

Coeur d'Alene

CITY COUNCIL MEETING

April 1, 2014

MEMBERS OF THE CITY COUNCIL:

Steve Widmyer, Mayor

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

PRESENTATIONS

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

As management of the City of Coeur d'Alene, Idaho (the "City"), we have provided readers of the City's financial statements with this narrative overview and analysis of the financial activities of the City for the fiscal year ended September 30, 2013.

FINANCIAL HIGHLIGHTS

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by \$294,634,597 (net position). Of this amount, \$19,992,503 (unrestricted net position) may be used to meet the City's ongoing obligations to citizens and creditors.
- The City's total net position increased \$15,627,035. This increase is made up of a 1.57% increase in the business activities and an increase of 10.56% in the governmental activities.
- At the end of the fiscal year, the City's governmental funds reported combined ending fund balances of \$12,199,287 an increase of \$918,533 in comparison with the prior year.
- Also, at the end of the fiscal year, unassigned fund balance for the General Fund was \$5,589,570, or 16.50% of the amended 2013 budget of general fund expenditures.
- The City's total debt decreased by \$2,022,133 during fiscal year 2012-2013.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplemental information in addition to the basic financial statements themselves.

Government-Wide Financial Statements – The government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to private sector businesses.

The *Statement of Net Position* presents information on all of the City's assets and liabilities, with the difference between the two reported as total net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *Statement of Activities* presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of the related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (i.e. uncollected taxes and earned, but unused, vacation leave).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenue (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government, public safety, public works, culture and recreation and interest on long-term debt. The business-type activities of the City include water, wastewater, sanitation, drainage, street lighting and public parking.

The government-wide financial statements include not only the City itself (known as the primary government), but a legally separate urban renewal district, Lake City Development Corporation (LCDC), for which the City is financially accountable. LCDC has been reported as a discreetly presented component unit and does prepare separate financial statements.

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

Fund Financial Statement – A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into three categories: governmental funds, proprietary funds and fiduciary funds.

Governmental Funds – Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact by the government's near-term financing decisions. Both the governmental fund Balance Sheet and governmental fund Statement of Revenues, Expenditures and Changes in Fund Balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The City maintains 27 individual governmental funds. Information is presented separately in the governmental Fund Balance sheet and in the governmental fund Statement of Revenues, Expenditures and Changes in Fund Balances for the General Fund, the Insurance Special Revenue Fund and the General Obligation Bonds Debt Service which are considered to be major funds. Data from the other 24 governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of combining statements or schedules elsewhere in this report.

The City adopts an annual appropriated budget for its general fund. A budgetary comparison statement has been provided for the general fund to demonstrate compliance with this budget.

Proprietary Funds – The City maintains one type of proprietary fund which is an enterprise fund. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for water, wastewater, drainage, solid waste, public parking and street lighting operations.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for each of the enterprise funds which are considered to be major funds of the City.

Fiduciary Funds – Fiduciary funds are used to account for resources held for the benefit of parties outside the City. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the City's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds.

Notes to the Financial Statements – The notes to basic financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Other Information – Combining and individual fund statements and schedules for nonmajor funds are presented immediately following the notes to basic financial statements.

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

Net positions – The City has 92.08% of its total net positions invested in capital assets (land, buildings, infrastructure, machinery and equipment, and vehicles) less any related debt to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although, the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

An additional 1.14% of the City's net positions represent resources that are subject to external restrictions on how they may be used. The remaining balance of unrestricted net position (6.78%) may be used to meet the City's ongoing obligations to citizens and creditors.

A summary of the City's net position follows:

	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
ASSETS						
Current and other assets	\$ 18,379,145	\$ 17,264,928	\$ 16,368,692	\$ 13,629,475	\$ 34,747,837	\$ 30,894,403
Capital assets	134,203,214	122,898,648	166,252,891	167,150,940	300,456,105	289,849,588
Total assets	<u>152,582,359</u>	<u>139,963,576</u>	<u>182,621,583</u>	<u>180,780,415</u>	<u>335,203,942</u>	<u>320,743,991</u>
LIABILITIES						
Other liabilities	6,961,297	6,495,657	1,310,362	920,952	8,271,659	7,416,609
Long-term liabilities	7,080,364	8,152,933	25,217,322	26,166,887	32,297,686	34,319,820
Total liabilities	<u>14,041,661</u>	<u>14,648,590</u>	<u>26,527,684</u>	<u>27,087,839</u>	<u>40,569,345</u>	<u>41,736,429</u>
NET POSITION						
Investment in capital assets, net of related debt	129,925,560	117,184,383	141,374,408	141,406,064	271,299,968	258,590,447
Restricted	3,342,126	3,071,961	-	-	3,342,126	3,071,961
Unrestricted	5,273,012	5,058,642	14,719,491	12,286,512	19,992,503	17,345,154
Total net position	<u>\$ 138,540,698</u>	<u>\$ 125,314,986</u>	<u>\$ 156,093,899</u>	<u>\$ 153,692,576</u>	<u>\$ 294,634,597</u>	<u>\$ 279,007,562</u>

At the end of the current fiscal year, the City is able to report positive balances in all three categories of net positions, both for the City as a whole, as well as for its separate governmental and business-type activities.

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

A summary of the City's changes in net positions follows:

	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
REVENUES						
Program revenues:						
Charges for services	\$ 3,763,826	\$ 2,520,035	\$ 15,587,791	\$ 14,293,912	\$ 19,351,617	\$ 16,813,947
Operating grants and contributions	620,809	921,782	-	-	620,809	921,782
Capital grants and contributions	58,944	81,024	4,771,339	2,880,104	4,830,283	2,961,128
General revenues:						
Property taxes	18,932,639	18,134,247	-	-	18,932,639	18,134,247
Sales tax	727,399	653,978	-	-	727,399	653,978
Franchise fees	2,977,976	3,106,048	-	-	2,977,976	3,106,048
Motor fuel taxes	1,483,763	1,470,730	-	-	1,483,763	1,470,730
Alcoholic beverage taxes	1,101,712	1,052,208	-	-	1,101,712	1,052,208
Grants and contributions not restricted to specific purposes	5,118,218	4,667,533	-	-	5,118,218	4,667,533
Interest and investment earnings	62,686	108,890	139,546	43,642	202,232	152,532
Miscellaneous	471,974	381,256	-	-	471,974	381,256
Donated assets	13,347,709	2,670,625	-	-	13,347,709	2,670,625
Special assessments	-	-	180,025	-	180,025	-
Total revenues	<u>48,667,655</u>	<u>35,768,356</u>	<u>20,678,701</u>	<u>17,217,658</u>	<u>69,346,356</u>	<u>52,986,014</u>
EXPENSES						
General government	5,963,529	9,984,342	-	-	5,963,529	9,984,342
Public safety	18,509,680	17,614,641	-	-	18,509,680	17,614,641
Public works	7,879,045	7,416,219	-	-	7,879,045	7,416,219
Culture and recreation	4,659,349	4,497,785	-	-	4,659,349	4,497,785
Administrative expense	10,851	46,313	-	-	10,851	46,313
Interest on long-term debt	201,660	255,171	-	-	201,660	255,171
Change in OPEB obligation	47,128	89,074	-	-	47,128	89,074
Water services	-	-	5,038,416	5,005,160	5,038,416	5,005,160
Wastewater	-	-	7,433,651	7,725,055	7,433,651	7,725,055
Sanitation	-	-	2,967,500	2,881,277	2,967,500	2,881,277
Other enterprise	-	-	992,226	1,655,702	992,226	1,655,702
Loss on asset disposal	-	300	16,286	100,357	16,286	100,657
Total expenses	<u>37,271,242</u>	<u>39,903,845</u>	<u>16,448,079</u>	<u>17,367,551</u>	<u>53,719,321</u>	<u>57,271,396</u>
Increase in net positions before special items and transfers	11,396,413	(4,135,489)	4,230,622	(149,893)	15,627,035	(4,285,382)
Transfers	1,829,299	1,841,948	(1,829,299)	(1,841,948)	-	-
Change in net position before extraordinary item	13,225,712	(2,293,541)	2,401,323	(1,991,841)	15,627,035	(4,285,382)
Extraordinary item-employee embezzlement	-	(67,919)	-	-	-	(67,919)
Change in net position after extraordinary item	<u>\$ 13,225,712</u>	<u>\$ (2,361,460)</u>	<u>\$ 2,401,323</u>	<u>\$ (1,991,841)</u>	<u>\$ 15,627,035</u>	<u>\$ (4,353,301)</u>

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

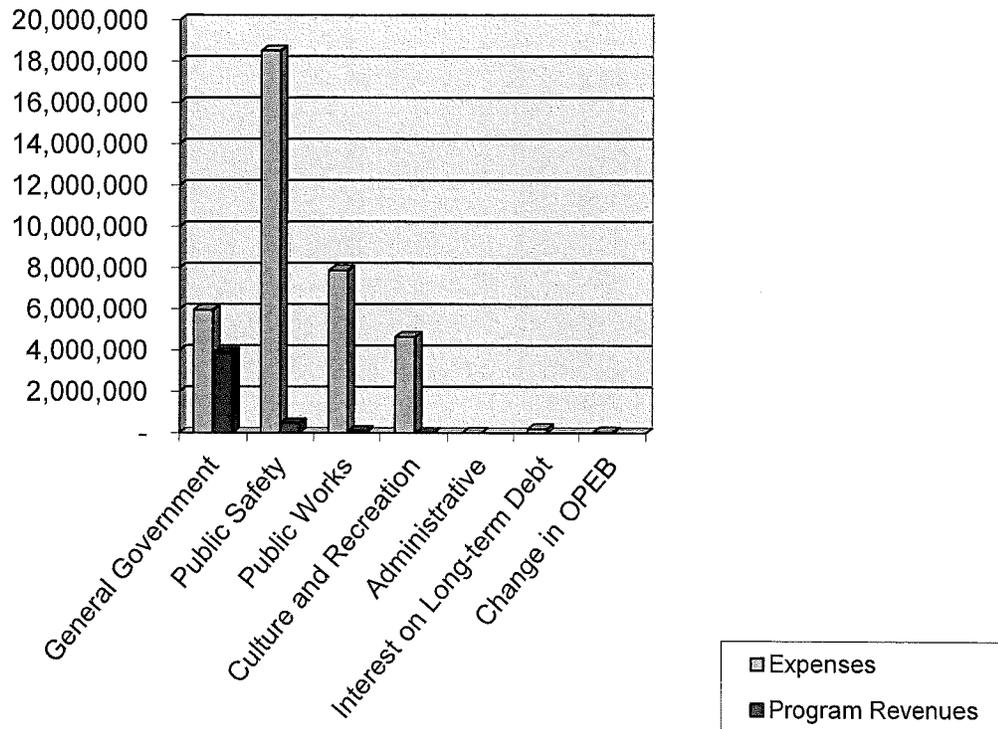
Major changes in governmental activities were as follows:

- Capital grants increased due to an increase in revenue from water and wastewater capitalization fees and an increase in developer's contributions. An increase in new construction helped to generate both of these increases.
- Governmental activities increased the City's net positions by \$13,225,712, which impacted the City's Governmental net positions by approximately 10.56%. This increase is primarily the result of an increase in building activity which increased building related revenues by \$1,256,354, an increase of approximately 78% over the previous year, as well as an increase in donated assets.

Governmental Activities:

The following graph depicts various governmental activities and shows the expenses and program revenues directly related to those activities.

Expenses and Program Revenues - Government Activities

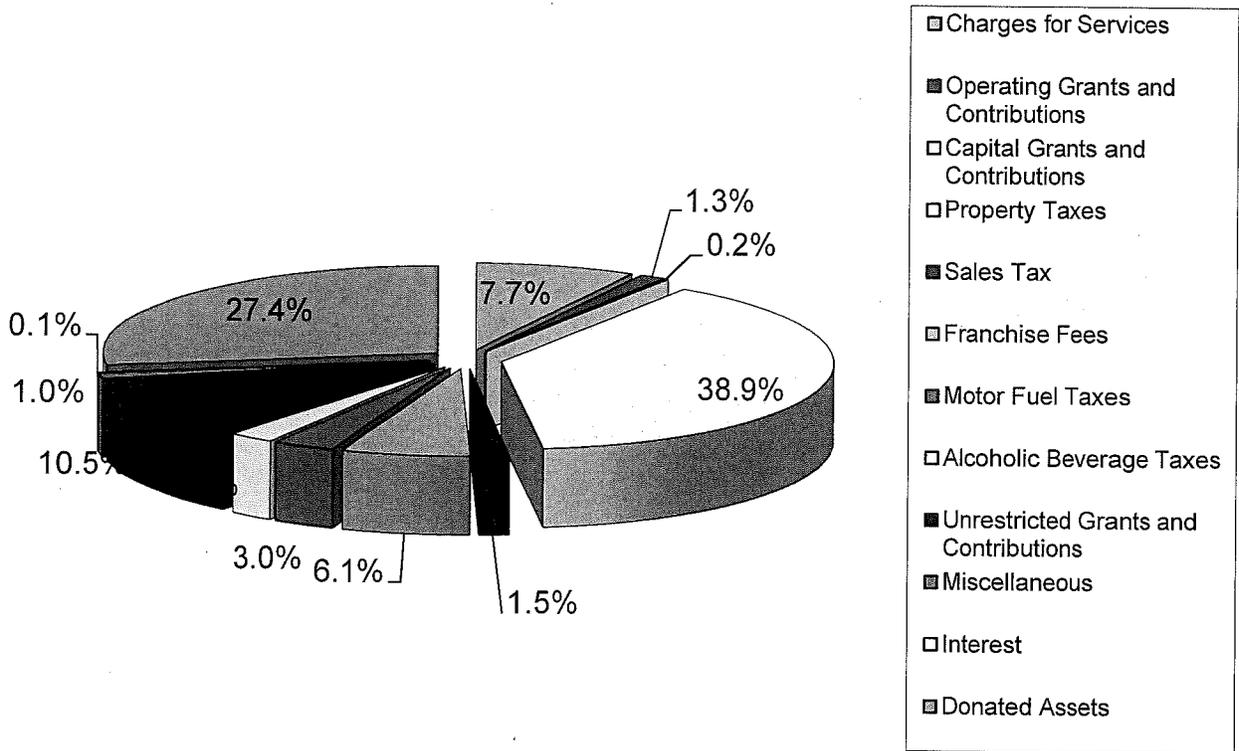


CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

Revenues by Source - Governmental Activities



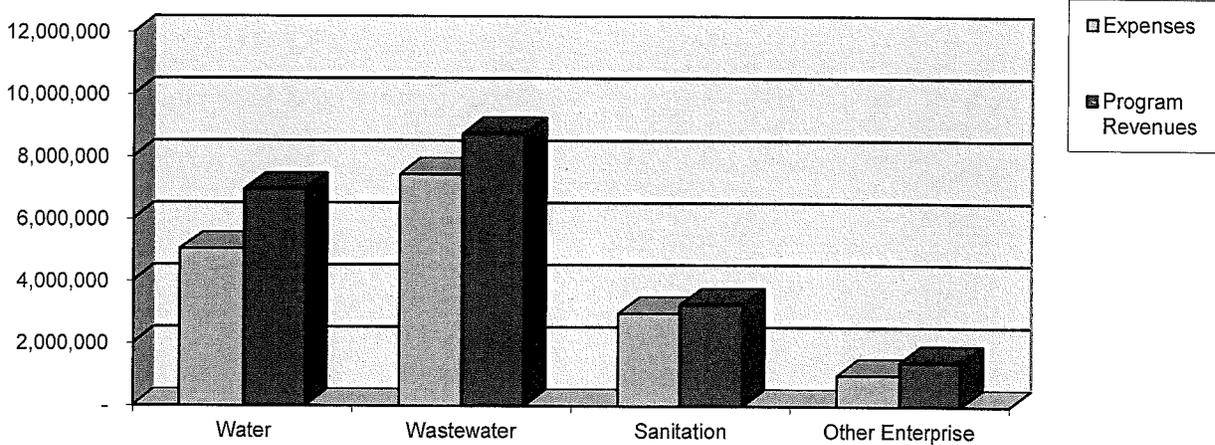
Business-Type Activities – Business-type activities increased the City's net positions by \$2,401,323, which impacted the City's business-type net positions by 1.57%. This increase was primarily the result of an increase in operating revenues in the Drainage Fund of \$673,763, a decrease in expenditures of \$597,548 in the Drainage Fund and an increase of \$865,558 in capitalization fee revenue in the Water and Wastewater Funds.

CITY OF COEUR D'ALENE
Kootenai County, Idaho

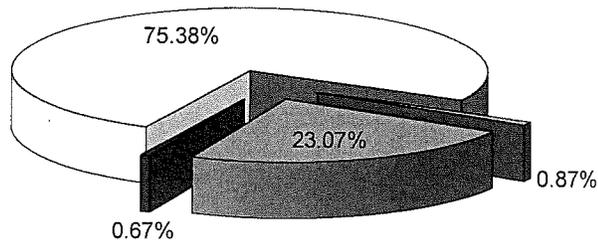
MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONTINUED)

Expenses and Program Revenues - Business-Type Activities



Revenues by Source - Business-type Activities



CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

Financial Analysis of the Government's Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental Funds – The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At the end of the fiscal year, the City's governmental funds reported combined ending fund balances of \$12,199,287 an increase of \$918,533 in comparison with the prior year. Of the \$12,199,287 fund balance \$5,071,519 is unassigned fund balance, which is available for spending at the City's discretion. The remainder of fund balance is restricted, committed or assigned to indicate that it is not available for new spending because it has already been committed to pay debt service, insurance claims, future park, fire, police and street projects, and perpetual care of cemeteries.

The General Fund is the chief operating fund of the City. At the end of the current year, the fund balance of the General Fund was \$6,489,218. As a measure of the General Fund's liquidity, it may be useful to compare total fund balance to total budgeted expenditures. Fund balance represents 19.16% of 2013 budgeted expenditures and the unassigned fund balance of \$5,589,570 represents 16.50% of 2013 budgeted expenditures. Although the General Fund balance appears to be adequate, it must be stressed that the balance is needed to support operations until funds are received in January 2013 from the first current-year property tax settlement.

General Fund cash balance was increased by \$1,362,672. Revenues were \$1,058,650 higher than budgeted and expenses were \$2,632,254 lower than budgeted. Revenues increased \$1,278,706 from the previous year and expenses increased \$1,523,451. Transfers out decreased by \$2,030,478 from the previous year due to a \$2,000,000 transfer in fiscal year 2011-12 from the General Fund to the Insurance Fund to cover a lawsuit settlement that was paid in fiscal year 2013-14.

OVERVIEW OF THE FINANCIAL STATEMENTS

The fund balance of the City's General Fund increased \$1,161,831. This increase can be attributed to a decrease in operating transfers out of \$2,030,478.

The Insurance Fund Special Revenue Fund had a negative fund balance of \$345,096 at September 30, 2013 which is a decrease of \$161,481. This decrease can be attributed to ongoing expenses of this fund being larger than the revenue that is generated.

The General Obligation Bonds Debt Service Fund has a total fund balance of \$462,934 all of which is designated to pay future debt service payments on the City's General Obligation Bonds.

Proprietary Funds – The City's Proprietary Funds provide the same type of information found in the government-wide financial statements, but in more detail.

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

OVERVIEW OF THE FINANCIAL STATEMENTS (CONCLUDED)

Unrestricted net position of the enterprise funds at the end of the year amounted to \$14,719,491. The total increase in net positions for the funds was \$2,401,323. This increase was primarily the result of an increase in building activity which increased the revenues received in the Water and Wastewater Funds for capitalization fees and increased infrastructure received from developer's contributions. Also an increase in revenue occurred in the Drainage Fund. A new ordinance was written creating a drainage works fee that was implemented in January 2013.

GENERAL FUND BUDGET HIGHLIGHTS

The City's General Fund budget was amended twice during the fiscal year. The amendments increased the General Fund budget before transfers out by \$3,548,868. The larger amendments were as follows: \$1,965,100 to the overlay budget in engineering to account for the entire project on Front Street (two year project), \$750,000 to purchase property at Persons Field and Bryan Field for parkland, and \$286,283 for grant expenditures in the Police Department and Fire Department,

The budget amendment included the use of \$2,498,843 of General Fund Balance but in actuality the fund balance was increased by \$1,161,831 due to operating transfers in for the year of \$1,686,022. Actual revenues were 7.38% higher than the City's original budget and actual expenditures were 3.02% higher than the City's original budget.

Overall expenditures before transfers were \$2,632,254 under the final amended budget and \$916,614 over the original budget. Overall revenues before transfers were \$1,058,650 over the final amended budget of \$30,925,989 and \$2,125,375 over the original budget of \$28,800,614.

CAPITAL ASSETS

The City's investment in capital assets (net of accumulated depreciation) for its governmental and business-type activities as of September 30, 2013, amounts to \$300,392,867. This investment in capital assets includes land, buildings, infrastructure, construction in progress, machinery and equipment and vehicles. This balance represents a net increase of \$10,561,764 from the prior year. Additional details of capital asset activity for the year can be found in Note 5 of the notes to basic financial statements.

The majority of the increase in the capital assets can be attributed to a donation of railroad property used by the City for bike paths and McEwen Park construction in progress from the City's Urban Renewal Agency, Lake City Development Corporation.

LONG-TERM DEBT

The City's long-term bonded debt increased by \$10,030,642 in 2013; leaving a balance of \$28,734,437 at year-end. Additional details of long-term debt activity for the year can be found in Note 6 in the notes to basic financial statements.

In 2006 Moody's Investor Service assigned a rating of A1 to the City of Coeur d'Alene, General Obligation Funding and Refunding Bonds, Series 2006 in the amount of \$9.5 million. At that time, Moody's also assigned an A1 rating to the City's outstanding general obligation debt in the approximate amount of \$3.2 million. The bonds are secured by the full faith, credit and unlimited tax pledge of the City. The A1 rating primarily reflected the City's moderately sized but rapidly growing tax base, favorable wealth levels, healthy financial position, strong management and modest debt burden.

CITY OF COEUR D'ALENE
Kootenai County, Idaho

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Year Ended September 30, 2013

LONG-TERM DEBT (CONTINUED)

On May 3, 2010, Moody's Investors Service ("Moody's") changed the rating(s) on the bond issues listed in conjunction with the migration of U.S. public finance ratings to Moody's global rating scale. The rating changes to the Issuer's bonds are shown below:

<u>Issue</u>	<u>Prior Rating</u>	<u>Global Scale Rating</u>
General Obligation Street Improvement Refunding Bonds, Series 2008	A1	Aa2
General Obligation Funding and Refunding Bonds, Series 2006	A1	Aa2

State statutes limit the amount of general obligation debt a government entity may issue to 2% of assessed market value. The current debt limitation for the City is \$55,478,927 which is significantly higher than the City's net outstanding general obligation debt of \$3,736,412.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

It appears that the most significant financial recession since the great depression is beginning to ease its impact on the local economy. The City is experiencing an increase in both residential and commercial building permits. It is the first time in nearly 4 years that there are requests for annexation. The State of Idaho is experiencing an increase in personal income tax receipts, corporate income tax receipts and an increase in sales tax receipts. The City has continued to reorganize its staffing levels by incenting retirement options for eligible employees. At this time there are four directors of department positions unfilled. The City of Coeur d'Alene will focus on capital equipment needs that have been put off during the recession years and focus on replenishing its self-insurance fund or seeking liability insurance coverage.

