\_\_  
Renata McCleod, City Clerk

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this 6<sup>th</sup> day of May, 2014, before me, a Notary Public, personally appeared **Steve Widmyer** and **Renata McLeod**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this \_\_\_\_\_ day of May, 2014, before me, a Notary Public, personally appeared **Michael Fitzgerald**, known to me to be the Member, of **Lake Forest, LLC**, and the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

**Legal Description for**

**City of Coeur d'Alene Annexation Ordinance # \_\_\_\_\_**

A parcel of land being a portion of the West half of the southwest quarter of Section 26, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho and being more particularly described as follows:

Commencing at the southwest corner of said Section 26 being a 2 inch aluminum cap in monument box per CP&F 1244173, records of Kootenai County, from which the West quarter corner bears  $N0^{\circ} 34' 16''E$ , 2648.86 feet; thence along the South line of said Section 26,  $S89^{\circ} 06' 03''E$ , 25.00 feet; thence leaving said South line,  $N0^{\circ} 34' 16''E$ , 25.00 feet to a point on the existing City boundary, also being the True Point of Beginning;

Thence along said existing City boundary,  $N0^{\circ} 34' 16''E$ , 2495.29 feet;

Thence leaving said existing City boundary,  $N89^{\circ} 29' 48''E$ , 370.10 feet to the southeast corner of the parcel described in the quitclaim deed recorded under Book 300, Page 985, Records of Kootenai County;

Thence along the West line of the parcel described under Book 300, Page 985,  $N1^{\circ} 01' 53''E$ , 117.56 feet to a point on the North line of said southwest quarter;

Thence along said North line,  $S88^{\circ} 49' 11''E$ , 60.00 feet to a 5/8 inch rebar with yellow plastic cap marked PLS 3390 at a corner of said existing City boundary;

Thence along said North line and the existing City boundary,  $S88^{\circ} 49' 11''E$ , 543.30 feet to the northwest corner of the East half of the East half of the West half of the southwest quarter;

Thence along the West line of said East half of the East half of the West half and said existing City boundary,  $S0^{\circ} 37' 43''W$ , 2618.94 feet;

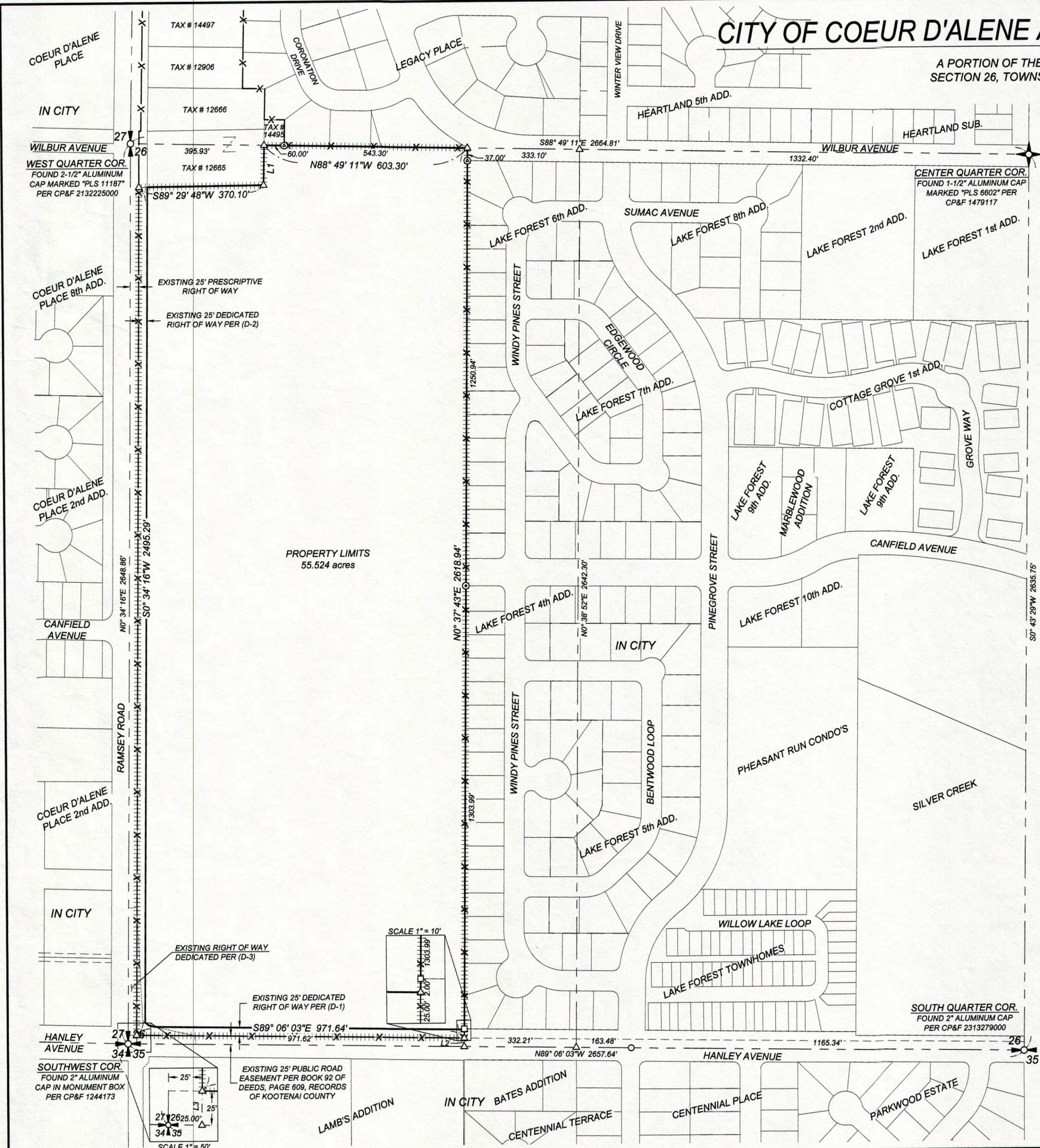
Thence leaving said West line along said existing City boundary,  $N89^{\circ} 06' 03''W$ , 971.64 feet to the True Point of Beginning.

Annexation parcel containing 57.50 acres of land, more or less.



# CITY OF COEUR D'ALENE ANNEXATION ORDINANCE No.

A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO



## BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS N89°06'13"W, SHOWN HEREON AND ON (P-1) AS THE SOUTH LINE OF THE SOUTHWEST QUARTER PER IDAHO STATE PLANE, WEST ZONE (NAD83).

## NOTE

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

## REFERENCE DOCUMENTS

- (R-1) RECORD OF SURVEY PREPARED BY RUEN-YEAGER & ASSOCIATES, INC. AND FILED AT BOOK 25 OF SURVEYS, PAGE 319, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-1) PLAT OF LAKE FOREST TOWNHOUSES PREPARED BY FRAME & SMETANA, PA CONSULTING ENGINEERS AND FILED AT BOOK J OF PLATS, PAGE 238, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-2) PLAT OF LAKE FOREST 1st ADDITION PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK G OF PLATS, PAGE 425, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-3) PLAT OF LAKE FOREST 2nd ADDITION PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK I OF PLATS, PAGE 57, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-4) PLAT OF LAKE FOREST 3rd ADDITION PREPARED BY J-U-B ENGINEERS, INC. AND FILED AT BOOK I OF PLATS, PAGE 222, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-5) PLAT OF LAKE FOREST 4th ADDITION PREPARED BY INLAND NORTHWEST CONSULTANTS AND FILED AT BOOK I OF PLATS, PAGE 233, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-6) PLAT OF LAKE FOREST 6th ADDITION PREPARED BY INLAND NORTHWEST CONSULTANTS AND FILED AT BOOK I OF PLATS, PAGE 308, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-7) PLAT OF LEGACY PLACE PREPARED BY E.D. SMITH AND FILED AT BOOK I OF PLATS, PAGE 444, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (P-8) PLAT OF COEUR D'ALENE PLACE PREPARED BY INLAND PACIFIC ENGINEERING AND FILED AT BOOK G OF PLATS, PAGE 210, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-1) WARRANTY DEED DATED SEPTEMBER 21, 2006 AND FILED AS INSTRUMENT NUMBER 2056813000, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-2) WARRANTY DEED DATED SEPTEMBER 21, 2006 AND FILED AS INSTRUMENT NUMBER 2056814000, RECORDS OF KOOTENAI COUNTY, IDAHO.
- (D-3) WARRANTY DEED DATED NOVEMBER 23, 1994 AND FILED AS INSTRUMENT NUMBER 1355413, RECORDS OF KOOTENAI COUNTY, IDAHO.