Next year's City budget will be a challenge to balance the requests with the expectations of the City's constituents. The City has a newly elected Mayor and two new Council members. The tax assessor is showing that property valuations have stabilized and are increasing in some areas.

The City has completed a rate analysis and updated its fee structure for water, and wastewater and has a multiyear rate schedule. Sanitation rates have been increased and it is anticipated that a 2% rate adjustment will occur in July of 2015. Any increases to fees greater than 5% will be carefully studied and brought forward to the Mayor and Council at a public hearing. The drainage works utility ordinance has been approved by Council.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the City of Coeur d'Alene, Finance Director, 710 Mullan Avenue, Coeur d'Alene, Idaho 83814.

To review the full Audit
2012-13 report,
visit www.cdaid.org,
Finance Department.

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
March 18, 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 Hall March 18, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers)	Members of Council Present
Loren Ron Edinger)	
Dan Gookin)	
Steve Adams)	
Kiki Miller)	via telephone conference call
Amy Evans)	

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

INVOCATION was led by Pastor Barbara Kingen, Church of the Nazarene

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

PROCLAMATION: Mayor Widmyer proclaimed March 2014 as the month beginning the yearlong celebration of Avista's 125th Anniversary. Patty Shea, Avista Regional Business Manager, accepted the proclamation. Ms. Shea thanked the mayor and citizens of Coeur d'Alene for allowing Avista to be a partner for the last 125 years.

PRESENTATION: CDA 2030 Visioning Project Update. Nicole Kahler, Project Manager, presented an update of the CDA 2030 Visioning Project. She noted that the official start of the project was last July and shared some of the data collection methodology, the development of the vision and strategy, project timeline, and Implementation Planning Committee functions. Ms. Kahler also thanked the project sponsors who have donated \$1,000 or more, including donating volunteer hours and resources to the project.

Ms. Kahler said that CDA 2030 is a community owned and supported project. Over 1,900 community members have participated in sharing their opinions. Data was collected through various methods, including meeting people on the street, extended questionnaires at events, and online survey. They also did a scientific perception survey using a pool of 2,000 people, with 425 completed calls throughout Kootenai County. She encouraged everyone to log on to www.cda2030.org and look at the data.

There were also seven workshops presented. Four of the seven workshops were held at

the local high schools which presented a great opportunity to get the youth engaged. They also had a community vision summit event where they took compiled data and presented it. Over 125 participants worked for about 4 hours on a Saturday to develop, re-create, and rank the community's vision elements. For citizens unable to attend, they were given a similar opportunity to participate in an online survey.

The vision drafting committee consisted of six persons comprised of community members. Each member represented a focus area and worked for two and a half months in crafting a final vision and vision strategies. The results were an overarching vision, with six different focus areas, vision strategies, and the foundation of the implementation planning process.

CDA 2030 is now working on creating their implementation plan and identifying some key projects that they want to do in the community. In April they will conduct a second scientific survey and during the survey will ask the community how they feel about certain action items. In May they will wrap up the implementation planning process and present it to the community, and in June they will host a "Hand Off" celebration.

Ms. Kahler explained that an implementation plan is a community road map for our vision which incorporates strategic actions and implementation logistics for how to get there. The Implementation Planning Committee is a 34 member committee who acts as advisors in the development of the action plan. She encouraged the community to get involved.

Councilmember Evans commended Ms. Kahler on the job that she is doing. She noted that she is a part of the Implementation Planning Team as well as the Community Action team and it is a delight to be a part of the process. Councilmember Evans encouraged anyone who is interested to contact Ms. Kahler and visit the website because it is a really valuable process to be a part of the planning of the future of Coeur d'Alene.

PRESENTATION: US 95 Corridor Study. Mayor Widmyer noted that this presentation will be rescheduled in April.

PUBLIC COMMENTS: There were none.

CONSENT CALENDAR: Motion by McEvers, seconded by Evans, to approve the Consent Calendar as presented, including Resolution No. 14-011.

1. Approval of minutes for February 27, 2014 and March 4, 2014
2. Approval of Bills as Submitted.
3. Setting the Public Works Committee and General Services Committee meetings for March 24, 2014 at 12:00 Noon and 4:00 p.m., respectively.
4. Setting of Public Hearing for A-2-14 – Proposed Annexation from County C to City C-17L, U.S. Forest Service, 3600 W. Nursery Road for April 15, 2014
5. Setting of Public Hearing for V-14-3 – Vacation of Utility Easement in the

Neider Conference Center Addition for April 15, 2014.

6. 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 A UTILITY EASEMENT WITH NATIONAL RETAIL PROPERTIES, LP FOR WATER AND SEWER LINES IN LOT 12, NEIDER CONFERENCE CENTER ADDITION; APPROVING A LEASE AGREEMENT WITH GARY STINNETT D/B/A PORKY G'S FOR MEMORIAL FILED CONCESSIONS; APPROVING AN AMENDMENT TO THE CONTRACT ADOPTED BY RESOLUTION NO. 13-027 ON MAY 7, 2013 WITH PANHANDLE AREA COUNCIL TO PROVIDE FOR MONTHLY PAYMENTS; APPROVING REVISIONS TO THE APPROVED STREET TREE LIST; APPROVING THE DECLARATION OF SURPLUS I.T. EQUIPMENT; AND AWARD OF BID TO LAKE CITY FORD FOR A FORD F650 CREW CAB/CHASSIS FOR THE WATER DEPARTMENT.

7. Setting of Public Hearing of O-3-13 – Proposed Subdivision Ordinance Revisions for April 15, 2014

ROLL CALL: Edinger, Aye, Adams, Aye; McEvers, Aye; Miller, Aye; Gookin, Aye; Evans, Aye.

Motion carried.

COUNCIL ANNOUNCEMENTS:

Councilmember Adams said that he and Mayor Widmyer recently attended the State Basketball Tournament in Boise, where his son wrapped up his high school basketball career and Mayor Widmyer's daughters were the stats keepers who diligently traveled with the team. The Lake City boys basketball team came home with the third place title. He thanked Mayor Widmyer and his daughters for their support.

Mayor Widmyer congratulated Lake City for their win and noted that it was a great finish to the season.

APPOINTMENTS – DESIGN REVIEW COMMISSION AND URBAN

FORESTRY COMMITTEE: Motion by Edinger, seconded by McEvers, to approve the appointment of George Ives, Mike Patano, and Heather Bowlby to the Design Review Commission and Pete Stayton to the Urban Forestry Committee.

Motion carried.

ADMINISTRATOR'S REPORT:

The Recreation Department recently sponsored a very successful Lake City Girl's Shootout AAU Tournament March 7th, 8th & 9th. Teams were from Eastern Oregon, Eastern Washington and North Idaho. This was the 3rd Tournament of the basketball season attracting players and families to Coeur d'Alene during the winter months.

“Why Can’t We Get Along?” – a discussion about the current state of political discourse in America will be presented on Wednesday, March 19th, at 7:00 p.m., at the Library Community Room. The speaker is Cornell W. Clayton, Professor of Political Science and director of the Thomas Foley Institute for Public Policy at Washington State University.

Want to grow up to be a millionaire? Teens grades 6 through 8, ages 11 to 14, are invited to attend the Spokane Teachers Credit Union’s “My Life, My Money Camp,” hosted by the Library on Thursday, March 27th. This free program will be from 9:00 a.m. to Noon in the Library Community Room. Visit the library’s website at cdalibrary.org to find out more.

Starting yesterday street crews began repairing sidewalks in the downtown core. For the next several weeks crews will be concentrating on trip hazards. The replacing of sidewalk panels will be ongoing throughout the summer. For information on the project please call 769-2233 or visit the department’s website for updates.

Work has also begun on the signal at Third & Harrison. The re-alignment and signal work should be complete the week of March 24th. Currently that is a four way stop.

The next “Novel Destinations” program at the Coeur d’Alene Public Library will be this Friday, March 21st, at 7:00 p.m. and will focus on a country that is undergoing rapid changes. “Myanmar: Golden Temples, Floating Gardens,” a slideshow by Brenda Garcia, from Coeur d’Alene, will be presented on the big screen in the Library Community Room.

The Coeur d’Alene Police Department is actively seeking citizens who are looking for a challenging and rewarding way to serve their community as a Police Reserve Officer. This is also a great opportunity for people who might be interested in a career in law enforcement to learn the aspects of being a police officer. If you are interested you can contact Sgt. Turrell at 769-2320 or you can pick up an application at the front desk of the Police Department at 3818 Schreiber Way.

The Recreation Department will be coordinating the “Unplug and Be Outside” program during spring break. The programs encourage youth and their families to get off the couch and enjoy the outdoors. Activities will include Golf, Tennis, Fly Fishing, Disc Golf, and Archery lessons, Tubbs Hill and historical walking tours, Mudgy & Millie walk, and Skyhawk’s Play Day Camps. Please contact the Recreation Department at 769-2250 for more information and a schedule of events.

The Coeur d’Alene Police Department is still looking for volunteers. In 2013, the CDA PD had 19 volunteers, who volunteered over 4,000 hours. The volunteer program has become an essential part of the police department in order to provide the best service to the community. Please contact Rob Clifford at rclifford@cdaid.org or call him at 769-2320 if you are interested.

The third workshop in a series offered at the Coeur d'Alene Public Library will focus on "Budgeting 101" Thursday, March 20th, from Noon to 1:00 p.m. The free workshops are sponsored by the Spokane Teachers Credit Union. For more information, call the Library at 769-2315

Weekly McEuen Park updates will continue to be posted on the city's website, cdaid.org, and blog, cdacity.blogspot.com. A link to the live webcam has been posted to the front page of the city's website. Updates will also be provided to the local media. The Front Avenue promenade railings are being installed this week.

An attractive Donor Wall planned for McEuen Park in downtown Coeur d'Alene provides the opportunity for citizens to make a permanent impression, while supporting citywide parks. For a donation of \$500 per line you can have your family name, business or a loved one's name engraved in one of six granite plaques. There are about 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.

If you are interested in serving as a student representative on the Childcare Commission, CDA TV Committee, Natural Open Space Committee, Parking Commission, Parks & Recreation Commission, Planning Commission, Ped/Bike Committee, Library Board, Urban Forestry Committee, or Arts Commission, visit www.cdaid.org, click on "Volunteer Opportunities" in the left menu, and print out an informational letter and application form. APPLICATIONS are due by June 15th. On most committees you will be able to have a vote.

The City of Coeur d'Alene has announced the availability of street trees to be planted in public right-of-way areas within the city limits through the CDA Re-Leaf program. Funding for the trees has come from a street tree fee collected on residential building permits. Young trees are available to homeowners and residents who are willing to provide care. More information and a response form are available online at cdaidparks.org, or call 769-2366.

You can get more information on these updates and other current city news by visiting our website at www.cdaid.org. We also include frequent updates on our Facebook page and the Cd' A Blog, which can be accessed from the city website.

Councilmember Edinger asked Ms. Gabriel about repair to the potholes on Third and Front, where the crosswalk is. Ms. Gabriel said that the potholes would probably be repaired when most of the work in that area is done in order to avoid having to repair them again after the construction work is completed.

APPROVAL OF ART DONATION FROM DEAN & CINDY HAAGENSON:

Steve Anthony, Recreation Director/Arts Commission Liaison, presented a request for council approval of the Art Donation from Dean & Cindy Haagenon entitled “The Working Man.” He noted that he was unable to bring the maquette to the meeting tonight as Terry Lee, the artist, was called out of town.

Mr. Anthony said that he hopes that this is the first of many donations as they have about 21 potential art locations identified in the park.

Councilmember McEvers said that this could be the only art piece that he will understand and “get.” Mr. Haagenon explained that the title of the piece will be “The American Worker,” and that there are working people that create and fix things with their hands that aren’t men. He noted that being in the business that he is, he doesn’t think people who work with their hands in our society are adequately appreciated and this is just one small way to honor the working people.

Councilperson Gookin said that he thinks it is an awesome piece of art that tells a story and he appreciates the donation. Mayor Widmyer also expressed appreciation for the donation.

MOTION by Gookin, seconded by Adams to approve the Art Donation from Dean & Cindy Haagenon.

Motion carried.

**COUNCIL BILL NO. 14-1000
ORDINANCE NO. 3477**

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF FOSTER AVENUE RIGHT-OF-WAY IN THE FOREST HEIGHTS SUBDIVISION, RECORDED IN BOOK "B" OF PLATS, RECORDS OF KOOTENAI COUNTY, IDAHO, GENERALLY DESCRIBED AS THE LANDSCAPE AREA BETWEEN THE EXISTING SIDEWALK AND THE EXISTING COUNTY PARKING LOT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Edinger, seconded by McEvers to pass the first reading of Council Bill No. 14-1000.

ROLL CALL Adams, Aye; McEvers, Aye; Miller, Aye, Gookin, Aye; Evans, Aye; Edinger, Aye.

Motion carried.

Motion by McEvers, seconded by Edinger to suspend the rules and to adopt Council Bill No. 14-1000 by its having had one reading by title only.

ROLL CALL Adams, Aye; McEvers, Aye; Miller, Aye; Gookin, Aye; Evans, Aye; Edinger, Aye.

Motion carried.

COUNCIL BILL NO. 14-1001
ORDINANCE NO. 3478

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING INGRESS/EGRESS, UTILITY AND TRAIL EASEMENTS IN THE RIVERSTONE WEST 1ST ADDITION SUBDIVISION, RECORDED IN BOOK "J" OF PLATS, PAGES 488/A, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; GENERALLY DESCRIBED AS THOSE EASEMENTS SITUATED IN TRACT "C" OF SAID PLAT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE, AND, PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by McEvers, seconded by Adams to pass the first reading of Council Bill No. 14-1001.

ROLL CALL McEvers, Aye; Miller, Aye, Gookin, Aye; Evans, Aye; Edinger, Aye; Adams, Aye.

Motion carried.

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 14-1001 by its having had one reading by title only.

ROLL CALL McEvers, Aye; Miller, Aye, Gookin, Aye; Evans, Aye; Edinger, Aye; Adams; Aye.

Motion carried.

**PUBLIC HEARING: A-1-14 – PROPOSED ANNEXATION FROM COUNTY;
1555 W. HANLEY AVENUE: AS & C to City R-8 and C-17, Lake Forest, LLC.**

Mayor Widmyer read the rules of order for this legislative public hearing. Tami Stroud, Planner, gave the staff report. The annexation is for 54.9 acres and the applicant is Lake Forest LLC, represented by Lake City Engineering. The property is currently zoned agriculture suburban and a small portion is currently zoned commercial in the county. Ms. Stroud reviewed the zoning of properties in the area and noted that the property is in a transitional area as designated in the Comprehensive Plan. She reviewed the Comprehensive Plan characteristics for a transitional area and staff recommendations and noted that there is sufficient water and infrastructure in the area. Stormwater management will be required. She also reviewed the traffic findings and noted that the Fire Department did not have any issues with the proposed annexation.

Councilmember Gookin asked if the property included the little cemetery and Ms. Stroud said that it does not as the cemetery is located north of the subject property.

Councilmember Edinger asked if the trees on the east side of Ramsey Road were going to be cut down. Ms. Stroud said that it is her understanding that they are doing some thinning, but they want to retain some of the trees.

PUBLIC COMMENTS:

Drew Dittman, Lake City Engineering, representing the applicant, Lake Forest LLC, 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 also noted that the Canfield extension mentioned in the staff report is in the Transportation Master Plan and they are working with the Engineering Department to install some traffic calming devices to help alleviate some of the traffic concerns.

Councilmember McEvers asked if Canfield would be the major ingress/egress to the subdivision. Mr. Dittman said that there would be two entrances – on Canfield and Hanley.

Councilmember Adams asked if the eastern border of the subdivision would be tree lined. Mr. Dittman said that the trees along the border will remain.

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

Mr. Dittman said that he would try to work with the Engineering Department in regard to Canfield to alleviate traffic concerns. He confirmed that they don't have any parks planned with this project; however, one of the requirements from the planning commission is that with the first phase of the project on Canfield Avenue, they will construct the sidewalk all the way down to the intersection to help students get to school and help people get access to the parks in Coeur d'Alene Place and the high school playing fields.

Councilmember McEvers asked why the developer was not going to put in a park. Mr. Dittman said that in lieu of a park, they are going to pay the park development fees.

PUBLIC TESTIMONY WAS CLOSED.

Councilmember Edinger asked about the reference in the staff report about a letter received. Mr. Wilson said that when they advertised for the subdivision, they did receive a letter from the school district late in the process raising concerns regarding density. Part of the difficulty is when you engage at the last second they don't have time to plan for their concerns. Mr. Wilson said that staff has offered to sit down with the school district and help them engage earlier in the process. There is very little they can do at this point to help them solve their problem. The school district's long range planning committee needs to anticipate and plan for that growth.

Councilmember Gookin asked at what point would council need to bring up their concerns about parks, green space, and open space. Mr. Wilson said council can bring up their concerns at any time. Tonight the council is being asked for two decisions - what is the appropriate zoning, and is this an appropriate time to bring this piece of property into the city for development. If the council approves the annexation, staff would negotiate an annexation agreement and can potentially ask for green space or open space. Mr. Wilson noted that the subdivision for the property is already approved, so it would force the developer to go back and re-plat. Mr. Wilson said that is a small park immediately to the north in Legacy Place that is only partially developed.

Councilmember Gookin asked how the subdivision could be already approved before it is annexed into the city. Mr. Wilson explained that since a subdivision is a Planning Commission action, they make the determination. For an annexation, they make a recommendation to the council regarding the zoning. If the council doesn't approve the annexation, then the subdivision goes away. If the annexation is approved by the council, the subdivision moves forward. It is an issue that has been legislated and it is an appropriate process. Mr. Wilson said that development impact fees of \$750 per lot would go into a fund for the acquisition and development of park land. Some of that money could be used to finish the park in Legacy Place. At this time, it is largely a grassy area with some benches.

Councilmember McEvers asked if there is a formula that the schools use for figuring out how many children to plan for. Mr. Wilson said there is and they can project by looking at comparably zoned areas. He also noted that the city's Comprehensive Plan has been in place since 2007, so in their planning projects the school district's long range planning committee should be anticipating areas within the ACI boundaries growing at 3 to 4 units per acre.

Mayor Widmyer asked about the development impact fee for parks of \$750.00 per lot. Mr. Wilson said that number of lots is 175. It is his understanding that they were anticipating finishing up the development of the park as soon as they acquired the ultimate footprint of the park. It would be a good conversation to have with the Parks Director.

Councilmember Evans said that on February 27th she and the Mayor attended an Urban Land Institute meeting and learned about the importance of green spaces. She said she would be more comfortable if there was a park involved but it sounds like, hopefully, some dollars could be earmarked for Legacy Park.

Motion by McEvers, seconded by Edinger to approve the requested annexation and zoning for the annexation from County; 1555 W. Hanley: AS & C to City R-8 & C-17, Lake Forest, LLC.,

DISCUSSION: Councilmember McEvers said he understands the importance of green space but wonders if every subdivision has to have a park because the city has to maintain them. He thinks that maybe in the future if it becomes more important than other things, then they need to come to a consensus that the planning commission needs to look at every subdivision for park space. He will vote to approve the annexation because council has not established that priority yet.

Councilmember Gookin said that he thinks there is a lot of value when you build a neighborhood and create a neighborhood park. However, he can't argue against the annexation based upon that because council doesn't have a rule that requires green space. In this case it would basically destroy all of the planning that has been put into the subdivision project. He would like move forward with discussions regarding parks and subdivisions.

Councilmember Miller wondered about the traffic flow and accessibility on the sidewalk going to Legacy Place. She would like council to take a look at projects that are calling for connectivity to another park and noted that the sidewalks and secondary trails are much wider in Coeur d'Alene Place. She would be in favor of the annexation at this point, but she thinks there is a different way to look at the traffic issue when you've got this kind of density against a busy street to trying to get to another park.

ROLL CALL: Miller, Aye; Gookin, Aye; Evans, Aye; Edinger, Aye; Adams, Aye; McEvers, Aye.

Motion carried.

Motion by McEvers, seconded by Edinger, to direct staff to negotiate an annexation agreement, and to develop the necessary Findings and Order.

ROLL CALL: Miller, Aye; Gookin, Aye; Evans, Aye; Edinger, Aye; Adams, Aye; McEvers, Aye.

Motion carried.

EXECUTIVE SESSION: Motion by Gookin, seconded by McEvers 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: Miller, Aye; Gookin, Aye; Evans, Aye; Edinger, Aye; Adams, Aye; McEvers, Aye.

Motion carried.

The Council entered into Executive Session at 7:20 p.m. Those present were the Mayor, City Council, City Administrator, and City Attorney. Matters discussed were those of potential litigation and property acquisition.

No action was taken and the Council returned to regular session at 8:05 p.m.

RECESS: Motion by Edinger, seconded by McEvers, to recess to March 20, 2014 at 6:00 p.m. in the Library Community Room located at 702 Front Avenue for a joint meeting with the North Idaho College Board of Trustees.

Motion carried.

The meeting adjourned at 8:06 p.m.

Steve Widmyer, Mayor

ATTEST:

Amy C. Ferguson, Deputy City Clerk

MINUTES OF A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE LIBRARY COMMUNITY ROOM
ON MARCH 20, 2014 AT 6:00 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 6:00 P.M. on March 20, 2014, there being present upon roll call a quorum.

Steve Widmyer, Mayor

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

Members of the Council Absent: Steve Adams

STAFF PRESENT: Wendy Gabriel, City Administrator; Amy Ferguson, Deputy City Clerk; Troy Tymesen, Finance Director; Mike Gridley, City Attorney; Gordon Dobler, City Engineer; Bill Greenwood, Interim Parks Director; Steve Anthony, Recreation Director.

NORTH IDAHO COLLEGE BOARD OF TRUSTEES MEMBERS PRESENT: Joe Dunlap, NIC President; Christie Wood, Ron Nilson, Judy Meyer, Ken Howard.