## LEGEND

- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 6602"
- ⊙ FOUND 1/2" BENT REBAR OR AS NOTED
- FOUND 2-1/2" ALUMINUM CAP
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "JUB PLS 4565"
- △ CALCULATED POINT, NOTHING FOUND OR SET
- PROPERTY LINE
- - - SECTION LINE
- EXISTING LOT LINE
- - - EASEMENT LINE
- X-X- EXISTING CITY LIMITS
- +++++ PROPOSED ANNEXATION BOUNDARY OR SET

Line Table		
Line #	Length	Direction
L1	117.86	N1° 01' 53"E
L2	25.00	N0° 37' 43"E
L3	25.00	N0° 34' 16"E



SCALE: 1" = 200'

## SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY PERFORMED BY ME IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO, COMPLETED IN OCTOBER 2013, AT THE REQUEST OF HALLMARK HOMES.

CHECKED BY: DES  
DRAFTED BY: SMA  
SCALE: 1" = 200'  
DATE: 11/1/2013  
JOB NO: LCE 13-078

LAKE CITY ENGINEERING  
3909 N. SCHREIBER WAY, STE. 4  
COEUR D'ALENE, IDAHO 83815  
PHONE: 208-676-0230

1



# CITY OF COEUR D'ALENE

PLANNING DEPARTMENT

CITY HALL, 710 E. MULLAN  
COEUR D'ALENE, IDAHO 83816-3964  
208/769-2271

February 13, 2014

Lake Forest, LLC  
179 E. Wilbur Avenue  
Dalton Gardens, ID 83815

RE: Items A-1-14 – Zoning Prior to Annexation from County Agricultural-Suburban and Commercial to City R-8

S-1-14 – 176-lot Preliminary Plat Subdivision “Lake Forest West”

Gentlemen:

On January 14, 2014, the Planning Commission held a public hearing on the above-referenced items and, by 4 to 0 votes, approved the request for zoning prior to annexation and the preliminary plat known as “Lake Forest West”.

The findings were approved at a later Planning Commission meeting held on February 11, 2014.

A copy of the Planning Commission's Findings and Order (decision) is available from this department upon request.

It is now necessary for the City Council to hold a public hearing on the annexation portion of the request. This hearing has been scheduled for Tuesday, **March 18, 2014** at 6 P. M. in the Coeur d'Alene Public Library Community Room (lower level), 702 E. Front.

If the City Council approves the annexation, an Annexation Agreement and Ordinance will be prepared. Please do not hesitate to contact Warren Wilson, Deputy City Attorney if you have any questions regarding the Annexation Agreement. Once the applicant signs the Annexation Agreement and pays the annexation fees, the agreement and Annexation Ordinance will be scheduled for final action by the City Council. Once the Council adopts the Annexation Ordinance and the City Clerk advertises it in the Coeur d'Alene Press, you are officially annexed.

It should be noted that, if ordinance adoption is not obtained within six months of the City Council approval or by **September 18, 2014**, the Council approval of the annexation expires. Attendance at the City Council meeting to approve the agreement and adopt the ordinance is not required, but please exercise your own discretion. You may contact the City Clerk's Office to find out when this item has been scheduled.

The Planning Commission also approved the above-referenced preliminary plat with the following conditions:

#### ENGINEERING:

1. The easements containing the pedestrian walkways will be required to be placed in tracts dedicated to the homeowners association (HOA) in order to ensure maintenance and upkeep for the residents of the subdivision.
2. Ingress/Egress to the proposed commercial lot at the Hanley/Ramsey intersection is restricted to points two hundred feet (200') from the intersection of the respective curblines.

3. Joint driveway approaches will be required for all lots situated on the street "knuckles". Individual driveways can begin at the "backside" of the sidewalk for the individual lots.
4. Installation of City standard five foot (5') sidewalk will be required along the total length of the Ramsey Road frontage. Installation of the sidewalk is required to be completed with the initial phase of the subdivision development.

**PLANNING:**

1. A minimum 10' tract for a planting screen shall be dedicated for all double frontage lots.
2. A planting screen landscaping plan approved by the Planning Department and installed, prior to final plat approval or, if not installed before final plat approval, a bond or other sufficient security for the planting screen landscaping approved by the city attorney, equal to one hundred fifty percent (150%) of the costs of landscaping, provided by the owner/developer and held by the City until said landscaping is complete.
3. Formation of a home owner's association, with CC&R's approved by the City Attorney, for the purpose of maintaining the planting screen landscaping.

**FIRE:**

1. The location of the proposed emergency 20' FD access shown on the revised plans is acceptable. This access is shown on the revision as an easement with no detail. This access will need to be paved and able to support our largest apparatus (Ladder Truck) and controlled with collapsible bollards, 2 at the west access point and 2 at the east access point. This will also be required to be signed with 'Fire Lane-No Parking'. The 20' emergency access must be dedicated on the final plat as a tract.

**SEWER:**

1. The 20' wide sidewalk / sewer easement between Lots 126 and 127 as shown on Sheet 4 of 4 (LCE 13-078, 12/02/2013) must be dedicated to the City and defined on the Plat.
2. The Wastewater Utility shall be notified for inspection of Lot 76's (commercial) sanitary sewer connection to the public sanitary sewer in Ramsey Road.

Pursuant to Section 16.10.030.B of the Municipal Code, "the determination of the Planning Commission shall become final on **February 25, 2014**, ten days after the decision has been published in the official newspaper, unless appealed to the City Council." Any property owner or resident may file an appeal. You may call our office on Tuesday, April 8th to find out if an appeal has been filed.

Since your property must first be annexed in order for city regulations to apply, approval of your final plat must occur within one-year of the date of adoption of the annexation ordinance by the City Council, or you must file for an extension of the preliminary plat. A six-month extension may be requested in writing and must be received by the Engineering Services Department at least six weeks prior to the expiration date of the preliminary plat.

This letter constitutes your notice to proceed with the design of public improvements, but please remember that any work you do, prior to actual Council approval of the annexation, is at your own risk.

It is important that you work closely with Chris Bates of the Engineering Services Department during the design phase of the public improvements, and Dennis Grant, Engineering Project Manager, during the development of the final plat document. It will be necessary for the public improvement plans to be approved by the City Engineer, prior to construction. Processing of the improvement plans and final plat document usually take six to eight weeks to process so, at your earliest convenience, please submit those materials to us.

After approval of the construction drawings by the City Engineer, you will be authorized to proceed with actual construction of improvements. If you choose to proceed with construction, it will be necessary for you to request inspection prior to any roadway paving, and to provide reports to the City Engineer. Upon satisfactory completion of construction and receipt of a written request, the final plat will be forwarded to the City Council for acceptance of improvements and approval of the plat.

Should you elect not to proceed with construction of public improvements, please provide Chris Bates with cost estimates of the public improvements and the form of security for use in developing the required public improvements agreement. After the agreement has been signed by the owner and approved by staff, you may request final plat approval in writing. The plat will be placed on the next available Council agenda. If, after approval, the improvements are not constructed within the established three-year period, the security will be redeemed and the improvements will be constructed by the city.

In either case, the property must be annexed, the final plat recorded and improvements substantially completed, before building permits can be issued. For the improvements to be substantially completed, you must have installed all water and sewer services, curb and gutter, street and stop signs, and sub-grade in preparation for paving.

The Planning team will function as the administrative coordinator of the subdivision process and be the clearinghouse for all application documents, requests, correspondence, and other submittals. Technical questions and issues relative to the plat document and construction details can be addressed directly to Chris Bates, Project Manager with the Engineering Team.

If I can be of further assistance during the remainder of this project, please do not hesitate to contact me.

Sincerely,



TAMI STROUD  
Planner

cc: Drew Dittman, Lake City Engineering  
Chris Bates, Engineering Project Manager  
Dennis Grant, Engineering Project Manager

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

**DATE:** May 6, 2014  
**FROM:** Gordon Dobler, Engineering Services Director  
Warren Wilson, Interim Planning Director

**SUBJECT:** Subdivision Ordinance Revisions

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**DECISION POINT**

Staff is requesting approval of the proposed revisions to the subdivision ordinance

**HISTORY**

Staff recently completed a complete review of the existing subdivision ordinance. As part of that process multiple workshops were held with the Planning Commission to refine the proposed changes. The Planning Commission held a public hearing on the proposed recodification of the subdivision ordinance on December 10, 2013. The Commission approved the proposed changes. The proposed changes were discussed at a City Council workshop on January 23, 2014. Since that time staff has refined the language and prepared an ordinance to recodify the subdivision code. Generally, the code has been rewritten and reorganized to update the language for clarity and to make the code more user friendly. The following is a summary of the more significant changes:

**Revisions to Street and Right-of-Way Widths.** Staff is recommending major revisions to these categories in order to reduce or eliminate requests for variances or deviations through PUD's. The proposed widths reflect what has been approved through PUD's or deviations. These changes have been reviewed by the County planning staff as required under our Area of City Impact Agreement.

**Revisions to Landscape Buffer Requirements.** The proposed code contains provisions to beef up our requirements for landscape buffers along double fronted lots. These requirements provide for buffers of varying widths, depending on the street type, as well as landscaping and maintenance standards.

**Boundary Line Adjustments.** The current ordinance does not specifically address BLA's. This revision provides a specific process for reviewing and approving requests to adjust boundary lines.

**Short Plat Process.** Staff has proposed a streamlined process for reviewing and approving short plats. The proposal is for these plats to be approved administratively by staff following a notice and comment period for neighbors. This process will allow the plats to move through the approval process more quickly while also providing for notice to neighbors, which is not currently required.

**Revised Findings.** The proposal incorporates revisions to the findings required to approve a subdivision in order to make them more consistent with the requirements of I.C. 67-6535 and

guidance from the Idaho Supreme Court regarding using the Comprehensive Plan as an approval criteria.

**Appeal to City Council.** The existing ordinance does not contain clear requirements for appealing a subdivision determination to the City Council. The proposed code provides a process that mirrors the process for appeals in other land use decisions.

Applicant: City of Coeur d'Alene  
Request: Subdivision Ordinance revision  
LEGISLATIVE (0-3-13)

City Engineer Dobler presented the staff report and explained the significant changes:

- Revisions to Street and Right-of-Way widths
- Revisions to Landscape Buffer requirements
- Addition of a section for Boundary Line Adjustments
- Revisions to the Short Plat Process

Deputy City Attorney Wilson suggested that staff can go page-by-page to explain the proposed changes within the subdivision ordinance, if desired.

The commission discussed the above items and approved the request.

**Motion by Luttropp, seconded by Evans, to approve Item 0-3-13. Motion approved.**

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 14-1005

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING TITLE 16 ENTITLED SUBDIVISIONS AND ADOPTING A NEW TITLE 16 ENTITLED SUBDIVISIONS; PROVIDING RULES FOR ADMINISTERING THE SUBDIVISION APPROVAL PROCESS INCLUDING, HEARING AND APPROVAL CRITERIA, DESIGN AND IMPROVEMENT STANDARDS, BOUNDARY LINE ADJUSTMENT PROCEDURES, RULES FOR APPROVING SHORT SUBDIVISIONS AND CONDOMINIUMS, WARRANTY PROVISIONS AND PROVIDING THAT VIOLATIONS ARE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT TO EXCEED 180 DAYS OR BOTH; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

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

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

**SECTION 1.** *That Coeur d'Alene Municipal Code Title 16 is hereby repealed.*

**SECTION 2.** *That a new Title 16, entitled SUBDIVISIONS, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**Title 16  
SUBDIVISIONS**

**Chapter 16.05  
ADMINISTRATION**

**6.05.010: AUTHORIZATION:**

This title is enacted pursuant to the city's general police power and the authority granted to cities by Idaho Code Section 67-6513.

**6.05.020: PURPOSE AND APPLICABILITY:**

A. The purpose of this title is to prescribe the procedures by which:

1. A parcel of land is divided into two (2) or more lots, tracts, or parcels for the purpose (whether immediate or future) of transfer of ownership.
2. Divisions are made for condominium or townhome ownership purposes.
3. Proper provision for public and private infrastructure, including location, design and construction, is made.

B. This title applies to all divisions of property, including lot line adjustments, located within the city except for the acquisition of right of ways by a public agency.

### **16.05.030: DEFINITIONS:**

Words in this title used in the present tense include the future; the plural includes the singular; the words “must”, “shall” and “will” indicate a mandatory requirement while the word “may” indicates that discretion may be used; and the words "used" or "occupied" shall be considered to be followed by the words "or intended, arranged, or designed to be used or occupied".

Unless the context indicates otherwise, the following terms, used in this title, have the following meanings:

**ADJACENT** means near, close or abutting.

**BLOCK** means a parcel of land bounded on all sides by street rights of way, railroad rights of way, waterways, parks, unsubdivided acreage, or a combination thereof.

**CITY ENGINEER** means the person who is appointed by the city to perform the function of the city engineer or his or her designated representative.

**COMMISSION** means the Coeur d'Alene City Planning and Zoning Commission.

**COMPREHENSIVE PLAN** means the plan adopted by the Coeur d'Alene City Council as the comprehensive plan for the city.

**CONDOMINIUM** has the same meaning as that provided by Idaho Code Section 55-101B and generally means an estate consisting of individual ownership of units together with common ownership of the underlying land and other common areas.

**CUL-DE-SAC** means a street opening at one end and having a turnaround at the other end.

**DEDICATION** means the deliberate appropriation of land by its owner for any private or public use, reserving no other right than such as are compatible with the full exercise and enjoyment of the uses to which the property has been appropriated. Public dedications shall take effect only upon recordation of the approved plat and acceptance by the city council.

**DEVELOPER or SUBDIVIDER** means any person or legal entity undertaking the subdivision of a lot, block or other parcel of land.

**DRIVEWAY or PRIVATE DRIVEWAY** means a vehicular access to a lot or lots, located on privately owned property such as a lot or tract.

**EASEMENT** means a grant by a property owner to a separate entity of the right to use that property for a specific use. Easements created on a plat take effect only upon recordation of the approved plat.

**INFRASTRUCTURE:**

**PUBLIC INFRASTRUCTURE** means the infrastructure needed to provide access and services provided and/or maintained by the city including, but not limited to, streets, sidewalks, pedestrian/bicycle trails, and water and wastewater lines.

**PRIVATE INFRASTRUCTURE** means the infrastructure needed to provide telephone, electrical, gas, cable and other services not provided by the city.

**LOT** means a portion of a plat or subdivision to be transferred or developed as a single unit.

**DOUBLE FRONTAGE LOT** means a lot with street frontage along two (2) opposite boundaries. Where one of the frontages is an arterial or collector street, that frontage will be considered the rear of the lot.

**REVERSE FRONTAGE LOT** means a double frontage lot with a recorded tract along the rear of the lot as provided in section 16.15.180 of this title.

**LOT GRADING** means any change to the topography of a lot existing at the time of subdivision.

**PLANNING DIRECTOR** means the person employed by the city to perform the function of the planning director or his or her designee.

**PLAT** means the drawing, map or plan of a subdivision, cemetery or other tract of land including certifications, descriptions and approvals.

**FORMAL PLAT** means a division of land which produces more than four (4) lots, or which contains a dedication for a new public right of way, or which produces a lot that does not meet the minimum frontage requirements of Title 17 of this code.

**SHORT PLAT** means a division of land which produces four (4) or fewer lots, and which contains no dedication of a new public right of way (other than right of way for widening an existing right of way).

**CONDOMINIUM PLAT** means a division of units in a structure or structures for condominium ownership purposes without a subdivision of the land upon which the structure or structures sit.

**FINAL PLAT** means the plan of a plat, subdivision or dedication, or any portion thereof, prepared for recordation by the county recorder and containing all the elements and requirements for a final plat contained in this title.

**PRELIMINARY PLAT** means a drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision which will furnish the basis for the city's review of the subdivision as provided in this title.

**RIGHT-OF-WAY** means a portion of property dedicated for public use and accepted for such by the city council, to provide circulation and travel to abutting properties, and including, but not limited to, streets, sidewalks, provision for public and private utilities.

**STREET** or **ROADWAY** means that portion of a right-of-way improved, maintained and intended for use by vehicles to provide traffic circulation, primary access to abutting properties, and parking. This definition includes all of the area typically located between curbs.

**ARTERIAL** or **COLLECTOR STREET** means a street primarily for through traffic, minimizing intersecting streets and direct access to abutting properties and primarily for the purpose of accommodating general traffic circulation of the community. Arterial and Collector streets are identified by having either a "federal aid" designation or by being designated as such by the city council in the approved transportation plan.

**LOCAL STREET** means a street usually of limited continuity, which serves primarily to provide the principal means of access to abutting property only.

**PRIMARY FRONTAGE STREET** means a street with parking on both sides of the street where primary access or driveways for the adjacent lots is located and where vehicles would park to access the homes or primary structures.

**RURAL MINOR ACCESS STREET** means a street intended for use in hillside zones or low density development where driveway access is infrequent and parking is prohibited.

**SECONDARY FRONTAGE STREET** means a street where access to the adjacent lots is not typically located, such as side streets or streets that are located at the back or side of the lot. Secondary frontage streets may have parking restricted in accordance with the requirements of this section.

**SUBDIVISION** means an area of land which has been divided into lot(s), or tracts, parcels or divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. This definition includes divisions made for condominium purpose.

HILLSIDE SUBDIVISION has the same meaning as that given in section 12.28.210(C)(5) of this code.

TOWNHOUSE means two or more single family residences connected by a common wall, with each unit situated on its own individual lot and there is sole ownership of the lot and the structure.

TRACT means a non-buildable lot reserved for open space, private driveways, landscaping, common ownership, or other related uses.

ZONING RESTRICTIONS means the restrictions contained in the zoning ordinances of the city codified as Title 17 of this code.

**16.05.040: POLICIES AND PROCEDURES:**

The subdivision ordinance is administered by the planning department of the city. The planning director will establish and update, from time to time, written policies and procedures to implement the provisions of this title. All plats shall be received by the planning director or his designee and delivered to all appropriate city employees to review for compliance with all adopted standards for plats.