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

UPDATE REGARDING DIKE/LEVEE CERTIFICATION:

Gordon Dobler, City Engineer, presented an update regarding the dike/levee certification. He noted that the levee was last certified in 2007 and the certification expires in July, 2014. The certification process is run through FEMA and there is a parallel process with the Army Corp of Engineers. In 2012 they were put on notice that there were some deficiencies in the dike and the flood control structures, the most significant being the trees. The Army Corp said that all of the trees were going to have to be removed. As a result, they are pursuing the certification and a variance with the Army Corp together. The reason they are tied together is because they have to do analysis and justification for FEMA and then they turn that information over to the Army Corps when they go through their variance process. They are about 95% complete with the certification process and will be ready to submit it to FEMA within the next two to three weeks. They haven't started the Army Corps variance process yet. They have met with the Army Corps several times and have been put on hold because the Army Corps is reevaluating their criteria. They expect to complete their reevaluation in mid-summer.

The consultants recommend keeping the vast majority of the trees on the dike. Mr. Dobler explained what has been done so far, including concrete repair on the seawall, assembly of the wall, identification and inspection of the seawall openings by the museum, armored river bank,

and cleared vegetation and created public open space & a trail from Rosenberry to Harbor Center. They will have to reconstruct a portion of the wall that was removed from Northwest Boulevard in the late 1980s. Ultimately they will be modifying the wall by the museum so that it comes up to grade.

Mr. Dobler said that they have completed an assessment of the trees and vegetation and they did a health assessment, a crowding and risk assessment, and inventoried over a 1,000 trees. Around 350 of the trees need to be removed as they are either dead or dying or choking out bigger trees. Tim Kastning of Grace Tree Service did the assessment. President Dunlap noted that of the 350 trees, a little over 100 of them were shrubs.

Mr. Dobler said they have been working with the Ad Hoc committee and have taken them out to the dike road twice to give them a visual idea of the kinds of trees that are coming out. They are also talking with them about the issue of parking on top of the levy, a pedestrian and bicycle trail, beach access, control of erosion areas, and college access by pedestrians. The geotechs also came through and did a stability analysis which is keyed into evaluating what trees could jeopardize the levy under high water, or a wind with wave action scenario. They are not recommending that any trees come out, necessarily, but they did identify zones of concern where trees over a certain size would be trees of concern that would need to be monitored for health and risk assessment. If they eventually pose a risk, then at that point in time they would need to be removed.

In regard to evaluation of parking, it was the feeling of the Ad Hoc committee that the “no parking” option was not the first choice but they would like to keep that option available as it is the least expensive. The parallel and diagonal parking options create the need to make modifications which costs money. They will have another meeting in three weeks with cost estimates and alternate locations for comparison. It will probably come back to the council for a decision in probably 6 to 8 weeks. That decision will need to be made before they start the actual construction drawings.

Ms. Gabriel asked if diagonal parking would achieve more parking on the levy. Mr. Dobler said that right now there are 127 parking spaces on the levy and if they went with diagonal parking the whole length of the levy you could triple that number. He noted that the challenge with diagonal parking is they need to put in an 8 foot parking strip and a five foot walkway, which would in most areas put them off the top of the dike, which would impact the trees and increase the costs.

Trustee Wood asked if a concrete sidewalk was required. Mr. Dobler said that you can't leave it like it is because you can't deal with the erosion.

Trustee Howard asked about the ownership of the dike and right of way, and how it might impact NIC's property. Mr. Dobler explained that the city has a right of way easement along the top of the dike. They also have an easement for the levy itself that controls and limits what can be done down to the “toe” of the dike.

Trustee Wood said that she is pleased that the city has taken into consideration how important that parking is to the college and the summer beach users. If there is a way to triple the parking, it would be incredible.

Mr. Dobler said that the diagonal parking would eliminate any of the existing trees in those areas where they choose to put it, but it would create a fill slope where trees could be planted.

Trustee Meyer asked if there would have to be diagonal parking everywhere. Mr. Dobler said that there can be a mix of parking and that his sense is that the diagonal parking will only be incrementally more expensive than parallel parking. He further said that the initial goal is not to remove any parking but to maintain at least the 127 spaces, if not more.

Councilmember Edinger asked how many trees on the west side of the dike would be removed. Mr. Dobler said that from a visual recollection, he thinks there are more on the NIC side than the west side. Councilmember Edinger also asked how much this will cost and who is going to pay for it. Mr. Dobler said that they will know the cost in the next few months and the two vehicles for funding would most likely be an LID or a bond issue. The LID would be with the protected zone (the Fort Grounds) property owners, which is pretty clearly defined.

Mayor Widmyer asked about the boundaries of the protected zone. Mr. Dobler said that it starts at the flood works - the southerly and western end of the dike, and then on the easterly side would be Northwest Boulevard up to the Highway 95 bridge. Mr. Dobler proposed that the assessments be based on assessed value.

Councilmember Edinger asked if the city would receive any money from FEMA. Mr. Dobler confirmed that they would not, but they are continually looking for grants.

Councilmember Gookin asked if there is an LID of that area, would all of the entities be included, including homeowners, business owners, NIC, the city, etc. Mr. Dobler said that, yes, the city can have property that is within an LID and would be assessed.

Councilmember McEvers asked about the money that NIC has contributed toward the study. Mr. Dobler said they have kicked in 50%, or about \$250,000 for the study.

Trustee Howard said that when they had this discussion and authorized 50% of the money for the study, the question was asked at time who was going to pay for the ultimate repairs. They were informed at their meeting that the city was going to be taking care of all of the repairs. Mr. Dobler explained that the city is picking up the cost for the repairs required by Army Corps, but the additional costs are for dealing with parking issues. One of the things he would like to see is a separation of what is necessary to remediate the levy versus what could also be considered parking and access issues which he thinks should be categorized separately and other funding considered because the whole county is going to use it. He suggested a bond or some other type of funding for those items.

Councilmember Edinger asked who made the commitment that the city pay for all of the cost, and when was that done. Trustee Howard said that he would have to ask the people who were at

the meetings at that time – the former administration. He noted that the question regarding payment of the costs was asked several times and they were given the same answer each time. He agreed that there is a distinction between correcting the deficiencies and improving the condition and said that they would need to have further discussion. Trustee Howard said that he would check back in the minutes and see who made the report.

Councilmember Edinger asked if the city is going to have to pay the costs, where is the money going to come from. Mr. Tymesen said that he did not know the dollar amount yet.

Councilmember Gookin asked about a timeline moving forward. Mr. Dobler said that FEMA is estimating 6 months to get through their approval process, and then the city would be ready to move forward with the deficiency correction, which is all FEMA is going to look at. There is a time constraint when trees can be removed (between July and April), so the earliest they would see any work done would be starting in the spring of next year. He will propose something in the upcoming budget sessions.

Councilmember Edinger asked if the city could sell the trees that have to be cut down to logging outfitters. Mr. Dobler said that after looking at the assessments, the bulk of the trees aren't big enough to get much money out of them. In addition, most of are dead or diseased.

Mayor Widmyer asked if Mr. Dobler was able to give a ballpark figure of the cost. Mr. Dobler said that it is too early for that, but that just the tree removal would be a few hundred thousand dollars. A lot depends on the parking solution.

Councilmember McEvers asked Mr. Dobler to explain what the "deficiency" was. Mr. Dobler said that they would have to construct a new wall along Northwest Blvd, close the opening at the mill, have to rework the one short wall by the museum, have to re-grade both sides of the dike, and re-sodding.

Councilmember Edinger asked what would happen if they told FEMA to "take a hike?" Mr. Dobler explained that if they don't get certification, then all of the Fort Grounds area would be put into a 100 year flood zone and insurance prices, if you can get it, would be astronomical.

Trustee Howard said that he would appreciate it if the NIC Board would have an opportunity to address whatever the suggestions are before the council takes final action because it sounds like there are some options out there and it will impact NIC parking and trees and other things with more expansive improvement of the diagonal parking. Mayor Widmyer said that the city certainly views this as a partnership, and so he sees this as a decision to be made jointly together to everyone's satisfaction.

Trustee Meyer said there may need to be some more coordination of a shuttle for people around the campus but in the summer that shuttle might be doing more to bring people to the waterfront. She hopes that we look at a lot of long term options.

UPDATE REGARDING THE 4-CORNERS PROJECT:

Bill Greenwood, Interim Parks Director, presented an update on the 4-Corners project. The city applied to the Bureau of Land Management (BLM) to lease 29 acres of land. BLM requires a master plan showing how the land would be used that fits within definition from BLM. The master plan may touch on areas on either end of that corridor and areas adjacent to BLM. A variety of uses have been discussed at workshops to gather ideas from interested parties about what they would like to see. The master plan would be a work in progress and would likely take many years to implement. There is no time frame for development.

Mr. Greenwood noted that the BLM corridor is only about 200 feet wide. He presented an overview of the workshop attendees, which included NIC representatives. He explained what has been done since the workshop, including obtaining council approval of the concept, drafting of an RFQ which was distributed for comment to the review committee and some members of LCDC. He has received some comments back and is waiting to hear back from BLM regarding their comments.

Trustee Howard said that this is one of those projects that has been lingering out there for a while and coming together over a long period of time. He wanted to verbalize his understanding of prior conversations regarding the master plan that NIC's use of that property was going to be something that NIC would be vested in and that NIC would be involved or instrumental in the use of that land. He also said there was an alternative that was discussed about getting Congress to deed over the property, in which event there would be no restrictions on the use of the property. So long as they have a lease arrangement they will have to live under the restrictions set by the BLM for recreational and non-commercial use.

Mr. Greenwood said that they are pursuing the lease at this time and there is some discussion about pursuing the patent from Congress at a later time. He reaffirmed that NIC is a stakeholder and discussions will continue with all of the stakeholders.

Councilmember McEvers asked what NIC plans to do with the property. Trustee Howard said they haven't decided, but obviously under a lease they will have to live by the terms of the lease. They would most likely leave the property as a green belt.

Mr. Gridley said that he was involved in drafting the application and it clearly included NIC and educational purposes, which are recognized. He would suggest that, much like the dike certification that involves the federal government, there is a lot of "gray" in interpretation of the federal regulations. NIC is included in the lease application and they are a partner. It has been identified in the application that NIC wants to possibly use part of the property for educational purposes. So it is open for discussion as we go forward. The lease itself is also subject to amendment. Usually Congress will pass a general land bill every year but that kind of activity has been bogged down over the last few years.

Councilmember Gookin asked why NIC is concerned about the 200 feet? Trustee Wood explained that when they acquired the educational corridor property they were really trying to control that green space and have a nice entrance to the college, and they thought that 200 feet between Mill and River would be deeded over to NIC to control a nice green space for entrance

for the college. Trustee Howard said that in the short term, it would be nice if NIC had ownership of the property because they wouldn't have to constantly go back to the BLM regarding any activities they wanted to propose for that space.

Mayor Widmyer said that this is a partnership and a work in progress and both entities will work together. Trustee Wood suggested that the city's Legislative Committee would be a great resource if they wanted to pursue ownership legislatively. Mr. Gridley said that local legislators are familiar with this project and would be the people to start talking to, along with BLM.

CAMPUS SECURITY (GUNS ON CAMPUS):

Trustee Howard said that the bill changing NIC's policy of no dangerous weapons on campus was passed and their policies will change to adapt to the new law on July 1st. There are a number of concerns and it may be that they will need to come to the cities in which their facilities are located in order to get some help. Cities may be able to pass ordinances [regarding gun control] where they can't pass regulations. Some of the concerns they have include daycare centers on campus, high school students coming onto the campus for dual credit, and concerns from instructors about students carrying a concealed weapon. It will be an enforcement nightmare. There are questions being asked about whether the display of the weapons be controlled in some way.

Councilmember Gookin said that instead of infringing on the rights of law abiding citizens, what if we partnered to provide something like we do with the schools' campus police. Trustee Wood said that a campus police officer would not have similar duties to a School Resource Officer as SROs interact closely with the students. There would be a shared partnership with the funding, but the officer would be under the full control of the city. Trustee Nilson said that the college currently has seven security officers at the college.

Trustee Wood said that the NIC administration has had some conversations with the police department about what a partnership might look like and it is a budget issue. Some options she can think of in regard to ordinances might be directed at those areas that they deem most sensitive, including daycares throughout the city, and also parades and special events ordinances that might apply to large gatherings on campus.

President Dunlap said the State Board of Education is in the process of trying to define a policy that would affect the universities and the Idaho technical colleges. The three community colleges have had conversation about how to implement the new law with some level of standardization. One of the things that has come up is they need to ask and hopefully receive answers to some clarifying questions in regard to the implementation of the law. They have asked the State Board to ask the Attorney General's Office for some clarification.

Councilmember Gookin said that it was his understanding that if you have a concealed carry permit, you are supposed to conceal your weapon. If he shows the gun to someone, that would be brandishing. Trustee Wood said not necessarily in that Idaho is an "open carry" state in that you don't have to conceal your weapon.

Councilmember Miller asked if the new statute strictly prohibits the college from tracking or registering those who have the permits? President Dunlap said that is another one of the questions that they are seeking clarification on.

SHARED GYM SPACE:

Trustee Wood said that in her current position with the city, she has a lot of opportunity to work with the school district and they certainly have gym space needs, along with the college, the boys and girls club, etc. and she thought it would make sense to see if there are some partnership opportunities. She suggested a discussion about opportunities where they could jointly fund some gym space.

Mr. Tymesen said they have had some preliminary dialogue with NIC and during that time NIC was looking at its options for a larger facility. They also did some research on the HUB in the Spokane Valley.

Mr. Anthony said that the city currently has two kinds of agreements with the school district. They have a joint powers agreement with access to 8 gyms and facilities. The city is the secondary user, with the school district being the primary user. The second agreement is their shared use agreement where the city actually contributed to the construction of the facilities. Four of those agreements are in place right now, and they recently negotiated for a fifth one this year. In the shared use agreements, the city is a priority use and get into the facilities right around five o'clock. It is hard to tell what the needs will be in the future, but he sees that the biggest issue is with so many other outdoor user groups coming in, it becomes more difficult to fill needs. There are a lot of other groups that are looking for gym space and Mr. Anthony thinks in the long run there is probably a need.

Trustee Nilson said that the City of Post Falls contributed \$125,000 to the gym at the Boys and Girls Club and they have access to it in the evening. That gym is busy all the time and right now they are in the process of trying to secure where they are going to build another Boys and Girls Club in Coeur d'Alene. When they do that, a gym is the focus and the center of everything that goes on. At that time they will probably want to talk to the city about some participation and shared use.

Mr. Anthony said that the share use agreement with the school district runs through 2017 and the city has contributed close to \$1M over a 30 year period.

Mayor Widmyer asked about the status of the Boys and Girls Club in Coeur d'Alene. Trustee Nilson said that there are currently three locations being considered and none of the three have been secured yet. Once a location has been determined, they have some pledge money and are ready to move.

Trustee Meyer asked about the history of weekend usage of the gyms. Mr. Anthony said that the city is the priority user for the elementary and middle schools on the weekends. In the summer, the usage goes down probably about 80% for the gyms in that the majority of the recreation

programs are outside. Mr. Anthony noted that the HUB fills a huge need in Spokane for all of the private schools and is a nice, multi-purpose facility.

Councilmember Gookin said that he does see the need for an event center in the county, but he thinks the only way it is going to happen is if we create a recreational district that is county wide and everyone chips in to make it happen. Mr. Anthony said that if it is going to be an event center, he would recommend creating an auditorium district. Trustee Nilson said that the board has decided that the event center will not move forward and that if they were going to do something of that magnitude it would be a financial drain and they would need to put it to a vote.

FUTURE EDUCATION CORRIDOR FACILITIES:

Mayor Widmyer asked where the college was in regard to future buildings in the higher education campus. He noted that one of the things that he is interested in is Kootenai Health and they are going through a very large expansion. He had a conversation last week with them and they feel that in the not too distant future the size of Kootenai Health could very well double, which would create a tremendous amount of jobs. People are concerned about the talent that is available to fill those jobs. Mayor Widmyer noted that on a list of Idaho's Hot Jobs, ten of the first fourteen jobs listed are in the medical field. There seems to be a need that is going to have to address at the college level. The number one "hot job" is registered nurses.

Trustee Wood said that, historically, when they acquired the education corridor there was a lot of talk at that time of focusing on health sciences. But those are very expensive programs and it would be helpful if they could form partnerships for some of those expenses. President Dunlap said that NIC has a group that has been meeting with Kootenai Health. Trustee Wood said that in the past they have looked at a joint use facility with other entities including the University of Idaho, LCSC, etc., and maybe they could look at it again.

Mayor Widmyer said that Boise State, Idaho State University, and Lewis Clark State College have successful nursing programs and they are turning students away. We need to move in a direction where we address those needs. President Dunlap said that their nursing program produces about 120 nurses per year. In this community there is not a shortage of nurses as there is across the country. He explained that they had originally viewed the joint use facility as a classroom that had a joint centralized student services operation that included the University of Idaho, LCSC and NIC, but there was no prospect of getting that building funded because the state's Permanent Building Fund was "broke." Since then, Kootenai Health and LCDC and the three education institutions have begun to meet to talk about possibly changing the concept of that joint use building and expand it so that it would not only include classrooms and faculty offices but also labs that would be used to support the healthcare needs. Their Dean of Nursing and Health Sciences, and Vice President of Instruction have done a fairly exhaustive study of the Department of Labor data and they just received the projections from Kootenai Health. They have taken that data and looked at what specific occupations would best serve the five northern counties, including surgical tech, dietetics, billing and coding, dental hygiene, health informatics, and medical labor technologist. They have also received word that in 2016 the Permanent Building Fund may be in a much better position to help fund this project. The project would be

ideally suited for the higher education campus. They will continue to press on with Kootenai Health and look at those programs and what that translates into in terms of a facility.

President Dunlap said that their number one priority is their career and technical education facility that would expand their capacity for career technical students. They are moving at warp speed to bring that project together and hope that over the next couple of months they will be able to present a plan to the board of trustees.

Trustee Nilson said that they are facing a 11% reduction in total enrollment and another 10% forecasted for next year on the academic side. The brightest star they have right now is their Career and Technical Education.

Mayor Widmyer asked how the Riverbend campus fits into the picture. Trustee Meyer said they are still thinking about that. Her understanding is there is a lot more health care and allied services that needs to be done and she thinks it will grow even more because they now have a residency program being established in Coeur d'Alene, which is a statewide effort to provide more physicians in rural areas. The Sandpoint hospital is choosing to build another building to increase its presence. The health care world is in transition and it has all kinds of ripples that will affect education campus, clinical sites, satellites, etc. It is an exciting time.

Trustee Howard said that it is tempting to talk about the health care programs because they are very popular. But in the last couple of years they have started programs on aeronautics and developing training and testing facilities for aeronautics, and also wood product processing. There is a demand on NIC to adopt programs for a lot of industries in this area and to help promote industries coming into the area. There is a waiting list for the CTE (Career Technical Education) programs and right now they are renting some spaces, and some of the classes are in the Riverbend area, and they have property next to the KTech school. Students have come to them for the last two or three years and said that they want a new activity center, which they fund through their activity fees, so that may be another facility. There are a number of different projects and they need to find some definition for them and get some direction. They encourage new programs and want to be attractive to new industries that want to locate to this area.

Trustee Meyer said that she thinks it would be very important that the city council and college be able to demonstrate to new legislators how effective they are. Trustee Wood commended Mayor Widmyer on what he is doing personally and the people he has pulled together to focus on economic development and jobs and said that any way the college can help in his quest, they want to be a part of it. She also noted that she serves on the city's legislative committee and they have talked about how it might be more effective for them to host a meeting with legislators along with NIC in the fall. She thinks it is a wise choice and together we are better.

President Dunlap commented that their enrollment numbers are inversely proportional to what is happening in the economy. As the economy improves, their enrollment goes down. He also commented that today there was an announcement that Exotic Metals, an aircraft company out of Kent, Washington, is building a facility in Airway Heights near Spokane. They would not have come to the area except for the fact that Spokane Community College and NIC both have

aerospace programs. When businesses realize that that the college can help support their business needs, they will come.

Mayor Widmyer thanked everyone for attending and noted that NIC is a very special place to him. He truly believes that NIC graduates are oftentimes the smartest people in the room and that he probably wouldn't be sitting in the mayor's seat today without NIC in 1978 that put him on the right path to where he is today. He looks forward to a great partnership in the future.

Trustee Howard commented thanked the mayor for the opportunity to meet and said that it has proved beneficial every time they get together.

RECESS: Motion by Edinger, seconded by Gookin, to recess to March 25, 2014 at 12:00 Noon, in the Old Council Chambers for a workshop regarding Citywide Sidewalk Policies.

Motion carried.

The meeting adjourned at 7:56 p.m.

Steve Widmyer Mayor

ATTEST:

Amy Ferguson, Deputy City Clerk

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 233 33
 Rec No 1763316
 Date 2-11-14
 Date to City Council: 04-01-14
 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 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 checked="" 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	Lake City Coffee Co LLC, ^{DBA} Java on Sherman
Business Mailing Address	9323 N. Government Way PMB 231
City, State, Zip	Hayden, ID. 83835
Business Physical Address	819 Sherman Ave CDA ID 83814
City, State, Zip	
Business Contact	Business Telephone: 208-651-4245 Fax: Email address: Lindsay@javaonsherman.com
License Applicant	Lindsay and Dave Patterson
If Corporation, partnership, LLC etc. List all members/officers	same as above Same as above

Back by 3/25/14

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 933.33
Rec No 709762
Date _____
Date to City Council: 4-1-14
Reg No. _____
License No. _____
Rv _____

Date that you would like to begin alcohol service 5-15-14

Check the ONE box that applies:

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input 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 checked="" 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 _____	\$

Formerly Fiesta Mexicana

Business Name	<u>UVA TRATTORIA</u>
Business Mailing Address	<u>2603 N 4th ST COEUR D ALENE</u>
City, State, Zip	<u>COEUR D ALENE ID</u>
Business Physical Address	<u>2603 N 4th ST COEUR D ALENE</u>
City, State, Zip	<u>COEUR D ALENE ID</u>
Business Contact	Business Telephone: <u>208 818 9257</u> Fax: _____ Email address: <u>SVAN ZEV@HOTMAIL.COM</u>
License Applicant	<u>STEVE VAN ZEVEN</u>
If Corporation, partnership, LLC etc. List all members/officers	<u>STEVE VAN ZEVEN</u> <u>LISA VAN ZEVEN</u>

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 420.00
 Rec No _____
 Date 3/26/14 ker
 Date to City Council: 4/1/14

Date that you would like to begin alcohol service April 1st, 2014
Check the ONE box that applies:

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

Business Name	<u>Blackwell Hotel</u>
Business Mailing Address	<u>820 E. SHERMAN Ave.</u>
City, State, Zip	<u>COEUR D' ALENE, ID 83814</u>
Business Physical Address	<u>820 E. SHERMAN AVE</u>
City, State, Zip	<u>COEUR D' ALENE, ID 83814</u>
Business Contact	Business Telephone: <u>208.765.7799</u> Fax: _____ Email address: <u>BLACKWELLHOTEL@GMAIL.COM</u>
License Applicant	<u>William Wendlandt</u>
If Corporation, partnership, LLC etc. List all members/officers	



City of Coeur d'Alene

Municipal Services
Department

709159
3/20/14
K

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

OUTDOOR EATING FACILITY ENCROACHMENT APPLICATION

VALID MARCH 17 TO NOVEMBER 1 2014 y

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

Name of Eating Establishment: Cricket's Restaurant + Oyster Bar

Applicant's Name: Albenico V. Ciccone Phone Number: (208) 765-1990

Contact Person: same Phone Number: (208) 659-2963

Cell Phone: (208) 659-2963 Email: cricketciccone@yahoo.com

Mailing Address: 424 Sherman Ave. City/State/Zip: CDA Id. 83814

Physical Address: 424 Sherman Ave. City/State/Zip: CDA, Id. 83814

Is Application New Renewal

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

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

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

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

Please supply a copy of your current menu.

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

What days is the full menu available? Monday through Sunday

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

FEES

16 Number of Seats x \$27.94 per seat (Sewer Cap Fee) = \$ 447.04

If located on sidewalk or City property, the encroachment fee is \$125.00. + \$ _____

TOTAL DUE \$ _____

If this is a new or renewal of permit with any changes to site plan or ownership, submit documentation. Please include the following:

_____ If serving alcohol, please submit a site plan indicating proposed location of posts, type of barrier between posts, measurements from posts and barriers to any obstacles including curbs, trees, grates, benches etc.

_____ Mark sidewalk for placement of posts and have the City team inspect and approve markings prior to installation

_____ Have sidewalk cored and posts installed with caps for winter at owners expense after obtaining City Council approval (see attached policy)

_____ Signs installed at exits

I have read the outdoor eating policy, and encroachment agreement, and agree to abide by the regulations of the City. The encroachment agreement on file with the City shall remain in full force and effect until the permit is cancelled by owner, change of ownership of business, or permit is expired, non-renewed, revoked or denied. Further, I understand that no alcohol may be served at outdoor eating tables placed on City property after 10:00 p.m.


Applicant Signature

3-20-14
Date

Internal Use Only

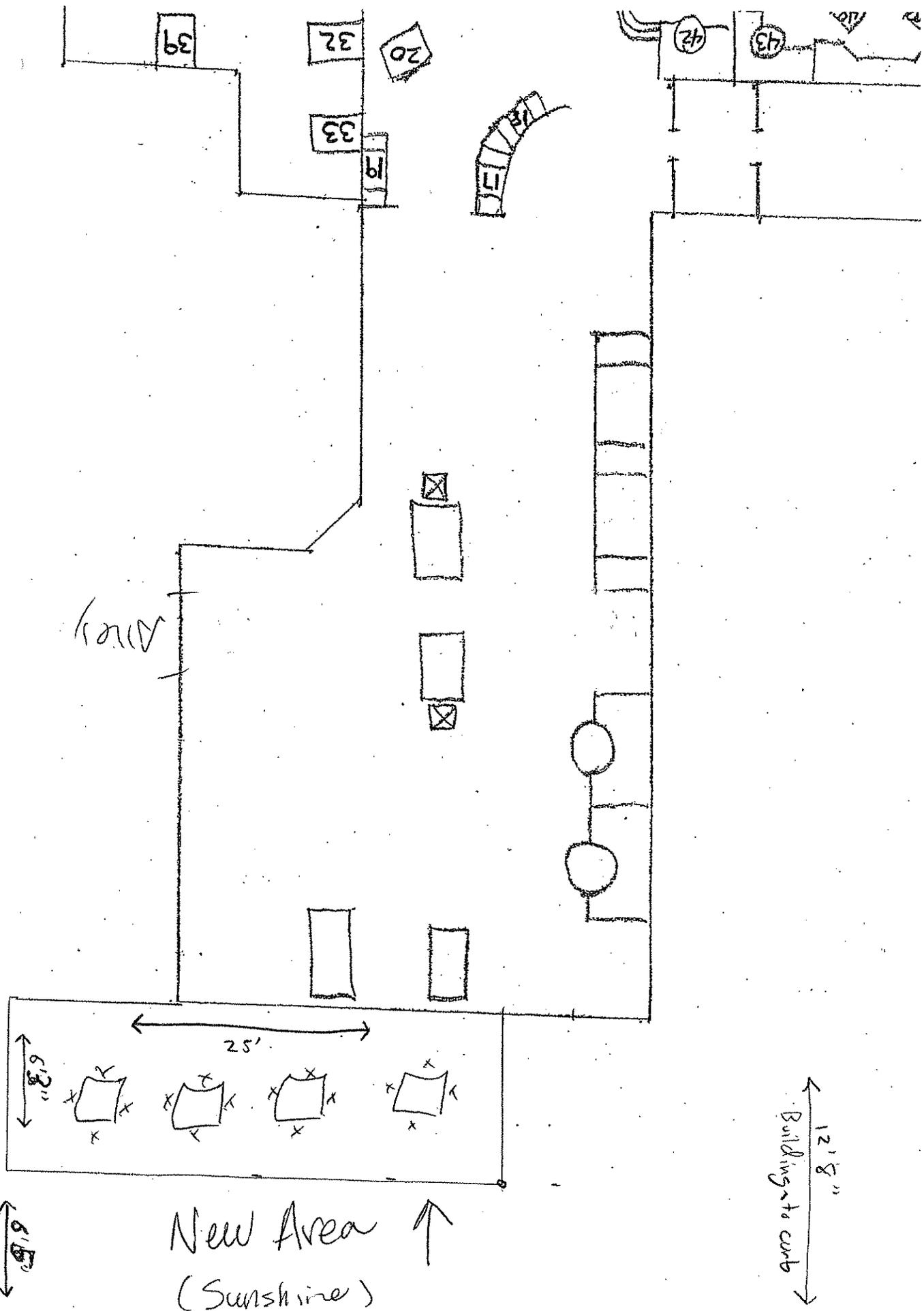
Reviewed and approved on: _____ By: _____

Issued By: _____ Date: _____

Conditions: _____

Denied due to: _____

Date: _____



S + 4 St. e

**CITY COUNCIL
STAFF REPORT**

DATE: April 1, 2014
FROM: Christopher H. Bates, Engineering Project Manager
SUBJECT: Riverstone West 5th Addition: Final Plat Approval



DECISION POINT

Staff is requesting the following:

1. Council approval of the final plat document, a two (2) lot commercial development

HISTORY

- a. Applicant: Matt Mayberry
ATS, Inc.
PO Box 3457
Hayden, ID 83835
- b. Location: Between Riverstone Drive and Tilford Lane, west of Beebe Blvd.
- c. Previous Action: Preliminary plat approval by CdA Planning Commission, February 2014.

FINANCIAL ANALYSIS

There are no financial issues with this development.

PERFORMANCE ANALYSIS

The subject property has been previously platted and re-platted a number of times, and, all of the required infrastructure has been previously installed and accepted by the City. There are no issues that will impede the development of the subject property.

DECISION POINT RECOMMENDATION

1. Approve the final plat document for recordation.

RESOLUTION NO. 14-012

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 AWARD OF BID AND APPROVAL OF A CONTRACT WITH PLANNED AND ENGINEERED CONSTRUCTION (PEC) FOR THE WASTEWATER 2014 CURED IN PLACE PIPE (CIPP) PROJECT; APPROVING AN AMENDMENT TO THE AGREEMENT WITH PANHANDLE PARKS FOUNDATION; AND APPROVING AN AGREEMENT WITH AMERICAN LEGION BASEBALL, INC.

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 C" and by reference made a part hereof as summarized as follows:

- A) Award of Bid and approval of a contract with Planned and Engineered Construction (PEC) for the Wastewater 2014 Cured in Place Pipe (CIPP) Project;
- B) Approving an Amendment to the Agreement with Panhandle Parks Foundation;
- C) Approving an Agreement with American Legion Baseball, Inc.;

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 C" 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 1st day of April, 2014.

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 _____.

PUBLIC WORKS COMMITTEE STAFF REPORT

DATE: March 14, 2014
FROM: Mike Becker, Wastewater Utility Project Manager
SUBJECT: Bid Results for the 2014 Cured In Place Pipe (CIPP) Project.

=====

DECISION POINT:

The City Council may wish to accept and award a contract to the low bidder for the City of Coeur d'Alene Wastewater Utility 2014 Cured-in-Place Pipe (CIPP) Project from bids that were publically opened March 12, 2014 at 2:00 PM.

HISTORY:

On January 29, 2014 and February 5, 2014, advertisement for this project began with a Category B Bidding process to assure that only contractors that are experienced and well qualified to perform the specialized CIPP construction provide bids for this project. In accordance with Idaho Code, it was determined that only three (3) contractors complied with the administrative requirements of the prequalification process. On February 24, 2014, Notice for Bids was issued to only these 3 contractors. This is for trenchless rehabilitation of approximately 10,300 linear feet of 8-inch through 12-inch diameter public sewer pipes. On March 12, 2014, bids were opened and publically read.

FINANCIAL ANALYSIS:

The following is a tabulation of the prequalified contractor's bid results:

- | | |
|---|---------------------|
| • Michel's Corporation, Salem, OR: | Did not submit |
| • Planned and Engineered Construction, Helena, MT: | \$235,881.00 |
| • Insituform, Littleton, CO: | \$303,729.10 |

The Engineer's (JUB) estimate of probable cost: \$350,000.00

The low bid was submitted by Planned and Engineered Construction (PEC) with a total bid price of \$235,881.00.

PERFORMANCE ANALYSIS:

The Wastewater Utility planned for this project during the FY 2013-2014 budget and has the available funds. PEC has successfully completed six (6) previous CIPP contracts within the City of Coeur d'Alene to the Wastewater Utility's satisfaction.

RECOMMENDATION:

Award the 2014 Cured-In-Place Pipe (CIPP) Project contract to Planned and Engineered Construction (PEC), for the total bid price of \$235,881.00.

Contract

THIS CONTRACT, made and entered into this 1st day of April, 2014, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as "CITY", and **PLANNED AND ENGINEERED CONSTRUCTION, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of MONTANA, with its principal place of business at 3400 Centennial Drive, Helena, MT. 59601, hereinafter referred to as the CONTRACTOR.

WITNESSETH:

THAT the CONTRACTOR has been awarded the contract for the **2014 Cured-in-Place Pipe (CIPP) Project** in Coeur d'Alene, according to plans and specifications on file in the office of the City Clerk of the CITY, which plans and specifications are entitled:

City of Coeur d'Alene Wastewater Utility - 2014 Cured-in-Place Pipe (CIPP) Project

IT IS AGREED that for and in consideration of the covenants and agreements to be made and performed by the CITY OF COEUR D'ALENE, as hereinafter set forth, the CONTRACTOR shall make improvements as set forth in the said plans and specifications described above, in said city, furnishing all labor and materials therefor according to said plans and specifications and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said plans and specifications are hereby declared and accepted as parts of this contract. All material shall be of the high standard required by the said plans and specifications and approved by the Water Superintendent, and all labor performed shall be of first-class workmanship.

The CONTRACTOR shall employ appropriate means to prevent accidents and defend the CITY from all claims for injury to person or property resulting from the CONTRACTOR's actions or omissions in performance of this contract, and to that end shall maintain insurance of the type and in the amount specified in the Contract Documents, it being the intention that the minimum limits shall be those provided for under Chapter 9, Title 6, Section 24 of the Idaho Code. Certificates of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policy shall be filed in the office of the City Clerk.

The CONTRACTOR agrees to maintain Workman's' Compensation coverage on all employees, including employees of subcontractors, during the term of this contract as required by Idaho Code Sections 72-101 through 72-806. Should the CONTRACTOR fail to maintain such insurance during the entire term hereof, the CITY shall indemnify the CONTRACTOR against any loss resulting to the CITY from such failure, either by way of compensation or additional premium liability. The CONTRACTOR shall furnish to the CITY, prior to commencement of the work, such evidence as the CITY may require guaranteeing contributions which will come due under the Employment Security Law including, at the option of the CITY, a surety bond in an amount sufficient to make such payments.

The CONTRACTOR shall furnish the CITY certificates of the insurance coverage's required herein, which certificates must be approved by the City Attorney.

The CITY OF COEUR D'ALENE, the CITY, shall pay to the CONTRACTOR for the work, services and materials herein provided to be done and furnished by it, a sum not to exceed **Two Hundred Thirty-Five Thousand Eight Hundred Eighty-one dollars and zero cents (\$235,881.00)**, as provided in the Unit Price Schedule. Partial payment shall be made on the third Tuesday of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council, provided that the contractor has obtained from the Idaho State Tax Commission and submitted to the City a release of liability for taxes (Form 10-248-79). Payment shall be made by the City Treasurer.

Unit Price Schedule

ITEM NO.	ITEM DESCRIPTION	EST. QUAN.	UNIT	UNIT PRICE	TOTAL PRICE
2010.4.1.A.1	Mobilization	1	LS	\$7,850.00	\$7,850.00
SP-02100.4.1.A.1	Traffic Control	1	LS	\$3,500.00	\$3,500.00
SP-02541.4.1.A.1	CIPP Rehabilitation – 8" *	7,675	LF	\$17.00	\$130,475.00
SP-02541.4.1.A.1	CIPP Rehabilitation – 10" *	1,365	LF	\$20.00	\$27,300.00
SP-02541.4.1.A.1	CIPP Rehabilitation – 12" *	1,251	LF	\$24.00	\$30,024.00
SP-02541.4.1.B.1	Cut Off Protruding Laterals	14	EA	\$100.00	\$1,400.00
SP-02541.4.1.C.1	Lateral Reinstatement	255	EA	\$50.00	\$12,750.00
SP-02543.4.1.A.1	Pre-Construction Cleaning and TV Inspection of Main Sewer Line *	10,291	LF	\$1.00	\$10,291.00
SP-02547.4.1.A.1	Bypass Sewage Pumping	1	LS	\$2,000.00	\$2,000.00
TOTAL BASE BID:					\$235,881.00

**Indicates payment will be by Plan Quantity*

The Work shall be substantially complete within **sixty (60) calendar days** after the date when the Contract Times commence to run, as provided in Paragraph 2.03 of the General Conditions or by September 30, 2014, whichever comes first, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions within **thirty (30) calendar days** after the date of Substantial Completion.

The CITY and the CONTRACTOR recognize that time is of the essence and failure of the CONTRACTOR to complete the work within the time allowed shall result in damages being sustained by the CITY. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the CONTRACTOR shall fail to complete the work within the above time limit, the CONTRACTOR shall pay to the CITY or have withheld from moneys due, liquidated damages at the rate of **\$500.00** per calendar day, which sums shall not be construed as a penalty.

IT IS AGREED that the CONTRACTOR must employ ninety-five percent (95%) bona fide Idaho residents as employees on any job under this contract except where under this contract fifty (50) or less persons are employed by the contractor, in which case the CONTRACTOR may employ ten percent (10%) nonresidents; provided, however, in all cases the CONTRACTOR must give preference to the employment of bona fide residents in the performance of said work. (Idaho Code 44 – 1002)

The CONTRACTOR further agrees: In consideration of securing the business of constructing the works to be constructed under this contract, recognizing the business in which he is engaged is of a transitory character and that in the pursuit thereof, his property used therein may be without the state of Idaho when taxes, excises or license fees to which he is liable become payable, agrees:

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this contract, whether or not the same shall be payable at the end of such term.
2. That if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same constitutes liens upon his property, to secure the same to the satisfaction of the respective officers charged with the collection thereof.
3. That in the event of his default in the payment or securing of such taxes, excises and license fees, to consent that the department, officer, board or taxing unit entering into this contract may withhold from any payment due him thereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said contractor is liable.

IT IS FURTHER AGREED that for additions or deductions to the plans and specifications, the unit prices as set forth in the written proposal of the CONTRACTOR are hereby made a part of this contract.

For the faithful performance of this contract in accordance with the plans and specifications and payment for all labor and materials, the CONTRACTOR shall execute good and sufficient performance bond and payment bond each in the amount of one hundred percent (100%) of the total amount of the bid as herein before stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The term "CONTRACT DOCUMENTS" are defined in "Standard General Conditions of the Construction Contract" ISPWC Division 100.

THIS CONTRACT, with all of its forms, specifications and stipulations, shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the Mayor and City Clerk of the CITY OF COEUR D'ALENE have executed this contract on behalf of said city, the City Clerk has affixed the seal of said city hereto, and the CONTRACTOR has caused the same to be signed by its President, and its seal to be affixed hereto, the day and year first above written.

CITY:
CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO

CONTRACTOR:
PLANNED AND ENGINEERED CONSTRUCTION
3400 CENTENNIAL DRIVE, HELENA, MT 59601

By: _____
Steve Widmyer, Mayor

By: _____

ATTEST:

Renata McLeod, City Clerk

ATTEST:

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 1st day of April, 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 _____
Commission Expires _____

STATE OF _____)
) ss.
County of _____)

On this ____ day of April, 2014, before me, a Notary Public, personally appeared _____, known to me to be the _____, of **Planned and Engineered Construction Inc.**, and the persons 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 _____
Residing at _____
Commission Expires _____

**GENERAL SERVICES
STAFF REPORT**

Date: March, 24th, 2014

From: Bill Greenwood, Interim Parks Director

SUBJECT: REVISIONS TO PANHANDLE PARKS FOUNDATION AGREEMENT

(City Council - Action Required)

DECISION POINT:

The Panhandle Parks Foundation has requested a revision to the 2014 and 2015 date schedules in their agreement. Recommendation is to approve the revision to the 2014 and 2015 date schedules.

HISTORY:

The Panhandle Parks Foundation requested an agreement in 2012 to conduct a festival type event at McEuen Park beginning in 2014 when the new park will be opened. They held a successful festival event in 2013 in City Park over Labor Day weekend, but are now requesting to move their event to the weekend prior to Labor Day weekend.

FINANCIAL ANALYSIS:

Panhandle Parks Foundation will pay the city for use of the parks by fees established per resolution. The fees cover booth space including vendors and concessions. Overtime costs are usually associated with special events and those costs are also paid to the city by the event sponsor. The event covers all costs associated with the event.

PERFORMANCE ANALYSIS:

The Panhandle Parks Foundation is looking to continue to conduct an annual BBQ event on the weekend prior to Labor Day Weekend.

DECISION POINT:

Recommend to City Council the approval of the revised Panhandle Parks Foundation agreement to reflect the new 2014 and 2015 date schedules.

LEASE AGREEMENT

THIS CONTRACT, made and entered into this 1st day of April, 2014, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under the laws of the State of Idaho, hereinafter called "City," and **PANHANDLE PARKS FOUNDATION** with its principal place of business at 212 Ironwood Drive, Suite D PMB 124, Coeur d'Alene, Idaho 83815 hereinafter called "Parks Foundation."

W I T N E S S E T H:

THAT, WHEREAS, the Parks Foundation has been awarded the contract for a Festival at McEuen Park on Labor Day Weekend beginning 2013. The Parks Foundation and the City understand that McEuen Park may still be under improvement repair during Labor Day 2013 and that the Parks Foundation may hold the event in the CDA City Park at that time and move the event to McEuen Park for the weekend prior to Labor Day weekend in 2014 and 2015. The event hosted by the Parks Foundation may include, but not be limited to, Arts and Craft vendors, food vendors and entertainers. The event will be held annually and will allow the Parks Foundation to begin setting up for the event on Thursday of the weekend prior to Labor Day and the event will be open to the public on Friday, Saturday and Sunday.

NOW, THEREFORE, IT IS AGREED, that for and in consideration of the covenants and agreements set forth herein that, Parks Foundation is awarded this agreement according to the terms set forth herein and under the penalties expressed herein.

Section 1. Definition: For purposes of this agreement the parties agree that the term "employee" shall include board members of the Parks Foundation and any volunteers that would assist them during the event.

Section 2. Community Relations: The Parks Foundation agrees they and their employees will be courteous and informed about the community and will assist with questions from tourists and other park users.

Section 3. Appropriate Attire: Parks Foundation agree they and their employees must be appropriately dressed in either an approved T-shirt or polo shirt with identifying logo, and approved shorts, if shorts are preferred instead of pants. Approval must be received from the Parks Director. It will not be permissible to operate the event in other apparel without prior written approval.

Section 4. Staffing: Parks Foundation agrees that the event must be staffed by at least six employees at all times.

Section 5. Health Permit: Parks Foundation agrees that all food vendors are to obtain a health permit as required by law for a food concession that may be part of the event. The permit must be placed in a conspicuous place on the concession. The permit number must correspond to the number on the trailer. The health permit is required to be provided to the City Clerk by August 15, 2013 for the 2013 event and on the

same date each succeeding year of the event, Failure to submit the required health permit within the above stated time can result in the City denying Parks Foundation permit for the event. The purpose of the permit is to protect the public.

Section 6. Food: Parks Foundation may allow all foods within the scope of the health permit.

Section 7. Non-food Items: Parks Foundation agrees to review all requests for items to be sold at the event and not allow items that may be deemed to be dangerous or illegal.

Section 8. Refuse: Parks Foundation agrees not to dispose of their refuse at a City maintained trash receptacle. Parks Foundation will make arrangements with Waste Management for a trash receptacle, or bin, and for pick up of emptying bin when necessary during event. Parks Foundation employees/volunteers can empty the trash receptacles or contract with the Parks Department during the permitting process for the purpose of disposing refuse resulting from their event. Parks Foundation will do this at their expense. The park and surrounding site must be kept clean at all times.

Section 9. Hold Harmless: Parks Foundation shall hold the City harmless and shall give up all claims for any incidental or consequential damages or lost profits during the term of the agreement due to construction projects located in or using McEuen Field (or City Park in 2013). Parks Foundation further understands and agrees that during the term of this agreement that the city or agents of the city may commence projects involving downtown public properties which may result in the city canceling this agreement pursuant to the notice provision in Section 24 below entitled “Notice”.

Section 10. Waiver: Parks Foundation understands that during the term of this agreement, the City may be undertaking repairs to the City’s Park and/or amenities, which may interfere with Parks Foundation operation in the park. Parks Foundation specifically waives any claim as to lost profits or business while said repairs are undertaken.

Section 11. Negligent or Wrongful Act: Parks Foundation agrees to indemnify and hold harmless the City from any and all liability, loss or damage which the City may suffer arising out of, or in connection with the negligent or wrongful acts, errors and omissions of Parks Foundation, their agents, or employees. Parks Foundation further agrees, at Parks Foundation cost, to defend the City against all claims arising out of this agreement, including any claims resulting from the operation of Parks Foundation event or in connection with the negligent or wrongful acts, errors and omissions of Parks Foundation, their agents or employees.