**16.05.050: APPEAL OF STAFF INTERPRETATIONS:**

- A. A person who is aggrieved by city staff's interpretation or administration of this title may appeal staff's decision, action or refusal to act to the planning commission. The appeal must be submitted in writing to the planning director specifying the grounds for the appeal within ten (10) days following the date of staff's decision, action or notification that staff will not act. The commission will review the appeal and render a decision at the next available meeting allowing time for staff review and input on the request. The commission must interpret the provisions of this title in such a way as to carry out the purpose and intent of this title.
- B. The decision of the planning commission is final unless an aggrieved person files a notice of appeal to the city council with the city clerk within ten (10) days of the date of the planning commission decision. The appeal, which must be accompanied by the required fee, must be in writing and state the basis for the appeal. Upon receiving notice of appeal, the council will set a date for a review of the matter, which will be held within thirty (30) days of the date of the appeal. In its review, the city council will review all relevant records and may take such additional evidence and argument as it deems relevant. The council may overrule or alter the decision of the planning commission, provided, however, that the council must interpret the provisions of this title in such a way as to carry out the purposes and intent of this title.

**16.05.060: FEES SET BY RESOLUTION:**

All fees, civil penalties, and/or deposits authorized by this title will be established by resolution of the city council.

**Chapter 16.10**  
**BOUNDARY LINE ADJUSTMENTS**

**16.10.010: APPLICABILITY:**

The provisions of this chapter establish the requirements for adjustment of boundary lines of platted lots or legally created un-platted parcels. Boundary adjustments will not be approved for lots that were not legally created. An application for a boundary line adjustment may be submitted to adjust a single common boundary between two adjoining legal lots or parcels if the proposed boundary adjustment does not:

1. Create any additional lots;
2. Include any lots or parcels which are not legal lots, as defined by City ordinance;
3. Impair existing access or easements, or create the need for new easements or access to any adjacent lots;
4. A boundary line adjustment has not been completed on the subject lot(s) within the previous 365 calendar days.

**16.10.020: APPLICATION:**

An application for a boundary line adjustment must be filed with the city engineer on a designated form along with such other information as may be required. The application must include a current title report for the affected properties and three (3) copies of a scaled drawing of the proposed adjustment showing the following;

1. All existing and proposed boundaries of the affected lots with dimensions
2. All existing structures with dimensions and distances to existing and proposed boundaries
3. Existing sewer and water services to the affected lots
4. Existing street frontages and accesses of each lot

The city engineer will refer copies of the application to the planning director and building official for review and comment.

**16.10.030: APPROVAL:**

Once the application has been accepted and comments forwarded to the applicant, a record of survey must be submitted for review and approval by the city engineer. The record of survey must contain a certificate of approval for the city engineer. The city engineer will approve the boundary line adjustment only after determining that all of the following conditions have been met.

1. Only one common lot line between two lots or parcels is being adjusted.
2. Both lots were legally created.
3. No additional lots have been created.
4. No more than two deflection points are being set on the adjusted line.
5. The accompanying warranty deed accurately describes the property to be transferred by a meets and bounds description recorded with the Kootenai County recorder and referenced by instrument number on the record of survey.
6. All resulting lots adhere to the site performance standards set forth in titles 15 and 17 of the city code.
7. No existing easements or access have been impaired or the need for new easements or access to the subject lots or adjacent lots has been created.
8. The adjusted lots are served by sanitary sewer and water services. Lots shall not be adjusted so that they do not, or cannot, have sewer and water services that conform to applicable city policies and standards.
9. The record of survey has been prepared by an Idaho licensed surveyor in conformance with the requirements of Idaho state statutes and this chapter.
10. All new property corners have been monumented as generally required by this title and Idaho code.

Upon determining that all of the above requirements have been met, the city engineer will affix his certificate of approval to the record of survey.

**16.10.040: ISSUANCE OF BUILDING PERMITS:**

No building permits will be issued on lots or parcels whose boundaries have been adjusted without the approval of the city engineer, nor will they be issued on lots or parcels whose boundaries are being adjusted until the all the requirements of this chapter have been met and the record of survey and warranty deeds recorded.

**CHAPTER 16.15  
SUBDIVISION DESIGN STANDARDS**

**16.15.010: GENERALLY:**

Developers seeking preliminary plat approval must design their subdivisions in conformity with the design standards contained in this chapter and the currently adopted fire code.

**16.15.020: STREETS AND PATHS TO CONFORM WITH PLAN:**

The alignment of arterial and collector streets and multi-use paths must conform as nearly as possible with that shown on the adopted transportation and trails elements of the city's adopted comprehensive plan.

**16.15.030: CONTINUITY OF STREET AND PATH NETWORK:**

The street and multi-use path layout must provide for the continuation of existing principal streets and trails in adjoining subdivisions. The layout must provide for future continuation of streets and trails into areas which are not presently subdivided.

**16.15.040: STREET ACCESS TO BODIES OF WATER:**

Unless topography or conditions prevent, subdivisions bordering on a navigable lake or river must be provided with at least one right-of-way not less than sixty feet (60') wide to the low water mark of the water body at one-eighth (1/8) mile intervals as measured along such body of water.

**16.15.050: LOCAL STREET DESIGN:**

Local streets which serve primarily to provide access to abutting property only must be designed to discourage through traffic.

**16.15.060: DEAD-END STREET AND CUL-DE-SAC DESIGN:**

Streets designed to have one end permanently closed or in the form of a cul-de-sac can be no longer than four hundred feet (400') and must be provided at the closed end with a turnaround having a minimum right-of-way radius of not less than fifty feet (50') or with "Y" or "T" permitting comparable ease of turning. Pedestrian walks as specified in section 16.15.150 must also be installed at the end of cul-de-sacs with reverse frontage lots.

**16.15.070: ACCESS RIGHTS ON LIMITED ACCESS STREETS:**

Streets designated in the Transportation Plan as "limited access" must have abutters rights of access waived on the final plat.

**16.15.080: STREET ALIGNMENT:**

Connecting street centerlines, deflecting from each other at any one point more than ten degrees (10°), must be connected by a curve of at least one hundred feet (100') radius for local streets and at least three hundred feet (300') radius for collector and arterial streets. A tangent at least one hundred feet (100') long shall be introduced between curves on arterial streets.

**16.15.090: INTERSECTION DESIGN:**

Street intersections must be as nearly at right angles as is practicable. Approach angles must not be more than fifteen degrees (15°) from a right angle. Street intersection centerline off-sets will not be allowed. Where centerline offsets are unavoidable they must be offset by a minimum of one hundred twenty five feet (125').

**16.15.100: STREET GRADES:**

Streets must conform closely to the natural contour of the land. However, grades must be not less than thirty one-hundredths percent (0.30%) on any street and not more than eight percent (8%) for any streets or as otherwise determined by the city. Changes in grades greater than 1% must be connected by vertical curves.

**16.15.110: RIGHT OF WAY WIDTHS:**

A. Street right-of-way widths must comply with the transportation element of the city's adopted comprehensive plan, but will not less than:

1. Arterials: 100 feet.
2. Collectors: 70 feet.
3. Local Streets: 55 feet.
4. Rural Streets: 50 feet.

B. A street right-of-way lying along the boundary of a subdivision may be dedicated one-half ( $\frac{1}{2}$ ) the required width where there exists a dedicated half-street right-of-way on the adjoining plat. The city may require the other half be dedicated on the proposed plat to make the street right-of-way complete. When construction of an adjoining street is required as a condition of plat approval, the developer will be required to obtain the necessary right-of-way from the adjoining properties, at the developers cost.

**16.15.120: PRIVATE INFRASTRUCTURE EASEMENTS:**

Easements for private infrastructure such as electricity, gas, communication, and fiber must be provided adjacent to the right-of-way and must be of sufficient width to accommodate the intended use.

**16.15.130: WATERCOURSE EASEMENTS:**

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the developer must make provision to accommodate the offsite flow. Any alteration to the watercourse may not result in an increase in either volume or velocity of flow to the downstream property. Drainage easements must be granted to the upstream properties.

**16.15.140: BLOCK LENGTH:**

In general, blocks shall be as short as is reasonably possible, consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed, but, ordinarily, block lengths shall not exceed the following standards as measured from centerline to centerline of through intersecting streets:

1. 600 feet block length in all Residential zones;
2. 1000 feet block length for Commercial and Manufacturing districts;

**16.15.150: MID-BLOCK WALKWAYS:**

A pedestrian access easement or tract must be provided at the end of cul-de-sacs or closed-end street and at the approximate midpoint of any block exceeding six hundred feet (600') in length, or in any block of lesser length where such a crosswalk is deemed essential by the city engineer to provide circulation or access to surrounding neighborhoods, schools, playgrounds, shopping centers, transportation lines and other community facilities. The required access easements or tracts must be a minimum of 15' wide and contain a paved path at least 8' wide.

**16.15.160: LOT FRONTAGE AND ACCESS:**

- A. Each lot must have frontage on a public street sufficient to provide legal access or as prescribed in the zoning ordinance, whichever is greater.
- B. Lots may front, and access from, private driveways if one of the following conditions are met;
  1. Residential lots served by common parking and driveways may front and access from a private driveway situated in a separate tract dedicated on the final plat. Driveways for single family residences may not serve more than 5 lots, except for pocket housing developments.
  2. Commercial lots that are served by common parking and driveways (i.e. shopping centers) may be accessed by easements or separate tracts dedicated on the final plat.
- C. Private driveways may not provide access through the parcel to another street. They can be looped or dead-end only. Private driveways must meet the design requirements of section 17.44.280 and the currently adopted fire code.
- D. Prior to the issuance of building permits a maintenance agreement must be recorded on each affected lot detailing the expected life cycle and maintenance costs for the driveway and defining the pro-rata share for each lot.

**16.15.170: LOT SIZE:**

Lot widths and areas must conform with the requirements of the zoning district and any zoning overlay district in which the lot is located, except that corner lots for which side yards are required shall have extra width to permit appropriate setbacks from and orientation to both streets. Lot depths must be suitable for the land use proposed.

**16.15.180: DOUBLE FRONTAGE LOTS:**

A. Residential lots that have street frontage along two (2) opposite boundaries are not allowed except for reverse frontage lots which are essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation.

B. For such lots, in order to improve the visual quality of the streetscape, and to provide adequate protection from the street, landscaped buffer areas must be provided along single family residential lots whose property lines are adjacent and parallel to collector and/or arterial streets.

1. Perimeter Landscape Buffer:

a. The buffer must be located outside of any planned future right-of-way, and should not be used for future roadway improvements.

b. The width of the buffer along arterial streets must be a minimum of 30 feet. The width of the buffer along collector streets must be a minimum of 20 feet. Where a subdivision requiring a buffer is less than five (5) acres in size, and located in a developed area where existing subdivisions without buffers abut the adjacent streets, the planting strip must be at least ten (10) feet in width.

c. Buffer zones must be dedicated on the final plat as tracts.

2. The design of the buffer must comply with the following standards:

a. Landscaping, as used herein, must include as a minimum, grass, native and other drought resistant vegetation and street trees as required by the city. Non-vegetative materials, such as decorative rock, bark, and perma-bark, may not be used in lieu of landscaping. However, non-vegetative material may be used to augment the landscape or around the base of shrub groupings or flower beds as long as the coverage does not exceed twenty (20) percent. The use of bark or other loose material shall be designed or located to keep the bark from being blown onto the paved path.

b. The twenty (20) percent limitation on non-vegetative material does not apply if the landscape is designed by a licensed landscape architect and the non-vegetative material is used to complement or visually enhance the vegetative material.

c. A permanent irrigation system must be provided for all landscaped areas. The use of hose bibs on the exterior of existing or proposed structures is not an acceptable method of landscape irrigation, unless the landscaped area is adjacent to the existing or proposed structure. All irrigation systems and landscaped areas must be designed, constructed, operated, and maintained so as to promote water conservation and prevent overflow or seepage into adjacent streets or sidewalks/trails.

3. Maintenance: The developer is required to form a property owners' association prior to final plat, with said buffers to be owned and maintained by a perpetual property owners' association. Alternatively, if the subdivision has only one lot fronting on a collector or minor arterial, a homeowners' association will not be required for the maintenance of the greenbelt if a non-revocable covenant, approved by the city, is recorded against the property fronting the greenbelt memorializing the obligation.
4. Completion Time:
  - a. All improvements required by this section must be installed prior to final plat approval or occupancy of a building subject to development review.
  - b. The planning director may authorize a delay in the completion of planting during the months of October through March. Should a delay be granted, a bond or other sufficient security, approved by the city attorney, equal to one hundred fifty percent (150%) of the costs of landscaping, must be provided by the owner/developer and held by the city until the required landscaping is complete. No final certificate of occupancy will be issued until the landscaping is complete.

## **Chapter 16.20 PROCEDURES FOR ALL PRELIMINARY PLATS**

### **16.20.010: PREAPPLICATION MEETING FOR ALL PRELIMINARY PLATS:**

- A. Every developer seeking preliminary approval of formal and short plats within city limits must meet with city staff, including, but not limited to, a representative of the planning department, engineering, parks department and the city's utilities, at least six (6) weeks prior to submission of the request for preliminary plat approval. A developer seeking a preapplication meeting must submit four (4) copies of a concept plan to the planning director who will schedule the preapplication at the earliest available date. The purpose of this meeting is to discuss informally the purpose and effect of the subdivision ordinance, and the criteria and standards contained therein, parks and open space development and connectivity to the city's parks and trail system, the provision of city utility services, and to familiarize the developer with the comprehensive plan, the parks master plan, the zoning ordinance, and the subdivision ordinance. The planning director, after consulting affected departments, may allow for application submission prior to the six (6) week deadline in cases where adequate discussion of city criteria and standards have taken place and may waive the requirement for a preapplication meeting for short plats if he or she determines that the short plat will have limited impact on public infrastructure.

- B. Developers of condominium plats must meet with staff prior to application submission to discuss the subdivision proposal and relevant city code requirements.

**16.20.020: APPLICATION FEES FOR ALL PRELIMINARY PLATS:**

- A. All applications for preliminary plat approval must be accompanied by the fee adopted by the city council.

- B. Waiver of Fees: Fees shall be waived as specified below:

1. Public Agency: No fee shall be charged for an application filed by any city, county, district, state, federal or agency thereof.
2. Renewals: No fee shall be charged for an application to extend a termination date prescribed as a condition of an approval which has been granted and which has not expired; provided, that no substantial change in plans or other condition of approval is proposed.
3. Amendment of Approved Subdivision: No per lot fee shall be charged for an application to modify or amend an approved preliminary plat so long as the subdivider has previously paid the currently required per lot application fee and the fee has not been expended for its intended purpose. If the amount of the required per lot fee increases in the interim between the date that the developer pays the fee and the date that the developer submits an application to modify or amend the approved subdivision, the developer shall pay the difference between the amount previously paid and the current per lot fee unless the fee has been expended for its intended purpose, in which case the developer will pay the full per lot fee.
4. Reapplication: The planning director may, in his or her discretion, waive all or part of an application fee for an application that was submitted and denied without prejudice within the previous year.

- C. Refunds: The planning director may refund an application fee in whole upon a determination that the application was erroneously required or filed.

**16.20.030: GENERAL REQUIREMENTS FOR ALL PRELIMINARY PLAT DOCUMENTS:**

The preliminary plat shall include the following:

- A. The proposed name of the subdivision. Names shall not too closely resemble those of existing subdivisions, nor shall given names or initials be used with surnames in a plat name;
- B. The location of boundary lines in relation to section, quarter-section, and quarter-quarter-section lines and any adjacent corporate boundaries of the city which are part of the legal description of the property;

- C. The names and addresses of the developer, owner and all lienholders, and the engineer, surveyor, or other person making the plat;
- D. The scale of the plat, which shall not be less than fifty feet to one inch (50' = 1") nor more than one hundred feet to one inch (100' = 1");
- E. The date of submission and the north arrow;
- F. The location, width and name of each existing or proposed street rights of way, other rights of way, easements, parks, sidewalks, pedestrian and bicycle facilities and open spaces and existing permanent buildings within the proposed subdivision;
- G. The names of adjacent subdivisions and the location and names of all adjacent streets;
- H. The topography at an appropriate contour interval (unless specifically waived by the City Engineer), the location of all natural watercourses, and other physical features pertinent to the subdivision;
- I. The layout, numbering and dimensions of lots and the numbering of blocks;
- J. The indication of any portion or portions of the plat for which successive or separate final plats are to be filed;
- K. Net acreage of subdivision, computed by calculating the total land area less proposed or existing public streets and other public lands;
- L. The vicinity sketch shall be a legible scale and shall show the relationship of the proposed plat to existing schools, parks, shopping centers, and other like facilities;
- M. The city engineer may require the proposed street grades be shown on the plat where, in his or her opinion, conditions so warrant;
- N. The layout and dimensions of existing and proposed water, sanitary sewer, and drainage easements.
- O. A lot grading plan showing the existing and final grades with 2 foot contours.

**16.20.040: LAPSE OF APPROVAL OF PRELIMINARY PLAT APPROVAL:**

Preliminary plat approval, whether conditional or not, shall be effective for twelve (12) months from the date of planning commission approval or from the date of recordation of the final plat for the preceding phase of the development in an approved phased subdivision. The planning commission, upon written request, may grant up to five (5) extensions of twelve (12) months each upon a finding that the preliminary plat complies with current development requirements and all applicable conditions of approval. The planning commission may modify and/or add conditions to the final plat to ensure conformity with adopted policies and/or ordinance changes

that have occurred since the initial approval. A request for an extension of a preliminary plat approval must be received by the planning director no later than ninety (90) days after the date that the approval lapsed and must be accompanied by the required fee.