Section 12. Site Specifications: Parks Foundation agrees to the following site specifications,

- A. Booth size: 10 ft. X 10 ft. for arts and craft booths
- B. Heat source: propane or whisper quiet generator.
- C. Electricity is available but must be verified by Parks Department 30 days prior to event.
- D. Cooling source: battery, ice, propane, or whisper quiet generator

- E. All food concessions must be self-contained. Ice chests, canisters, etc. cannot be stored next to cart.
- F. The concessions must be kept clean throughout the event.
- G. Food Concession booths size is 10 ft. X 20 ft.

Section 13. Term: The City shall grant an event permit to Parks Foundation to include the Thursday, Friday Saturday and Sunday of the weekend prior to Labor Day. The dates for the 2014 event shall be from Thursday August 21st through Sunday August 24th. The dates for the 2015 event shall be from Thursday August 27th through Sunday August 30th.

Section 14. Consideration: Parks Foundation shall in consideration for the permit to operate and maintain said event at the said location, shall pay the Parks Department the fees set by resolution for such events. The fees must be paid in full within 30 days after the event each year.

Section 15. City Ordinances: Parks Foundation shall abide by all City Ordinances and resolutions, included but not limited to Municipal Code Chapter 4.05; Parks and Public Property.

Section 16. Fire Protection: All tents, canopies or membrane structures must be certified flame resistant where food is being prepared and all food vendors must have a fire extinguisher and comply with the Coeur d'Alene Fire Department Permit for Temporary Tents and other Membrane Structures. A \$ 100.00 Inspection fee will be charged to the sponsor for booth inspections, including food and non-food booths.

Section: 17. Glass Containers: Parks Foundation agrees not to dispense drinks in glass containers.

Section 18. Violation of Regulations: Parks Foundation agrees any violation of regulations, contract, ordinance, or any evidence of collusion may result in criminal prosecution and/or in the revocation of the permit, forfeitures of the full consideration, and Parks Foundation may not be allowed to host an event or resubmit a proposal for a period of three (3) years.

Section 19. Non-transferable: Parks Foundation also agrees and understands this agreement cannot be transferred to another host/sponsor without permission of the City.

Section 20. Parking: Parks Foundation agrees to park in lawfully designated parking spaces neither Parks Foundation nor their agent (s) shall park vehicles adjacent to the concessions, arts and craft booths or entertainment areas for longer than thirty (30) minutes. Failure to comply with this provision shall be considered a material breach of this agreement.

Section 21. Event Information: Parks Foundation will submit the following information to the Parks Department 30 days prior to event; number of arts and craft vendors, names, addresses and phone numbers, number of food vendors, with specific needs for power, including vendors names, addresses and phone numbers, names, addresses and phone numbers or entertainers and hours of entertainment. Parks Foundation agrees it will meet with the Parks Department 60 days prior to an event to review access for the

vendors, entertainers, etc., site layout, fee structure and any potential changes in the event venue. Access generally relates to vehicle access prior to the event for setting up and taking down. Specific access points will be identified and monitored by the Parks Department so the event does not cause unnecessary damage, wear and tear, to the park. The Parks Foundation will meet with the Parks Department one week before the event to review final details.

Section 22. Lessor's Option to Terminate Lease: The Lessor may at any time after ten (10) day's written notice terminate this lease. The notice of the exercise by the Lessor of its option to terminate the lease for no cause shall be given in the same manner as notice of termination in case of default.

Section 23. Forfeiture of Permit: It is understood that time is of the essence and should Parks Foundation fail to perform all of the covenants herein required of them, the City may declare the permit forfeited. However, that before declaring such forfeiture, the City shall notify Parks Foundation in writing of the particulars in which the City deems Parks Foundation to be in default and Parks Foundation will have three (3) days to remedy the default.

Section 24. Notice: Any notice including notice of default resulting from failure to perform shall be made by placing the written particulars in the United States Mail addressed to Parks Foundation at the address above, with proper postage affixed. Any notice required herein to be given to City shall be written and deemed received by City when personally delivered to the office of the City Clerk, 710 Mullan Avenue, Coeur d'Alene, Idaho 83814. In lieu of service by mail, a notice of default and/or of termination may be served in the manner provided for the service of process under the Idaho Rules of Civil Procedure, Rule 5(b).

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d' Alene have executed this contract on behalf of said City, and Parks Foundation have caused the same to be signed, the day and year first above written.

CITY:
CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO

LESSEE:
PANHANDLE PARKS FOUNDATION

By: _____
Steve Widmyer, Mayor

By: _____
President

By: _____
Renata McLeod, City Clerk

By: _____
Vice President

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 1st day of April, 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** and the persons who 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 April, 2014, before me, a Notary Public, personally appeared _____ and _____, know to me to be the **President and Vice President**, respectively, of the **Panhandle Parks Foundation** and the persons who executed the foregoing instrument and acknowledged to me that said Panhandle Parks Foundation 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: _____

**GENERAL SERVICES
STAFF REPORT**

Date: March 24, 2014
From: Bill Greenwood, Parks Director
SUBJECT: American Legion Baseball Agreement

DECISION POINT:

Recommend to City Council to approve the agreement between the City of Coeur d'Alene and American Legion Baseball for the use of Thorco Field at Ramsey Park.

HISTORY:

The last agreement the City of Coeur d'Alene had with American Legion Baseball was from 1992 for use of McEuen Field. Last year American Legion's baseball program was moved to Thorco Field. We created this new agreement for the use of the new location.

FINANCIAL ANALYSIS:

There is no additional cost to the City for maintenance of the field.

PERFORMANCE ANALYSIS:

This agreement identifies and outlines what responsibilities the City of Coeur d'Alene and American Legion Baseball will have for field maintenance, scheduling and costs for the season.

DECISION POINT/ RECOMMENDATION:

Recommendation to City Council to approve the agreement between the City of Coeur d'Alene and American Legion Baseball for the use of Thorco Field at Ramsey Park.

MOTION FROM PARKS AND RECREATION COMMISSION: 3/17/14

Motion made by Commissioner McDowell to recommend to General Services that they recommend to City Council to approve the agreement between the City of Coeur d'Alene and American Legion Baseball for the use of Thorco Field at Ramsey Park. Motion was seconded by Commissioner Hill. All were in favor, motion passed unanimously.

AGREEMENT

THIS AGREEMENT, entered into the 1st day of April, 2014 between the **City of Coeur d' Alene**, a municipal corporation organized pursuant to the laws of the state of Idaho, hereinafter referred to as "**City**," and the **Coeur d'Alene American Legion Baseball Inc.**, a nonprofit corporation, organized pursuant to the laws of Idaho, hereinafter referred to as the "**Association**."

W I T N E S S E T H:

WHEREAS, The City owns property located at 3525 North Ramsey Road known as Ramsey Park; and

WHEREAS, There is a baseball field located in the southwest corner of Ramsey Park adjacent to The Kroc Center that is known as Thorco Field, which is more particularly described on the attached **Exhibit "A"**, which by this reference is incorporated herein; and

WHEREAS, The Association desires to use the Thorco Field facilities; and

WHEREAS, the parties have reached an agreement as to certain matters regarding Thorco Field; NOW, THEREFORE,

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

1. Term: The term of this agreement shall run from May 1st, 2014 to August 31st, 2014. After October 1st, 2014 the Parks and Recreation Commission may recommend to the City Council that this Agreement be renewed for an additional one year term.
2. Admission Costs and Fees: Except for tournaments as provided in Section 4 below, all events at Thorco Field will be open to the general public and no admission fee will be charged by the Association for admission to events held at Thorco Field without permission from the Parks Director.
3. Field Scheduling: The City will have priority use of Thorco Field but agrees to allow the Association first priority when scheduling uses by other users during the Association's baseball season, which runs from approximately May 15th until August 15th annually during the term of this Agreement. The City retains the right to schedule additional uses, including non-baseball uses, for Thorco Field at times that do not conflict with the Associations scheduled use of Thorco Field. The Association agrees to provide the City with a draft schedule of game, tournament and practice times no later than May 1st of each year to allow the City to prepare a schedule of use for Thorco Field. The Association agrees that it will not assign its designated use times to other groups and/or clubs. The Association agrees to pay \$ 1,600 annually to the City for use of the baseball field and lights. Payment shall be submitted to the City no later than June 1st, 2014.

4. Tournaments: The Association may reserve Thorco Field for tournament use as authorized by Municipal Code Section 4.30.030.
5. Field Maintenance: The Association will prepare and maintain Thorco Field's batting cage dirt, pitcher's mound, dirt infield and the base path running lanes, including chalking or lining of the field as necessary during their season. The Association is solely responsible for all costs associated with the maintenance activities required by this Section. The base path running lanes must be prepared by hand without the use of motorized equipment. No one under the age of eighteen (18) years of age shall operate motorized equipment for field maintenance on Thorco Field. The City will allow the Association to utilize certain equipment for maintenance of the infield edge. All mowing and general turf care will be performed by City staff. No mowing, edging or any type of turf maintenance shall be done by the Association. The City and Association will have a field maintenance meeting prior to the beginning of the season.
6. Field Alterations: The Association will not make any alterations, including alterations to the irrigation system without the express written consent of the City. Any alterations or other improvements proposed by the Association shall be paid for by the Association. Any alterations or other improvements that are affixed to Thorco Field becomes the property of the City and the Association hereby waives all claims of ownership therein.
7. Field Damage: The Association is solely responsible for repairing any damage to Thorco Field, including but not limited to the following; fencing, dugouts, batting cages, scoreboard lighting, Press Box, Concession Trailer and storage sheds, incurred as a result of the Association's use of Thorco Field.
8. Storage Facility: The Association will be allowed to utilize the City's two (2) 10' x 12' storage sheds at Thorco Field for the duration of this Agreement for the sole purpose of storing materials and equipment directly related to the use of Thorco Field. If at any time during this Agreement the Association desires to add an additional storage, it may make a written request to the Park's Director who, in his or her sole discretion, will determine whether to allow the placement of an additional shed. The Association will bear all costs associated with an additional shed, if approved, including any permit costs that may be required.
9. Press Box: The City will make the Press Box available for the Association's use during its season. However, the use by the Association is non-exclusive and the City reserves the right to use the Press Box for other activities. The parties will conduct a walk thru of the Press Box at the beginning of each season and again at the end of the season to ensure that the Press Box is in acceptable condition. No alterations or modifications to the Press Box will be made by the Association without the express written consent of the City. Prior to May 15th of each season during the term of this Agreement, the Association will pay to the City a one hundred dollar (\$100) refundable deposit for six (6) keys to the Press Box and a fifty dollar (\$50) refundable cleaning deposit for the Press Box. The Association agrees that it will not make copies of the keys provided by the City. The required deposits will be returned to the Association after the end of season walk through

provided that the Press Box is clean and any necessary repairs have been made and all six (6) keys have been returned. Any damage by the Association or its users to the Press Box will be immediately repaired by the Association at its sole cost. Deposits shall be paid to the City no later than May 1st, 2014.

10. Concessions: The City will make the Concession Trailer available at Thorco Field for the Association's use during its season. The Concession Trailer is only to be transported by City Staff. The parties will conduct a walk thru of the Concession Trailer at the beginning of each season and again at the end of the season to ensure that the Concession Trailer is in acceptable condition. No alterations or modifications to the Concession Trailer will be made by the Association without the express written consent of the City. The Association agrees to keep the Concession Trailer clean at all times and will also be responsible to notify City staff when the grey water tank needs to be emptied. City staff will coordinate the emptying of the grey water tank in accordance with all relevant City and Panhandle Health District requirements. All needed permits for use of the Concession Trailer must be obtained and paid for by the Association. The Association shall provide trash cans at the Concession Trailer and place all food preparation material in bags to be stored in a mutually acceptable location. The Association will turn over the Concession Trailer to the City at the end of its scheduled season in the same condition as it was received, cleaned and empty of all food products. Prior to May 15th of each season during the term of this Agreement, the Association will pay to the City a one hundred dollar (\$100) refundable deposit for six (6) keys to the Concession Trailer and a fifty dollar (\$50) refundable cleaning deposit for the Concession Trailer. The Association agrees that it will not make copies of the keys provided by the City. The required deposits will be returned to the Association after the end of season walk through provided that the Concession Trailer is clean and any necessary repairs have been made and all six (6) keys have been returned. Any damage caused by the Association or its users to the Concession Trailer will be immediately repaired by the Association at its sole cost. Deposits shall be paid to the City no later than May 1st, 2014.
11. Banners: Sponsorship banners shall not go over the fence or onto the ground. Sponsorship banners shall only be displayed from May 15th through August 15th. Any and all proceeds of these sponsorships will go to the Association.
12. Vehicles on Field and Parking: The Association agrees that it will not allow any of its users to park or drive any vehicle on or over Thorco Field or the Prairie Trail, which is adjacent to Thorco Field, with the exception of supervised deliveries and work.
13. Portable Fencing: The Association may install, at its cost, portable fencing in locations approved by the Parks Director. The fence material and method of installation must also be approved by the Parks Director. Portable fences cannot be installed more than twenty-four (24) hours before a tournament and must be removed no later than twenty-four (24) hours after conclusion of a tournament.
14. Loudspeakers: Any use of loudspeakers must conform to Municipal Code Chapter 5.24.

15. Hold Harmless: That the Association shall indemnify, defend, and hold the City harmless for any claim or cause of action that may arise as a result of the Association's use, and/or maintenance of Thorco Field. To this end, the Association shall provide liability insurance naming the City as an additional insured in the amount of One Million Dollars (\$1,000,000) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants. A certificate of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policy shall be filed with the office of the City Clerk prior on or before execution of this agreement which the certificate must be approved by the City Attorney.
16. Compliance with Law: That the parties will abide by all the laws, ordinances, regulations, and policies of the City, the State of Idaho, or the federal government that may apply in regard to the use, construction, and/or maintenance of the improvements and including but not limited to bidding and public works contracting laws.
17. Termination/Default: In the event the Association fails, neglects, or refuses to perform any covenant or condition required of the Association herein, the City may terminate this Agreement, retaining any and all payments made by the Association as liquidated damages, or the City may, at its option, enforce the specific performance of the terms hereof, or may take such recourse that is available in law or in equity.
18. 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.
19. Attorney's fee: Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court cost and reasonable attorney fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination, or forfeiture of this Agreement.
20. Choice of Law/Jurisdiction: This Agreement shall be governed and interpreted in accord with the laws of the state of Idaho. Jurisdiction for resolution of disputes arising from performance of this Agreement shall rest with the courts of the state of Idaho. Venue shall lie in Kootenai County.
21. Entire Agreement: This Agreement constitutes the entire agreement between the parties hereto, and may not be modified except by an instrument in writing signed by the parties hereto.

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

CITY OF COEUR D' ALENE
KOOTENAI COUNTY, IDAHO

COEUR D' ALENE AMERICAN
LEGION BASEBALL INC.

Steve Widmyer, Mayor

By: _____
_____, President

ATTEST:

ATTEST:

Renata McLeod, City Clerk

Secretary

**GENERAL SERVICES COMMITTEE
MEMORANDUM**

Date: March 12, 2014

From: Renata McLeod, City Clerk

Re: Authorize an updated ADA and Title VI Grievance Procedure to add Melissa Tosi as the ADA Compliance Officer.

DECISION POINT:

- To authorize a grievance procedure regarding ADA and Title VI Complaints to add Melissa Tosi as the ADA Compliance Officer.

HISTORY: In 2004, the City adopted Resolution No. 04-012 which authorized an ADA Grievance Procedure and in 2013 amended it pursuant to Resolution 13-008. Since 2004 the Human Resource Director has been listed as the ADA Compliance Officer. With Melissa Tosi's recent appointment as the Human Resource Director, an update to this document is needed. All other portions of the complaint procedure will remain the same.

FINANCIAL: There are no financial considerations associated with this item.

PERFORMANCE ANALYSIS: Authorizing the updated will ensure the City continues to comply with Title VI complaint responsibilities and provide proper documentation regarding the contact person for complaints to be posted at City Facilities.

DECISION POINT/RECOMMENDATION:

- To authorize a grievance procedure regarding ADA and Title VI Complaints to add Melissa Tosi as the ADA Compliance Officer.

RESOLUTION NO. 14-014

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 XXII: POLICE & FIRE PAYBACK PROGRAM, ADDING A CONDITION OF EMPLOYMENT FOR FIRE.

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

WHEREAS, said Personnel Rules, Classification and Compensation Plan amendments have been properly posted 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 rule amendments, attached hereto as Exhibit "A," be adopted; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the rule amendments attached hereto as Exhibit "A," be and is hereby adopted.

DATED this 1st day of April, 2014.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER ADAMS Voted _____

_____ was absent. Motion _____.

Grievance Procedure for City of Coeur d'Alene

The following grievance procedure is established to meet the requirements of Title VI of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990 (ADA), Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended.

As a recipient of Federal Funds, The City of Coeur d'Alene certifies that all persons claiming discrimination prohibited by the Acts referenced above committed by the City have the right to submit a grievance on the basis of discrimination individually, as a member of any specific class, or in connection with any disadvantaged business enterprise.. A complaint may also be filed by a representative on behalf of such person.

When filing a grievance, the person must provide detailed information to allow an investigation, including the date, location, and description of the alleged act of discrimination, or where there has been continuing course of conduct, the date on which that conduct was discontinued. The grievance should be in writing and should include the name, address, and telephone number of the complainant. **Upon request, alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for individuals with disabilities.** In the event a person makes a verbal complaint of discrimination to an officer or employee of the City, the person shall be interviewed by the ADA Compliance Officer. If necessary, the ADA Compliance Officer will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the City's investigative procedures as outlined in this document. The complaint should be submitted by the complainant or his/her designee as soon as possible, but no later than 180 days after the alleged violation. Complaints must be signed and sent to:

Melissa Tosi, Human Resource Director
ADA Compliance Officer
710 E. Mullan Avenue Coeur d'Alene, ID 83814
208-769-2205

Within 10 calendar days after receiving the complaint, the City will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as referral to the Idaho State Transportation Department (ITD) and/or the US Department of Transportation. Upon receipt of a complaint, the ADA Officer will provide a copy to the Title VI Compliance Officer.

If the response by the City does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision of the ADA Officer. Appeals must be made within 15 calendar days after receipt of the response. Appeals must be directed to the Title VI Compliance Officer or his or her designee.

Within 15 calendar days after receiving the appeal, the Title VI Compliance Officer or his or her designee will meet with the complainant to discuss the complaint and to discuss possible resolutions. Within 15 calendar days after the meeting, the Title VI Compliance Officer or his or her designee will provide a response in writing. Where appropriate, the response shall be in a format accessible to the complainant. The response shall be accompanied by a final resolution of the complaint. The ADA Compliance Officer shall maintain the files and records of the City pertaining to the complaints filed for a period of three years after the grant is closed out.

The City will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD.

- a. Name, address, and phone number of the complainant
- b. Name, address (es) of alleged discriminating official(s)
- c. Basis of complaint (i.e., race, color, national origin, or sex)
- d. Date of alleged discriminatory act(s)
- e. Date of complaint received by the City
- f. A statement of the complaint
- g. Other agencies (state, local or Federal) where the complaint has been filed
- h. An explanation of the action the City has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the City, will conduct an investigation of the allegations and, based on the information obtained, render a recommendation of action in a report of findings to the City's authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the City's authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by the City. The City will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Under Title II, filing a grievance with the public entity's ADA Coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of the others. **Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time.** The following are four of the eight agencies where a Title II complaint can be filed:

Department of Justice (DOJ)
Civil Rights Division
Public Access Section
P.O. Box 66738
Washington, DC 20035-9998

Department of Housing & Urban Development (HUD)
Community Planning and Development
451 7th Street
Washington, DC 20410-4000

Architectural & Transportation Barriers Compliance Board (ATBCB)
1331 F Street, N.W., Suite 1000
Washington, DC 20004-1111

Equal Employment Opportunity Commission (EEOC)
1801 L Street, N.W.
Washington, DC 20507

This Grievance Procedure becomes effective upon passage of Resolution No. 14-013

Steve Widmyer, Mayor

ANNOUNCEMENTS

OTHER COMMITTEE MINUTES
(Requiring Council Action)

March 24, 2014
GENERAL SERVICES COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

Ron Edinger, Chairperson
Steve Adams
Amy Evans ABSENT

CITIZENS

Nick Smoot - Item 6

STAFF

Kathy Lewis, Deputy City Clerk
Bill Greenwood, Parks Director
Mike Gridley, City Attorney
Troy Tymesen, Finance Director
Wendy Gabriel, City Administrator
Keith Erickson, Communications Coordinator
Juanita Knight, Senior Legal Assistant

Item 1. Amending Municipal Code Section 12.100.020, membership to the CDATV Committee.
(Agenda)

Kathy Lewis is requesting authorization to amend Municipal Code Section 2.100.020 entitled Established: Membership; Terms; to provide for a nine person committee, removal of a business owner residing within the city limits, and adding a representative from Panhandle Health District. It was explained in the staff report with the recent applications for membership for the Committee, the Committee continued to experienced difficulty filling the membership slot for a representative that is a business owner. It is their understanding that the intent of this specific requirement was to involve the business community and have someone interested in working with the Committee on sponsorships. The Committee further felt that Panhandle Health District would be a beneficial partner in providing content for the channel and should be a listed representative in the committee make up.

MOTION: by Councilmember Adams seconded by Councilmember Edinger to recommend that Council adopt Council Bill No. 14-1002 amending Municipal Code Section 12.100.020, membership to the CDATV Committee to provide for a nine person committee, removal of a business owner residing within the city limits, and adding a representative from Panhandle Health District.

Item 2. Amendment to the ADA Grievance Procedure to designate Melissa Tosi as the ADA Compliance Officer.
(CCR)

Kathy Lewis is requesting approval to amend the grievance procedure regarding ADA and Title VI Complaints to add Melissa Tosi as the ADA Compliance Officer. All other portions of the complaint procedure will remain the same.

MOTION: by Councilmember Adams seconded by Councilmember Edinger to recommend that Council adopt Resolution No. 14-013 approving an amendment to the grievance procedure regarding ADA and Title VI Complaints to add Melissa Tosi, Human Resources Director, as the ADA Compliance officer.

Item 3. Repeal of Municipal Code Section 9.52.040, Illegal Possession of Weapons at Parades or Public Assemblies.
(Information Only)

Councilmember Adams said this was brought to his attention about a year ago but he was waiting to see what would happen with some legislation at the state level. It has been presented to him that the city ordinance is unconstitutional and in violation of the 2nd Amendment. The supreme court recently and several lower courts have deemed that the 2nd amendment is valid and the supreme law of the land and that people have the right to carry in public. He supports that and doesn't believe the city should deny people the right to self-defense just because the city is having a parade.

MOTION: by Councilmember Adams to direct staff to repeal Section 9.52.040 entitled Illegal Possession of Weapon at Parades or Public Assemblies from the Municipal Code. Motion died for lack of a second.