**Chapter 16.25**  
**PROCEDURES FOR PRELIMINARY FORMAL PLATS**

**16.25.010: APPLICATION REQUIREMENTS:**

- A. All requests for preliminary formal plat approval must be on the prescribed form and filed with the planning director and be accompanied by the information required by this section.
1. Four (4) copies of the tentative proposed preliminary plat, together with one reduced scale map in an eight and one-half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") format;
  2. One vicinity sketch;
  3. A title report (prepared within 30 days of the application date);
  4. A list of easement holders of record for the subject property, together with a title report showing easements and encumbrances prepared by a title insurance company; and
  5. An ownership list prepared by a title company or obtained through the county assessor's office. The list must contain the boundaries of the property described in the application, and provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property owners within the boundaries of the subject property and within a radius of three hundred feet (300') from the external boundaries of the property described in the application. The preparer of the list must attach proof of insurance insuring the city against damages from claims that may arise in the event the list is inaccurate, such insurance to be in an amount not less than the amount set forth in Idaho Code section 6-926.
  6. A phasing plan if the developer is seeking approval of a phased subdivision.
- B. The completed application must be received by the planning director not later than the first working day of the month preceding the next regular planning commission meeting at which this item may be heard (approximately 6 weeks prior to the hearing). Acceptance or rejection of the application by the planning director, and notification of the applicant, shall occur within two (2) weeks of submittal.
- C. The completed application shall be accepted for processing as of the date when all maps and information required by this title have been filed, checked and accepted as completed by the planning director and the required fees paid.

**16.25.020: NOTICE OF HEARING:**

Notice of the required public hearing on the formal plat application will contain a description of the property or properties under consideration, a summary of the request, the time and place of the hearing, and any other pertinent information. The required notice will be given by publication in the city's newspaper of record and by mailing a notice to each property owner listed on the owner's list not less than fifteen (15) days prior to the date of the hearing. When notice is required to be mailed to two hundred (200) or more property owners, notice will be provided by publication in the newspaper only.

**16.25.030: PLANNING COMMISSION ACTION:**

A. The commission will, after notice, hold a public hearing to consider the proposed preliminary plat and render a decision. The commission may approve, conditionally approve, deny or deny the request without prejudice. Alternatively, the commission may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the commission must make the following findings:

1. All of the required general preliminary plat requirements for a formal plat (contained in section 16.20.030) have been met as determined by the city engineer;
2. The provisions for sidewalks, streets, alleys, rights of way, easements, street lighting, fire protection, planting, drainage, pedestrian and bicycle facilities and utilities are adequate;
3. The proposed preliminary plat complies with all of the design standards (chapter 16.15) and can comply, upon construction, with all of the improvement standards (chapter 16.40) contained in this title or a deviation from a specific standard has been requested and granted.
4. The lots proposed in the preliminary plat meet the requirements of the applicable zoning district.

B. A copy of the commission's final decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing; and, notice of the decision shall be published in the official newspaper within ten (10) days of the final decision.

**16.25.040: DEVIATIONS:**

A. In specific cases the commission may authorize deviations from the requirements of chapter 16.15 (Design Standards) and chapter 16.40 (Improvement Standards) of this title but only where, owing to special conditions pertaining to a specific subdivision, the literal interpretation and strict application of the provisions or requirements of this title would cause undue and unnecessary hardship. No deviation from the provisions or requirements of this title may be authorized by the commission unless they find that all of the following facts and conditions exist:

1. Exceptional or extraordinary circumstances or conditions exist warranting the approval of the requested deviation that does not generally apply to other properties in similar subdivisions or in subdivisions in the vicinity of the proposed subdivision.
  2. Approval of the deviation is necessary for the preservation and enjoyment of a substantial property right of the developer or is necessary for the reasonable and acceptable development of the property.
  3. Approval of the deviation will not be injurious to property in the vicinity in which the subdivision is located.
  4. Approval of the deviation is consistent with the comprehensive plan.
- B. The commission may attach conditions of approval concerning the design or features of the deviation in order to meet the purpose and intent of this title.

**16.25.050: APPEAL TO CITY COUNCIL:**

- A. An affected person may request an appeal of the planning commission's decision by filing a written request for appeal with the planning director within ten (10) days after written notice of the decision by the planning commission has been published. The appeal must be accompanied by the fee established by the city council. Upon receipt of an appeal, the planning director will notify the city clerk, so that a time and place may be set for a public hearing by the city council.
- B. The city council will, after notice as prescribed in subsection 17.09.120(B), hold a *de novo* public hearing on the proposal. The city council may approve, conditionally approve, deny or deny the request without prejudice. Alternatively, the city council may defer action on the request until the next scheduled hearing in order to review additional information that it deems necessary in order to render a final decision. In order to approve a preliminary plat request the city council must make the findings contained in section 16.25.30 of this title.
- C. A copy of the city council's final decision shall be mailed to the applicant and property owners who received mailed notice of the public hearing; and, notice of the decision shall be published in the official newspaper within ten (10) days of the final decision.

**16.25.060: EFFECT OF APPROVAL:**

The approval of a preliminary plat does not guarantee final approval of the plat or subdivision, and shall not constitute an acceptance of the subdivision. Rather, the approval authorizes the developer to proceed with the preparation of the final plat in a manner that incorporates all substantive requirements of the approved preliminary plat.

**Chapter 16.30**  
**SHORT SUBDIVISIONS**

**16.30.010: APPLICABILITY:**

- A. The division of land into four (4) or fewer contiguous lots, parcels, tracts or sites may be made by following the procedures outlined in this chapter. If any one of the criteria in this section is not met, the developer must file a request for preliminary formal plat approval as outlined in chapter 16.20 of this title. A short plat subdivision shall be subject to all development improvement standards established by this title.
  
- B. The proposed short plat must meet the following criteria:
  - 1. Comply with all minimum standards and requirements of the zoning ordinance.
  - 2. All lots must have access onto an existing public or private street without the dedication of additional right of way (other than grants necessary to widen existing rights-of-way).
  - 3. The “parent” parcel must not have been created using the short subdivision process within the past five (5) years.

**16.30.020: APPLICATION:**

An application for a preliminary short plat approval must be submitted to the planning director on the form provided by the city and shall be accompanied by all of the information required by this section 16.25.010 of this title for requests for preliminary formal plat approval except that the ownership list need only provide the last known name and address, as shown on the latest adopted tax roll of Kootenai County, of all property owners within the boundaries of the subject property and within a radius of one hundred feet (100') from the external boundaries of the property described in the application.

**16.30.030: STAFF REVIEW AND NOTICE PROCEDURES:**

- A. Upon receipt of a completed request for preliminary short plat approval, the city engineer will review the application to determine if it is complete and if it meets the criteria for a short plat subdivision, and shall schedule a review with the developer if necessary.
  
- B. The city will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the opinion of staff, may be affected by the proposal. In addition, the city will provide written notice to the owners of property within 100 feet of the exterior property lines of the subject property. The notice will provide the property owners with a copy of the proposed short plat plan, general information concerning the proposal, and the time frame for submitting written comments. The period of time for comment or response will not be less than fourteen (14) days from the date of notice.

**16.30.040: NOTICE OF DECISION AND APPEAL:**

- A. The city engineer, acting as a hearing officer, will conduct a short plat subdivision review in consultation with appropriate staff. In order to approve a request for preliminary short plat approval, the city engineer must find that all of findings required by section 16.25.030 for formal plats have been met.

The city engineer will, by written decision, approve, approve with conditions, or deny the request for preliminary short plat approval. Notice of the action taken will be mailed to all owners of real property who received notice of the requested short plat as required by section 16.30.030. A decision to deny must indicate the reasons for denial and explain what steps are necessary to obtain approval.

- B. The developer or any affected party may appeal the decision of the city engineer by filing a notice of appeal with the planning director no later than ten (10) days after the date of the city engineer's decision. The appeal must be in writing and explain in a clear and concise fashion the basis for appeal. The appeal will be set for consideration before the planning commission at the next regularly scheduled meeting of the commission at which it can be reasonably accommodated. The commission will base its decision on whether the findings required by section 16.25.030 have been met and will issue a decision approving, approving with conditions, denying or denying the request without prejudice.

**16.30.050: EFFECT OF APPROVAL:**

Upon preliminary plat approval by the city, the developer may proceed with preparing a final plat and constructing required infrastructure as generally required by this title for formal subdivisions. All of the limitations, requirements and restrictions for final plats, construction of infrastructure, acceptance of infrastructure and warranties applicable to formal subdivisions are applicable to short plat subdivisions.

**Chapter 16.35  
CONDOMINIUM PLATS**

**16.35.010: APPLICABILITY:**

This chapter applies to any subdivision for condominium ownership purposes if the condominium plat is located on a single lot and consists of a division of units without a division of the land on which the structure or structures are located. If the condominium plat does not meet these criteria, it must be approved as a formal or short plat depending on the number of lots created.

**16.35.020: APPLICATION REQUIREMENTS:**

A request for condominium plat approval must be submitted to the planning director and contain or be accompanied by the information contained in sections 16.20.030 and 16.25.010 and chapter 16.50 of this title. A condominium plat application will not be processed until all maps and

information required by this chapter and chapters 16.20 and 16.50 of this title have been filed, checked and accepted by the city engineer.

**16.35.030: REQUIRED IMPROVEMENTS:**

Street, curbing, water, sanitary sewer and storm sewer improvements are not required as part of a condominium plat. However, required public improvements will be included as part of any building permit issued for a condominium project.

**16.35.040: APPROVAL OF CITY ENGINEER:**

- A. The city engineer will only approve and affix his certificate of approval on the plat if he or she finds that the plat conforms with the requirements of this chapter and section 16.50.040(B) of this title.
- B. If the city engineer finds that the criteria required by this chapter have not been met, he or she may either disapprove the application or require the applicant make the necessary changes to allow approval. If the application is denied by the city engineer, the applicant may file a preliminary formal or short plat with the planning director in accordance with the provisions of this title.

**16.35.050: APPROVAL BY CITY COUNCIL:**

- A. Once the completed application has been checked and approved by the city engineer, the condominium plat will be placed on the next regularly scheduled city council agenda for approval. The applicant will be notified of the date of the city council hearing once it is scheduled.
- B. Following review by the city council, the applicant will be notified in writing of the decision of the city council.

**16.35.060: MAP; COPY DISTRIBUTION:**

One print and the original of the approved map will be returned to the applicant who must submit the original to the Kootenai County recorder for filing and recording.

**Chapter 16.40**  
**SUBDIVISION IMPROVEMENT STANDARDS**

**16.40.010:    GENERALLY:**

Developers seeking final plat approval must first design and install the subdivision improvements required by this chapter and titles 15 and 17 of this code or secure the completion of the required improvements as allowed by chapter 16.45 of this title. Improvement design must be completed by an engineer licensed by the State of Idaho and submitted to the city engineer for approval prior to construction and final plat approval. All improvements must be constructed under the supervision of the design engineer in a manner that complies with the city’s construction standards.

**16.40.020:    CAPACITY AND DIMENSIONS OF UTILITIES TO PROVIDE FOR FUTURE DEVELOPMENT:**

The capacities and dimensions of water, sewerage, drainage and street facilities must be adequate to provide for the future needs as identified in the approved utility master plans. The city may share in the cost of these improvements to the extent of the difference in cost between the capacities needed to serve the subdivision and the capacities required to serve the vicinity.

**16.40.030:    STREET WIDTHS:**

A. All streets must be improved in accordance with the following schedules of widths, measured from the inside edge of opposite curbs. Street widths must also conform to the requirements of the currently adopted fire code.

<u>Class of street</u>	<u>Width of street</u>
Arterial	64 feet minimum
Collector	40 feet minimum
Local streets:	
Primary frontage	32 feet minimum
Secondary frontage, parking one side	28 feet minimum
Secondary frontage, no parking	24 feet minimum
Cul-de-sac	50 foot radius
Rural minor access	24 feet minimum

B. Existing improved streets lying along the boundary of a subdivision but not improved to city standards, must be improved by the developer to the center of the street. New unimproved streets adjacent to a subdivision must be improved by the developer to the required full width if the subdivision will directly access the street or use it for ingress or egress.

C. As an alternative to installing improvements on existing streets the developer may/shall pay to the city, in lieu of said improvements, money an amount equal to one hundred ten percent (110%) of the estimated present cost of such improvements. The estimate must be approved by the city engineer. This alternative may be utilized if in the opinion of the city engineer the following conditions are met:

1. The improvement of a street lying along the boundary of a subdivision would create drainage problems due to difficulties matching the existing center line profile to the future curb profile; or
2. The improvement of the street only would create a significant traffic hazard; or
3. Significant excavation of the street is scheduled in the immediate future for purposes of installing utility mains such as sewer or water.

**16.40.040: CURBS:**

All streets must be improved at each edge of the roadway with Portland cement concrete curbs constructed to city standards.

**16.40.050: SIDEWALKS:**

Except for hillside subdivisions, all streets must be improved with sidewalks constructed to city standards. Installation must be completed prior to the issuance of any building permits or final subdivision plat approval except as may be allowed by chapter 16.45 of this title.

**16.40.060: GUTTERS AND STORM SEWERS:**

Surface drainage from streets and other areas must be disposed of through an adequate system of gutters and storm drainage facilities designed and constructed to city standards.

**16.40.070: SEWER CONNECTIONS:**

All subdivision lots must be connected to the city's sewage collection system. The sewer mains and laterals must be designed and constructed in accordance with the requirements of the city and the Idaho Department of Environmental Quality.

**16.40.080: WATER MAINS AND FIRE HYDRANTS:**

All subdivision lots must be provided with a potable water distribution system. The water distribution system must be designed and constructed in accordance with the requirements of the Idaho Department of Environmental Quality and must also conform to the following:

1. One fire hydrant must be installed at each street intersection. Intermediate hydrants must be placed as directed by the fire department where distances between intersections exceed three hundred feet (300'). In no case will the number of hydrants in an area be less than that required by the currently adopted fire code.

2. Water mains and hydrant laterals shall be of sufficient size and design to provide the minimum required fire flows specified in the currently adopted fire code. In no case will any water main or lateral supplying a fire hydrant be of less than six inch (6") inside diameter when part of a looped system and not less than an eight inch (8") diameter main if the system is not looped or the fire hydrant is installed on a dead end main exceeding three hundred feet (300') in length. Dead end mains shall not exceed six hundred feet (600') in length for main sizes eight inches (8") in diameter or less.

**16.40.090: STREET NAME SIGNS:**

Street signs designed to meet city standards must be installed at each intersection for convenient identification of streets.

**16.40.100: TRAFFIC CONTROL SIGNS AND DEVICES:**

Pavement markings and traffic control signs, including, but not limited to, stop signs, yield signs, and speed limit signs designed in accordance with the most recent edition of the "Manual on Uniform Traffic Control Devices" must be installed by the developer.

**16.40.110: UNDERGROUND CONDUIT:**

Underground conduit must be installed by the developer to each lot for private utilities such as telephone, electricity and cable television when those utilities are required by the city to be installed underground.

**16.40.120: MONUMENTS:**

Monuments must be installed as follows:

- A. Boundary Line and Lot Corners: Monuments for boundary line and lot line corners must conform to the requirements of Idaho Code Section 50-1303.
- B. Street Center Line: Monuments must be placed at the center lines of all streets, at intersections, all angle points, all points of curvature, all points of tangent on street center lines, and the radial points of cul-de-sacs. All monuments must be a minimum of five-eighths inch by thirty inch ( $\frac{5}{8}$ " x 30") iron rod with a durable metal cap. Other methods of monument construction may be used if approved by the city engineer.

**16.40.130: RECORD DRAWINGS:**

Record drawings, stamped and signed by the design engineer, certifying that all required improvements are in place and were constructed as shown on the drawings must be submitted to the city engineer prior to acceptance of the improvements and issuance of any certificates of occupancy.

**16.40.140: COMPLETION REQUIRED FOR BUILDING PERMIT ISSUANCE:**

Building permits will not be issued for lots in the subdivision until all sewer and water facilities have been completed and approved in accordance with the requirements of this chapter, all access roads have been installed and made serviceable and the final plat has been recorded. In addition, property monuments shall be set on the lot prior to issuance of a building permit. No certificate of occupancy shall be granted prior to the completion and acceptance of all of the public improvements by the City Council.

**Chapter 16.45  
SUBDIVISION WARRANTY STANDARDS**

**16.45.010: AGREEMENT TO SECURE PUBLIC IMPROVEMENT INSTALLATION:**

The developer must install all improvements required by chapter 16.40 prior to final plat approval unless the developer executes an agreement with the city securing the developer's obligation to install the improvements. The agreement must be in a form acceptable to the city attorney and include a provision that all improvements must be installed no later than three (3) years from the date the city council approves the final plat. To secure performance of the agreement and to guarantee installation of improvements, the developer must provide a performance bond or other sufficient security, acceptable to the city attorney, equal to one hundred fifty percent (150%) of the estimated construction costs of the improvements, as determined by the city engineer. The term of the bond or other security must extend at least one year beyond the date by which the installation of improvements must be complete. The bonding or security agreement will be recorded with the County at the subdivider's expense prior to the signing of the final plat by the city engineer.

**16.45.020: AGREEMENT EXTENSION:**

The city council may grant an extension to the installation agreement for a term not to exceed one year upon application by the developer. To extend the term of the agreement the city council must find that the developer is actively working on the completion of the improvements and that, based on the estimate of the city engineer, the improvements are within six (6) months of completion.

**16.45.030: REDUCTION OF INSTALLATION SECURITY:**

A developer may request one reduction or partial release of the improvement installation security by submitting a written request to the city engineer along with a detailed estimate of the value of the work remaining to be completed. Upon receipt of the request, the city engineer will inspect the improvements completed and verify the value and percentage of work remaining. If the city engineer determines that the work has been satisfactorily completed and that the submitted estimates are correct, he or she will recommend that the city council reduce or partially release the improvement installation security subject to the following conditions:

1. No reduction will be made when more than fifty percent (50%) of the work remains to be completed.

2. No reduction will result in reducing the security to less than ten percent (10%) of the amount of the original security.
3. Reduction of security will be construed as formal acceptance of only those improvements completed at the time of reduction.
4. Reduction of security does not apply to warranty or monument security.

**16.45.040: REMEDY FOR FAILURE TO INSTALL IMPROVEMENTS:**

If improvements have not been installed within the agreed time, the city engineer will notify the city council and the council may initiate an action on the bond or other security. If the council chooses to initiate an action on the bond or other security, the city engineer will administer the installation of the improvements with the funds made available.

**16.45.050: MONUMENTATION SECURITY:**

The City Council may approve security agreements for monumentation to the extent and upon the conditions allowed by the laws of the State of Idaho. Monument security will be released by the city in accordance with Idaho Code Section 50-1332.

**16.45.060: MAINTENANCE/WARRANTY BOND:**

- A. Prior to the city council accepting the subdivision improvements, releasing the improvement installation security and/or approving the final plat, the developer must provide a maintenance/warranty bond or other sufficient security acceptable to the city attorney for the purpose of warranting that the required public subdivision improvements will properly perform free from defects for at least one year and that sufficient funds will be available to maintain or correct defects for the one year period.
- B. The maintenance/warranty bond or other security must be in an amount approved by the city engineer and represent either ten percent (10%) of the amount of the original improvement security, or ten percent (10%) of the estimated cost of the public subdivision improvements. The maintenance/warranty bond or other security must have a term of at least one year from the date of acceptance by the city council of all required public subdivision requirements.
- C. The maintenance/warranty bond or other security may be released by the city clerk upon termination of the one year warranty period; provided, that all defects have been satisfactorily repaired. The city engineer will provide written notice to the city clerk authorizing release of the maintenance/warranty bond or other security.

**Chapter 16.50**  
**FINAL PLAT PROCEDURES**

**16.50.010:    GENERALLY:**

No map, plat, replat or plan of a subdivision subject to the provisions of this title may be recorded or received for recording in any public office unless or until that map, plat, re-plat or plan has been approved by the city council and bears the certificate of final approval signed by the city engineer and the city clerk as required by Idaho Code section 50-1308.

**16.50.020:    PREPARATION REQUIREMENTS FOR FINAL PLAT:**

A. The final plat must be prepared, and contain all of the information, as required by Idaho Code section 50-1304. Additionally, the following information is required:

1. Reference to Recorded Plats or Surveys of Adjoining Land: References to recorded plats or surveys of adjoining land, including record bearings and/or distances of common lines, names, dates, and record numbers.
2. Instrument Number and Filing Forms: The instrument number of the corner perpetuation and filing forms of public land survey corners used in the plat or copies of said form if not previously filed.
3. Lot Area: The area of each lot in square feet or acres.
4. Survey Points: All horizontal coordinate values must be grid coordinates based upon the North American datum of 1983 (NAD 83) as determined from control points established by a global positioning system (GPS) geodetic control survey for the city of Coeur d'Alene in 1989 as published and on file in the official records of the city. Other control points or public land survey corners having coordinate values determined from a traverse or triangulation performed or by GPS survey so as to produce accuracies meeting the specification of second order, class II traverses or triangulation, as published by the National Oceanic and Atmospheric Administration (NOAA), in the classification standards accuracy and general specifications of geodetic control surveys. Any coordinate value must be accepted or published by the city.

B. The city engineer may also require a complete set of field and computation notes showing original or reestablished corners with descriptions of them; actual traverses showing error of closures and method of adjustments; and a sketch showing all distances, angles and calculations required to determine distances and corners of the plat boundary. The error of closure must be appropriate for urban surveys.

**16.50.030: CERTIFICATES, DEDICATIONS AND DEED RESTRICTIONS:**

The final plat must contain a land surveyor's certificate approximating the following:

A. *I, \_\_\_\_\_, professional land surveyor hereby certify that the plat of \_\_\_\_\_ as shown hereon is based upon actual field survey of the land described and that all angles, distances and corners are staked as shown on the plat.*

*Signed \_\_\_\_\_ (Seal)*

- B. Each final plat must contain an owner certificate with a description in bearings and distances of the platted area, showing the consent of all persons and parties having an interest in the land platted.
- C. Each final plat must contain a certificate stating that the city council has approved the plat. The certificate must bear the signature of the city clerk.
- D. Any other certificate required by Idaho Code title 50, chapter 13. The city clerk may require additional certificates, affidavits, or endorsements as they may become necessary for the reasonable enforcement of these regulations.
- E. The plat must contain a statement by the owner of the land dedicating all rights of way and other appropriate sites and easements for the public use.
- F. Each plat must be accompanied by a copy of all restrictive covenants and other deed restrictions that are to be placed upon any of the lots in the subdivision.

**16.50.040: REVIEW BY CITY ENGINEER:**

- A. Upon receipt of a request for final plat approval, the city engineer will review the plat for completion, including, but not limited to, the plat map, certificates/dedications, conformity with the approved preliminary plat, installation of all improvements depicted on the preliminary plat, form of bonding or acceptance of improvements and compliance with conditions required by the planning commission.
- B. The city engineer will review the final plat and forward a recommendation to the city council for final plat approval if he or she finds:
  - 1. The plat is accurate and correct in all details;
  - 2. The proposed final plat is the same as the approved preliminary plat in all substantive respects;
  - 3. All certificates, dedications, and deed restrictions required for final plat documents have been provided:

4. All public improvements depicted on the preliminary plat including improvements to streets such as curbing, grading of right-of-way, paving, sanitary facilities, sidewalks, pedestrian and bicycle facilities, stormwater drainage facilities, lot grading, and water system have been made or adequate bonding or other security arrangements have been made and the form of security has been approved by the city attorney;
5. All conditions of approval have been satisfied.
6. All the lots contained in the proposed final plat conform to the requirements of title 17 (zoning ordinance).

**16.50.060: TIME LIMIT FOR REVIEW AND APPROVAL:**

The final plat, subdivision, or dedication will be approved, disapproved, or returned to the subdivider for modification or correction within one hundred and twenty (120) days from the date of filing or refiling unless the developer has filed written consent for a longer period in which the council may act. If the council has not taken any action on the final plat within the one hundred and twenty (120) day period, the plat will be deemed to be denied.

**16.50.070: APPROVAL AND RECORDATION:**

Upon approval by the city council, the city engineer and city clerk will sign the final plat, in accordance with Idaho Code 50-1308. The city engineer will forward the signed plat to the county recorder for recordation. Following recordation, the developer must provide the city with a copy of the recorded final plat.

**Chapter 16.55  
ENFORCEMENT AND PENALTIES**

**16.55.010: UNLAWFUL SALE OR EXCHANGE OF LOTS OR PARCELS:**

It is unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land in a subdivision unless he has fully complied with this title and titles 15 and 17 of this code.

**16.55.020: UNLAWFUL REPRESENTATIONS OF PLATS AND SUBDIVISIONS:**

It is unlawful for any person, firm or corporation owning a plat or subdivision of land within the city to represent that any improvement upon any of the streets, alleys or other public ways of the plat or subdivision has been constructed according to the plans and specifications approved by the city engineer or the commission or has been supervised and inspected by the city engineer when such improvement has not been so constructed, supervised or inspected.

**16.55.030: PENALTY FOR VIOLATIONS; GENERALLY:**

Every person convicted of a violation of any provision of this title is guilty of a misdemeanor as provided in section 1.28.010 of this code. For any violation of a continuing nature, each day's violation is a separate offense subjecting the offender to the penalties provided in this section for each offense.

**16.55.040: WITHHOLDING BUILDING PERMITS:**

No building permit will be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor will the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created or established in violation of these provisions.

**16.55.050: ACTION TO REQUIRE COMPLIANCE:**

Notwithstanding the imposition of any of the penalties provided for in this chapter, the city may institute an appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this title or any administrative orders or determinations made pursuant to this title.

**SECTION 3.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 5.** 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, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 6.** 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.

APPROVED, ADOPTED and SIGNED this 6<sup>th</sup> day of May, 2014.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
O-3-13 Chapter 16 Subdivision Ordinance Revisions

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING TITLE 16 ENTITLED SUBDIVISIONS AND ADOPTING A NEW TITLE 16 ENTITLED SUBDIVISIONS; PROVIDING RULES FOR ADMINISTERING THE SUBDIVISION APPROVAL PROCESS INCLUDING, HEARING AND APPROVAL CRITERIA, DESIGN AND IMPROVEMENT STANDARDS, BOUNDARY LINE ADJUSTMENT PROCEDURES, RULES FOR APPROVING SHORT SUBDIVISIONS AND CONDOMINIUMS, WARRANTY PROVISIONS AND PROVIDING THAT VIOLATIONS ARE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT TO EXCEED 180 DAYS OR BOTH; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY. 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.

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Renata McLeod, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, O-3-13 Chapter 16 Subdivision Ordinance Revisions, 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 6<sup>th</sup> day of May, 2014.

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Warren J. Wilson, Chief Deputy City Attorney