DISCUSSION:

Mike Gridley stated this ordinance has been on the books since 2003 and arose out of a time period when there was concern about confrontations within the community between some groups, specifically the Aryans and law enforcement stemming from issues back in the late 90's. The constitutionality nor legality has been challenged to this point. Mr. Gridley asked if it is the committee's desire to have the legal department research and run this through the constitutional traps to see what the status is now. Councilmember Adams responded no. He is recommending Chapter 9.52 definitions be amended and 9.52.040 be repealed entirely and bring it to the full council for a vote. Mr. Gridley said this is a little unusual as staff typically looks for direction of 4 or more council members to do something.

Councilmember Edinger said he would recommend directing the legal staff to review this request and come back to General Services with a recommendation.

Councilmember Adams agreed to that process.

**Item 4. Revision to the Panhandle Parks Foundation event agreement.
(CCR)**

Bill Greenwood is requesting approval of the revised Panhandle Parks Foundation agreement to reflect the new 2014 and 2015 date schedules.

Mr. Greenwood noted in his staff report that the Panhandle Parks Foundation requested an agreement in 2012 to conduct a festival type event at McEuen Park beginning in 2014 when the new park will be opened. They held a successful festival event in 2013 in City Park over Labor Day weekend, but are now requesting to move their event to the weekend prior to Labor Day weekend. Panhandle Parks Foundation will pay the city for use of the parks by fees established per resolution. The fees cover booth space including vendors and concessions. Overtime costs are usually associated with special events and those costs are also paid to the city by the event sponsor. The event covers all costs associated with the event.

MOTION: by Councilmember Adams seconded by Councilmember Edinger to recommend that Council adopt Resolution No. 14-012 approving the amended Panhandle Parks Foundation agreement to reflect the new 2014 and 2015 date schedules.

**Item 5. Agreement with American Legion.
(CCR)**

Bill Greenwood is requesting Council approve the agreement with American Legion Baseball for the use of Thorco Field at Ramsey Park.

Mr. Greenwood noted in his staff report that the last agreement with American Legion Baseball was from 1992 for the use of McEuen Field. Last year American Legion's baseball program moved to Thorco Field. The agreement identifies and outlines what responsibilities are of each entity for field maintenance, scheduling, and costs for the season. Mr. Greenwood stated that Rick Sparks was at the Park and Recreation meeting when this was presented and indicated that the Legion approves the agreement as presented.

Mr. Greenwood added that the Legion would like to have a grand opening with the Council sometime this June.

MOTION: by Councilmember Adams seconded by Councilmember Edinger to recommend that Council adopt Resolution No. 14-012 approving the agreement with American Legion Baseball for the use of Thorco Field at Ramsey Park.

**Item 6. Robot Regulations.
(Information Only)**

Mike Gridley said he is here with Nick Smoot who is the CEO and founder of "Here on Biz." Mr. Smoot approached staff with the request that City Council adopt an ordinance to promote and regulate the use of robots in Coeur d'Alene. Staff brings the request to the committee for guidance on how to go forward with this request.

Mr. Gridley noted in his staff report that 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. 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. A robot ordinance could regulate the use of public property, i.e. streets, sidewalks, parks, etc. by robots.

Nick Smoot said his focus is to help Coeur d'Alene focus on a startup community and retaining the young talent that often times leave Coeur d'Alene. He believes that robotics is an area that the city could win successfully in software. He foresees companies coming here to build their robotic startups as well as graduating students from a great engineering school. Mr. Smoot went into greater detail of robots and items that a robot ordinance might include. He believes that Coeur d'Alene can be the first city in the world to license robots, potentially, and address how they function in public spaces away from human operators.

Councilmember Adams said he is a proponent of robotics and the technology industry and thinks it would be great for Coeur d'Alene to become the focal point of the industry but would recommend adopting a Resolution in support of the concept rather than an Ordinance, enacting law.

Councilmember Edinger asked Mr. Gridley what his recommendation would be. Mr. Gridley said a Resolution would be more like a statement of support. Absent anything specific, the city could prepare a proclamation or the Mayor could express support for projects. He said it is too early to project what regulations would be needed in regard to robotics.

Mr. Smoot said his concern in two-fold. One, citizens may have concerns with the future of robots and 2nd, differentiating ourselves as the city, not just saying we embrace this. He would like to see the city putting a stake in the ground saying we are thinking about robotics seriously as a city. There are companies and universities taking this seriously to the tune of billions of dollars and no city has truly said they will be the first to license robots and if you want to build them, come here. Looking at the future of artificial limbs and what can be done with that. he recently saw someone who fed herself. She's a paraplegic but through her thoughts and a robotic arm was able to control feeding herself. there is an amazing world out there and no city has said 'let's do it'. He will do his part to make Coeur d'Alene that place that robotics is known and to encourage people to come here. However the city can support that. he believes an ordinance would be more helpful than a proclamation.

Mr. Gridley said this is new territory and is requesting guidance in should city staff proceed with researching and drafting an ordinance promoting and regulating robots in Coeur d'Alene.

Mr. Smoot went on to explain how he is promoting robotics in Coeur d'Alene.

Councilmember Adams said he is opposed to an Ordinance but would support a proclamation.

Mr. Smoot said that probably would not be worth his time to have a one-time statement made. He could make better statements by doing things that create progress rather than the city saying they embrace what they do. He'd rather create progress. He asked the committee if they support what he is doing. Councilmember Adams responded yes, Mr. Smoot said then we're good. He'd rather not waste peoples time with a proclamation.

MOTION: by Councilmember Adams seconded by Councilmember Edinger to not pursue the robot regulations.

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Juanita Knight
Recording Secretary

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

DATE: March 24, 2014
FROM: Renata McLeod, Municipal Services Director/City Clerk
SUBJECT: Amendment to Municipal Code 2.100.020, “Established; Membership; Terms;”
to provide for a Nine person committee.

DECISION POINT: To authorized an amendment to Municipal Code 2.100.020, “Established; Membership; Terms;” to provide for a nine person committee, removal of a business owner residing within the city limits, and adding a representative from Panhandle Health District.

HISTORY: At the March 10, 2014 CDATV Committee meeting, the Committee requested amendments to the committee membership that was established March 21, 2006 by the adoption of Ordinance No. 3250; as amended by Ordinance 3411 on June 20, 2011. With the recent applications for membership for the Committee, the Committee continued to experienced difficulty filling the membership slot for a representative that is a business owner. It is their understanding that the intent of this specific requirement was to involve the business community and have someone interested in working with the Committee on sponsorships. The Committee further felt that Panhandle Health District would be a beneficial partner in providing content for the channel and should be a listed representative in the committee make up. Therefore, the Committee recommends amending the code to provide for nine committee members, removal of the requirement for a business owner representative, and the addition of a representative from Panhandle Health District as attached.

FINANCIAL ANALYSIS: There is no financial impact with this amendment, other than the cost of codification, which is a budgeted item.

PERFORMANCE ANALYSIS: Approving this amendment would allow the committee to move forward with the appointment of two committee members.

DECISION POINT/RECOMMENDATION:

- To authorized an amendment to Municipal Code 2.100.020, “Established; Membership; Terms;” to provide for a nine person committee, removal of a business owner residing within the city limits, and adding a representative from Panhandle Health District.

ORDINANCE NO. _____
COUNCIL BILL NO. 14-1002

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 2.100.020 TO EXPAND THE CDATV COMMITTEE AND MODIFY ITS MEMBERSHIP; 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 2.100.020 is amended to read as follows:*

2.100.020: ESTABLISHED; MEMBERSHIP; TERMS:

- A. There is established a CDATV committee in the city of Coeur d'Alene, which shall consist of ~~eight~~ nine (89) members who shall receive no salary.
- B. All appointments to the CDATV committee shall be made by the mayor with the advice and approval of the council, and members of the committee may in a like manner be removed. Two (2) members thereof shall be residents at large; of which one member may reside outside city limits but must be a resident of Kootenai County; ~~one member shall be a business owner residing within the city limits~~; one member shall be a city councilman; one member shall be a high school student, who attends school within the boundary of school district 271; a representative as assigned by North Idaho College; a representative as assigned by the cable franchise; ~~and a representative as assigned by School dDistrict 271~~ and a representative assigned by Panhandle Health District. The city clerk, or designee, shall serve as liaison to this committee.
- C. The term of office of each member shall be for a term of three (3) years or until his successor is appointed and qualified, whose term shall run for the duration of the existing term except for the high school student whose term shall be for one year. The terms of office of the members shall be staggered in such a manner so that the terms of three (3) of those members shall expire at the end of one year, the terms of two (2) of those members shall expire two (2) years later, and the terms of the two (2) remaining of those members shall expire at the end of three (3) years except for the high school student. The mayor shall determine at the initial appointment to this committee the members' staggered terms. Thereafter, the term of office for each appointed member shall be three (3) years. Vacancies shall be filled by appointment of the mayor with the consent of the city council.
- D. In addition to the members listed in subsection A of this section, any outlying city which enters into an agreement with the city of Coeur d'Alene to participate in using CDATV for their government information channel, shall provide one representative from that city to serve on the

CDATV committee for a term of three (3) years and who shall be recommended by their respective city's mayor and confirmed by their council.

- E. Any member who does not attend at least a majority of meetings of the committee within a twelve (12) month period or who fails to attend three (3) consecutive meetings may be removed by following the procedure contained in Idaho Code 50-210.

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 1st day of April, 2014.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
AMENDING SECTION 2.100.020 CDATV COMMITTEE

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 2.100.020 TO EXPAND THE CDATV COMMITTEE AND MODIFY ITS MEMBERSHIP; 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.

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 SECTION 2.100.020 CDATV COMMITTEE, 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 1st day of April, 2014.

Warren J. Wilson, Chief Deputy City Attorney

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

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

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?

OTHER BUSINESS

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

A. INTRODUCTION

This matter having come before the City Council on, February 18, 2014, and there being present a person requesting approval of Item: ZC-1-13, a request for a portion of "The Landings at Waterford 10th Addition" 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.

APPLICANT: MULLIGAN INVESTMENTS, LLC

LOCATION: +/- 12.66 ACRES AT "THE LANDINGS AT WATERFORD 10TH ADDITION"

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

- B1. That the existing land uses are residential and commercial.
- B2. That the Comprehensive Plan Map designation is Transition.
- B3. That the zoning is R-3 and C-17.
- B4. That the notice of public hearing was published on, February 1, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on January 31, 2014, which fulfills the proper legal requirement.
- B6. That 21 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on January 31, 2014.
- B7. That public testimony was heard on February 18, 2014.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

Objective 1.11

Community Design:

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

Objective 1.14

Efficiency:

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

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

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

Objective 3.04

Neighborhoods:

Encourage the formation of active neighborhood associations and advocate their participation in the public process.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on the staff comments included in the staff report from departments regarding the availability of utilities and facilities for the proposed use.
- B10. That the physical characteristics of the site do make it suitable for the request at this time because there are no physical constraints and the subject property is relatively flat and currently vacant.
- B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because the connecting streets will accommodate the additional traffic and the R-8 zoning district is consistent with the surrounding developments in the neighborhood. It also fits within the Atlas-Prairie (Today) character as described in the 2007 Comprehensive Plan.

C. ORDER: CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned, finds that the request of MULLIGAN INVESTMENTS, LLC for a zone change, as described in the application should be approved.

Special conditions applied are as follows:

NONE

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

ROLL CALL:

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

Council Member Adams was absent.

Motion to approve carried by a 5 to 0 vote.

MAYOR STEVE WIDMYER

STAFF REPORT

TO: Mayor Widmyer and City Council
FROM: Melissa Tosi; Human Resources Director
RE: Personnel Rule Update
Date: April 1, 2014

DECISION POINT

To authorize Resolution No. 14-014, authorizing the amendments to Rule XXII: Police and Fire Payback Program, adding a condition of employment for fire.

HISTORY

The proposed Personnel Rule amendments were posted at a minimum of ten (10) consecutive days before this City Council meeting. Staff has discussed these amendments with the Fire Union.

FINANCIAL ANALYSIS

There are no hard costs associated with this Personnel Rule amendment.

PERFORMANCE ANALYSIS

Our goal is to provide a consistent and clear document for personnel rules.

RECOMMENDATION:

To authorize Resolution No. 14-014, authorizing the amendments to Rule XXII: Police and Fire Payback Program, adding a condition of employment for fire to recoup identified costs for firefighters that voluntarily leave during their first year of employment.

RESOLUTION NO. 14-014

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 XXII: POLICE & FIRE PAYBACK PROGRAM, ADDING A CONDITION OF EMPLOYMENT FOR FIRE.

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

WHEREAS, said Personnel Rules, Classification and Compensation Plan amendments have been properly posted 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 rule amendments, attached hereto as Exhibit "A," be adopted; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the rule amendments attached hereto as Exhibit "A," be and is hereby adopted.

DATED this 1st day of April, 2014.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER EVANS Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER EDINGER Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER ADAMS Voted _____

_____ was absent. Motion _____.

RULE XXII: POLICE AND FIRE PAYBACK PROGRAM

SECTION 1. Preamble

The City of Coeur d' Alene spends a great deal of money during the testing and background checks of potential police officers and firefighters.

SECTION 2. Definitions

“Peace Officer” means any employee of the Coeur d’Alene Police Department and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or the City of Coeur d’Alene.

“Firefighter” means any employee of the Coeur d'Alene Fire Department whose duties includes and primarily consists of protecting the community from disaster situations and promoting an environment of public safety within the City of Coeur d'Alene.

SECTION 3. Agreement

As a condition of employment, each applicant for peace officer or firefighter with the City of Coeur d’Alene shall execute an agreement whereby said applicant promises to remain within employ of the City of Coeur d’Alene as a peace officer or firefighter, on a full time basis, for a period of time not less than two and a half years after the date of hire for peace officer and for a period of time not less than one year after the date of hire for firefighter.

Also, as a condition of employment, each applicant who voluntarily leaves the employ of the City of Coeur d’Alene Police or Fire Department, prior to successfully completing two and a half years of employment for peace officer and one year for firefighter, shall reimburse the City of Coeur d’Alene a sum equivalent to the costs, that may include, training, background investigation, boots, nametags, body armor, medical, hearing, vision, psychological, and polygraph testing administered to the applicant during the pre-employment process.

SECTION 4. Pay Back

In the event that a peace officer or firefighter of the Coeur d’Alene Police or Fire Department voluntarily resigns within the time frame stated above, ~~two and a half years after the date of hire~~, the peace officer or firefighter shall be required to pay the City the sum set forth in the signed payback agreement. The amount shall

be reduced proportionately for each month that the officer or firefighter was employed within the Coeur d'Alene City Police or Fire Department.

The amount owed by the employee to the City shall be deducted from the final pay check that the employee is owed. If the amount owed to the City is greater than the amount of the final pay check, the balance shall be owed to the City within 30 days of the final work day.

SECTION 5.

Exceptions

If the officer or firefighter is terminated for cause by the City of Coeur d'Alene, the officer shall not owe the City any amount.

If the officer or firefighter resigns in lieu of termination for cause, the officer or firefighter shall not owe the City any amount.

SECTION 6.

Appeals

An officer or firefighter may appeal the amount assessed pursuant to the agreement to a Department Head, other than the Police or Fire Chief ~~of Police~~, as appointed by the Mayor. If the employee is still not satisfied, the final appeal may then be made to a committee of three appointed City Council Members who will meet in executive session to consider the appeal. Final recommendation will be made to the Mayor and entire Council in an open public meeting. A simple majority vote of the Council will be required to decide on the appeal. The Mayor and Council shall also have the authority to modify the reimbursement rate to a less amount as the majority deems necessary. In no case can the Mayor and Council modify the reimbursement to an amount greater than would be required by the initial agreement.

FIRE DEPARTMENT NEW EMPLOYEE PAYBACK AGREEMENT

1. **PARTIES:** The parties to this agreement are the City of Coeur d’Alene, Idaho (CITY) and _____ (EMPLOYEE).

2. **AGREEMENT:** In consideration of the amounts spent by CITY for testing, background checks and training of EMPLOYEE, EMPLOYEE and CITY agree that if EMPLOYEE voluntarily leaves employment of CITY prior to successfully completing one year of employment after the date of hire, EMPLOYEE will reimburse CITY an amount equivalent to the costs that may include background investigation, uniforms, protective clothing/equipment, training costs, medical expenses, i.e., physical, x-rays, blood work, stress test, hearing and/or vision testing administered to or provided for EMPLOYEE. The amount to be paid back by EMPLOYEE under this agreement shall not exceed three thousand eight hundred dollars (\$3,800.00) and shall be reduced proportionately for each month the EMPLOYEE is employed within the Coeur d’Alene City Fire Department.

3. **EXCEPTIONS:** If EMPLOYEE is terminated for cause by CITY or resigns in lieu of termination for cause the EMPLOYEE shall not owe CITY any money under this agreement.

4. **METHOD OF PAYMENT:** The amount owed by the EMPLOYEE to the CITY shall be deducted from the final pay check that the EMPLOYEE is owed. If the amount owed to the CITY is greater than the amount of the final pay check, the balance shall be paid to the CITY by EMPLOYEE within 30 days of EMPLOYEE’S final work day.

5. **APPEALS:** EMPLOYEE may appeal the amount to be paid back under this agreement to a Department Head, other than the Fire Chief, as appointed by the Mayor. EMPLOYEE may appeal the decision of the Department Head to a committee of three City Council Members appointed by the Mayor who will meet in executive session to consider the appeal. Final recommendation will be made by the three Council Members to the Mayor and the entire Council in an open public meeting. The appeal will be decided by a simple majority vote of the Council. The Mayor and Council shall also have the authority to modify the pay back amount to a lesser amount as the majority deems necessary. In no case can the Mayor and Council increase the pay back amount to an amount greater than would be required by the initial agreement.

6. **DATE:** This agreement is executed on the _____ day of _____, 20____.

CITY OF COEUR D’ALENE

STEVE WIDMYER, MAYOR

EMPLOYEE

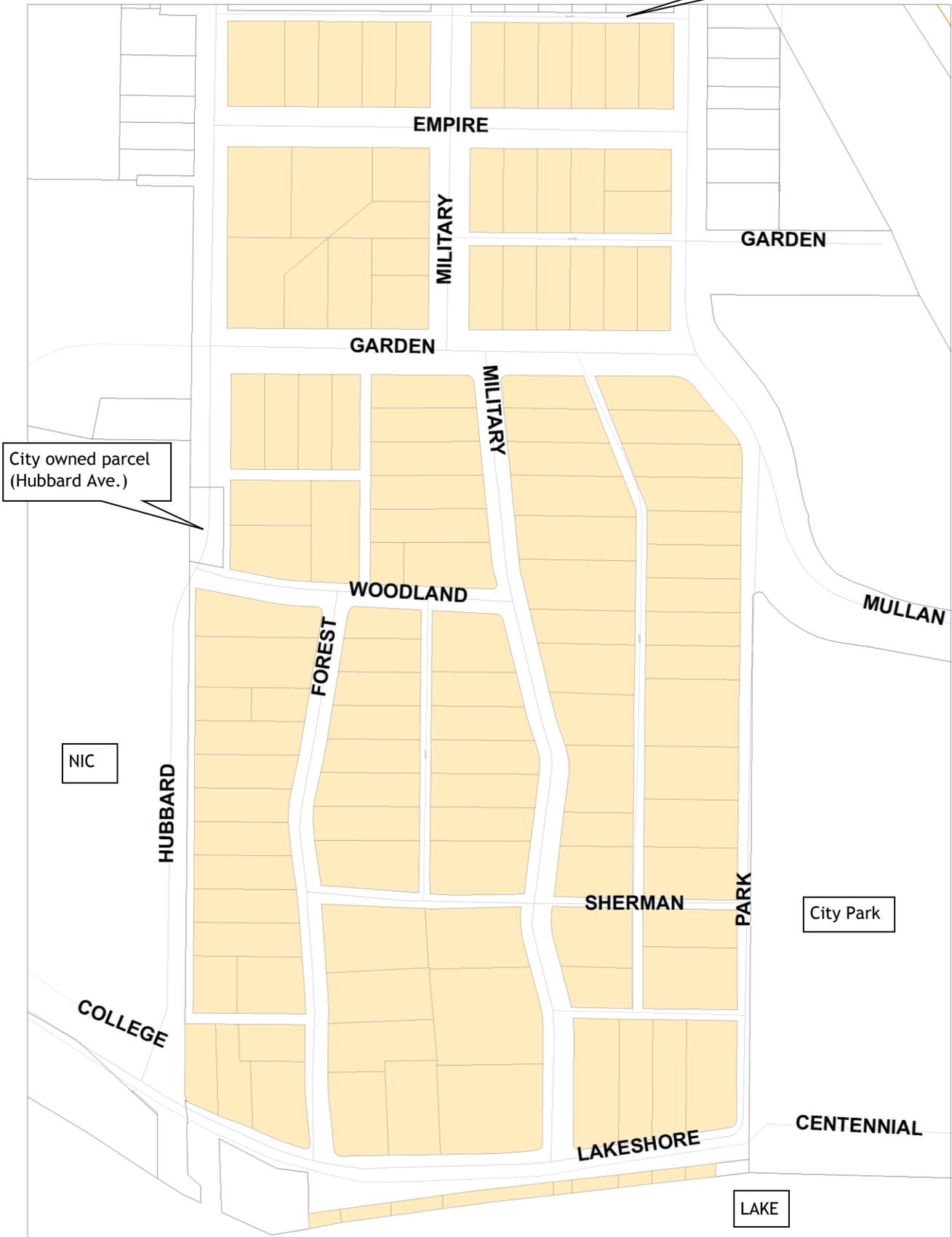
ATTEST:

RENATA MCLEOD
City Clerk

PUBLIC HEARINGS

2. Parcel/Road view:

ALLEY



PERFORMANCE ANALYSIS:

- 3. Zoning:
The subject property is zoned R-8.

- zoning
- C-17
- C-17L
- C-17LPUD
- C-17PUD
- DC
- DCPUD
- LM
- M
- MH-8
- MH-8PUD
- NC
- NW
- R-1
- R-12
- R-12PUD
- R-17
- R-17PUD
- R-1PUD
- R-3
- R-3PUD
- R-5
- R-5PUD
- R-8
- R-8PUD
- R-8SF



17.03.030: GENERAL DESCRIPTION OF RESIDENTIAL ACTIVITIES:

A. Residential activities include the occupancy of living accommodations on a permanent or semipermanent basis, but excluding criminal transitional facilities, juvenile offenders facilities and other institutional living arrangements involving special types of care or forced residence, and also excluding hotel/motel type living accommodations.

B. Types of structures included within residential activities are:

1. Detached housing: One dwelling unit, freestanding and structurally separated from any other dwelling unit or building, except for an accessory building located on a lot or building site which is unoccupied by any other dwelling unit or main building.

a. Single-family detached housing: One dwelling unit occupied by a "family" as defined in this title, including manufactured structures and designated manufactured homes as defined in this chapter.

17.05.090: GENERALLY:

- A. The R-8 district is intended as a residential area that permits a mix of housing types at a density not greater than eight (8) units per gross acre.

BASIS OF REQUEST:

- B. In this district a special use permit, as prescribed in section 17.09.205 of this title may be requested by neighborhood sponsor to restrict development for a specific area to single-family detached housing only at eight (8) units per gross acre. To constitute neighborhood sponsor, at least sixty six percent (66%) of the people who own at least sixty-six (66%) of the property involved must be party to the request. The area of the request must be at least one and one-half (1 ½) acres bounded by streets, alleys, rear lot lines, or other recognized boundary. Side lot lines may be used for the boundary only if it is also the rear lot line of the adjacent property.

17.05.100: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-8 district shall be as follows:

1. Administrative.
2. Duplex housing.
3. Essential service (underground).
4. "Home occupation", as defined in this title. **definition conflict*
5. Neighborhood recreation.
6. Pocket residential development.
7. Public recreation.
8. Single-family detached housing.

17.05.110: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-8 district shall be as follows:

1. Accessory dwelling units.
2. Garage or carport (attached or detached).
3. Private recreation facility (enclosed or unenclosed).

17.05.120: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-8 district shall be as follows:

1. A two (2) unit per gross acre density increase.
2. Boarding house.
3. Childcare facility.
4. Commercial film production.
5. Community assembly.
6. Community education.
7. Community organization.
8. Convenience sales.
9. Essential service (aboveground).
10. Group dwelling - detached housing.
11. Handicapped or minimal care facility.
12. Juvenile offenders facility.
13. Noncommercial kennel.
14. Religious assembly.
15. Restriction to single-family only.

Staff Evaluation: There are three measurement hurdles that must be met for the request to be considered: A signature and ownership percentage (66%) plus a subject property of at least one-and-a-half acres.

OVERALL:

Subject Property 23.252 Acres **(Greater than 1.5 acres)**
Total Ownership Parcels 120

THRESHOLD AT 66% HURDLE RATE:

Subject Property 15.346 Acres
Total Ownership Parcels 79

ACTUAL PERCENTAGES:

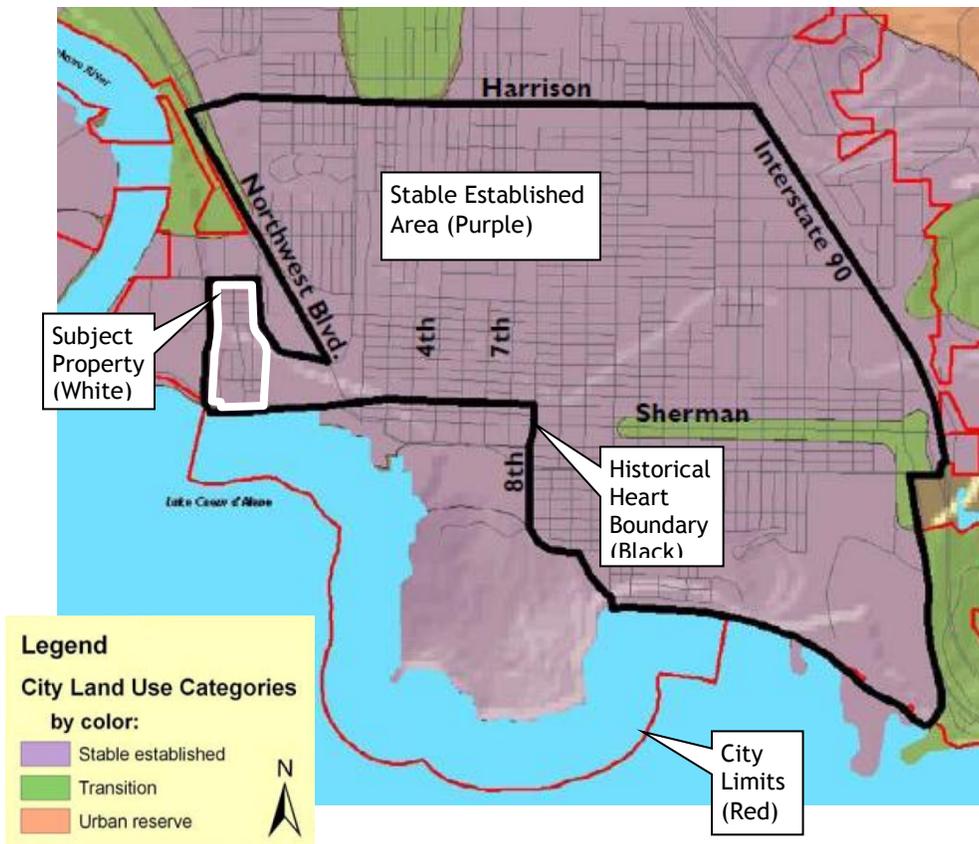
Of Subject Property 17.027 Acres **(73%)**
Of Total Ownership Parcels 90 **(75%)**

NOTE: Area calculations and signatures are on file in the Planning Department in the SP-6-13 folder.

REQUIRED FINDINGS:

A. **Finding #B8A: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.**

1. The subject property is within the existing city limits.
2. The City Comprehensive Plan Map designates this area as **Historical Heart:**



Stable Established:

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period.

Land Use: Historical Heart

Historical Heart Today:

The historical heart of Coeur d'Alene contains a mix of uses with an array of historic residential, commercial, recreational, and mixed uses. A traditional, tree-lined, small block, grid style

street system with alleys is the norm in this area. Neighborhood schools and parks exist in this location and residents have shown support for the long term viability of these amenities. Focusing on multimodal transportation within this area has made pedestrian travel enjoyable and efficient.

Widely governed by traditional zoning, there are pockets of infill overlay zones that allow development, based on Floor Area Ratio (FAR). Many other entities and ordinances serve this area to ensure quality development for generations to come.

Numerous residential homes in this area are vintage and residents are very active in local policy-making to ensure development is in scale with neighborhoods.

Historical Heart Tomorrow

Increased property values near Lake Coeur d'Alene have intensified pressure for infill, redevelopment, and reuse in the areas surrounding the downtown core. Stakeholders must work together to find a balance between commercial, residential and mixed use development in the Historic Heart that allows for increased density in harmony with long established neighborhoods and uses. Sherman Avenue, Northwest Boulevard and I-90 are gateways to our community and should reflect a welcoming atmosphere.

Neighborhoods in this area, Government Way, Foster, Garden, Sanders Beach, and others, are encouraged to form localized groups designed to retain and increase the qualities that make this area distinct.

The characteristics of Historical Heart neighborhoods will be:

- That infill regulations providing opportunities and incentives for redevelopment and mixed use development will reflect the scale of existing neighborhoods while allowing for an increase in density.
- Encouraging growth that complements and strengthens existing neighborhoods, public open spaces, parks, and schools while providing pedestrian connectivity.
- Increasing numbers of, and retaining existing street trees.
- That commercial building sizes will remain lower in scale than in the downtown core.

3. Special Areas:

Areas of Coeur d'Alene Requiring Unique Planning: Fort Grounds

The Fort Grounds is considered a classic example of where both physical design and citizen action are present.

Nearly 130 years ago, Fort Sherman was established in an area that is now a portion of the Fort Grounds neighborhood. Bounded by Lake Coeur d'Alene, North Idaho College, and City Park, it is the oldest neighborhood in the city and is unique with its mix of historic, architectural, and cultural features. The alleyways, sidewalks, narrow streets, and magnificent trees give it the character of a Norman Rockwell painting.

The Fort Grounds neighborhood is impacted extensively by residents and non-residents alike who enjoy the lake, and civic and cultural events such as Art on the Green, Ironman triathlon, the Fourth of July celebration, and other events that occur throughout the summer months.

During the next 20-year planning period, this neighborhood will be impacted by extensive development along its borders to the north and east. Careful planning in cooperation with the Fort Grounds Home Owners Association will be necessary to preserve this neighborhood's character and charm.

Policy:

- We will preserve the Fort Grounds as an historic area, park, and campus.

Methods:

- Establish an additional traffic ingress/egress for increased circulation.
- Support the higher education institutes in their existing and planned campuses.

Special Areas: Closing Statement

We are fortunate to live in a community with so many special areas. These are the assets that

give a signature to our city, so it is important to plan for their improvement and protection as our area grows. From the green spaces of Tubbs Hill and McEuen Park, to the developed areas of the Downtown Core and Fort Grounds neighborhood, we have important elements to preserve. Our planning will help these areas thrive in concert with the deeply held values of our community.

4. Significant Comprehensive Plan policies for consideration:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.11

Community Design:

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

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

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

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

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

Objective 3.04

Neighborhoods:

Encourage the formation of active neighborhood associations and advocate their participation in the public process.

Evaluation: The City Council must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.06

Neighborhoods:

Protect the residential character of neighborhoods by allowing residential/ commercial/ industrial transition boundaries at alleyways or along back lot lines if possible.

Objective 3.09

Housing:

Establish incentives and proscriptive ordinances to ensure the beauty, safety, and value of our neighborhoods.

Objective 3.11

Historic Preservation:

Encourage the protection of historic buildings and sites.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.01

City Services:

Make decisions based on the needs and desires of the citizenry.

Objective 4.06

Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B. Finding #B8B: The design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties.

1. Site Photos:

Alley between W. River Ave and W. Empire Ave facing east taken from N. Hubbard Ave.



N. Hubbard Ave from alley between W. River Ave and W. Empire Ave facing south



North Idaho College (NIC) across alley between W. River Ave and W. Empire Ave facing west
(Taken from N. Hubbard Ave.)



Intersection of N. Hubbard Ave. and W. Empire Ave. facing east



W. Garden Ave. looking into NIC campus from N. Hubbard Ave. (Facing west)



View of W Garden Ave. from N. Hubbard Ave. (Facing east)



View of W Woodland Dr. from N. Hubbard Ave. (Facing east)



N. Hubbard Ave. facing south toward lake
(Mid-block between W. Woodland Dr. and W. Lakeshore Dr.)



Intersection of N. Hubbard Ave. and W. Lakeshore Dr. facing southeast



W. Lakeshore Dr. from W. Hubbard Ave. facing east



N. Forest Dr. from W. Lakeshore Dr. facing north



City Park from intersection of W. Lakeshore Dr. and N. Park Dr. facing northeast



N. Park Dr. from W. Lakeshore Dr. facing north



City Park from N. Park Dr. facing east (Fort Sherman playground)



W. Sherman Ct. from N. Park Dr. facing west



Intersection of N. Park Dr. and W. Mullan Rd. facing north



W. Mullan Dr. and N. Park Dr. converge before W. Garden Ave facing northwest



W. Garden Ave facing west from N. Park Dr.



N. Park Dr. facing north to W. Empire Ave.



2. Existing land uses in the area include: Single family homes, duplexes, and civic use.

3. Generalized land use pattern:



Evaluation: The City Council must determine, based on the information before them, whether the design and planning of the site (is) (is not) compatible with the location, setting, and existing uses on adjacent properties. Specific ways in which the policy is or is not supported by this request should be stated in the finding.

- C. Finding #B8C: The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services.**

DEPARTMENT COMMENTS:

WATER: No comment/issue.
- Submitted by Terry Pickel, Assistant Water Superintendent

SEWER: No comment/issue.
- Submitted by Mike Becker, Utility Project Manager

ENGINEERING: No comment/issue.

STREET: No comment/issue.
- Submitted by Chris Bates, Engineering Project Manager

FIRE: No comment/issue.
- Submitted by Bobby Gonder- Fire Inspector/Investigator

PROPOSED CONDITIONS:

No conditions are proposed.

ORDINANCES AND STANDARDS USED IN EVALUATION:

- 2007 Comprehensive Plan
- Municipal Code
- Idaho Code
- Wastewater Treatment Facility Plan
- Water and Sewer Service Policies
- Urban Forestry Standards
- Transportation and Traffic Engineering Handbook, I.T.E.
- Manual on Uniform Traffic Control Devices

ACTION ALTERNATIVES:

The City Council must consider this request and make appropriate findings to approve, deny or deny without prejudice. The findings worksheet is attached.

RECEIVED

FEB 25 2014

CITY CLERK

February 24, 2014

Mayor and City Council

City of Coeur d' Alene

710 East Mullan Avenue

Coeur d' Alene, ID 83814

RE: SP 6-13 – A request for a single family only designation in a portion of the Fort Grounds.

I am appealing the January 14 and February 11 decisions of the Coeur d' Alene Planning Commission on this matter on the grounds that the requested designation for the neighborhood is in compliance with the findings required to be made in the affirmative by the Planning Commission. The Commission, in finding B&A, found that the proposal was not in conformance with the City's Comprehensive Plan.

The proposed design and planning of the area do not change from its current use. The Comprehensive Plan identifies the Fort Grounds neighborhood (page 37, Special Areas Closing Statement) as one of the "...important elements to preserve. Our planning will help these areas thrive in concert with the deeply held values of our community".

The Fort Grounds neighborhood is specifically mentioned throughout the Comprehensive Plan and photos of homes in the neighborhood are used as illustrations. Goal #3 – Home Environment, page 17, states: "Our Comprehensive Plan preserves the qualities that make Coeur d' Alene a great place to live". The Plan continues to state that "Coeur d' Alene is obligated to preserve the character and respect the history of the city as seen in the old neighborhoods." Objective 3.09 – Housing ,page 19, states:"Establish incentives and proscriptive ordinances to ensure the beauty, safety, and value of our neighborhoods". Again photos on pages 17 and 19 taken in the neighborhood are used as illustrations.

Page 32, Special Areas: Areas of Coeur d' Alene Requiring Unique Planning: Here the Plan identifies the Fort Grounds by name as a special area of the City requiring unique planning and the policy states "We will preserve the Fort Grounds as an historic area, park, and campus". Pictures of homes on Park Drive are used again to illustrate.

Over a century ago this neighborhood was carefully and thoughtfully planned. The streets were designed to be narrow (20 feet wide, curb to curb) and curved in order to discourage heavy use

and through traffic. The neighborhood's tree lined streets have not been straightened or widened and are one way traffic with parking on only one side.

There are 120 parcels within the proposed special use permit area. Presently, 117 lots have single family residences on them, two lots are vacant (lot size permits only single family homes) and one lot has condominium/pocket homes under construction. Two parcels are grandfathered for duplexes.

Seventy – three percent of the property owners, owning 90 parcels, have signed a petition supporting implementation of a special use permit limiting the Fort Grounds neighborhood to single family dwellings.

For the above stated reasons we are respectfully asking that you overturn the decision of the Planning Commission and grant the neighborhood the protections as stated in the City's Comprehensive Plan.

Thank you.

A handwritten signature in black ink, appearing to read "Frank Lawson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frank Lawson

Treasurer

Fort Grounds Homeowners Association

Applicant: Ann Melbourne, Fort Ground Homeowners Association
Location:Fort Grounds
Request:A proposed R-8 Single Family Special Use Permit
QUASI-JUDICIAL. (SP-6-13)

Planner Holm presented the staff report and answered questions from the Commission.

Commissioner Luttrupp inquired if this request is approved under the special use permit, will it only allow single-family homes with detached garages.

Planner Holm responded that is correct.

Public testimony open:

Ann Melbourn, applicant, President of the Fort Grounds Association, discussed a map she provided to the commission of the homeowners who signed the petition. She stated most of the homes are listed in the historic register. She stated that the people who signed the petition are aware this is not a zone change, and if approved, will alert other people who live in this area when something is going to be done that might jeopardize the integrity and character of the neighborhood.

Catherine McLandre stated that she is a member of the Fort Grounds Association and in favor of the request. She stated that her neighbor, Marlo Faulkner, is out of town and requested her letter be read to the commission that mentioned various polices from the comprehensive plan that would apply to this application. She hopes the planning commission will approve this request.

Rodger Snyder stated that he is in favor of this request and commented that through the years, a number of people have stopped by when he is outside to express delight for his home. He added that he had a women stop by recently to present a photo taken of his home in 1952. He feels this is a unique neighborhood and needs to be protected.

John Bruning stated that he is a member of the Fort Grounds Association and is in favor of this request. He explained how the character of the neighborhood needs to be maintained and cited a number of polices from the comprehensive plan that supports this statement. He explained when the Fort Grounds was designed many years ago, it was intended for single-family homes with a narrow design of the streets that would not meet city standards today.

Commissioner Luttrupp inquired if a person would need a special use permit to build a duplex.

Deputy City Attorney Wilson explained that by approving this request, it would limit what is allowed in the R-8 zoning district to single-family detached garage homes.

Denny Davis stated that he owns a home on the corner of West Lakeshore and Military Drive that is directly across the street from the Gunther's home. He stated that Sherman Park (Fort Grounds) was platted in 1904, with few, if any restrictive covenants that limit structures to single-family dwellings. He explained that there is no homeowners association, but a neighborhood association that they have belonged to since 1981. He feels that the petition circulated around the neighborhood was misrepresented and suggested that the commission deny the request in order for the association representatives to convene a workshop with the affected homeowners.

Steve Mcrea stated that he is against this request and if approved, it will only affect a few of the lots within the area. Many of the homes in this area have apartments. He is a newcomer to the neighborhood and gets along with everyone, but feels this request is more of a down-zone and

government control.

Greg Gillespie stated that he had a man come up to him and offered to buy his house for a “million-dollars” and told him he wasn’t interested. The homes in this area add a lot of character to this part of town and does not want this to change. He supports this request.

Jim Addis stated that since the petition has been circulated, many people have rescinded their signatures because they didn’t understand what they were signing. He commented he likes his neighbors and feels if they want to do something on their property they should have that right. This request, if approved, will be going against people’s rights.

Commissioner Messina inquired if there is a design review committee for this neighborhood that people can go to if they want to do a project.

Mr. Addis stated that they do not have a committee.

Commissioner Haneline stated that in previous testimony a map was presented by the applicant showing the number of people who have approved this request.

Mr. Addis explained that last month an ordinance request was approved by the city that changed the number of signatures required for this type of request.

Commissioner Messina inquired if a duplex would be allowed if this is approved.

Deputy City Attorney Wilson explained the uses allowed and if approved, duplexes are not allowed.

Rick Gunther stated that he is alarmed with this request. He explained that his family has lived in this area for 33 years and was the past president of the Fort Grounds Association. He feels this request is absurd and only affects a few of the bigger lots in this area. He feels many people do not understand this request. He stated if this application is approved, it goes against people’s property rights.

Dan Geiger stated that the completed projects in the area are tastefully done. He stated his home was built in 1905 and if he wants to tear it down in the future, he should have that right.

James Landers stated when this petition was circulated, a number of people were misinformed what it was about. He feels the petition was started because of the Gunther’s project that already has a permit and is being constructed. He explained that after he signed the petition, he went to city hall to have his name removed. He stated that by approving this request, it will have our neighbors regulating what we can do on our own property.

Debra Bell stated that she feels the petition was misrepresented by the people who were going door-to-door for signatures. She feels this area has changed and many of the old homes are being replaced. She stated that a workshop would be beneficial, so people can really understand what this is about.

Dan Gookin stated that he is a member of the city council and stated if this item goes before council, he will excuse himself from the hearing. He feels that part of the commission’s job is to protect the character of the neighborhood and by approving this, it will fulfill that promise. He stated that this association has been asleep thinking that this day will not come and now it’s here, so it’s time for action.

Roxanne Gunther stated that if the planning commission has a problem understanding this request, so do we. She explained that she has lived in the Fort Grounds for many years and has

seen a number of people who over-run the neighborhood, and because of their complaints many activities have been halted. This group complains about everything. She commented that their home was built in 1914 and remodeled many times for lack of insulation and now has been demolished and replaced with four beautiful townhomes designed to fit the character of the neighborhood. She stated that all homeowners in this area should have the right to do the same thing if they want too. She feels that the people who signed this petition were intimidated and that this request should not be approved. She added this request has divided the neighborhood.

Amy Huel stated that she purchased her home in 2006 and that her home sits on one of the biggest parcels in this area. She feels this request is unfair to the homeowner who, because of various reasons, needs to change their home, or for economic hardships.

Randy Bell stated that he agrees that the petition was misrepresented and owns two lots in the Fort Grounds. He feels the historic character left this area a long time ago.

Ken Murphy stated he lives in an old house with a garage that was falling down. He stated he recently replaced his garage that was designed to match the character of the neighborhood.

Kevin Jester stated he gets along with his neighbors and has seen a lot of changes in this neighborhood in past years. He feels this petition is needed so that people are aware of what is going on in this neighborhood.

Rebuttal:

Ann Melbourn explained that the map she handed out to the commission was all the homeowners who signed the petition highlighted in pink and feels the neighborhood was advised. She thanked the commission for their time and is asking for approval to help preserve the character of the neighborhood.

Commissioner Messina commented that he does have sympathy for this neighborhood and feels a design review committee for this neighborhood would be a benefit.

Ms. Melbourn stated that subject is a "hot potato" and that nobody wants to be told what they can do on their property.

Public testimony closed:

Discussion:

Chairman Jordan stated that there are only a handful of lots that would be affected.

Commissioner Luttrupp commented that from listening to testimony, there seems to be a misunderstanding within the neighborhood. He suggested maybe a workshop could be planned so some of these issues could be resolved.

Chairman Jordan inquired regarding the importance of the petition to this request.

Deputy City Attorney explained that the petition got the ball rolling so the Fort Grounds Association could submit for a special use permit.

Commissioner Messina feels that it is not the responsibility of the commission to plan a workshop when it should be the responsibility of the neighborhood association. He stated that after hearing testimony, you cannot ignore 30% of the people who are opposed to this request.

Commissioner Luttrupp inquired if the city does not get involved, how do you get compromise from the people who are opposed.

Commissioner Messina stated that he feels a workshop will not make a difference for the people - for or against - the request. He stated that the responsibility of the commission is to make an unbiased decision.

Chairman Jordan thanked everyone in the audience for being civil. He commented that his heart is with the people and not sure this petition will accomplish what they want. He stated if he had to vote, he would deny the request. He stated that if the neighborhood wanted a workshop, he would offer the guidance of the planning commission for support.

Student representative Conery stated he would not approve based on not enough testimony for approval.

Alternate Student representative Obrien stated that he would not approve the special use permit.

Commissioner Luttropp feels that the special use permit meets the required comprehensive plan polices for approval. He made a motion for approval, but the motion failed for a lack of a second.

Motion by Messina, seconded by Haneline, to deny Item SP-6-13 and direct staff to do the findings. Motion approved.

ROLL CALL:

Commissioner Haneline	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttropp	Voted	Nay
Commissioner Ward	Voted	Aye

Motion to deny carried by a 3 to 1 vote.

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

A. INTRODUCTION

This matter having come before the Planning Commission on January 14, 2014 and there being present a person requesting approval of ITEM: SP-6-13 a request for a single family only designation in a portion of the Fort Grounds.

APPLICANT: ANN MELBOURN

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, December 28, 2013, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on January 2, 2014, which fulfills the proper legal requirement.
- B6. That 171 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on December 27, 2013.
- B7. That public testimony was heard on January 14, 2014 including the following:

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.

Warren Wilson, Deputy City Attorney.

Mr. Wilson explained that if the request is granted that the only uses allowed by right would be single family uses as well as any accessory uses recognized by the city code and that multi-family uses could not be approved through the special use permit process.

Ann Melbourne, Applicant and President of the Fort Grounds Association.

Ms. Melbourne provided a map depicting the area of the request to the commission and identifying the properties in support of the application. She testified that the Fort Grounds is a specially protected area in the Comprehensive Plan and that the neighborhood is listed as a historic neighborhood. She testified that there is concern about the transition of the neighborhood to a multi-family area and indicated that the Fort Grounds Owners Association voted to seek a single family restriction.

Catherine McLandriss, Coeur d'Alene.

Ms. McLandriss stated that she is a member of the Fort Grounds Association and in favor of the request. She cited to Comprehensive Plan policies concerning protecting established neighborhoods and indicated that a high number of persons signed the petition in support of this request. She requested that the planning commission approve this request.

Rodger Snyder, Coeur d'Alene.

Mr. Snyder testified that he is in favor of this request and commented that through the years, a number of people have stopped by when he is outside to express delight for his home and the surrounding neighborhood. He testified that under current rules, he could level his historic home and replace it with multi-family units and that there is a financial incentive to do so. However, he believes that the historic homes are worth protecting and requested that the commission approve the request.

John Bruning, Coeur d'Alene.

Mr. Bruning testified that he is a member of the Fort Grounds Association and is in favor of this request. He explained that the character of the neighborhood needs to be maintained and cited a number of polices from the comprehensive plan that supports this statement. He explained when the Fort Grounds was designed it was intended for single-family homes with a narrow streets that would not meet city standards today.

Denny Davis, Coeur d'Alene.

Mr. Davis stated that he owns a home on the corner of West Lakeshore and Military Drive. He stated that Sherman Park (Fort Grounds) was platted in 1904, with few, if any restrictive covenants that limit structures to single-family dwellings. He explained that there is no homeowners association, but a neighborhood association that they have belonged to since 1981. He feels that the petition circulated around the neighborhood was misrepresented and suggested that the commission deny the request in order for the association representatives to convene a workshop with the affected homeowners.

Steve McRea, Coeur d'Alene.

Mr. McRea testified that that he is against this request. He indicated that only a few lots in the area are large enough to be redeveloped as multi-family uses. He also testified that many of the homes currently have attached apartments.

Greg Gillespie, Coeur d'Alene.

Mr. Gillespie testified that a person offered to buy his house for a "million-dollars" and he told him he wasn't interested. The homes in this area add character to this part of town and does not want this to

change. He supports this request.

Jim Addis, Coeur d'Alene.

Mr. Addis testified that since the petition has been circulated, many people have rescinded their signatures because they didn't understand what they were signing. He commented he likes his neighbors and feels if they want to do something on their property they should have that right. This request, if approved, would limit people's property rights.

Rick Gunther, Coeur d'Alene.

Mr. Gunther testified that he is alarmed by this request. He explained that his family has lived in this area for 33 years and was the past president of the Fort Grounds Association. He feels this request only impacts the larger properties and limits those owner's property rights.

Dan Geiger, Coeur d'Alene.

Mr. Geiger testified that the completed projects in the area have been tastefully done. He stated that his home was built in 1905 and he doesn't want to tear it down but he does want the right to tear it down.

James Landers, Coeur d'Alene.

Mr. Landers testified that when this petition was circulated, a number of people were misinformed what it was about. He feels the petition was started because of the Gunther's project that already has a permit and is being constructed. He explained that after he signed the petition, he went to city hall to have his name removed. He stated that by approving this request, it will have our neighbors regulating what we can do on our own property.

Debra Bell, Coeur d'Alene.

Ms. Bell testified that she feels the petition was misrepresented by the people who were going door-to-door for signatures. She feels this area has changed and many of the old homes are being replaced. She stated that a workshop would be beneficial, so people can really understand what this is about.

Dan Gookin, Coeur d'Alene.

Mr. Gookin testified that he is a member of the city council and stated if this item goes before council, he will excuse himself from the hearing. He feels that part of the commission's job is to protect the character of the neighborhood and by approving this, it will fulfill that promise. He stated that this association has been asleep thinking that this day will not come and now it's here, so it's time for action.

Roxanne Gunther, Coeur d'Alene.

Ms. Gunther testified that residents should have the right to replace older homes with newer multi-family developments if they desire and that this request should be denied.

Amy Huel, Coeur d'Alene.

Ms. Huel testified that she purchased her home in 2006 and that her home sits on one of the biggest parcels in this area. She feels this request is unfair to the homeowner who may want to convert to multi-family uses for any of various reasons, including economic hardships.

Randy Bell, Coeur d'Alene.

Mr. Bell testified that believes that the petition was misrepresented. He testified that he owns two lots in the Fort Grounds and this change would limit his property rights. He feels the historic character left this

area a long time ago.

Ken Murphy, Coeur d'Alene.

Mr. Murphy testified the petition was not easy to understand. He would like to keep the neighborhood the way it is.

Kevin Jester, Coeur d'Alene.

Mr. Jester testified that he has lived in the neighborhood for 35 years and would like to preserve the character of the neighborhood and not see it become "anywhere USA". He testified that the impact is fairly limited because it only affects a few properties.

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 not** in conformance with the comprehensive plan.

The Fort Grounds neighborhood is recognized by the Comprehensive Plan as a stable established historic neighborhood that requires special treatment. However, the Comprehensive Plan also seeks to balance competing property rights, those of the applicants as well as the property rights of others. Here the applicant is seeking to limit the ability of property owners within the Fort Grounds neighborhood from redeveloping their properties as multi-family uses. We find persuasive the testimony that there are only a few properties that are large enough to be converted to multi-family uses. Given that, we do not find it necessary to limit the neighborhood to single family uses to protect its character and in so doing limit the property rights of those owning lots large enough to redevelop. We find that the proposal is not 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 principle 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, 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 proposed special use permit would not impact the provision of services. As such, this finding is satisfied.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of ANN MELBOURNE for a special use permit, as described in the application should be **denied**.

Motion by Messina, seconded by Haneline, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Luttrupp	Voted No
Commissioner Messina	Voted Yes
Commissioner Ward	Voted Yes
Commissioner Haneline	Voted Yes

Commissioner Bowlby was absent.

Motion to deny carried by a 3 to 1 vote.



CHAIRMAN BRAD JORDAN

**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

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

- 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.
- 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) (is not)** in conformance with the comprehensive plan, as follows:

B8B. The design and planning of the site **(is) (is not)** compatible with the location, setting, and existing uses on adjacent properties. This is based on

B8C The location, design, and size of the proposal are such that the development **(will) (will not)** be adequately served by existing streets, public facilities and services. This is based on

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)(denied)(denied without prejudice)**.

Special conditions applied are as follows:

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

ROLL CALL:

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

Mayor Widmyer Voted _____ (tie breaker)

Council Member(s) _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

MAYOR WIDMYER

205 Park Drive
Coeur d'Alene, Idaho 83814
March 22, 2014

Coeur d'Alene City Council
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

RE: Appeal of Overlay R-8 Zone Petition Fort Grounds

Our home is located within the Fort Grounds R-8 Overlay which the Planning and Zoning Committee denied January 14, 2014. We understand that an appeal of this DENIAL of the Overlay, which occurred after testimony the evening of January 14, 2014, will be put before the council.

We feel the Overlay will adversely affect the value of our property and our property rights.

It was obvious at the P & Z meeting that some of the Planning and Zoning members, as well as many petitioners, were confused about the real meaning of the Overlay.

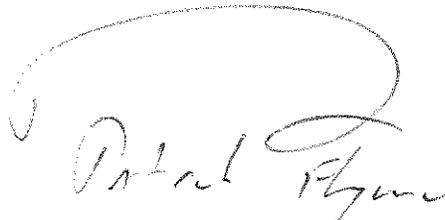
Many Fort Ground residents feel they were misled when the original petition for Special Use Permit was presented to them and/or they did not understand the impact it would have on their rights as property owners. We urge each council member to review the P & Z testimony of 1-14-14. Perhaps the city should canvas the affected owners to give them a clear picture of how the overlay affects them personally, while validating signatures, rather than a "representative" of the Home Owners Association.

We also object to the City Council's approval at the public hearing on 12/17/13 amending Municipal Codes 17.05.090 & 17.05.170 – effectively reducing the threshold of Single Family Special Use. We would have testified against these reduction amendments, but had been told by spokesmen at the city attorney's office that the petition did not have enough signatures to pass, so we thought it was settled; nor were we informed of this hearing by the "Home Owner's" Association. We want to believe the city would NOT have voted in favor of the request had they understood its restrictive nature.

The Fort Ground neighborhood IS located on historic land, but the structures are eclectic and NOT historic! As an example, our next door neighbors, the Faulkners, have removed most all of the "historic" elements of their home, remodeled AND have also built a "studio" above their garage – which could be used for rental purposes - and thus, their property would no longer be a single family residence. Leave the neighborhood, and it's zoning, as it is, please!

Thank you,


Ginger and Patrick Flynn



STUHMILLER, SHANA

From: RA McLandress MD <rmclandr@u.washington.edu>
Sent: Tuesday, March 18, 2014 4:56 PM
To: STUHMILLER, SHANA
Subject: Public Hearing: Fort Grounds Homeowner's Association (fwd)

Re: Fort Grounds Homeowner's Association Request :Public Hearing April 1, 2014

Please record into the public record that I strongly favor the request to designate the recorded 23.252 acre portion of SE Section 14, Township 50 North, Range 4 west W.B.M. as a single family only subject area.

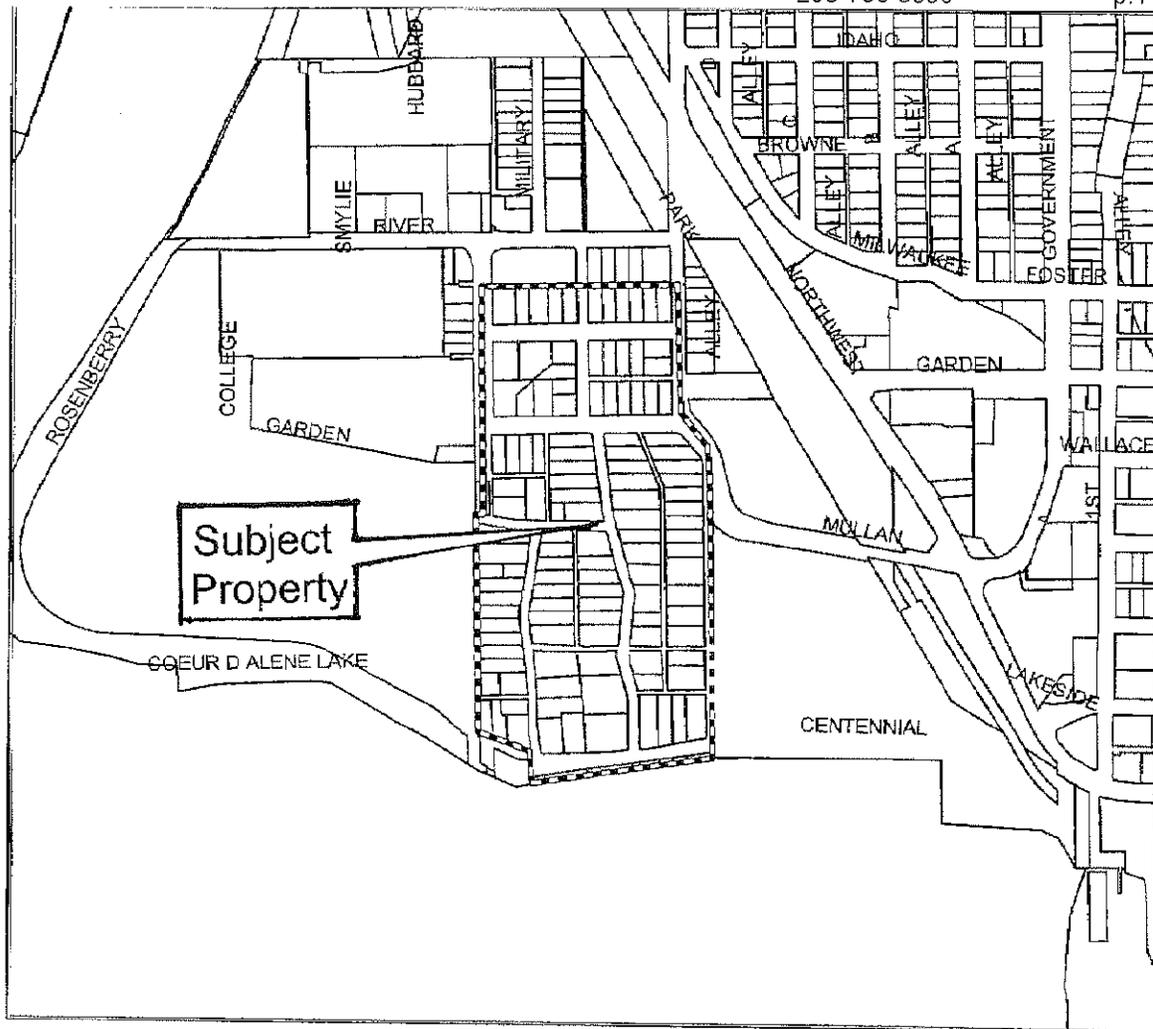
This neighborhood has huge and historical history of being a specific section of Coeur d'Alene well known for it's home-like atmosphere, with single family homes and neighbors who live closely as friends, with porches and commitment to long term friendship.... caring for each other for years, in our youth as well as in our aging. Maintaining this neighborhood environment precludes multi-family, condominium and/or apartment living accommodations.

We have clearly indicated our decision that we want to be so designated, by means of the petition recently signed and presented to the Coeur d'Alene City Council. It is now incumbent upon the City Council to act upon this clearly stated desire of more than 66% of the owners of this specific portion of property.

Thank you.

Sincerely Yours, Dick McLandress
315 N Forest Dr
Coeur d'Alene, ID
March 18, 2014

Richard A McLandress MD
Program Director
Kootenai Clinic
Family Medicine Coeur d'Alene Residency Clinical Associate Professor University of Washington School of Medicine



This sketch furnished for informational purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the city assumes no liability for any loss occurring by reason of reliance thereon.

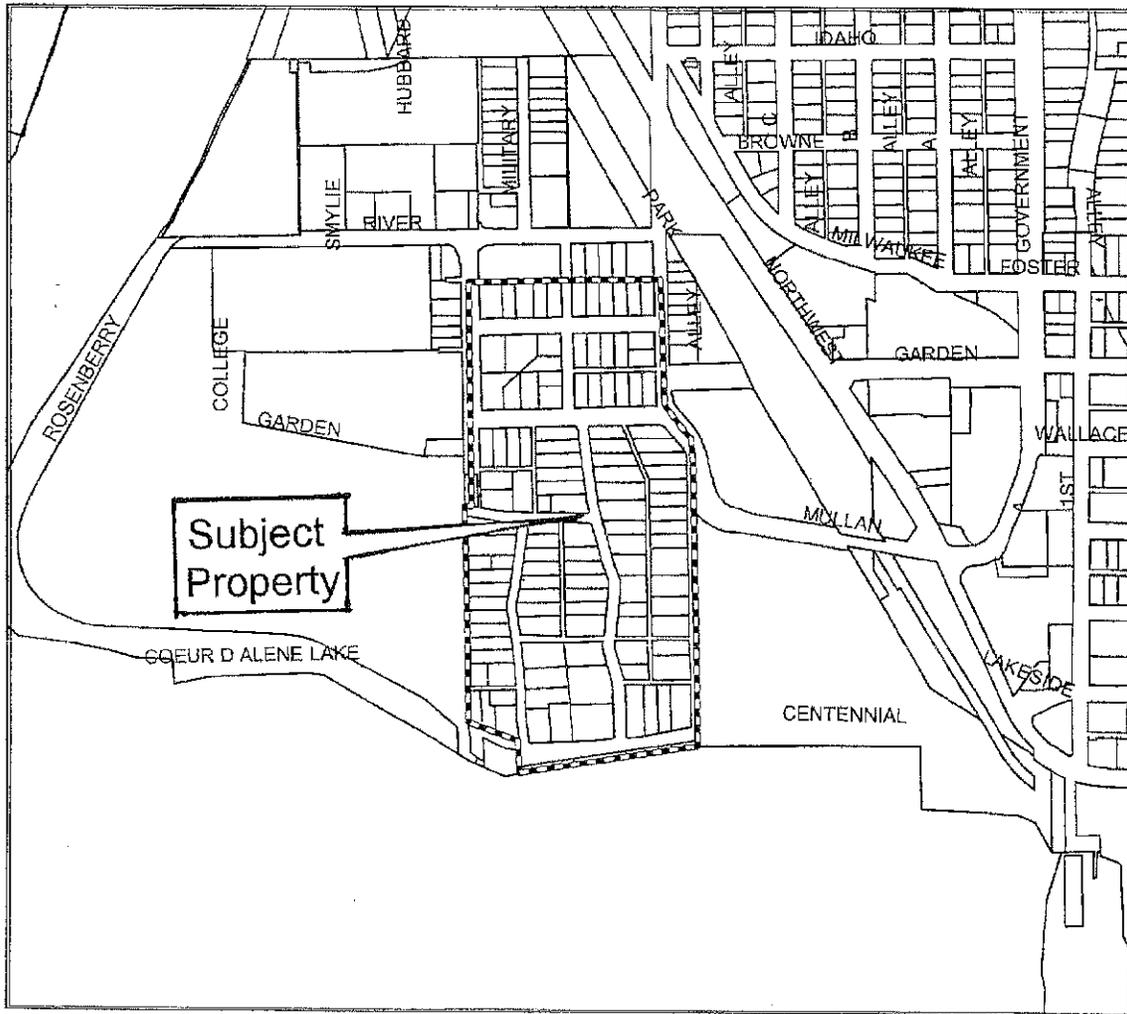
The hearing will be held in a facility that is accessible to persons with disabilities. Special accommodations will be available, upon request, five (5) days prior to the hearing. For more information, contact the Planning Department at (208) 769-2240.

Require more information?
 Planning Department at 769-2240
 or www.cdaid.org by clicking on agendas/city council. Staff reports will be posted on the web the Friday before the meeting.

Comments

I believe that any property in the Fort grounds area that is large enough for multi family should be allowed to follow the city's rules of platting! Private property rights are very important to maintain!
 Joe Culbreth, (Sharon) Culbreth

Coeur d'Alene Planning Department
 710 E. Mullan Avenue
 Coeur d'Alene, Idaho 83814



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Require more information?
 Planning Department at 769-2240
 or www.cdaid.org by clicking on
 agendas/city council. Staff
 reports will be posted on the web the
 Friday before the meeting.

Comments

I am in favor of leaving the
zoning "as is" and not change
 designation.

Terry Agnew owner 517 Park Ave
 Residence 638 So. Waterfront Ridge, Coeur d'Alene, ID 83814

Coeur d'Alene Planning Department
 710 E. Mullan Avenue
 Coeur d'Alene, Idaho 83814

Department at (208) 769-2240.

Friday before the meeting.

Coeur d'Alene Planning Department
710 E. Mullan Avenue
Coeur d'Alene, Idaho 83814

Comments

I agree with approval of a single family only
designation:
Denise Stearns

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

March 24, 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
Mike Becker, WW Project Mgr.
Warren Wilson, Deputy City Attorney

**Item 1 Bid Results for the 2014 Cured In Place Pipe (CIPP) Project
Consent Calendar**

Mike Becker, Wastewater Utility Project Manager, presented the bid results for the City of Coeur d'Alene Wastewater Utility 2014 Cured In Place Pipe (CIPP) Project from bids that were publicly opened on March 12, 2014.

Mr. Becker explained in his staff report that on January 24, 2014 and February 5, 2014 advertisement for the project began with a Category B Bidding process to assure that only contractors that are experienced and well qualified to perform the specialized CIPP construction provide bids for the project. In accordance with Idaho Code, it was determined that only three contractors complied with the administrative requirements of the prequalification process. On February 24, 2014 Notice for Bids was issued to only these three contractors for trenchless rehabilitation of approximately 10,300 linear feet of 8-inch through 12-inch diameter public sewer pipes. After reviewing the prequalified contractors' bids, it was determined that the low responsive bid was submitted by Planned and Engineered Construction (PEC) with a total bid price of \$235,881.00. Funds for this project were previously approved in the FY 2013-2014 budget.

Mr. Becker confirmed that the city's Wastewater Utility performs pipeline rehabilitation projects every summer and this year they have chosen to focus on cured-in-place pipe rehabilitation. He explained the CIPP is a lining of the pipe which has minimal impact to the streets and rights of way, and noted that Planned and Engineered Construction has completed six rehab projects to the city's satisfaction.

Mr. Becker confirmed that this rehabilitation project is part of the master plan approved by the city. He noted that CIPP tends to target the older parts of town because there is really nothing wrong with the pipe with the exception of intrusion and slight deformities. The overall pipe structure and integrity is still in place so the CIPP rehabilitation makes sense in terms of cost. The life cycle of the CIPP pipe is about the same life cycle as PVC pipe, which is anywhere from 75 to 100 years.

Mr. Becker explained that because of the reduction in prices, the bid came in \$114,000 under their budgeted amount, so they can essentially rehabilitate an additional 6,700 feet of pipe and still fall under budget, so they will be able to look at items on their priority list and add to the project.

Councilman McEvers asked Mr. Becker to explain about the problems experienced previously that prompted them to use the Category B prequalification process. Mr. Becker said that the problems stemmed from start-up companies wanting to promote their product and provide demonstrations. Last summer they had a demonstration provided to the city and a rock was left underneath the part that was

patched during the demo process. Essentially what happened is they had to reduce the diameter of the pipe to about 5 ¾ inches and Wastewater does not have equipment that can service that size of pipe. Fortunately, the patch was done on a dead-end section of pipe. They will eventually have to fix it.

Mr. Becker said that he thinks that the Category B prequalification process has proven itself quite well. He noted that he will contact Spokane, Spokane County, and Sandpoint next year to see if they can pool their projects and maximize their dollar on the bid by attracting some of the larger companies.

MOTION: Motion by Councilmember Gookin, seconded by Councilmember McEvers to award the low responsive bid to Planned and Engineered Construction (PEC) and authorization an agreement with PEC for the 2014 Cured In Place Pipe (CIPP) Project in the total amount of \$235,881.00. Motion carried.

The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison