

# Coeur d'Alene

## CITY COUNCIL MEETING

*April 17, 2012*

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**MEMBERS OF THE CITY COUNCIL:**

**Sandi Bloem, Mayor**

**Councilmen Edinger, Goodlander, McEvers, Kennedy, Gookin, Adams**

# CONSENT CALENDAR

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

**April 3, 2012**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room April 3, 2012 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Ron Edinger	)	Members of Council Present
Mike Kennedy	)	
Woody McEvers	)	
Deanna Goodlander	)	
Dan Gookin	)	
Steve Adams	)	

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

**INVOCATION:** The invocation was led by Robert Fetveit, Elijah House.

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

**PROCLAMATION – FAIR HOUSING MONTH:** Councilman Kennedy on behalf of Mayor Bloem read the proclamation declaring the month of April as Fair Housing Month in the City. Patrick Blum, Disability Action Center, accepted the proclamation.

**PRESENTATION – LIFE SAFETY AWARD TO GLENN MEACHAM:** Fire Chief Kenny Gabriel presented a life safety award to Glenn Meacham for his heroic efforts in saving his daughter's life when their home caught fire.

**PRESENTATION – CITY'S INDEPENDENT AUDIT REPORT:** Deputy Finance Director, Vonnie Jensen, introduced Toni Hackwith, CPA with Magnuson and McHugh who conducted the city's annual audit. Ms. Hackwith presented the findings of the City's Financial Statement Audit report. She explained the risk assessment procedure including review of bank reconciliation statements. She reported that the city has received a "clean" opinion or an "unqualified opinion" in the three reports of the audit. In addition to the three reports, a management letter was submitted recommending annual inventory for all capital assets.

**PUBLIC COMMENTS:**

TRAFFIC SIGNALS AT 7<sup>th</sup> and SHERMAN: Roy Wargi, 2022 E. Coeur d'Alene Ave., questioned the feasibility or operation of stop lights at 7<sup>th</sup> and Sherman. Mayor Bloem noted that she will have the City Engineer review this signaled intersection.

CITY EMPLOYEES ON CITIZEN ADVISORY COMMITTEES: Warren Fisher, 1292 E. Brittney Ave., does not believe that the city needs to create a policy prohibiting employees from serving on the citizen advisory committees.

TUBBS HILL ACCESSIBLE TRAIL: Tom McTevia, 4586 W. Princetown Lane, spoke in support of creating an accessible trail on the east side of Tubbs Hill. Patrick Blum, Disability Action Center, spoke in support of the accessible trail proposed on the east side of Tubbs Hill.

3<sup>RD</sup> STREET BOAT LAUNCH: James Fillmore, 1215 E. Lakeshore Drive, requested that the functionality of the boat launch not be compromised. Jennifer Drake, 1419 E. Skyline Drive, spoke in support of removing the 3<sup>rd</sup> Street Boat parking lot. Sara Meyer, 1034 E. Pine Ave. requested that the current boat launch parking lot site be moved. In regard to the east side trail on Tubbs hill, she spoke in support of making minor modifications. She also expressed her support for Mayor Bloem, Councilman Kennedy, Goodlander, and McEvers and thanked them for their support of our community. She also commended them for listening to all community members and offering compromises. Benjamin Drake, 1419 E. Skyline Drive, supports a more accessible trail on East Tubbs Hill. He also noted that he is a boater but supports moving the parking lot to the south of City Hall. Anthony Lapine, 903 E. Day Road, spoke in support of the increased accessibility of the east side Tubbs Hill trail.

Dave Bouchard, 530 W. Harrison, does not like the polarization of the community or between the Council but appreciates the work of the Council to enhance our limited resources.

**CONSENT CALENDAR:** Motion by Kennedy, seconded by Goodlander to approve the Consent Calendar as presented.

1. Approval of minutes for March 20, 2012.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, April 9, 2012 at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 12-012: 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 APPROVING AN INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING WITH ARREST, SBISS, AND CVISS FOR SHARING LAW ENFORCEMENT INFORMATION; ADOPTING A POLICY REGARDING CITY EMPLOYEES NOT TO SERVE ON CITY COMMITTEES; AWARD OF BID AND APPROVING A CONTRACT WITH KNIFE RIVER CORPORATION - NORTHWEST FOR THE 2012 STREET OVERLAY PROJECT; AND AWARD OF BID AND APPROVING A CONTRACT WITH BIG SKY DEVELOPMENT FOR THE WASTEWATER UTILITY 2012 MULLAN ROAD STORM DRAIN PROJECT.
4. Approval of cemetery lot repurchase from Thomas and Rebecca Hudson.
5. Declaration of Surplus Property – 1998 Chevy Lumina

ROLL CALL: Kennedy, Aye; Edinger, Aye; Adams, Aye; Goodlander, Aye; Gookin, Aye. Motion carried.

## **COUNCIL COMMENTS:**

COUNCILMAN KENNEDY: Councilman Kennedy noted that he will be adding an item to the April 9<sup>th</sup> General Services Committee to request that a letter from the Council be written to postpone the Midtown building projects. Councilman Goodlander concurred with Councilman Kennedy's requested action.

COUNCILMAN GOOKIN: Councilman Gookin shared that he had received a letter commending the Fire Department.

COUNCILMAN GOODLANDER: Councilman Goodlander read a letter received from a citizen expressing their gratitude to the Fire Department for assisting her family when her infant daughter stopped breathing.

COUNCILMAN ADAMS: Councilman Adams toured the Wastewater Treatment Plant on Friday and was super impressed with that operation. He also toured the Water Department. He is scheduled to meet with the Fire Department next week.

## **APPOINTMENT TO CHILDCARE COMMITTEE, PED/BIKE ADVISORY**

**COMMITTEE, NATURAL OPEN SPACE**: Motion by Kennedy, seconded by Goodlander to reappoint Kim Kibby, Susie Freligh, Iris Siegler, Linda Falk and Kim Torgerson to the Childcare Committee, to appoint Ryan Hayes, Brian Hadley and John Bruning to the Pedestrian/Bicycle Advisory Committee and to appoint Micheal Walker to the Natural Open Space Committee.

Motion by Gookin, seconded by Adams to remove the appointment of John Bruning from the main motion. Motion failed with the Mayor's vote in the negative.

Main motion carried with Gookin and Adams voting no.

**ADMINISTRATOR'S REPORT**: City Administrator Wendy Gabriel thanked everyone for their input regarding the policy regarding city employees serving on committees and thanked those employees that had served on committees. Although two-way traffic will be maintained on Government Way, the driving public may experience delays. At times, drivers will be diverted to a gravel shoulder. Sewer installation on Dalton and Hanley avenues will require one-way traffic with flaggers. Following installation of the sewer main, the roadway will be reconstructed to create a five-lane roadway with sidewalks on both sides. During this time, additional water and storm sewer utilities will be installed. Sewer work is anticipated to be completed by April 30<sup>th</sup>. Reconstruction of the roadway is scheduled to begin on May 1<sup>st</sup> with an anticipated completion date in September. For more information, please call 769-2228. Mullan Road Storm Drain Project will begin around May 1. Storm piping and manholes will be replaced within the roadway from Memorial Field to Garden Avenue. Traffic on Mullan Road and Park Drive will be impacted during the twenty (20) day construction period, with slight disruptions and delays,

but no road closures are anticipated. She congratulated Sergeant Jeff Walther for receiving the Master Instructor Certification from the Idaho Peace Officer Standards and Training (POST). The City of Coeur d'Alene Arts Commission is seeking artists for its Utility Box Beautification project. Six (6) utility boxes have been designated to be enhanced in Coeur d'Alene using an artist's design to be printed on vinyl and wrapped around the box. Information packets are available at City Hall, 710 E. Mullan Avenue, or online at [www.cdaid.org](http://www.cdaid.org). In the spirit of open government, the city has taken action to post its "checkbook" of expenditures online. It can be found under the Finance Department and is titled "Check Register." The Library Foundation's "Moving Books" film series continues on Thursday, April 5<sup>th</sup>, with a special family movie beginning at 6:00 PM in the Community Room. A \$5.00 donation is suggested with proceeds going to enhance the library's DVD collection. There is now a medication turn-in box in the lobby of the Police Department. Citizens may turn in unused medications Monday through Friday from 8:00 AM to 5:00 PM. "Sharps" cannot be accepted in the drop box. Free street trees are still available. The trees are available to homeowners or residents who are willing to provide care for these young trees. The Natural Open Space Master Plan for the City of Coeur d'Alene Parks is available on-line for review and comment at [www.cdaidparks.org](http://www.cdaidparks.org). The Natural Open Space Committee invites residents to review and comment on the plan. The committee will also be scheduling an open house with a question and answer forum. If you have any questions, call the Parks Department at 769-2252. Another new site on the Parks Web Page is the link to McEuen Park Currents. We have been notified that the embankment around the Riverstone Pond is sloughing in several locations. The "fix" on this problem is to drain the pond to a level low enough to make the repairs. The city cannot pump the water out of the pond as the swales will not contain that volume of water and we cannot return the water to the Spokane River. As a result, evaporation and irrigation usage will draw the pond down but will take some time. So, when you see the pond level getting low and the embankment and liner exposed, it is just because the water level is being drawn down for bank and liner repairs. The CdA'ART Grant Program is a three-year pilot program of the City of Coeur d'Alene Arts Commission beginning in 2011. The CdA'ART Grant program provides support from \$500 up to \$1,000 for projects, opportunities, and events proposed by individuals, groups, organizations, or communities of interest that offer a potential arts or cultural impact within the City of Coeur d'Alene. To apply for a CdA'ART Grant, visit the City of Coeur d'Alene website at [www.cdaid.org](http://www.cdaid.org), and click on Public Art. For additional information, please call Hall of Famer Steve Anthony at 769-2249. She noted that FEMA has been invited to tour and attend a meeting this month regarding the levee on Rosenberry Drive. At that time we will be asking FEMA to approve the ability to obtain a 3<sup>rd</sup> party certification for the levee.

**PILOT PROJECT – ACCESSIBLE TRAIL EAST TUBBS HILL:** Councilman Kennedy reviewed the process by which this proposal evolved. Bill Greenwood, Deputy Parks Director, reviewed the work done by the ad hoc committee and presented a brief power point presentation of the proposed plans for the East Side Tubbs Hill Trail.

**DISCUSSION:** Councilman Adams requested that the assurances made by legal staff be put in writing in the form of a legal opinion. Councilman Adams asked what formal process the city is going to take to have citizen review of the pilot project. Councilman Edinger clarified that the Tubbs Hill Foundation recommended approval of the east side trail but that does not include

their support of a north side trail. Councilman Kennedy noted that there is a phrase “reasonable accommodation” which he believes would make it difficult to ask the City’s Legal staff to write a formal statement of the proposed accessible trail and the City’s liability. Councilman Gookin asked that in the event of a fire on the east side of the hill, how would we remove people that may be trapped on the hill. Mr. Greenwood noted that there are points of extraction via the lake. Deputy Fire Chief Lauper presented an overview of the assisted extraction sites around Tubbs Hill. Councilman Gookin asked if the Fire Department was going to write policies and procedures in case of a fire on Tubbs Hill. Councilman Gookin noted that he could not find a specific line item for funding this project. Mr. Greenwood responded that there is a Tubbs Hill improvement/maintenance/operations line item that has approximately \$15,000. Councilman Gookin asked if the final contract will be returned to Council for approval. Mr. Greenwood responded that it will be brought back to Council for approval.

**MOTION:** Motion by Kennedy, seconded by Edinger to approve the Tubbs Hill Accessible Trail Pilot Program plan to include an accessible trail on the east side of Tubbs Hill and direct staff to work with the engineering firm to complete design documents and estimate of probable cost for the assessable trail and confirmation of a legal review. Motion carried.

**RECESS:** Mayor Bloem called for a recess at 8:20 a.m. The meeting reconvened at 8:25 p.m.

**MCEUEN PARK PLAN AMENDMENT – BOAT LAUNCH PARKING LOT:** Councilman Edinger believes that someone should not have to walk a half mile to park their boat trailer and walk back to the boat launch. He also wanted to know who will be the judge on what is equal or better. Councilman Goodlander clarified that when the Council said equal or better it was, for those facilities removed from the McEuen Park and the boat launch is not being removed from park’s site. Councilman Gookin does not recall seeing any parking on the west side of McEuen Park in the plans and now he believes that the City is being inconsistent in that the City is not providing parking for handicapped accessible parking spaces. Councilman Goodlander responded that there are three handicapped accessible parking spaces located closer to the boat launch than currently exists. Parks Director Eastwood noted that there are three stalls one of which accommodates a van adjacent to the boat launch. Councilman Gookin stated that he was never informed of the proposed parking spaces. Mayor Bloem reminded Councilman Gookin that they had discussed that issue during their meeting on Monday.

**MOTION:** Motion by Adams, seconded by Gookin to direct staff to direct Team McEuen to amend the conceptual plan to keep the boat trailer parking intact and to include the removal of the seawall parking to be used as green space.

**DISCUSSION:** Councilman Adams noted that the money being used to construct the parking lot on the south side of City Hall could be used to beautify the park. Councilman Gookin believes that by moving the parking it would decrease the use of the boat ramp thus eliminating the need for a boat launch. Councilman Kennedy reiterated the seven values established by the Council and noted that the boat launch is not being removed. He also noted one of the values is providing the public with accessibility to the lake front, not accessibility through a parking lot. Councilman Kennedy believes that moving the parking is no less of a distance than moving the

parking onto Lakeside. Councilman McEvers believes that the City is trying to make it work and believes that there are some compromises being made. Councilman Gookin believes that it depends on whether you see the boat launch and parking lot as one facility. Councilman Kennedy noted that they are still connected as part of the same Park complex. Councilman Goodlander reminded Council that the park plan is for the greatest amount of use for the greatest number of people. She also noted that a citizen had timed himself between the boat launch and parking at City Hall and it took him 6 ½ minutes one time and 7 minutes another time. Councilman Goodlander read an article from decades ago regarding the boat launch and the objections made about placing the boat launch at its current site. She also believes that people are more important than parking. Councilman Gookin suggested temporarily closing the parking lot and having the streets department create a pathway between the parking lot at City Hall and the boat launch and have a sign made with all the Council's phone numbers on it so citizens can call them with their opinion of this proposal.

**MOTION TO AMEND:** Motion by Gookin seconded by Adams to direct staff to temporarily close the 3<sup>rd</sup> Street parking lot next to the boat launch, create signage directing them to city hall, create a trail from city hall to the boat launch, making a sign containing all Council members names and phone numbers and posting the sign on the trail back to the boat launch. **ROLL CALL:** Kennedy, No; Adams, Aye; Edinger, Aye; McEvers, No; Goodlander No; Gookin Aye. Motion failed with the Mayor's tie breaking vote in the negative.

**DISCUSSION:** Mayor Bloem noted that we all walk in the downtown area, we walk to the farmers market, we walk to the fair, we walk to the downtown businesses so she cannot understand why we should provide special accommodations for a small number of people. She also believes that this is not an "equal or better" situation. Councilman Adams feels it is different for boaters. Councilman Edinger believes that the Council needs to listen to the people and he does not believe that the whole Council is listening to the people or using common sense.

**ROLL CALL:** Kennedy, No; Edinger, Aye; Adams, Aye; McEvers, No; Goodlander, No; Gookin Aye. Motion failed with the Mayor's tie-breaking vote in the negative.

**EXECUTIVE SESSION:** Motion by Goodlander, seconded by Adams to enter into Executive Session as provided by I.C. 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.

**ROLL CALL:** Kennedy, No; Edinger, Aye; Adams, Aye; McEvers, Aye; Goodlander, Aye; Gookin, Aye. Motion carried.

The Council entered into Executive Session at 8:45 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, and Deputy City Attorney.

Matters discussed were those of negotiations with the Police Association. No action was taken and the Council returned to its regular session at 9:50 p.m.

**ADJOURNMENT:** Motion by Gookin, seconded by Adams to recess to April 12, 2012 at 12:00 noon for a joint workshop with the Urban Forestry Committee to be held in the City Hall former Council Chambers. Motion carried.

The meeting recessed at 9:50 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan Weathers, CMC  
City Clerk

RESOLUTION NO. 12-013

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 LEASE RENEWAL WITH COMMERCIAL PROPERTY MANAGEMENT FOR 816 SHERMAN AVENUE, SUITES 3, 4, & 5 FOR THE LEGAL DEPARTMENT-CRIMINAL DIVISION OFFICES; APPROVING A ONE-YEAR EXTENSION OF 3 AGREEMENTS WITH DIAMOND PARKING FOR ON STREET PARKING, CITY PUBLIC PARKING LOTS, AND THIRD STREET MOORING DOCKS.

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 "1 through 2" and by reference made a part hereof as summarized as follows:

- 1) Approving a Lease Renewal with Commercial Property Management for 816 Sherman Avenue, Suites 3, 4, & 5 for the Legal Department-Criminal Division Offices;
- 2) Approving a One-Year Extension of 3 Agreements with Diamond Parking for:
  - On Street Parking
  - City Public Parking Lots
  - Third Street Mooring docks

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 "1 through 2" 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 17<sup>th</sup> day of April, 2012.

\_\_\_\_\_  
Sandi Bloem, Mayor

ATTEST

\_\_\_\_\_  
Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER KENNEDY Voted \_\_\_\_\_

COUNCIL MEMBER GOODLANDER Voted \_\_\_\_\_

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

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

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

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

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

**CITY COUNCIL  
STAFF REPORT**

**DATE:** April 17, 2012  
**FROM:** Michael C. Gridley, City Attorney  
**SUBJECT:** 816 Sherman Lease Amendment

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**DECISION POINT:**

Whether the City should amend the lease agreement for 816 Sherman to extend the term for 12 months.

**HISTORY:**

The current lease agreement expires on April 30, 2012 for the building occupied by the Legal department. Legal moved into this building in 2002 when the University of Idaho moved into Harbor Center.

**FINANCIAL ANALYSIS:**

The current rent is \$2,400 per month and will remain at this rate for the 12 month extension.

**PERFORMANCE ANALYSIS:**

The current space serves the needs of the Legal department and is close to City Hall. There is no other comparable space near City Hall.

**DECISION POINT/RECOMMENDATION:**

The Legal Department recommends that Council approve the 12 month extension of the 816 Sherman lease agreement.

COMMERCIAL PROPERTY MANAGEMENT LLC  
P.O. BOX 3145  
COEUR D'ALENE, IDAHO 83816  
(208) 292-5700 or (208) 640-9470  
FAX (866) 293-6729

March 8, 2012

Mike Gridley  
City Attorney  
City of Coeur d'Alene  
PO Box 489  
Coeur D Alene, ID 83816

Dear Mike:

This letter will serve as an amendment to your lease for your space at 816 Sherman Avenue, Suites 3, 4, & 5 Coeur d'Alene, Idaho 83814. Your lease will be extended for 12 months starting May 1, 2012 and ending April 30, 2013. Rent to remain at \$2,400.00 per month.

All terms and conditions of the original lease agreement to remain the same except for the following:

The Premises: The Lessor hereby Leases unto Lessee, the Premises known as 816 Sherman Avenue, Suites 3, 4, & 5 and basement, Coeur d'Alene, Idaho 83816.

Please sign the acknowledgement below and return to our office. Please contact me at 208/640-9470, if you have any questions.

Sincerely,  
Commercial Property Management LLC

  
Jim Koon  
Manager  
(208) 292-5701 or (208) 640-9470

City of Coeur d'Alene (Mayor)

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attest by City Clerk, \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

City Council  
Staff Report

Date: April 17, 2012  
From: Troy Tymesen, Finance Director  
Subject: To extend all three contracts with Diamond Parking, Inc. for one year.

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Decision Point:

To extend all three contracts with Diamond Parking, Inc. for one year as recommended by the Parking Commission.

History:

The City has contracted with Diamond Parking, Inc., for parking services since 1992. The City currently has three contracts with Diamond: on - street parking, the City's public parking lots, and the Third Street mooring docks. In September of 2002 the City did a request for proposals (RFP) and Diamond Parking submitted the only proposal. The proposal included a three year contract with two additional three year renewals. The renewals have been exhausted, however the proposed changes to the 3<sup>rd</sup> and 4<sup>th</sup> Street Parking lot make the RFP extremely challenging for staff to write and challenging for contractors to accurately know what the parking management will encompass in the very near future.

Financial Analysis:

Diamond guarantees the parking fund a base income of \$125,000.00 annually for managing the City owned parking lots. Once the gross income exceeds \$245,000.00 the City receives \$0.92 of every dollar over that amount. Last fiscal year this feature generated \$201,577.95 for the Parking fund. The on – street parking contract cost for services is \$2,895.00 monthly which is not changing. Diamond monitors the mooring docks for the City.

Decision Point/Recommendation:

To extend all three contracts with Diamond Parking, Inc. for one year, as recommended by the Parking Commission.

**AMENDMENT 3 TO THE AGREEMENT  
BETWEEN THE  
CITY OF COEUR D'ALENE AND DIAMOND PARKING, INC.**

WHEREAS, Pursuant to Resolution No. 03-028 adopted the 4<sup>th</sup> day of March, 2003, the above parties entered into an Agreement regarding management services for the Third Street Mooring Docks; and

WHEREAS, Diamond Parking, Inc. and the City desire to extend the for an additional term; and

WHEREAS, the City Council deems this amendment to be in the best interests of the City.

THEREFORE, the parties agree to amend the Agreement as follows;

1. Section 2. Term:

The parties mutually agree to extend the term of this Agreement until March 4, 2013.

2. No Further Modification of the Agreement.

The parties agree that the Agreement, as herein amended, remains in full force and effect and that this amendment to the Agreement between the parties does not amend or alter any other right or obligation of either party under the Agreement.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this agreement to be executed by its Mayor and City Clerk, and Diamond Parking, Inc. have caused the same to be executed.

DATED THIS 17<sup>th</sup> day of April, 2012.

**CITY OF COEUR D'ALENE**

**DIAMOND PARKING, INC.**

By: \_\_\_\_\_  
Sandi Bloem, Mayor

\_\_\_\_\_  
By  
\_\_\_\_\_  
Its

**ATTEST:**

**ATTEST**

\_\_\_\_\_  
Susan K. Weathers, City Clerk

\_\_\_\_\_  
By  
\_\_\_\_\_  
Its

**AMENDMENT No. 3 TO THE AGREEMENT  
BETWEEN THE  
CITY OF COEUR D'ALENE AND DIAMOND PARKING, INC.**

WHEREAS, Pursuant to Resolution No. 03-028 adopted the 4<sup>th</sup> day of March, 2003, the above parties entered into a Agreement regarding regulation of on-street parking; and

WHEREAS, Diamond Parking, Inc. and the City desire to extend the term of the Agreement; and

WHEREAS, the City Council deems this amendment to be in the best interests of the City.

THEREFORE, the parties agree to amend the Agreement as follows;

1. Section 1(B). Term:

The parties mutually agree to extend the term of this agreement until March 4, 2013.

2. No Further Modification of the Agreement.

The parties agree that the Agreement, as herein amended, remains in full force and effect and that this amendment to the Agreement between the parties does not amend or alter any other right or obligation of either party under the Agreement.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this agreement to be executed by its Mayor and City Clerk, and Diamond Parking, Inc. have caused the same to be executed.

DATED THIS 17<sup>th</sup> day of April, 2012.

**CITY OF COEUR D'ALENE**

**DIAMOND PARKING, INC.**

By: \_\_\_\_\_  
Sandi Bloem, Mayor

\_\_\_\_\_  
By  
\_\_\_\_\_  
Its

**ATTEST:**

**ATTEST**

\_\_\_\_\_  
Susan K. Weathers, City Clerk

\_\_\_\_\_  
By  
\_\_\_\_\_  
Its

**AMENDMENT No. 3 TO THE AGREEMENT  
BETWEEN THE  
CITY OF COEUR D'ALENE AND DIAMOND PARKING, INC.**

WHEREAS, Pursuant to Resolution No. 03-028 adopted the 4<sup>th</sup> day of March, 2003, the above parties entered into an Agreement regarding the regulation of parking in the City's public parking lots; and

WHEREAS, Diamond Parking, Inc. and the City desire to extend the term of this agreement; and

WHEREAS, the City Council deems this amendment to be in the best interests of the City.

THEREFORE, the parties agree to amend the Rental Agreement as follows;

1. Section 2. Term:

The parties mutually agree to extend the term of this agreement until March 4, 2013.

2. No Further Modification of the Rental Agreement.

The parties agree that the Rental Agreement, as herein amended, remains in full force and effect and that this amendment to the Rental Agreement between the parties does not amend or alter any other right or obligation of either party under the Rental Agreement.

IN WITNESS WHEREOF, the City of Coeur d'Alene has caused this agreement to be executed by its Mayor and City Clerk, and Diamond Parking, Inc. have caused the same to be executed.

DATED THIS 17<sup>th</sup> day of April, 2012.

**CITY OF COEUR D'ALENE**

**DIAMOND PARKING, INC.**

By: \_\_\_\_\_  
Sandi Bloem, Mayor

\_\_\_\_\_  
By

\_\_\_\_\_  
Its

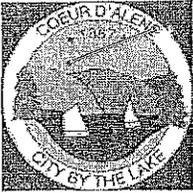
**ATTEST:**

**ATTEST**

\_\_\_\_\_  
Susan K. Weathers, City Clerk

\_\_\_\_\_  
By

\_\_\_\_\_  
Its



CITY OF COEUR D'ALENE

MUNICIPAL SERVICES DEPARTMENT

CITY HALL, 710 E. MULLAN COEUR D'ALENE, IDAHO 83816-3964 208.769.2229 or fax 769.2237 kathylew@cdaid.org

me# 601014 \$ 230.68

OUTDOOR EATING FACILITY ENCROACHMENT APPLICATION - Valid April 1-Oct 15 annually New Applications or renewals with changes will be submitted to the City Council for approval-must be received in Customer Service Center a minimum of seven days prior to a City Council meeting (First and Third Tuesdays of each month) Payment is due with application.

Table with 2 columns: Field Name and Value. Fields include Name of Eating Establishment (Dangerous Dog), Applicant's Name (Nancy White), Mailing Address (P.O. Box 3205), Physical Address (108 N. 4th Street), City, State Zip (Coeurd'Alene, ID 83816), Business Telephone (208-819-0011), Contact person (Nancy White or Erick Hidalgo), and Contact Numbers (Home Phone: 208-818-1126, Cell: [blank], e-Mail: nancywhite@windermere.com).

Is application: New [checked] Renewal [ ] Any changes from previous year? Yes [ ] No [ ] Any change of ownership or type of use? Y or N If yes, please specify [ ]

Do you hold a current State of Idaho, Kootenai County and City Of CDA alcohol license? Yes [ ] No [ ] If yes, on your State of Idaho alcohol license do you have a restaurant designation? Yes [ ] No [ ] Is anyone under 21 allowed in the area inside your establishment here alcohol is served? Yes [ ] No [ ]

What hours is the full menu available? Start 11:00AM End 3:00AM

What days are the full menu available? 7 days per week

- Checkboxes for site/seating plan requirements: Show table sizes and chair placement, 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

Include Fee: 6 Number of Seats x \$19.28 per seat ( Sewer Cap fee) = 115.68

If located on sidewalk or City property \$115.00 Encroachment Fee 115.00

Total Due \$ 230.68

# ANNOUNCEMENTS

# Memo to Council

DATE: April 3, 2012

RE: Appointments to Boards/Commissions/Committees

The following re-appointments are presented for your consideration for the April 17th Council Meeting:

JON MUELLER  
MIKE DODGE

DESIGN REVIEW COMMISSION  
DESIGN REVIEW COMMISSION

DIXIE REID

PERSONNEL APPEALS BOARD

SCOTT CRANSTON  
BRIDGET HILL

PARKS & RECREATION COMMISSION  
PARKS & RECREATION COMMISSION

Copies of the available data sheets are in front of your mailboxes. Replacement requests have been made for any missing or outdated data sheets.

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Susan Weathers, Municipal Services Director  
Tami Stroud, Design Review Commission Liaison  
Pam MacDonald, Personnel Appeals Board Liaison  
Doug Eastwood, Parks & Recreation Commission Liaison

# Memo to Council

DATE: April 10, 2012

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the April 17th Council Meeting:

ADRIENNE CRONEBAUGH      NATURAL OPEN SPACE COMMITTEE

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

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Susan Weathers, Municipal Services Director  
Doug Eastwood, Natural Open Space Committee Liaison

OTHER COMMITTEE MINUTES  
(Requiring Council Action)

April 9, 2012  
**GENERAL SERVICES COMMITTEE  
MINUTES**

**COMMITTEE MEMBERS PRESENT**

Mike Kennedy, Chairperson  
Ron Edinger  
Steve Adams

**CITIZENS PRESENT**

Tom Hasslinger, CdA Press  
Gene Lamb of the Hawk shop  
Kevin Mitchell of Coin Nuts

**STAFF PRESENT**

Mike Gridley, City Attorney  
Troy Tymesen, Finance Director  
Captain Ron Clark, Police  
Becky Mumford, Police Department  
Wes Somerton, Chief Criminal Deputy City Attorney  
Susan Weathers, City Clerk  
Chief Wayne Longo, Police  
Juanita Knight, Senior Legal Assistant  
Jon Ingalls, Deputy City Administrator  
Renata McLeod,  
Kathy Lewis, Deputy City Clerk

**Item 1. Lease Renewal / 816 Sherman Avenue.  
(Resolution No. 12-013)**

Mike Gridley requested approval to extend the lease agreement for 816 Sherman for an additional 12 months. Mr. Gridley noted that last fiscal year the city allocated \$60,000 to plan a city hall expansion that would move the Criminal Office's into a city owned facility. However, given some of the budget constraints, it looks like that is not going to happen at this time. Mr. Gridley is hopeful, however, that one day the office will be moved to a city owned building rather than leasing office space.

Mr. Gridley noted that staff did not seek different office space due to the proximity and lease rate of the current location. Other variables would be the cost of relocating, communication services, and technology services which would be very substantial.

Mr. Gridley stated the current lease of \$2,4000 per month would remain the same for the 12 month extension.

Councilman Adams inquired what will happen with the budgeted \$60,000. Mr. Gridley said it could either remain budgeted or it could be returned to the General Fund. Mr. Gridley said that it would make sense to keep it budgeted since the city is in the long term business. It doesn't make sense to continue paying a lease but to take the lease money and use it to pay for a building the city would own.

Mr. Tymesen stated the \$60,000 would likely go to the fund balance, assuming the City does not run over any of the other line items.

**MOTION: by Councilman Adams, seconded by Councilman Edinger, that Council adopt Resolution No. 12-013 approving the 12 month lease extension for 816 Sherman.**

**Item 2. Contract Renewal / Diamond Parking.  
(Resolution No. 12-013)**

Troy Tymesen is requesting Council extend all three contracts with Diamond Parking, Inc. for one year as recommended by the Parking Commission.

Mr. Tymesen explained in his staff report that the City has contracted with Diamond Parking, Inc., for parking services since 1992. The City currently has three contracts with Diamond: on - street parking, the City's public parking lots and the Third Street mooring docks. In September of 2002 the City did a request for proposals (RFP) and Diamond Parking submitted the only proposal. The proposal included a three-year contract with two

additional three-year renewals. The renewals have been exhausted, however the proposed changes to the 3<sup>rd</sup> and 4<sup>th</sup> Street Parking lot make the RFP extremely challenging for staff to write and challenging for contractors to accurately know what the parking management will encompass in the very near future. Mr. Tymesen goes on to explain that Diamond guarantees the parking fund a base income of \$125,000.00 annually for managing the City owned parking lots. Once the gross income exceeds \$245,000.00 the City receives \$0.92 of every dollar over that amount. Last fiscal year this feature generated \$201,577.95 for the Parking fund. The on – street parking contract cost for services is \$2,895.00 monthly which is not changing. Diamond monitors the mooring docks for the City. Forty (40)% of the net income in the parking fund goes to the parks capital improvement fund which goes right back to constituents in the form of parks land and improvements.

Councilman Adams inquired where the other 60% of the net income goes. Mr. Tymesen responded the parking fund is a dedicated fund from which there are no property taxes that go into it, it is a totally fee income source. Citizens pay a fee for parking and it goes into the fund to maintain the lots and snow plowing. The city owns all the equipment at parking lots (electronic machines), as well as the parking enforcement vehicles. The rest is sitting in the fund for parking expansion. The proposal right now is to use the remaining funds to assist with building the parking structure. Councilman Adams asked how much is remaining. Mr. Tymesen respond approximately \$800,000 that will go into the proposed new structure.

**MOTION: by Councilman Edinger, seconded by Councilman Adams, that Council adopt Resolution No. 12-013 authorizing the extension of the 3 contracts with Diamond Parking for one year as recommended by the Parking Commission.**

**Item 3. Council Bill No. 12-1000 / Amendments to Pawn Shops – 2<sup>nd</sup> Hand Store License.**  
**(Agenda)**

Captain Ron Clark is requesting Council adopt a Council Bill amending existing regulations relating to pawnshops and secondhand stores to extend the regulations to cover other used merchandise dealers. Captain Clark explains in his staff report that the original regulations were established in 1980 and only pawnshops and secondhand stores who deal in the receipt of items purchased from individuals and the resale of those items were required to comply with these regulations. Over the years, mainly pawn shops, have been complying with the ordinance. There were many questions with regard to who met the secondhand definition. Many businesses have gotten into the process of buying and selling secondhand goods. Some businesses were handling these transactions without reporting to the Police Department. There was a definite inequity in that pawn shops were complying with the ordinance, but other business weren't; even though they were dealing with the same types of transactions. In addition, criminals have gravitated to those businesses that don't require documentation. The proposal is to more uniformly require businesses dealing with secondhand transactions to be licensed, maintain a record of the transaction, and report the transaction to the police department. The other significant change would be to require the reporting to the Police Department to be electronic. The Police Department belongs to a regional data base that tracks and monitors secondhand transactions. Although some businesses report their transactions to this data base system, most of the transactions are entered by the Police Department. This has created delays of entry and demands personnel to enter these private business transactions. By having all the businesses perform their own entry for their transactions would result a more expedient method to track and identify stolen goods and without using Police Department Personnel. In addition any person accepting goods would be required to undergo a criminal history background check, whereas currently this requirement only applies to the owner of the business and not their employees.

Wes Somerton provided some detail of the proposed changes to the Council.

Councilman Kennedy asked how Hastings, for example, would track to ensure items they buy are not stolen. Mr. Somerton said that items like dvd's and music are items typically stolen from cars. By requiring the electronic internet based recordkeeping of these items, it will help law enforcement track stolen items.

Councilman Edinger asked for confirmation that they have met with the business people. Mr. Somerton said yes. They held a fairly large meeting a couple of weeks ago that was very well attended. Prior to that they held at least 3 meetings with other interested business', coin shop dealers, persons dealing with gold, bullion and precious metals.

Susan Weathers, City Clerk, explained that she had mailed the original draft of the proposal. Subsequently, she communicated via email.

Councilman Adams asked if this process could be revisited in a year and potentially annually. Mr. Somerton said that is not appropriate for an ordinance. However, it is something that we can look at again in a year to see how it is working.

Gene Lamb of the Hawk shop said the City did a great job. He feels the city listened to them and addressed their concerns. He said this will impact his business somewhat but believes it will be better than how it is currently. He's been in business for 26 years and believes this administration is doing a great job.

Kevin Mitchell of Coin Nuts supports revisiting this in a year to see how it will affect his business. Believes the requirement to keep track of legitimate customers who won't want to give their identification will hurt his business. He feels the regulations will cause them to have to lower the prices they pay. He questions whether the regulations will really be worth the burden, if they'll actually catch those guys they are trying to get. In 9 years of business he thinks he's had only 3 incidents of stolen property.

**MOTION: by Councilman Edinger, seconded by Councilman Adams, that Council adopt Council Bill No. 12-1000 amending the existing regulations relating to pawnshops and secondhand stores to extend the regulations to cover other used merchandise dealers.**

**Item 4. Council Letter / Midtown construction Project.  
(Discussion Only)**

Councilman Kennedy explained that the current midtown project concept has come under some opposition from neighbors as well as business. Councilman Kennedy read a letter, still in DRAFT form, that will be from Mayor Sandi Bloem. The letter is addressed to Douglas Peters from the housing company which is a division of IFHA and to the Chair of LCDC. The letter requests that the project concept, as currently proposed, not be continued but that the stakeholders continue to work with the neighbors and business to develop a concept that will be acceptable to everyone.

Councilman Edinger said he thinks this is a good letter and the right thing for the City to do considering the concerns addressed by the residents.

**MOTION: by Councilman Edinger, seconded by Councilman Adams, that Council approve the proposed letter regarding the Midtown Project as may be modified by the City Attorney.**

The meeting adjourned at 12:40 p.m.

Respectfully submitted,

*Juanita Knight*  
Recording Secretary

CITY COUNCIL  
STAFF REPORT

DATE: April 17, 2012  
TO: Mayor and City Council  
FROM: Ron Clark, Police Captain  
RE: Proposed Amendments to Chapter 5.52 – Pawnshop and Secondhand Store Regulations.

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**DECISION POINT:** Should the City Council adopt Council Bill No. 12-1000 that amends existing regulations relating pawnshops and secondhand stores to extend these regulations to cover other used merchandise dealers.

**HISTORY:** The original regulations were established in 1980 and only pawnshops and secondhand stores who deal in the receipt of items purchased from individuals and the resale of those items were required to comply with these regulations. Over the years mainly pawn shops have been complying with the ordinance. There were many questions with regard to who met the secondhand definition. Many businesses have gotten into the process of buying and selling secondhand goods. Some businesses were handling these transactions without reporting to the Police Department. There was a definite inequity in that pawn shops were complying with the ordinance, but other business weren't even though they were dealing with the same types of transactions. In addition criminals have gravitated to those businesses that don't require documentation. The proposal is to more uniformly require businesses dealing with secondhand transactions to be licensed, maintain a record of the transaction, and report the transaction to the police department. The other significant change would be to require the reporting to the Police Department to be electronic. The Police Department belongs to a regional data base that tracks and monitors secondhand transactions. Although some businesses report their transactions to this data base system, most of the transactions are entered by the Police Department. This has created delays of entry and demands personnel to enter these private business transactions. By having all the businesses perform their own entry for their transactions would result a more expedient method to track and identify stolen goods and without using Police Department Personnel.

In addition any person accepting goods would be required to undergo a criminal history background check, whereas currently this requirement only applies to the owner of the business and not their employees.

**PERFORMANCE ANALYSIS:** By requiring the proposed licensing of all dealers in used merchandise, the dealers would be required to track the used items purchased and identification of the individual selling the used items and log these transactions into the Police Department data system. This then provides critical information for the Police Department to search for reported stolen items and identify the individual who sold the stolen items.

**FINANCIAL ANALYSIS:** The average annual loss to citizens from theft and burglaries over the past two years has been \$1,978,263.43. By expanding the licensing requirements to certain used merchandise dealers, the likelihood of recovering stolen goods increases greatly.

**DECISION POINT:** Staff recommends that the City Council adopt Council Bill 12-1000 that extends the current pawn shop/second hand store regulations to include other used merchandise dealers.

## DRAFT REORGANIZATION OF PAWN ORDINANCE 1-2012

### USED MERCHANDISE DEALER LICENSE

#### 5.52.010 Definitions:

The following definitions shall apply to the terms used in this chapter unless the context clearly requires otherwise:

**Articles:** Household good, clothing, items containing gold, silver or other metals, coins, works of art, stamps and other collectors' items, weapons, sound recording, receiving transmitting or reproducing devices, tool and all other tangible personal property except automobiles.

**Chattel Mortgage.** A transfer of a legal right in personal property as security for payment of money.

**City** means the City of Coeur d'Alene, Kootenai County, Idaho.

**Coin Dealer:** Any person, firm or corporation engaged in the business of buying coins or bullion for their value as collectors' items, for their value for precious metal content, or buying coins containing any precious metal at a price above the face value of the coin.

**Deposit.** A delivery of goods or property to be held in trust as security for payment of money. Also includes the term bailment.

**Flea Market:** a market, indoors or out of doors, where new or used articles are sold from individual locations, with each locating being operated independently for the other locations. This term shall include shops, by any name, which rent space or allocate space within the market to individual sellers of articles.

**Flea market seller:** a person, firm or corporation selling articles or offering articles for sale at a flea market.

**Gold Buyer:** Any person, firm or corporation engaged in the business of buying gold or objects made of gold or of gold alloy from the public.

**Junk** means worn out or discarded material in general that may be turned to some use.

**Junk dealer** means every person who shall be engaged buying, selling, keeping, disposing of or collecting junk except as hereinafter provided.

**Money.** Includes United States currency, money orders, certified checks, traveler's check and any other circulating medium of exchange.

**Pawnbroker PAWNBROKER:** ~~Every~~ Any person, association, or corporation, business entity of any type or employee thereof, which, in the course of its business, loans money and receives as a security personal property as a pledge, or holds such personal property under a conditional sales contract or an agreement to resell such personal property to the borrower or his assignee at a price agreed upon, at or before the time of such transaction, and exacts an interest for such loans, pledge, conditional sales contract or agreement. ~~except~~ The term shall not apply to banks, trust companies or bond brokers who may be regulated by law and authorized to deal in commercial paper, sales of stock, bonds or other certificates of value.

**Pawnshop.** The room, store or place licensed as the business location for a pawnbroker

in the City of Coeur d'Alene.

**Person.** Includes any natural person, individual, firm, partnership, joint venture, association, corporation, trust, or any other group acting as a unit.

**Personal Property.** All property subject to ownership, except real estate, includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

**Pledge.** A promise to deliver goods or property as security for payment of money.

**Precious Metals:** Gold, silver, platinum, palladium, rhodium and their alloys.

**Precious Metals Buyer:** any person or business that buys coins, bullion, jewelry, jewelry with precious stones attached, bulk jewelry, valuables or lose precious stones and sells it in the same shape or form or reprocesses it and sells it in a different shape or form.

**Prized Metals:** includes but is not limited to copper, aluminum and bronze.

**Prized Metal Buyer:** any person or business that buys prized metals in any form.

**Recycler -** means any person or business that buys precious metals and/or prized metals as salvageable material and sells it in the same shape or form or reprocesses it and sells it in a different shape or form.

**Regulated Transaction.** A business dealing conducted by a pawnbroker or designee that is regulated by this Chapter.

**Reprocessed goods** means any item of personal property that is substantially rebuilt or remanufactured.

**Secondhand Dealer** ~~SECONDHAND DEALER:~~ Any person, pawnbroker, association, or corporation or employee thereof engaging in, conducting, managing or carrying on the business of purchasing, buying, selling, trading or otherwise transferring for value, and dealing in used or secondhand personal property, rebuilt or reconditioned goods, wares or merchandise; ~~providing that this term shall not apply to a person conducting casual or isolated sales of one's own personal property; provided, further, that this term shall not apply to a retail dealer of used or secondhand merchandise whose stock of merchandise consists at least ninety percent (90%) of objects of art, bric a brac, curios or household furniture or furnishings offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or from its historical association; provided, further, that this term shall not apply to dealers of new articles who allow their patrons an exchange value on used or secondhand articles, when selling a new article, coin shop or auto wreckers or used car dealers holding dealer permits.~~

**Secondhand Goods** are any item of personal property offered for sale, trade, or consignment, not as new, including but not limited to jewelry, precious stones, valuables, firearms, clothing, personal property, tools, media tapes and digital disks such as music or movie, prized metals in any form and precious metals in any form, or any other articles, but excluding books, coins that are legal tender, bullion in the form of fabricated bars or rounds, magazines and postage.

**Secondhand Precious Metals Dealer:** A person who engages in the business of buying, selling, exchanging or trading old or used precious metal or secondhand goods containing any precious metal. The following shall not be considered secondhand precious metals dealers:

A. Persons who in the ordinary course of business buy or sell uncast precious metals primarily for use in any manufacturing or photographic developing process, jewelry manufacture or repair, or dental restoration or repair.

B. Persons who in the ordinary course of business accept or receive secondhand goods containing precious metals as consideration for the sale of new merchandise and who subsequently dispose of such secondhand goods in the same form as they existed at the time of their receipt.

**Silver Buyer:** Any person, firm or corporation in the business of buying silver or objects made of silver or of silver alloy from the public.

**Transaction:** Any pledge, or the sale to or consignment to, or the trade of any item of personal property to a used merchandise dealer from a member of the general public excluding transactions from licensed vendors. A sale from a used merchandise dealer to a member of the general public.

**Transaction Record:** a permanent computerized record and a written/printed invoice book of each loan, sale, consignment, or purchase transaction. The transaction records shall be legibly written in the English language, at the time of each loan, purchase or sale. The invoice book must be at a minimum in duplicate. The computerized records and invoice book shall list each invoice number and be maintained in sequence.

**Used Merchandise Dealer:** For the purposes of this ordinance any merchant that buys, trades or consigns used personal property from the public shall be required to have a Used Merchandise Dealer license. Used Merchandise Dealer includes, but is not limited to, Coin Dealer, Flea Market, Gold Buyer, Junk Dealer, Pawnbroker, Precious Metals Buyer, Prized Metals Buyer, Recycler, Secondhand Dealer, Secondhand Precious Metals Buyer, and Silver Buyer.

**Used Merchandise Dealer Transactions Further Defined:** The following transactions include but are not limited to, constitute carrying out the business of a used merchandise dealer. It is unlawful for any person, business or entity to own or operate any such business or carry on any of the following business transactions without first having obtained a used merchandise dealer license to do so, and any and all such transactions require a valid City of Coeur d'Alene license:

- A. Loaning or advancing money, whether in the form of cash, check or draft, to any person on the deposit, pledge or bailment of personal property of any kind as security for such loan or advancement, when the personal property may be repurchased by the party upon paying a sum of money;
- B. Loaning, or advancing money, whether in the form of cash, check or draft, upon a chattel mortgage(s) on personal property, where the said property is taken into the possession of the lender as security for the advancement or loan upon an assignment(s) or pledge(s) of earned or unearned salary, wages or future earnings;
- C. Purchasing previously owned or used personal property on the condition it may be repurchased by the seller within a fixed period of time for a fixed sum of money. For purpose of this Chapter, purchasing shall also include trade.
- D. Any purchase by a coin dealer, gold buyer, silver buyer, precious metals buyer, prized metals buyer, recycler, secondhand precious metals dealer, pawnbroker or secondhand dealer which results in obtaining possession of any precious metal, prized metal, any object made of prized or precious metal(s) that is or are not otherwise exempt from this chapter.

**Exceptions:** The following transactions are exempt from the reporting requirements of this chapter.

Coins and/or currency purchased or traded at face value;

Stamped Hallmark bullion bars or rounds of gold, silver, platinum or other precious metals;

Clothing consignment;

Used clothing purchasers for resale;

Casual or isolated sales of one's own personal property;

A retail dealer of used or secondhand merchandise whose stock of merchandise consists at least ninety percent (90%) of objects of art, bric-a-brac, curios or household furniture or furnishings offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or from its historical association;

A retail dealer of new articles who allow their patrons an exchange value on used or secondhand articles, when selling a new article;

Auto wreckers;

New and/or Used car dealers holding dealer permits;

Auctions and auction sales;

Estate sales.

Recycler purchases from bulk commercial dealers.

Recycler purchases of scrap aluminum cans.

Gold, silver, or platinum coins, or other precious metal coins, that are legal tender, or precious metal coins that have numismatic or precious metal value;

Gold, silver, platinum, or other precious metal bullion;

Gold, silver, platinum, or other precious metal dust, flakes, or nuggets.

#### **5.52.020 License, Application and Fee:**

A.1. No person, used merchandise dealer, or employee thereof, shall engage in, conduct, permit, or carry on the business of a used merchandise dealer whether it is a separate business or in connection with any other business, or advertise the same by any means ~~loaning money with articles kept as security or to buy and sell used articles~~ without first obtaining a used merchandise dealer license to do so from the city clerk of the city of Coeur d'Alene. ~~The fee for such license shall be as set forth in section 5.60.020 of this title.~~

3 2. All applications for a license under this chapter shall be made to the city clerk who shall inquire into the qualifications of the applicant. In order to determine suitability of prospective applicants for licensing with the city of Coeur d'Alene each specified applicant shall provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to section 67-3008, Idaho Code and congressional enactment public law 92-544, the city of Coeur d'Alene shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the

Idaho State Police. The city of Coeur d'Alene is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. ~~As required by section 5.60.020, "License; Fee; Application", of this title, f~~ Fees required for the criminal history check shall be tendered at such time as the application is made. Should the city clerk or his/her designee determine that the applicant is qualified for a license under the provisions of this chapter the license shall be issued by the clerk. Should the city clerk or his/her designee find that the applicant does not meet the qualification requirements under this chapter, the application shall be denied.

~~2 3.~~ No license shall be issued under this chapter to any person, partnership, or association, or any employee thereof, if such person, member of the partnership, any officer, director, or manager of any corporation or association or any person having a direct financial interest in the business other than as lessor, mortgagee, or vendee, has been convicted of any felony or any theft related offense or had a license under this chapter revoked, within five (5) years of the date of application for license; ~~or unless the applicant is a citizen of the United States of America.~~

4. A license required under this Chapter shall be valid from the time it is issued and shall expire on December 31<sup>st</sup> of the same year the license is issued.

B. 1. No used merchandise dealer license shall be granted or issued to any person under the age of eighteen years, or to any used merchandise dealer whose managing agent is under the age of eighteen years.

2. Any ~~No~~ license required by this chapter shall not be is transferable from one person, used merchandise dealer, or employee thereof, or location to another person, used merchandise dealer, or employee thereof, or location.

C. License Card: the City shall issue to each person approved for a Used Merchant Dealer License a card.

1. All such licenses shall be in such form as the city may prescribe and shall contain the name, address, place of business and the date of expiration of such license, and shall be authenticated by the signature of the city clerk.

2. The license shall be issued to a specific person, firm or corporation for a specific location.

D. License Fee: All license fees applicable to this chapter shall be established by the City Council by resolution.

E. Grace Period: For any employee of a used merchandise dealer that is employed in such capacity when this ordinance takes effect shall have ninety (90) days from when this ordinance is adopted to obtain a license as required by this chapter.

**5.52.025-030 Exemptions; Nonprofit Charitable Organizations, ~~Secondhand Clothing Sales and Other Businesses:~~**

Stores dealing in secondhand clothing only, and All nonprofit, charitable organizations as recognized by the Internal Revenue Service are exempt from the requirements of this chapter. This ordinance shall not affect persons, firms and corporations that sell items covered by this ordinance to the public but purchase the same from dealers, manufacturers or wholesalers and do not purchase such items from the public.

**5.52.030040: Minors; Purchasing Secondhand Articles From Prohibited Dealings:**

It shall be unlawful for a used merchandise dealer or employee thereof:

- A. It is unlawful for any person who conducts a business which business wholly or in part consists of buying used or secondhand articles, goods, wares or merchandise, to purchase any such new, used or secondhand goods or articles property from any person under the age of eighteen (18) years.
- B. to accept any article as a pledge for a loan from any person under the age of eighteen (18) years.
- C. to allow any employee less than eighteen (18) years of age to receive or accept any property, article or other valuable thing for purchase, pledge, trade, or consign; or allow any employee less than eighteen (18) years of age to make any loan or sell any merchandise that has been pledged, traded or consigned.
- D. to employ or retain any person who does not satisfy the qualifications set forth in this Chapter.
- E. to purchase, receive, or accept any article, property or other valuable thing, manufactured or produced with a serial number or identification number, with said serial number or identification number removed, altered or rendered unreadable.

**5.52.040: Minors; Accepting Property From as Pledge for Loan Prohibited:**

It is unlawful for any used merchandise dealer, or employee thereof person who conducts a pawnshop or secondhand store to accept any article as a pledge for a loan from any person under the age of eighteen (18) years.

**5.52.050: Records Required; Contents and Identification Requirements:**

- A. Every used merchandise dealer or employee thereof, such pawnshop or dealer in used or secondhand articles, goods, wares or merchandise shall maintain both a permanent computerized record and a written/printed invoice book of each loan, sale, consignment, or purchase transaction at his or her place of business. The transaction records shall be legibly written in the English language, at the time of each loan, purchase or sale, maintained in an invoice book approved by the chief of police. The invoice book must be at a minimum in either duplicate or triplicate. The transactions records shall list each with invoice numbering and be maintained in sequence. Each transaction record invoice shall have the following information legibly recorded upon it:
  1. The date, hour and place of transaction;
  2. A true, accurate and complete description of each article involved, including serial number, any inscriptions or identifying marks, and name of manufacturer or brand;
  3. The amount loaned or paid for each article;
  4. The identification and physical description of the person borrowing on, pledging or selling the articles(s) which shall include at least the following: name, address, date of birth and complete physical description of the person borrowing on or selling the article.
    - Name of borrower or seller or pledge;
    - Address which shall be a house number and street;
    - Date of birth;
    - General physical description of the person which shall include person's height, weight, color of eyes, and color of hair;
    - The street and house number of the place from which the property bought or received in pledge was last removed;

- Type and identifying number of the identification presented. The identification shall consist of a valid driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government issued picture identification will be required.

5. ~~The type of identification presented~~ name of the used merchandise dealer or the employee conducting the transaction and the name of the person entering the transaction record in the computerized record.

~~B. The pawnshop or secondhand dealer must require official identification and record the name, address, date of birth and physical description of the person borrowing or selling the article from that identification.~~

~~B~~ C. The records shall be open to the inspection of the police, city officials, the sheriff and other law enforcement officers of the state of Idaho at any and all times.

~~C~~ D. The chief of police or his duly authorized representative shall have the right at any time to enter any premises licensed under this act and to inspect any article pawned or purchased by the used merchandise dealer, or employee thereof licensee under his license and examine the same, to determine that the licensee has and is complying with all laws, statutes, ordinances, rules and regulations of the United States, the state of Idaho, and the city of Coeur d'Alene.

**5.52.060 Report; Purchase of Secondhand Articles Records to be Provided to City Police Department:**

A. Each used merchandise dealer, or employee thereof, has an affirmative duty to furnish to the Coeur d'Alene Police Department a full, true and correct transcript of the records of transactions conducted for each business day. These transactions shall be recorded on such forms as may be provided and/or in such format as may be required by the City Police Department. This information shall be transmitted to the City Police Department electronically or by modem or similar device, subject to the requirements of, or approval by, the City Police Department.

~~B. Every such pawnshop or dealer in secondhand~~ used merchandise dealer, or employee thereof ~~articles shall render report the first carbon copy of each purchase transaction to the police department within forty-eight seven~~ (48 7) calendar days ~~hours~~ of the purchase transaction.

C. Every used merchandiser shall report each loan transaction to the police department within Forty-eight (48) hours of the loan transaction.

**5.52.070 Report; Acceptance of Property as Pledge for Loan:**

~~Every such pawnshop shall render the first carbon copy of each loan transaction to the police department within seven (7) calendar days of the transaction.~~

**5.52.075-070 Pawn Tickets and Property Tags:**

Every pawnbroker or secondhand dealer shall issue pawn tickets for any property received by him/her as a pledge or security for a loan, which ticket shall be considered a receipt for such property. Tags shall be attached to all such property, and upon each tag shall be written in legible figures a number which shall correspond to the number on the pawn ticket issued for said property.

**5.52.080: False or Fictitious Information:**

It is unlawful for any person to use a false name, a fictitious address or any address other than the true address or to furnish any false, untrue or misleading information or statement relating to the information required by any section of this chapter.

**5.52.090: Lease or Contract Purchase:**

It is unlawful for any person to pledge or sell any goods, chattels or effects or any personal property ~~of a value of one hundred fifty dollars (\$150.00) or less,~~ leased or let to him/her by any instrument in writing under a contract of purchase not yet fulfilled.

**5.52.100: Sales:**

A. No personal property purchased by any ~~pawnbroker~~ used merchandise dealer, or employee thereof, through his or her place of business shall be sold for a space of at least ~~ten~~ twelve (12 ~~10~~) days after being so purchased, except as provided in section 5.52.110.A.

B. Firearms are exempt from the holding period.

**5.52.110: Forfeitures:**

It shall be the duty of every ~~pawnbroker~~ used merchandise dealer or employee thereof to allow any person accepting a loan for:

A. Twenty dollars (\$20.00) or less, a period of twelve ~~ten~~ (12 ~~10~~) days in which to pay before the same becomes forfeitable; and

B. Over twenty dollars (\$20.00), a period of thirty (30) days before the same shall become forfeitable.

**5.52.120: Violations, Criminal Penalty, Civil Administrative Sanctions:**

A. Unlawful Acts: The following acts by a used merchandise dealer or any person acting on behalf of the used merchandise dealer, including the employees and agents of a used merchandise dealer, will constitute a violation of this chapter:

1. Failure to make a record of any transaction as described in this chapter.

2. Falsifying any official record or entry on an official record required to be kept pursuant to this chapter.

3. Obliterating, destroying, or removing from the place of business any records required to be kept pursuant to this chapter.

4. Refusing to allow the chief of police or designee to inspect the business premises, or any books, records or other goods located or required to be located at the place of business, during regular and usual business hours, or at other times as deemed necessary by the chief of police or his designee pursuant to an ongoing criminal investigation.

5. Transmittal of any false record to the police.

6. Failure to report the possession of property that may be lost or stolen.

7. Removal or allowing removal of property from the business premises within twelve (12) days after the receipt of said property, unless redeemed by the rightful owner.
  8. Receipt of property from a person under the age of eighteen (18).
  9. Receipt of property from a known thief or receiver of stolen property, or known associates of such, whether the person is acting on their own behalf or as the agent of another.
  10. No person shall sell or offer for sale any articles or goods known to such person to be stolen.
  11. Employment of any person not meeting the qualifications of this chapter.
  12. Any other violation of the specific provisions of this chapter not specifically enumerated above.
- B. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, punishable as set forth in section 1.28.010 of this code.
- C. Used Merchandise Dealer Responsibility - the holder of any used merchandise dealer license shall be responsible for the compliance of all the provisions of this chapter by the agents and employees of the used merchandise dealer. Any violations by such persons may be used in revocation or denial of a used merchandise dealer's license.

~~The license of any licensee used merchandise dealer, or employee thereof, shall be revoked or application for issuance of a new license or renewal of a license shall be denied when it is determined that any licensee, employee of licensee, member of a partnership or association, officer or member of the governing board or principal stockholder of a corporation or other person having direct financial interest in the business, other than as lessor, mortgagee, or vendee, has violated any provisions of this chapter or does not meet the qualifications of a licensee provided in section 5.52.020 of this chapter.~~

~~Prior to the revocation of any license or the denial of an application for a license or renewal thereof, written notice of the reasons for such action shall be given to the applicant or licensee by the city clerk. Such notice shall state that the applicant or licensee may request a hearing on such decision by the city council within ten (10) days of receiving the notice. Should the applicant or licensee request the hearing within such ten (10) day period, the applicant shall be notified in writing by the city clerk of the time and place of the hearing. (Ord. 3245 §3, 2006: Ord. 1697 §1(part), 1982: Ord. 1615 §2(part), 1980).~~

### **5.52.130 Stolen Property; Notification; Holding Period:**

~~Any article pledged or sold to a pawnbroker or secondhand dealer which is subsequently determined to have been stolen must be held by such pawnbroker or secondhand dealer for a period of sixty (60) days after being notified by a police officer of a "Police Hold" on the article.~~

If a used merchandise dealer, or employee thereof, has reasonable cause to believe that any property received in the course of his business is property that may have been lost or stolen, the used merchandise dealer shall immediately report that fact in writing to the Coeur d'Alene police department, together with the name of the owner, if known, the date of the transaction, and the name of the party from whom the property was received. The Coeur d'Alene police department shall regularly review the records provided by used merchandise dealers and provide notice to any used merchandise dealer whose records show property which appears to be stolen.

A. Notice To Hold Property: If a used merchandise dealer receives written or verbal notification from the Coeur d'Alene police department that any item of property has been reported stolen, and the used merchandise dealer has the item(s) in his possession, the used merchandise dealer shall hold that property separate, intact

and safe from alteration, damage, or commingling with other property, and shall place an identifying tag or other clearly legible identification on the property.

B. Preliminary Verbal Notice; Twenty Day Hold: Following receipt of verbal notification by a member of the Coeur d'Alene police department that an item in his possession might be stolen property, the used merchandise dealer shall hold the property for a period of twenty (20) calendar days, pending written confirmation from the police department. If a written hold notice is not received within the said twenty (20) calendar days, the preliminary hold order shall expire and the used merchandise dealer shall have no further duty to hold the property.

C. Written Notice; Sixty Day Hold: Following receipt of a written notice that an item of property has been stolen, the used merchandise dealer shall hold the property for sixty (60) days from the date of notification of the stolen status, unless earlier released in writing by the Coeur d'Alene police department or by written order of a court of competent jurisdiction. Provided, however, that the item must be surrendered promptly to the Coeur d'Alene police department upon its request. Ten (10) calendar days prior to the expiration of the sixty (60) calendar day holding period, the used merchandise dealer shall send a written notice to the police department of the impending release date to request approval for release. If the used merchandise dealer fails to provide the required notice, the property shall be held for an additional sixty (60) calendar day period. The Coeur d'Alene police department shall respond promptly to the request, in writing, either to state that no further hold is required, or to require an additional holding period.

D. The Coeur d'Alene police department shall provide written notice as soon as practical to a used merchandise dealer to release any hold placed on an item suspected of being stolen if it has been determined that the item was not stolen or lost.

E. Production For Court or to Law Enforcement Agency: Whenever property that is being held by a used merchandise dealer is subject to a hold pursuant to this chapter and is required for criminal investigation or criminal proceedings, the Coeur d'Alene police department shall provide twenty four (24) hour notice to the used merchandise dealer who shall produce the property promptly and release it to the department. The Coeur d'Alene police department shall provide a receipt for the property containing a description of the property, the reason for the seizure, the criminal case number, if applicable, the name of the used merchandise dealer and the name of the representative of the police department who accepted possession. The police department shall retain the property pending an order for its disposition from a court of competent jurisdiction or appropriate prosecuting attorney.

#### **5.52.140: Authority to Confiscate;**

A. Any property, article or other valuable thing purchased by, pledged to, traded with, consigned or sold to any used merchandise dealer which is subsequently determined by a law enforcement agency to have been stolen or otherwise unlawfully obtained shall be transferred to the custody of such agency upon the agency's request, or shall be returned by the used merchandise dealer to the true owner. The true owner shall not be liable to the used merchandise dealer with respect to an article deemed stolen. In the event property is seized pursuant to this section the used merchandise dealer may be entitled to restitution, if awarded in the criminal case.

B. Upon the return of stolen property to the true owner by a used merchandise dealer or law enforcement agency, the used merchandise dealer or law enforcement agency shall complete such documentation as may be necessary or required to effect the transfer of the property including such documents pertaining to the title, or registration of vehicles or firearms as may be required by local, State or Federal authorities.

#### **5.52.060-150 CONTESTED PROPERTY ISSUES; HEARING PROCEDURE:**

A. In the event an item of property is held or seized pursuant to this chapter, and the used merchandise dealer has a legitimate belief that the holding or seizure of the property is improper, the used merchandise dealer may request in writing a hearing pursuant to the procedures in this section.

B. The written request for the hearing must contain the Coeur d'Alene police department incident number, the identity of the item or items being contested being held improperly, the transaction number and date, the name of the person from whom the item or items were acquired.

C. The written request must be filed with the Coeur d'Alene police department, office of the Chief of Police within ten (10) calendar days from the written notice to hold the property that is subject to the seizure order.

D. The hearing shall be held within twenty (20) business days after receipt of the written request for a hearing by a used merchandise dealer. Both the used merchandise dealer and the police department shall have an opportunity to be heard and to present evidence why the property held or seized should or should not be released back to the used merchandise dealer. The hearing shall be informal and open to the public.

E. The hearing shall be conducted by the chief of police or his designee. A written decision shall be made and provided to the used merchandise dealer within ten (10) business days after the hearing.

F. If a decision is adverse to the used merchandise dealer, the used merchandise dealer may appeal the decision to the General Services Committee pursuant to review procedures and time limits of the Idaho Administrative Procedures Act.

#### **5.52.070-160 Denial of License, License Suspension or Revocation, Notice, and Appeal.**

The license of any used merchandise dealer, or employee thereof, shall be suspended or revoked or the application for issuance of a new license or renewal of a license shall be denied when it is determined that any applicant, licensee, employee of licensee, member of a partnership or association, officer or member of the governing board or principal stockholder of a corporation or other person having direct financial interest in the business, other than as lessor, mortgagee, or vendee, has violated any provisions of this chapter or does not meet the qualifications of a licensee provided in this chapter.

#### **5.52.075-070 Appeal from Denial of License:**

If the applicant or licensee is aggrieved by the decision of the City Clerk to deny the issuance of a license or to deny the renewal of a license:

A. Within five (5) business days, excluding weekends and legal holidays, of the city clerk's refusal to issue or renew a license under this chapter, the license applicant may appeal to the city council for the purpose of having the city council review the action of the city clerk.

B. The appeal by the applicant whose license has been refused must be in writing and shall set forth the reason(s) why such license should not be refused.

C. The city council shall hear the appeal within sixty (60) business days, excluding weekends and legal holidays, after the filing thereof.

D. The city council shall render its decision within ten (10) business days, excluding weekends and legal holidays, after said hearing.

E. The decision of the city council may be appealed to the fourth judicial district court pursuant to the Idaho Administrative Procedures Act.

**5.52.080-180 Revocation of License and Hearing:**

A. The city council, upon notice and opportunity for hearing, may suspend or revoke any license issued under this chapter for violation(s) of the provisions of this chapter, or any other federal, state or local law. Prior to suspension or revocation by the City Council, the City Clerk or her designee shall notify the applicant in writing, setting forth specifically the grounds of the complaint. Such notice shall state that the licensee may request a hearing on such notice to suspend or revoke by the city council within ten (10) calendar days of receiving the notice.

B.1.If a hearing is requested, a hearing will be scheduled as soon as reasonably possible, but not earlier than five (5) days nor more than thirty (30) days from the date the hearing request was received, unless the appealing party agrees to another date.

2.Notice of the time and date of the hearing may be provided to the licensee in person, by United States mail to the address provided by the licensee, or personally on any agent or employee of the licensee's business if the appellant is a business entity. Notice will be served personally on the licensee if the hearing is scheduled five (5) days or less from the date of service.

3. At the hearing, the hearing body will allow the licensee, city clerk or her designee, law enforcement, or their representatives to present and rebut evidence and testimony and provide arguments relevant to the issues or decision under appeal. The mayor or chairperson of the hearing body may establish time limits and procedural standards for presentation of evidence.

4. The hearing body will conduct the hearing in an orderly and timely manner and will rule on all issues that arise during the course of the hearing.

5. No party to the appeal will have any ex parte communications with any member of the hearing body about the subject matter of the appeal. Any ex parte communications must be disclosed to allow the other party an opportunity to rebut the contents of the ex parte communication.

6. The hearing body will issue an order sustaining a notice to suspend or revoke a license or grant the license within fifteen (15) days of the hearing date, if one was held. The order will be in writing and contain:

i. A summary of the evidence contained in the appeal record;

ii. A reasoned statement, based on the evidence received, explaining and supporting the decision by the hearing body.

iii. All parties to the appeal will be provided with a copy of the order.

7. The decision of the hearing body is final.

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 12-1000

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 52 OF TITLE 5 IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 52 TITLE 5 OF THE MUNICIPAL CODE CREATING USED MERCHANDISE DEALER REGULATIONS, PROVIDING DEFINITIONS, LICENSING REQUIREMENTS, EXEMPTIONS, PROVIDING FOR REQUIRED RECORDS AND REPORTING, ESTABLISHING PROHIBITED TRANSACTIONS AND PENALTIES, AND PROVIDING FOR APPEALS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the 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 Title 5 Chapter 52 entitled PAWNSHOP AND SECONDHAND STORE REGULATIONS is hereby repealed.*

**SECTION 2.** *That a new Title 5 Chapter 52 entitled USED MERCHANDISE DEALER REGULATIONS, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**Chapter 5.52**  
**USED MERCHANDISE DEALER REGULATIONS**

**SECTION 3.** *That a new Section 5.52.010, entitled Definitions, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.010 Definitions:**

The following definitions shall apply to the terms used in this chapter unless the context clearly requires otherwise:

**Articles:** Household goods, clothing, items containing gold, silver or other metals, coins, works of art, stamps and other collectors' items, weapons, sound recording, receiving transmitting or reproducing devices, tool and all other tangible personal property except automobiles.

**Chattel Mortgage:** A transfer of a legal right in personal property as security for payment of money.

**City:** Means the City of Coeur d'Alene, Kootenai County, Idaho.

**Coin Dealer:** Any person, firm or corporation engaged in the business of buying coins or bullion for their value as collectors' items, for their value for precious metal content, or buying coins containing any precious metal at a price above the face value of the coin.

**Deposit:** A delivery of goods or property to be held in trust as security for payment of money. Also includes the term bailment.

**Flea Market:** A market, indoors or out of doors, where new or used articles are sold from individual locations, with each locating being operated independently from the other locations. This term shall include shops, by any name, which rent space or allocate space within the market to individual sellers of articles.

**Flea market seller:** A person, firm or corporation selling articles or offering articles for sale at a flea market.

**Gold Buyer:** Any person, firm or corporation engaged in the business of buying gold or objects made of gold or of gold alloy from the public.

**Junk:** Means worn out or discarded material in general that may be turned to some use.

**Junk dealer:** Means every person who shall be engaged in buying, selling, keeping, disposing of or collecting junk except as hereinafter provided.

**Money:** Includes United States currency, money orders, certified checks, traveler's check and any other circulating medium of exchange.

**Pawnbroker:** Every person, association, corporation, business entity of any type or employee thereof, which, in the course of its business, loans money and receives as a security personal property as a pledge, or holds personal property under a conditional sales contract or an agreement to resell such personal property to the borrower or his assignee at a price agreed upon, at or before the time of such transaction and exacts an interest for such loans, pledge, conditional sales contract or agreement. The term shall not apply to banks, trust companies or bond brokers who may be regulated by law and authorized to deal in commercial paper, sales of stock, bonds or other certificates of value.

**Pawnshop:** The room, store or place licensed as the business location for a pawnbroker in the City of Coeur d'Alene.

**Person:** Includes any natural person, individual, firm, partnership, joint venture, association, corporation, trust, or any other group acting as a unit.

**Personal Property:** All property subject to ownership, except real estate, includes every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

**Pledge:** A promise to deliver goods or property as security for payment of money.

**Precious Metals:** Gold, silver, platinum, palladium, rhodium and their alloys.

**Precious Metals Buyer:** Any person or business that buys coins, bullion, jewelry, jewelry with precious stones attached, bulk jewelry, valuables or loose precious stones and sells it in the same shape or form or reprocesses it and sells it in a different shape or form.

**Prized Metals:** Includes but is not limited to copper, aluminum and bronze.

**Prized Metal Buyer:** Any person or business that buys prized metals in any form.

**Recycler:** Means any person or business that buys precious metals and/or prized metals as salvageable material and sells it in the same shape or form or reprocesses it and sells it in a different shape or form.

**Regulated Transaction:** A business dealing conducted by a used secondhand dealer or designee that is regulated by this Chapter.

**Reprocessed goods:** Means any item of personal property that is substantially rebuilt or remanufactured.

**Secondhand Dealer:** Any person, pawnbroker, association, corporation or employee thereof engaging in, conducting, managing or carrying on the business of purchasing, buying, selling, trading or otherwise transferring for value used or secondhand goods, rebuilt or reconditioned goods, wares or merchandise.

**Secondhand Goods:** Are any item of personal property offered for sale, trade, or consignment, not as new, including but not limited to jewelry, precious stones, valuables, firearms, clothing, personal property, tools, media tapes and digital disks such as music or movie, prized metals in any form and precious metals in any form, or any other articles, but excluding books, coins that are legal tender, bullion in the form of fabricated bars or rounds, magazines and postage.

**Secondhand Precious Metals Dealer:** A person who engages in the business of buying, selling, exchanging or trading old or used precious metal or secondhand goods containing any precious metal. The following shall not be considered secondhand precious metals dealers:

- A. Persons who in the ordinary course of business buy or sell uncast precious metals primarily for use in any manufacturing or photographic developing process, jewelry manufacture or repair, or dental restoration or repair.
- B. Persons who in the ordinary course of business accept or receive secondhand goods containing precious metals as consideration for the sale of new merchandise and who subsequently dispose of such secondhand goods in the same form as they existed at the time of their receipt.

**Silver Buyer:** Any person, firm or corporation in the business of buying silver or objects made of silver or of silver alloy from the public.

**Transaction:** Any pledge, or the sale to or consignment to, or the trade of any item of personal property to a used merchandise dealer from a member of the general public excluding transactions from licensed vendors. A sale from a used merchandise dealer to a member of the general public.

**Transaction Record:** A permanent computerized record and a written/printed invoice book of each loan, sale, consignment, or purchase transaction. The transaction records shall be legibly written in the English language, at the time of each loan, purchase or sale. The invoice book must be at a minimum in duplicate. The computerized records and invoice book shall list each invoice number and be maintained in sequence.

**Used Merchandise Dealer:** For the purposes of this ordinance any merchant that buys, trades or consigns used personal property and secondhand goods from the public shall be required to have a Used Merchandise Dealer license. Used Merchandise Dealer includes, but is not limited to, Coin Dealer, Flea Market, Gold Buyer, Junk Dealer, Pawnbroker, Precious Metals Buyer, Prized Metals Buyer, Recycler, Secondhand Dealer, Secondhand Precious Metals Buyer, and Silver Buyer.

**Used Merchandise Dealer Transactions Further Defined:** The following transactions include but are not limited to, constitute carrying out the business of a used merchandise dealer. It is unlawful for any person, business or entity to own or operate any such business or carry on any of the following business transactions without first having obtained a used merchandise dealer license to do so, and any and all such transactions require a valid City of Coeur d'Alene license:

- A. Loaning or advancing money, whether in the form of cash, check or draft, to any person on the deposit, pledge or bailment of personal property of any kind as security for such loan or advancement, when the personal property may be repurchased by the party upon paying a sum of money;
- B. Loaning, or advancing money, whether in the form of cash, check or draft, upon a chattel mortgage(s) on personal property, where the said property is taken into the possession of the lender as security for the advancement or loan upon an assignment(s) or pledge(s) of earned or unearned salary, wages or future earnings;

- C. Purchasing previously owned or used personal property on the condition it may be repurchased by the seller within a fixed period of time for a fixed sum of money. For purpose of this Chapter, purchasing shall also include trade.
- D. Any purchase by a coin dealer, gold buyer, silver buyer, precious metals buyer, prized metals buyer, recycler, secondhand precious metals dealer, pawnbroker or secondhand dealer which results in obtaining possession of any precious metal, prized metal, any object made of prized or precious metal(s) that is or are not otherwise exempt from this chapter.

**Exceptions:** The following transactions are exempt from the reporting requirements of this chapter.

- Coins and/or currency purchased or traded at face value;
- Stamped Hallmark bullion bars or rounds of gold, silver, platinum or other precious metals;
- Clothing consignment;
- Used clothing purchasers for resale;
- Casual or isolated sales of one's own personal property;
- A retail dealer of used or secondhand goods whose stock of merchandise consists at least ninety percent (90%) of objects of art, bric-a-brac, curios or household furniture or furnishings offered for sale upon the basis, express or implied, that the value of the property, in whole or in substantial part, is derived from its age or from its historical association;
- A retail dealer of new articles who allow their patrons an exchange value on used or secondhand articles, when selling a new article;
- Auto wreckers;
- New and/or Used car dealers holding dealer permits;
- Auctions and auction sales;
- Estate sales;
- Recycler purchases from bulk commercial dealers;
- Recycler purchases of scrap aluminum cans;
- Gold, silver, or platinum coins, or other precious metal coins, that are legal tender, or precious metal coins that have numismatic or precious metal value;
- Gold, silver, platinum, or other precious metal bullion;
- Gold, silver, platinum, or other precious metal dust, flakes, or nuggets;

**SECTION 4.** *That a new Section 5.52.020, entitled License, Application and Fee, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.020 License; Application and Fee:**

- A.
  1. No person, used merchandise dealer, or employee thereof, shall engage in, conduct, permit, or carry on the business of a used merchandise dealer whether it is a separate business or in connection with any other business, or advertise the same by any means without first obtaining a used merchandise dealer license to do so from the City Clerk of the City of Coeur d'Alene.
  2. All applications for a license under this chapter shall be made to the City Clerk who shall inquire into the qualifications of the applicant. In order to determine suitability of

prospective applicants for licensing with the City of Coeur d'Alene each specified applicant shall provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to section 67-3008, Idaho Code and congressional enactment public law 92-544, the City of Coeur d'Alene shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho State Police. The City of Coeur d'Alene is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. Fees required for the criminal history check shall be tendered at such time as the application is made. Should the City Clerk or his/her designee determine that the applicant is qualified for a license under the provisions of this chapter the license shall be issued by the clerk. Should the City Clerk or his/her designee find that the applicant does not meet the qualification requirements under this chapter, the application shall be denied.

3. No license shall be issued under this chapter to any person, partnership, or association, or any employee thereof, if such person, member of the partnership, any officer, director, or manager of any corporation or association or any person having a direct financial interest in the business other than as lessor, mortgagee, or vendee, has been convicted of any felony or any theft related offense or had a license under this chapter revoked, within five (5) years of the date of application for license.

4. A license required under this Chapter shall be valid from the time it is issued and shall expire on December 31<sup>st</sup> of the same year the license is issued.

- B.
1. No used merchandise dealer license shall be granted or issued to any person under the age of eighteen years, or to any used merchandise dealer whose managing agent is under the age of eighteen years.
  2. Any license required by this chapter shall not be transferable from one person, used merchandise dealer, or employee thereof, or location to another person, used merchandise dealer, or employee thereof, or location.
- C.
- License Card: the City shall issue to each person approved for a Used Merchant Dealer License a card.
1. All such licenses shall be in such form as the City may prescribe and shall contain the name, address, place of business and the date of expiration of such license, and shall be authenticated by the signature of the City Clerk.
  2. The license shall be issued to a specific person, firm or corporation for a specific location.
- D.
- License Fee: All license fees applicable to this chapter shall be established by the City Council by resolution.

- E. Grace Period: For any employee of a used merchandise dealer that is employed in such capacity when this ordinance takes effect shall have ninety (90) days from when this ordinance is adopted to obtain a license as required by this chapter.

**SECTION 5.** *That a new Section 5.52.030, entitled Exemptions; Nonprofit Charitable Organizations, and Other Businesses, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.030 Exemptions; Nonprofit Charitable Organizations; and Other Businesses:**

All nonprofit, charitable organizations as recognized by the Internal Revenue Service are exempt from the requirements of this chapter. This ordinance shall not affect persons, firms and corporations that sell items covered by this ordinance to the public but purchase the same from dealers, manufacturers or wholesalers and do not purchase such items from the public.

**SECTION 6.** *That a new Section 5.52.040, entitled Prohibited Dealings, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.040: Prohibited Dealings:** It shall be unlawful for a used merchandise dealer or employee thereof:

- A. to purchase any new, used or secondhand goods or articles from any person under the age of eighteen (18) years.
- B. to accept any article as a pledge for a loan from any person under the age of eighteen (18) years.
- C. to allow any employee less than eighteen (18) years of age to receive or accept any property, article or other valuable thing for purchase, pledge, trade, or consign, or allow any employee less than eighteen (18) years of age to make any loan or sell any merchandise that has been pledged, traded or consigned.
- D. to employ or retain any person who does not satisfy the qualifications set forth in this Chapter.
- E. to purchase, receive, or accept any article, property or other valuable thing, manufactured or produced with a serial number or identification number, with said serial number or identification number removed, altered or rendered unreadable.

**SECTION 7.** *That a new Section 5.52.050, entitled Records Required; Contents and Identification Requirements, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.050: Records Required; Contents and Identification Requirements:**

- A. Every used merchandise dealer or employee thereof, shall maintain both a permanent computerized record and a written/printed invoice book of each loan, sale, consignment, or purchase transaction at his or her place of business. The transaction records shall be legibly written in the English language, at the time of each loan, purchase or sale. The invoice book must be at a minimum in duplicate. The transactions records shall list each invoice number and be maintained in sequence. Each transaction record ~~invoice~~ shall have the following information legibly recorded upon it:
1. The date, hour and place of transaction;
  2. A true, accurate and complete description of each article involved, including serial number, any inscriptions or identifying marks, and name of manufacturer or brand;
  3. The amount loaned or paid for each article;
  4. The identification and physical description of the person borrowing on, pledging or selling the articles(s) which shall include at least the following:
    - Name of borrower or seller or pledge;
    - Address which shall be a house number and street;
    - Date of birth;
    - General physical description of the person which shall include person's height, weight, color of eyes, and color of hair;
    - The street and house number of the place from which the property bought or received in pledge was last removed;
    - Type and identifying number of the identification presented. The identification shall consist of a valid driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government issued picture identification will be required.
  5. The name of the used merchandise dealer or the employee conducting the transaction and the name of the person entering the transaction record in the computerized record.
- B. The records shall be open to the inspection of the police, city officials, the sheriff and other law enforcement officers of the state of Idaho at any and all times.
- C. The chief of police or his duly authorized representative shall have the right at any time to enter any premises licensed under this act and to inspect any article pawned or purchased by the used merchandise dealer, or employee thereof under his license and examine the same, to determine that the licensee has and is complying with all laws, statutes, ordinances, rules and regulations of the United States, the state of Idaho, and the City of Coeur d'Alene.

**SECTION 8.** *That a new Section 5.52.060, entitled Records to be Provided to City Police Department, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.060 Records to be Provided to City Police Department:**

- A. Each used merchandise dealer, or employee thereof, has an affirmative duty to furnish to the Coeur d'Alene Police Department a full, true and correct transcript of the records of transactions conducted for each business day. These transactions shall be recorded on such

forms as may be provided and/or in such format as may be required by the City Police Department. This information shall be transmitted to the City Police Department electronically or by modem or similar device, subject to the requirements of, or approval by, the City Police Department.

- B. Every used merchandise dealer, or employee thereof shall report each purchase transaction to the police department within forty-eight (48) hours of the purchase transaction.
- C. Every used merchandiser shall report each loan transaction to the police department within Forty-eight (48) hours of the loan transaction.

**SECTION 9.** *That a new Section 5.52.070, entitled Pawn Tickets and Property Tags, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.070 Pawn Tickets and Property Tags:**

Every pawnbroker or secondhand dealer shall issue pawn tickets for any property received by him/her as a pledge or security for a loan, which ticket shall be considered a receipt for such property. Tags shall be attached to all such property, and upon each tag shall be written in legible figures a number which shall correspond to the number on the pawn ticket issued for said property.

**SECTION 10.** *That a new Section 5.52.080, entitled False or Fictitious Information, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.080: False or Fictitious Information:**

It is unlawful for any person to use a false name, a fictitious address or any address other than the true address or to furnish any false, untrue or misleading information or statement relating to the information required by any section of this chapter.

**SECTION 11.** *That a new Section 5.52.090, entitled Lease or Contract Purchase, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.090: Lease or Contract Purchase:**

It is unlawful for any person to pledge or sell any goods, chattels or effects or any personal property leased or let to him/her by any instrument in writing under a contract of purchase not yet fulfilled.

**SECTION 12.** *That a new Section 5.52.100, entitled Sales, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.100: Sales:**

- A. No personal property purchased by any used merchandise dealer, or employee thereof, through his or her place of business shall be sold for a space of at least twelve (12) days after being so purchased, except as provided in section 5.52.110.A.
- B. Firearms are exempt from the holding period.

**SECTION 13.** *That a new Section 5.52.110, entitled Forfeitures, is hereby added to the Coeur*

*d'Alene Municipal Code as follows:*

**5.52.110: Forfeitures:**

It shall be the duty of every used merchandise dealer or employee thereof to allow any person accepting a loan for:

- A. Twenty dollars (\$20.00) or less, a period of twelve (12) days in which to pay before the same becomes forfeitable; and
- B. Over twenty dollars (\$20.00), a period of thirty (30) days before the same shall become forfeitable.

**SECTION 14.** *That a new Section 5.52.120, entitled Violations; Criminal Penalty; Civil Administrative Sanctions, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.120: Violations; Criminal Penalty; Civil Administrative Sanctions:**

- A. Unlawful Acts: The following acts by a used merchandise dealer or any person acting on behalf of the used merchandise dealer, including the employees and agents of a used merchandise dealer, will constitute a violation of this chapter:
  - 1. Failure to make a record of any transaction as described in this chapter.
  - 2. Falsifying any official record or entry on an official record required to be kept pursuant to this chapter.
  - 3. Obliterating, destroying, or removing from the place of business any records required to be kept pursuant to this chapter.
  - 4. Refusing to allow the Chief of Police or his designee to inspect the business premises, or any books, records or other goods located or required to be located at the place of business, during regular and usual business hours, or at other times as deemed necessary by the chief of police or his designee pursuant to an ongoing criminal investigation.
  - 5. Transmittal of any false record to the police.
  - 6. Failure to report the possession of property that may be lost or stolen.
  - 7. Removal or allowing removal of property from the business premises within twelve (12) days after the receipt of said property, unless redeemed by the rightful owner.
  - 8. Receipt of property from a person under the age of eighteen (18).
  - 9. Receipt of property from a known thief or receiver of stolen property, or known associates of such, whether the person is acting on their own behalf or as the agent of another.
  - 10. No person shall sell or offer for sale any articles or goods known to such person to be stolen.
  - 11. Employment of any person not meeting the qualifications of this chapter.
  - 12. Any other violation of the specific provisions of this chapter not specifically enumerated above.
- B. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, punishable as set forth in section 1.28.010 of this code.
- C. Used Merchandise Dealer Responsibility: the holder of any used merchandise dealer license shall be responsible for the compliance of all the provisions of this chapter by the agents and employees of the used merchandise dealer. Any violations by such persons may be used in

revocation or denial of a used merchandise dealer's license.

**SECTION 15.** *That a new Section 5.52.130, entitled Stolen Property; Notification; Holding Period, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.130 Stolen Property; Notification; Holding Period:**

If a used merchandise dealer, or employee thereof, has reasonable cause to believe that any property received in the course of his business is property that may have been lost or stolen, the used merchandise dealer shall immediately report that fact in writing to the Coeur d'Alene police department, together with the name of the owner, if known, the date of the transaction, and the name of the party from whom the property was received. The Coeur d'Alene police department shall regularly review the records provided by used merchandise dealers and provide notice to any used merchandise dealer whose records show property which appears to be stolen.

- A. Notice To Hold Property: If a used merchandise dealer receives written or verbal notification from the Coeur d'Alene police department that any item of property has been reported stolen, and the used merchandise dealer has the item(s) in his possession, the used merchandise dealer shall hold that property separate, intact and safe from alteration, damage, or commingling with other property, and shall place an identifying tag or other clearly legible identification on the property.
- B. Preliminary Verbal Notice; Twenty Day Hold: Following receipt of verbal notification by a member of the Coeur d'Alene police department that an item in his possession might be stolen property, the used merchandise dealer shall hold the property for a period of twenty (20) calendar days, pending written confirmation from the police department. If a written hold notice is not received within the said twenty (20) calendar days, the preliminary hold order shall expire and the used merchandise dealer shall have no further duty to hold the property.
- C. Written Notice; Sixty Day Hold: Following receipt of a written notice that an item of property has been stolen, the used merchandise dealer shall hold the property for sixty (60) days from the date of notification of the stolen status, unless earlier released in writing by the Coeur d'Alene police department or by written order of a court of competent jurisdiction. Provided, however, that the item must be surrendered promptly to the Coeur d'Alene police department upon its request. Ten (10) calendar days prior to the expiration of the sixty (60) calendar day holding period, the used merchandise dealer shall send a written notice to the police department of the impending release date to request approval for release. If the used merchandise dealer fails to provide the required notice, the property shall be held for an additional sixty (60) calendar day period. The Coeur d'Alene police department shall respond promptly to the request, in writing, either to state that no further hold is required, or to require an additional holding period.
- D. The Coeur d'Alene police department shall provide written notice as soon as practical to a used merchandise dealer to release any hold placed on an item suspected of being stolen if it has been determined that the item was not stolen or lost.
- E. Production For Court or to Law Enforcement Agency: Whenever property that is being held by a used merchandise dealer is subject to a hold pursuant to this chapter and is required for

criminal investigation or criminal proceedings, the Coeur d'Alene police department shall provide twenty four (24) hour notice to the used merchandise dealer who shall produce the property promptly and release it to the department. The Coeur d'Alene police department shall provide a receipt for the property containing a description of the property, the reason for the seizure, the criminal case number, if applicable, the name of the used merchandise dealer and the name of the representative of the police department who accepted possession. The police department shall retain the property pending an order for its disposition from a court of competent jurisdiction or appropriate prosecuting attorney.

**SECTION 16.** *That a new Section 5.52.140, entitled Authority to Confiscate, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.140: Authority to Confiscate;**

- A. Any property, article or other valuable thing purchased by, pledged to, traded with, consigned or sold to any used merchandise dealer which is subsequently determined by a law enforcement agency to have been stolen or otherwise unlawfully obtained shall be transferred to the custody of such agency upon the agency's request, or shall be returned by the used merchandise dealer to the true owner. The true owner shall not be liable to the used merchandise dealer with respect to an article deemed stolen. In the event property is seized pursuant to this section the used merchandise dealer may be entitled to restitution, if awarded in the criminal case.
- B. Upon the return of stolen property to the true owner by a used merchandise dealer or law enforcement agency, the used merchandise dealer or law enforcement agency shall complete such documentation as may be necessary or required to effect the transfer of the property including such documents pertaining to the title, or registration of vehicles or firearms as may be required by local, State or Federal authorities.

**SECTION 17.** *That a new Section 5.52.150, entitled Contested property Issues; Hearing Procedure, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.150 Contested Property Issues; Hearing Procedure:**

- A. In the event an item of property is held or seized pursuant to this chapter, and the used merchandise dealer has a legitimate belief that the holding or seizure of the property is improper, the used merchandise dealer may request in writing a hearing pursuant to the procedures in this section.
- B. The written request for the hearing must contain the Coeur d'Alene police department incident number, the identity of the item or items being contested being held improperly, the transaction number and date, the name of the person from whom the item or items were acquired.
- C. The written request must be filed with the Coeur d'Alene police department, office of the Chief of Police within ten (10) calendar days from the written notice to hold the property that is subject to the seizure order.
- D. The hearing shall be held within twenty (20) business days after receipt of the written

request for a hearing by a used merchandise dealer. Both the used merchandise dealer and the police department shall have an opportunity to be heard and to present evidence why the property held or seized should or should not be released back to the used merchandise dealer.

The hearing shall be informal and open to the public.

- E. The hearing shall be conducted by the chief of police or his designee. A written decision shall be made and provided to the used merchandise dealer within ten (10) business days after the hearing.
- F. If a decision is adverse to the used merchandise dealer, the used merchandise dealer may appeal the decision to the General Services Committee pursuant to review procedures and time limits of the Idaho Administrative Procedures Act.

**SECTION 18.** *That a new Section 5.52.160, entitled Denial of License, License Suspension or Revocation; Notice; and Appeal, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.160 Denial of License; License Suspension or Revocation; Notice; and Appeal.**

The license of any used merchandise dealer, or employee thereof, shall be suspended or revoked or the application for issuance of a new license or renewal of a license shall be denied when it is determined that any applicant, licensee, employee of licensee, member of a partnership or association, officer or member of the governing board or principal stockholder of a corporation or other person having direct financial interest in the business, other than as lessor, mortgagee, or vendee, has violated any provisions of this chapter or does not meet the qualifications of a licensee provided in this chapter.

**SECTION 19.** *That a new Section 5.52.170, entitled Appeal from Denial of License, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**5.52.170 Appeal from Denial of License:**

If the applicant or licensee is aggrieved by the decision of the City Clerk to deny the issuance of a license or to deny the renewal of a license:

- A. Within five (5) business days, excluding weekends and legal holidays, of the City Clerk's refusal to issue or renew a license under this chapter, the license applicant may appeal to the City Council for the purpose of having the City Council review the action of the City Clerk.
- B. The appeal by the applicant whose license has been refused must be in writing and shall set forth the reason(s) why such license should not be refused.
- C. The City Council shall hear the appeal within sixty (60) business days, excluding weekends and legal holidays, after the filing thereof.
- D. The City Council shall render its decision within ten (10) business days, excluding weekends and legal holidays, after said hearing.
- E. The decision of the City Council may be appealed to the First Judicial District Court pursuant to the Idaho Administrative Procedures Act.

**SECTION 20.** *That a new Section 5.52.180, entitled Revocation of License and Hearing, is hereby added to the Coeur d'Alene Municipal Code as follows:*

### **5.52.180 Revocation of License and Hearing:**

- A. The City Council, upon notice and opportunity for hearing, may suspend or revoke any license issued under this chapter for violation(s) of the provisions of this chapter, or any other federal, state or local law. Prior to suspension or revocation by the City Council, the City Clerk or her designee shall notify the applicant in writing, setting forth specifically the grounds of the complaint. Such notice shall state that the licensee may request a hearing on such notice to suspend or revoke by the City Council within ten (10) calendar days of receiving the notice.
- B.
  - 1. If a hearing is requested, a hearing will be scheduled as soon as reasonably possible, but not earlier than five (5) days nor more than thirty (30) days from the date the hearing request was received, unless the appealing party agrees to another date.
  - 2. Notice of the time and date of the hearing may be provided to the licensee in person, by United States mail to the address provided by the licensee, or personally on any agent or employee of the licensee's business if the appellant is a business entity. Notice will be served personally on the licensee if the hearing is scheduled five (5) days or less from the date of service.
  - 3. At the hearing, the hearing body will allow the licensee, City Clerk or her designee, law enforcement, or their representatives to present and rebut evidence and testimony and provide arguments relevant to the issues or decision under appeal. The mayor or chairperson of the hearing body may establish time limits and procedural standards for presentation of evidence.
  - 4. The hearing body will conduct the hearing in an orderly and timely manner and will rule on all issues that arise during the course of the hearing.
  - 5. No party to the appeal will have any ex parte communications with any member of the hearing body about the subject matter of the appeal. Any ex parte communications must be disclosed to allow the other party an opportunity to rebut the contents of the ex parte communication.
  - 6. The hearing body will issue an order sustaining a notice to suspend or revoke a license or grant the license within fifteen (15) days of the hearing date, if one was held. The order will be in writing and contain:
    - a. A summary of the evidence contained in the appeal record;
    - b. A reasoned statement, based on the evidence received, explaining and supporting the decision by the hearing body.
    - c. All parties to the appeal will be provided with a copy of the order.
  - 7. The decision of the hearing body is final.

**SECTION 21.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 22.** 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 23.** 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 24.** 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 17<sup>th</sup> day of April, 2012.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

SUMMARY OF COEUR D’ALENE ORDINANCE NO. \_\_\_\_\_  
Repealing Title 5 Chapter 52 entitled Pawnshop and Secondhand Store Regulations &  
Adopting a New Title 5 Chapter 52 entitled Used Merchandise Dealer Regulations

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 52 OF TITLE 5 IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 52 TITLE 5 OF THE MUNICIPAL CODE CREATING USED MERCHANDISE DEALER REGULATIONS, PROVIDING DEFINITIONS, LICENSING REQUIREMENTS, EXEMPTIONS, PROVIDING FOR REQUIRED RECORDS AND REPORTING, ESTABLISHING PROHIBITED TRANSACTIONS AND PENALTIES, AND PROVIDING FOR APPEALS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D’ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D’ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Susan K. Weathers, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Wes Somerton, 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. \_\_\_\_\_, Repealing Title 5 Chapter 52 entitled Pawnshop and Secondhand Store Regulations & Adopting a New Title 5 Chapter 52 entitled Used Merchandise Dealer Regulations, 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 17<sup>th</sup> day of April, 2012.

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Wes Somerton, Chief Deputy City Attorney

# DRAFT

April 17, 2012

Douglas Peterson, The Housing Company  
Denny Davis, Chair, Lake City Development Corporation

Dear Douglas and Denny:

I would like to first state that the City of Coeur d'Alene appreciates your willingness to act as partners in a project in our mid-town area.

It is my understanding that the economy has caused a major change in the originally proposed owner occupied project, and that for a number of reasons the neighborhood has expressed their disapproval of the new concept.

While the City continues to be an advocate for fair and inclusionary housing, the City Council members have requested that I express their desire for the Housing Company and LCDC to continue working with the neighborhood to create a mixed-use development or other project for that parcel of property that they would support and that would be beneficial to the community. In the interim, please do not move forward with the project as it currently planned.

The city would be willing to assist in the facilitation of ideas and meetings that would include the relevant stakeholders and the proximate neighbors and/or their designees, and continues to desire fair and inclusionary housing.

Please do not hesitate to contact me for additional information.

Sincerely,

Mayor Sandi Bloem

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

**A. INTRODUCTION**

This matter having come before the City Council on March 20, 2012, and there being present a person requesting approval of Item: ZC-1-12, a request for a zone change from R-1 (Residential at 1 unit/acre) to R-8 (Residential at 8 units/acre) zoning district.

**APPLICANT: RON GLAUSER**

**LOCATION: +/- 5.7 ACRE PARCEL AT 2101 ST. MICHELLE DRIVE**

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

- B1.** That the existing land uses are Residential, Commercial, Civic and vacant land.
- B2.** That the Comprehensive Plan Map designation is Stable Established.
- B3.** That the zoning is R-1 (Residential at 1 unit/acre).
- B4.** That the notice of public hearing was published on, March 3, 2012, which fulfills the proper legal requirement.
- B5.** That the notice of public hearing was posted on the property on, March 9, 2012, which fulfills the proper legal requirement.
- B6.** That 40 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 2, 2012.
- B7.** That public testimony was heard on March 20, 2012 including:

**Planning Director Dave Yadon:**

Planning Director Yadon indicated that the applicant would like to construct and operate a minimal care facility for 80 residents on the subject property, which is currently zoned R-1. As such, the applicant has requested a zone change to R-8 and a minimal care facility special use permit (which was granted by the Planning Commission). The subject property is bounded by C-17 (storage) to the north, R-1 (middle school) to the east, C-17 (public offices) to the south and R-17 (multi-family dwellings) to the west. The surrounding Coeur d'Alene Place development has an underlying zoning

of R-8. He further indicated that the property is within the Ramsey Woodland area within the Comprehensive Plan and is considered Stable Established. He also reviewed the information contained in the staff report.

**Gordon Dobler, City Engineer:**

City Engineer Dobler indicated that based on the ITE trip generation manual, traffic may average 382 trips per day using the maximum build out allowed under the R-8 zone. Peak hour trips would be approximately 41. Looking at the traffic generated by the minimal care facility special use permit, the ITE trip generation manual indicates that traffic may average 212 daily trips and 14 trips during the peak hour at full build-out. He indicated that the adjacent and /or connecting streets (St. Michelle Dr. and Kathleen Ave.) are built to city standards and will accommodate the additional traffic volume and still provide an acceptable level of service. Mr. Dobler noted that the peak traffic hours for the requested use do not coincide with the heavy traffic periods for the adjacent school.

**Mindy Weber, 2900 Government Way #78:**

Ms. Weber testified that they are seeking the R-8 zone to allow the minimal care facility use that they are hoping to operate. She noted that the R-8 zone is consistent with the zoning in the area. She explained that they designed their work shift schedule to not coincide with the school's schedule. The majority of the residents get visitors on the weekend rather than during the week. She feels that an assisted living facility will be a good fit on this property.

Ms. Weber read a letter of support from the school district. She stated that there has been a lot of thought to the design of this project especially parking, and they have incorporated additional parking going over what city staff recommended for the project. She stated that at project build out 10 – 12 employees will arrive for work between 6:00 and 7:00 a.m. A second shift change will occur between 3:00 and 4:00 p.m. with fewer employees working the night shift.

**Andrew Break, 2536 Versailles:**

Mr. Break testified that he is concerned about the traffic in the area around the school. He feels this is a good project but not appropriate for this area because of traffic, parking and emergency access during the school peak hours.

**Dean McConnachie, 732 S. Canal Street:**

Mr. McConnachie testified that he feels this is a good project for the Coeur d'Alene Place neighborhood and that the requested zoning is consistent with the zoning of the adjacent uses. He testified that while there is traffic in the area because of the school but you can still access the area.

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

**follows:**

We find that the proposed zone change is in conformance with the Comprehensive Plan as follows: The property in question is within the Ramsey – Woodland neighborhood within the stable established land use designation. Stable established areas are those areas where “the character of neighborhoods has largely been established and, in general, should be maintained.” Additionally, “the general land use” is “not expected to change greatly within the planning period.”

Within the Ramsey – Woodland neighborhood, the comprehensive plan anticipates both single family and multi-family housing types and indicates that overall density may approach three to four units per acre with pockets of higher density and multi-family units in compatible areas. In determining whether the subject property is an area where a pocket of higher density would be allowed, we look to the zoning of the surrounding properties to determine if the requested R-8 zone is compatible. In this case, the subject property is completely surrounded by commercial and civic uses (mini-storage, zoned C-17, to the north, a school, zoned R-1, to the east, professional offices, zoned C-17 (across the Prairie Trail) to the south and west. It is also in close proximity to a multi-family development that is zoned R-17 and is situated between Kathleen Avenue, an arterial, and the R-8 PUD zoned Coeur d’Alene Place subdivision. Given that, we find that this is an appropriate location for a pocket of higher density and/or multi-family development in the Ramsey –Woodland neighborhood since the requested zoning is compatible with the surrounding uses and is an inappropriate location for low density residential because of its proximity to more intense land uses.

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

The staff report indicates that adequate sewer, water, police and fire services are available for the subject property. Additionally, the staff report indicates that street system is fully developed in this area. There was no testimony received at the public hearing that indicated that this is not the case. As such, we find that the provisions for these requirements are adequate.

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

Based on the staff report, we find that the site is essentially flat, with no topographical or other physical features that would make development in accordance with an R-8 zone unsuitable. While the site is heavily forested and several people testified regarding their desire to see the trees, remain, there are no city regulations that prohibit clearing trees for development. As such, as such we find that the physical characteristics of the site do make it suitable for the requested zoning.

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

With regard to neighborhood character and existing land uses, we find that there would be no adverse impact on the surrounding neighborhood. As noted in the comprehensive plan analysis above, this surrounding area contains civic commercial, multi-family and single family uses.

As noted above, the requested R-8 zoning is less intense than all of the immediately surrounding properties and allows essentially the same intensity as the R-8 PUD zoned residential neighborhood to the north. As such, the traffic generated by the uses allowed in the R-8 zone, should be similar to that created by the surrounding areas because the zoning is compatible. Additionally, the subject property is bordered by two streets that meet current city right of way width standards. City Engineer Dobler testified that the existing streets can accommodate the increased traffic and still meet an acceptable service level. Further, the traffic generated by the intended use of the property, will be at hours that do not conflict with the major traffic generator in the area (Woodland Middle School). Given that, we find that the project will not create an adverse traffic impact on the surrounding neighborhood.

**C. ORDER: CONCLUSION AND DECISION**

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

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

**ROLL CALL:**

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Goodlander	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Kennedy	Voted _____

Mayor Bloem Voted \_\_\_\_\_ (tie breaker)

Council Member(s) \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

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MAYOR SANDI BLOEM

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 12-1012

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-1 (RESIDENTIAL AT 1 UNIT/ACRE) TO R-8 (RESIDENTIAL AT 8 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: .5 ACRE PARCEL AT 2101 ST. MICHELLE DRIVE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

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

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

**as a +/- 5.7 acre parcel at 2101 N. St. Michelle Drive and legally described as  
A parcel of land in the South half of Section 34, Township 51 North, Range 4 West,  
Boise Meridian, in the City of Coeur d'Alene, Kootenai County, Idaho**

is hereby changed and rezoned from R-1 (Residential at 1 unit/acre) TO R-8 (Residential at 8 units/acre).

**SECTION 2.** That the following conditions precedent to rezoning are placed upon the rezone of the property:

NONE

**SECTION 3.** That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

**SECTION 4.** That the Planning Director is hereby instructed to make such change and amendment on the three (3) official Zoning Maps of the City of Coeur d'Alene.

**SECTION 5.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 6.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED this 17<sup>th</sup> day of April 2012.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

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

**Zone Change – ZC-1-12**

.5 ACRE PARCEL AT 2101 ST. MICHELLE DRIVE

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-1 (RESIDENTIAL AT 1 UNIT/ACRE) TO R-8 (RESIDENTIAL AT 8 UNITS/ACRE), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: .5 ACRE PARCEL AT 2101 ST. MICHELLE DRIVE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Susan K. Weathers, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Zone Change ZC-1-12 a .5 ACRE PARCEL AT 2101 ST. MICHELLE DRIVE, 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 17<sup>th</sup> day of April, 2012.

\_\_\_\_\_  
Warren J. Wilson, Chief Civil Deputy City Attorney

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

**A. INTRODUCTION**

This matter having come before the City Council on, March 2012, and there being present a person requesting approval of ITEM: ZC-2-12, a request for a zone change from R-12 (Residential at 12units/acre) to R-12 DO-E (Residential at 12 units/acre included in the Downtown-East infill overlay district).

**APPLICANT: Stu & Callie Cabe**

**LOCATION: +/- 0.152 ACRE PARCEL AT 802 E. YOUNG AVE.**

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

- B1.** That the existing land uses are historic residential, commercial, recreational, and mixed uses.
- B2.** That the Comprehensive Plan Map designation is Historical Heart –Stable Established.
- B3.** That the zoning is R-12 (Residential at 12 units/acre)
- B4.** That the notice of public hearing was published on, March 3, 2012, which fulfills the proper legal requirement.
- B5.** That the notice of public hearing was posted on the property on, March 2, 2012, which fulfills the proper legal requirement.
- B6.** That 31 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on March 2, 2012.
- B7.** That public testimony was heard on March 20, 2012 including the following:

**Sean Holm, Planner:**

Mr. Holm presented the staff report, indicating that the applicant is requesting that their property be added to the DO-E overlay. The underlying uses would still be governed by the underlying zoning district. However, the number of residential units on the property and the development standards such as setbacks, building height, etc. would be determined by the overlay rules. Under the DO-E

overlay rules, there is not a maximum number of units, rather the total amount of developable space is determined by a calculation of Floor Area Ratio (FAR). Mr. Holms indicated that this property has been adjacent to the DO-E boundary since the inception of the overlay zone. He indicated that the Comprehensive Plan designation for the property is Historical Heart- Stable Established and outlined the staff report analysis of the required findings. He noted that the reason for the request is to authorize the owner to build a deck on the property that would violate the setbacks in the R-12 zone.

**Stu Cabe, 501 S. 17<sup>th</sup> Street:**

Mr. Cabe testified that he purchased the property with the intent of restoring the property. He indicated that the reason for requesting the DO-E overlay is to allow him to preserve and restore the property with decks as outlined by Mr. Holm.

**Todd Walker, 10444 Lake View Drive, Hayden Lake:**

He is working with Mr. Cabe to restore the home on the property. Extending the DO-E is the only tool that will allow them to complete the restoration and make the property safer but covering the carriage entrance into the basement that is currently uncovered.

**Eric Fauskin, 516 S. 16<sup>th</sup> Street:**

Mr. Fauskin testified that he appreciates the owner being transparent about his plans for the property. He testified that the proposal meets the goals of the Comprehensive Plan and is in favor of the request because it will restore the property and enhance the neighborhood.

**Peter Anderson, 714 Young Avenue:**

Mr. Anderson testified that the code should be more flexible so that this type of process would not be required but he objects to extending the DO-E boundary because of what could potentially happen in the future.

**Glen Balsley, 810 East Pine Street:**

Mr. Balsley asked that the City find a way to allow the applicant to do his project without adding the property to the DO-E overlay.

**Dean McConnachie, 732 S. Canal Street:**

Mr. McConnachie testified that the request is not for a zone change but for inclusion in the DO-E overlay, which will allow for the property to be revitalized. He further testified that the worst case scenario is not much more intense than what would be currently allowed.

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

The Comprehensive Plan designates this area as a Stable Established area within Historical Heart designation. Stable Established are those areas where the character of neighborhoods has largely been established and should generally be maintained. In the Historic Heart area, the Comprehensive Plan calls for an increase in density that is in harmony with long established neighborhoods. The Plan indicates that infill regulations should provide opportunities and incentives for redevelopment that will reflect the scale of existing neighborhoods. Further, the plan contemplates increases in density that is consistent with the character of the neighborhood. The proposed addition to the DO-E is across the street from the existing boundary. The applicant testified that the reason for requesting the change is to allow the restoration of an older historic home that cannot meet current setbacks without the change to the DO-E. This is in essence “a redevelopment that reflects the scale of the existing neighborhood”. While the proposed change would potentially allow an increase in density in this area of the request, we still find that this is consistent with the scale of the existing neighborhood since the current boundary is across the street from the property. Given that, we find that the proposal is in conformance with the Comprehensive Plan.

**B9. That public facilities and utilities are available and adequate for the proposed use.  
This is based on**

The staff report indicates that adequate sewer, water, police and fire services are available for the subject property. Additionally, the staff report indicates that street system is fully developed in this area. There was no testimony received at the public hearing that indicated that this is not the case. As such, we find that the provisions for these requirements are adequate.

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

Based on the staff report, we find that there are no topographical or other physical features that would make development in accordance with an R-12 DO-E zone unsuitable. Further, no testimony was received that would contradict this determination.

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

As discussed above, the proposal will allow the restoration of a historic structure that will reflect the scale and character of the existing neighborhood. There will be no changes in the types of allowed

land uses and the changes in development standards reflect those standards that are already allowable across the street. We base this determination on the testimony of the applicant and Mr. McConnachie, which we find persuasive on this point. With regard to traffic congestion, the staff report indicates that the existing streets are built to city standards. There was no testimony on this point, as such we find that the proposal will not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character or existing land uses.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of **STU AND CALLIE CABE** for a zone change, as described in the application should be **approved**.

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

ROLL CALL:

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Goodlander	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Kennedy	Voted _____

Mayor Bloem Voted \_\_\_\_\_ (tie breaker)

Council Member(s) \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

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MAYOR SANDI BLOEM

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 12-1013

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) TO R-12 DO-E (RESIDENTIAL AT 12 UNITS/ACRE INCLUDED IN THE DOWNTOWN-EAST INFILL OVERLAY DISTRICT), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.152 ACRE PARCEL AT 802 E YOUNG AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

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

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

**as a +/- 0.152 acre parcel at 802 E. Young Ave. and legally described as CDA CITY, LT 1, W2 LT 2, BLK U, according to the plat recorded in Book A of Plats, Page 79, Records of Kootenai County, Idaho.**

is hereby changed and rezoned from R-12 (Residential at 12 units/acre) to R-12 DO-E (Residential at 12 units/acre included in the Downtown-East Infill Overlay District).

**SECTION 2.** That the following conditions precedent to rezoning are placed upon the rezone of the property:

NONE

**SECTION 3.** That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

**SECTION 4.** That the Planning Director is hereby instructed to make such change and amendment on the three (3) official Zoning Maps of the City of Coeur d'Alene.

**SECTION 5.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 6.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED this 17<sup>th</sup> day of April 2012.

---

Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

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

**Zone Change – ZC-2-12**

+/- 0.152 ACRE PARCEL AT 802 E YOUNG AVENUE

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) TO R-12 DO-E (RESIDENTIAL AT 12 UNITS/ACRE INCLUDED IN THE DOWNTOWN-EAST INFILL OVERLAY DISTRICT), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.152 ACRE PARCEL AT 802 E YOUNG AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Susan K. Weathers, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Zone Change ZC-2-12 a +/- 0.152 ACRE PARCEL AT 802 E YOUNG AVENUE, 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 17<sup>th</sup> day of April, 2012.

\_\_\_\_\_  
Warren J. Wilson, Chief Civil Deputy City Attorney

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

**DATE:** April 17, 2012  
**FROM:** Christopher H. Bates, Engineering Project Manager   
**SUBJECT:** **V-12-2, Vacation of Portions of Right-of-Way in the Taylor's Park Addition & the Relinquishment of College Drive to North Idaho College**

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**DECISION POINT**

The applicant, North Idaho College, is requesting the vacation of the undeveloped right's-of-way of Smylie Street (50'), Hubbard Street (50'), the north/south alley (7.5') adjoining the west boundary of Block 4, the east/west alley (6.5') adjoining the northerly boundary of the west half of Block 2 and Blocks 3 & 4, and, the east/west mid-block alley (20') that extends from the west half of Block 2 to the westerly boundary of Block 4. Also, the relinquishment (Quit Claim) of College Drive to NIC.

**HISTORY**

The Taylor's Park Addition subdivision consisting of sixty four (64) lots was originally platted May 1906. The westerly portion of the subdivision has been occupied by operations buildings related to the North Idaho College, and until recently, the DeArmond/Stimson lumber mill. The roadways of Smylie and Hubbard were never developed as functioning streets for public use. College Drive was dedicated separately by a "Deed of Dedication" to the City of Coeur d'Alene in 1957 by the North Idaho Junior College.

**FINANCIAL ANALYSIS**

There is no negative financial impact to the City. Previously, the commercial use that was on the subject property was located in the County therefore no tax revenue was generated for the City. The projected development of the site is anticipated to be educational in nature, therefore, there will be no net increase in taxable revenue gained. The new roadways that traverse the area are owned and maintained by the College, therefore those costs do not figure in to City departmental budgets.

**PERFORMANCE ANALYSIS**

This vacation request is the first step in the creation of the expanded campus that will eventually encompass the area between the dike road and the City Wastewater facility. The lumber mill has ceased to operate, and the North Idaho College Foundation has acquired the property for the expansion of the NIC campus. Current use of the site is primarily student parking, however, the planned long term use is multi-use classroom, recreation and office facilities, along with associated open space. The existing City utilities that were located in the areas requested for vacation were removed and relocated during the recent site construction, therefore no facilities remain that would be affected.

The deed for College Drive was formatted to return the roadway to the College should its use as a roadway ever cease, however, since that will not be the case, the City would need to quit claim the roadway back to the College. The principal reason for the College

desiring ownership of the roadway is that they can obtain State funding through the State Department of Public Works (DPW) to maintain it, whereas if it is City owned, they cannot.

## **RECOMMENDATION**

Recommendation to the City Council would be for approval of the vacation of the street and alley rights-of way requested as outlined in Idaho Code Section 50-1306, and, to approve the relinquishment (Quit Claim) of the roadway known as College Drive back to North Idaho College.

Fort Sherman Aband Mil Res (lt 37)

COEUR D'ALENE LAKE

NORTHWEST

Areas of Request

Taylor's Park

MILITARY

CENTENNIAL

COLLEGE

ROSENBERRY

RIVER

Area of request

Crawford Park

ALLEY

Marcott Tracts

EMPIRE

MILITARY

ALLEY

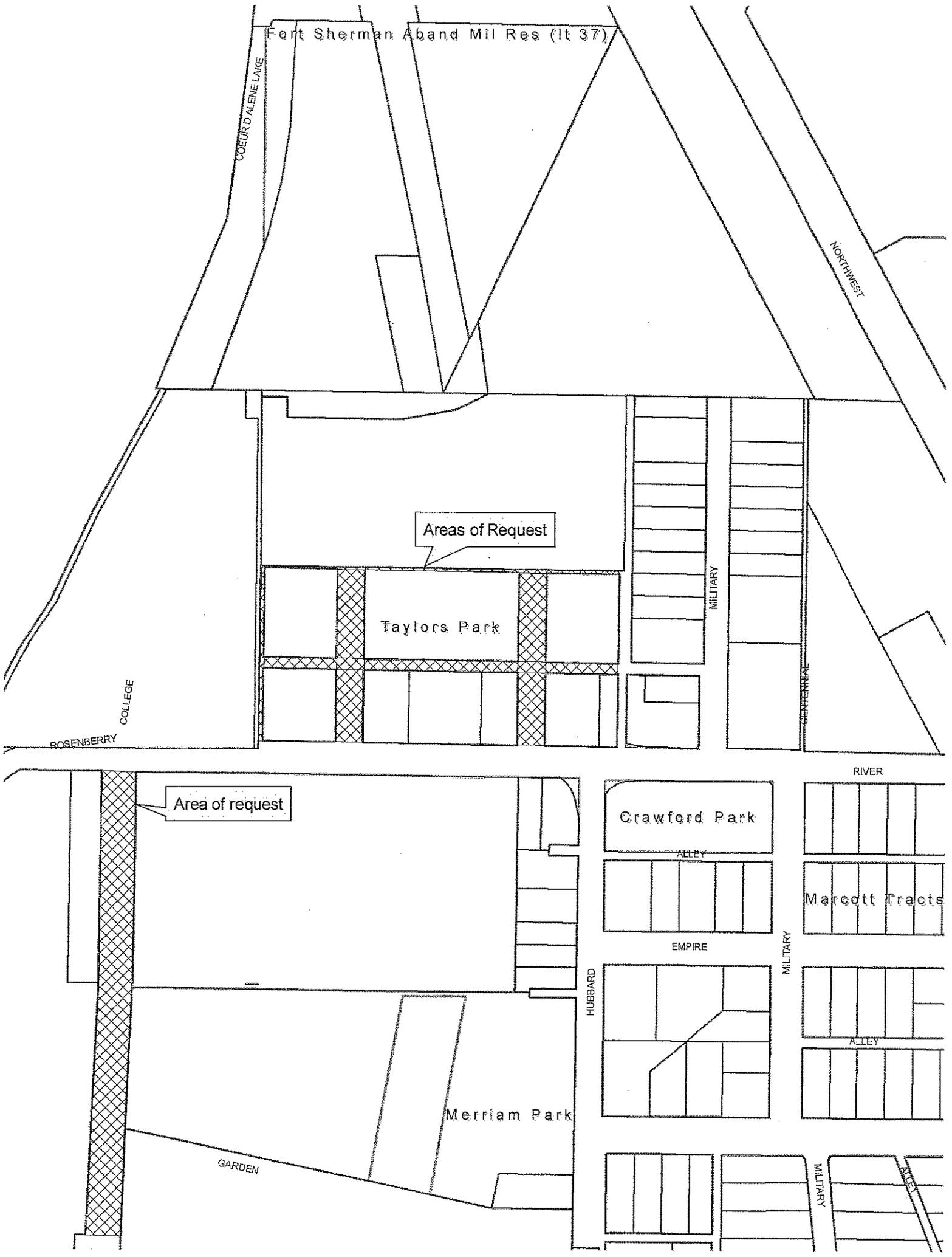
Merriam Park

HUBBARD

GARDEN

MILITARY

ALLEY



**CITY COUNCIL  
STAFF REPORT**

FROM: TAMI A. STROUD, PLANNER  
DATE: APRIL 17, 2012  
SUBJECT: A-1-12 –ZONING IN CONJUNCTION WITH ANNEXATION FROM COUNTY INDUSTRIAL TO THE CITY R-17 (Residential at 17 acres) ZONING DISTRICT.  
LOCATION: +/- 58.51 ACRES KNOWN AS NIC BEACH PROPERTY

**Applicant/  
Ruen-Yeager & Associates**

**Owner:  
North Idaho College  
1000 W. Garden Avenue  
Coeur d'Alene, ID 83814**

**DECISION POINT:**

Ruen-Yeager & Associates on behalf of North Idaho College is requesting approval of Zoning in conjunction with annexation from County Industrial to the City R-17 (Residential at 17 units/acre) zoning district.

**GENERAL INFORMATION:**

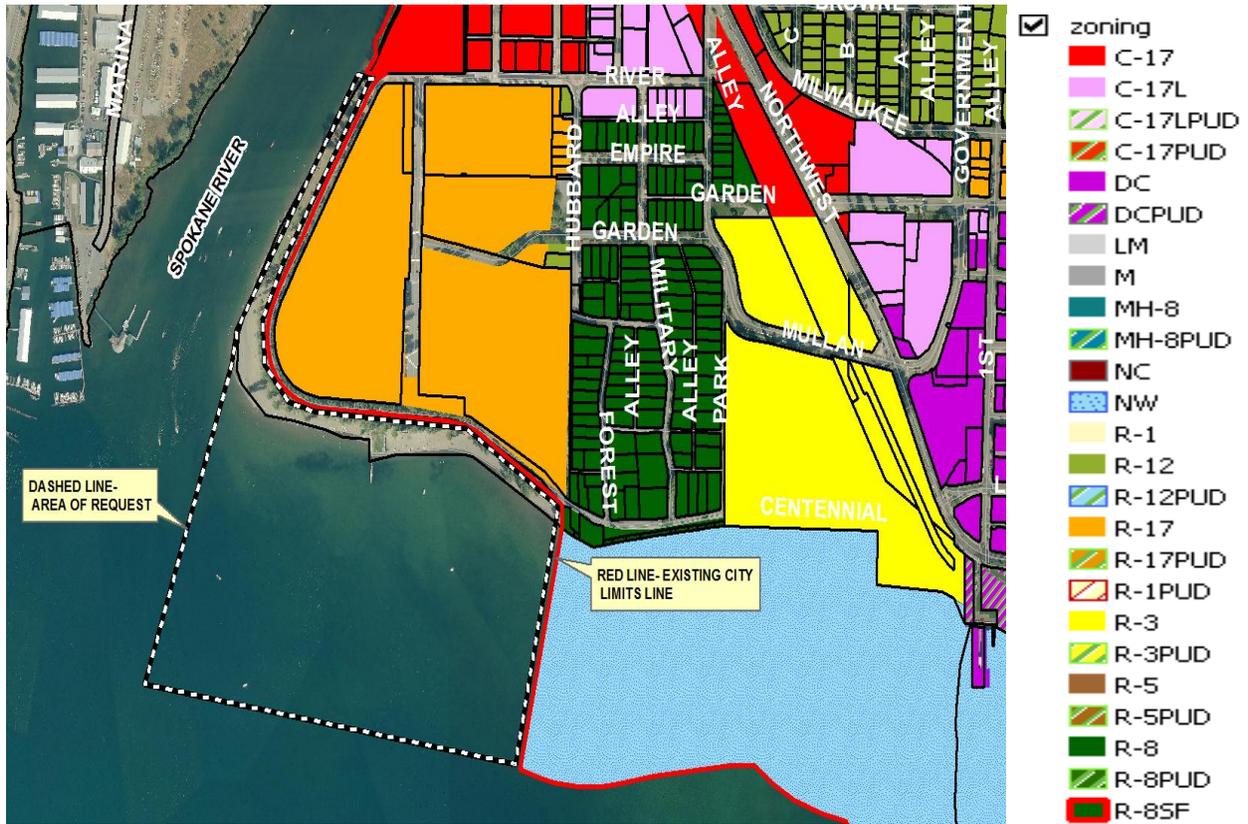
The purpose of the request is to annex the County parcel into the City, making the zoning on the property consistent with NIC's campus to the north and east, which is the R-17 zoning district.

The subject property is within the Area of City Impact Boundary

Aerial photo:



Zoning.



**Proposed Zoning**

**R-17 Zoning District:**

1. Purpose

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre.

2. Uses permitted by right

- Single-family detached housing
- Duplex housing
- Pocket residential development
- Multi-family.
- Home occupations.
- Administrative.
- Public recreation.
- Neighborhood recreation.
- Essential service (underground)
- Community education Childcare facility.

3. Uses permitted by Special Use Permit:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded the establishment which it is to serve; this is not to be used for the parking of commercial vehicles.
- Boarding house.
- Commercial film production.
- Community organization.
- Convenience sales.
- Group dwelling - detached housing.
- Handicapped or minimal care facility.
- Juvenile offenders facility.
- Commercial recreation.
- Community assembly
- Ministorage facilities.
- Mobile home manufactured in accordance with section [17.02.085](#) of this title.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Rehabilitative facility.
- Religious assembly.
- Residential density of the R-34 district as specified.
- Three (3) units per gross acre density increase.

**NW Navigable Water District**

General Purpose

- A. The NW district is intended to provide for the appropriate usage and for adequate protection of the surface water resource that is within the city limits.
- B. The use of navigable waters in addition to recreation and other public uses should allow the normal auxiliary uses required by the upland property owners adjacent to the lake and river as well as long established activities.
- C. Compliance with all applicable county, state, and federal laws is required.

Permitted Uses:

- 1. Principal permitted uses in an NW district are:
  - All long established uses.
  - All uses that are normal auxiliary uses to the upland property owners adjacent to the shoreline.
  - Facilities related to boating, swimming and other water related activities

Evaluation:

The R-17 zone allows an increased residential density of 17 units by right, 34 units by special use permit and increased nonresidential uses by special use permit. The Land and Water Conservation Funding however restricts the use to recreational.

The zoning pattern (see zoning map on page 2) in the surrounding area shows R-8, R-17, C-17L, C-17 zoning. However, the North Idaho College property directly to the north and east is zoned R-17. The subject property is currently zoned industrial in the County.

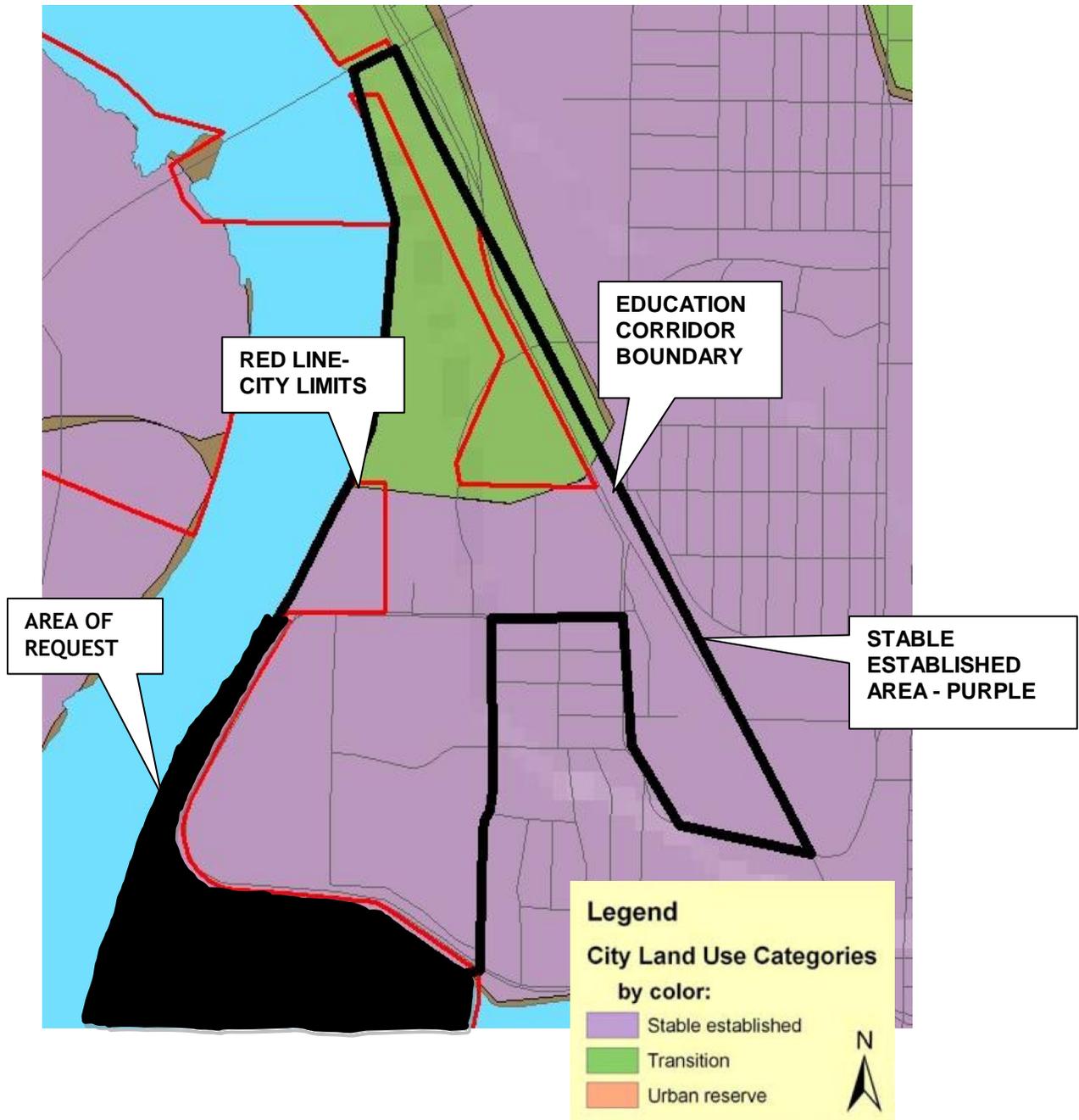
**Shoreline Overlay District**

The proposed annexation is within the Shoreline Overlay District. The applicant has not requested deviations from the regulations.

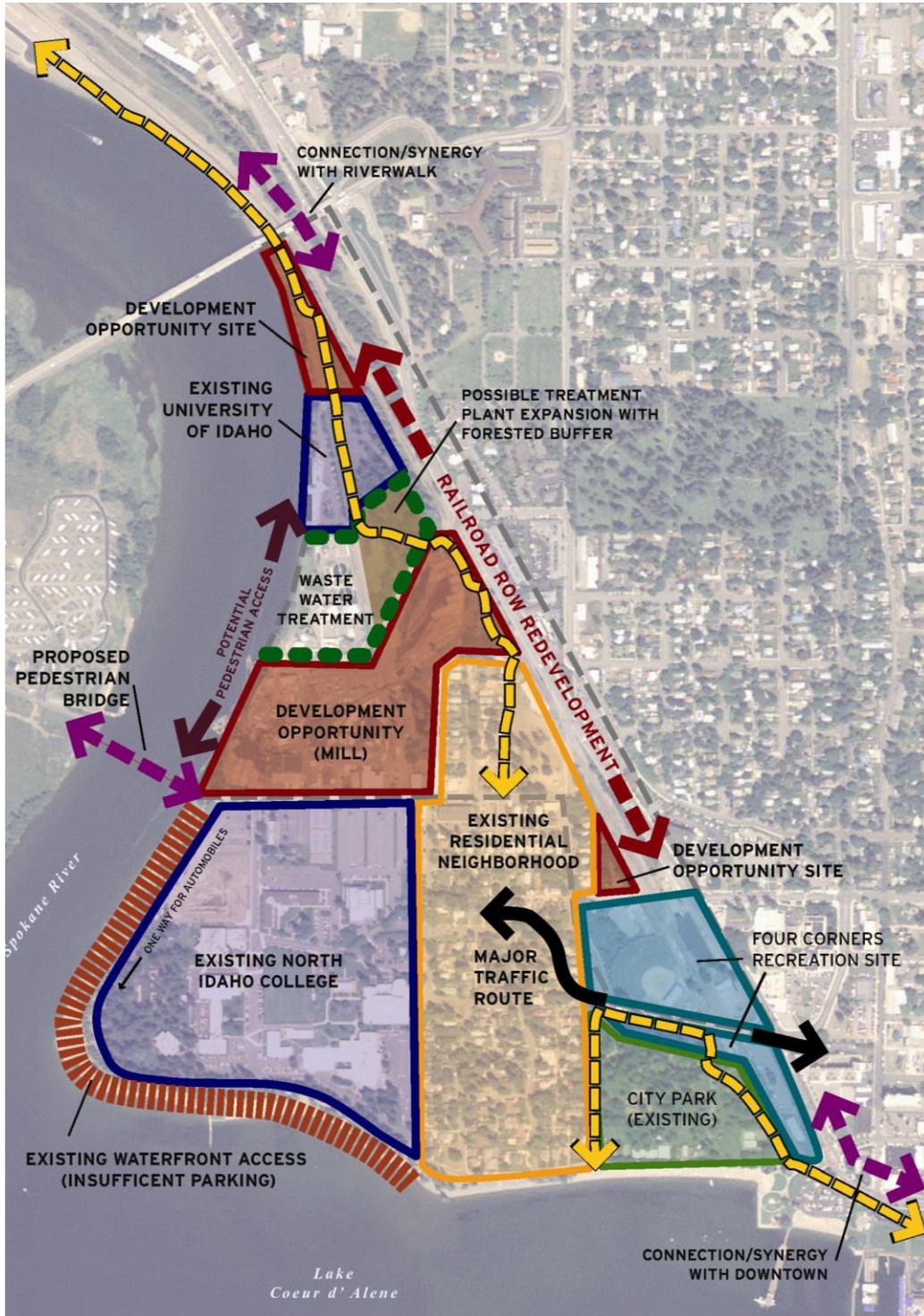
**FINDING ANALYSIS:**

Finding #B8: THAT THIS PROPOSAL (IS) (IS NOT) IN CONFORMANCE WITH THE COMPREHENSIVE PLAN POLICIES.

2007 Comprehensive Plan designation - Transition and Stable Established – Education Corridor



2007 Comprehensive Plan - Special Area – Education Corridor Conceptual Plan



The subject property has a land use designation of Stable Established (NIC Beach property) and is within the **Education Corridor, Spokane River, and Coeur d'Alene Lake Shoreline Districts** as follows:

**Transition Areas:**

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.

**Stable Established Areas**

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.

**Spokane River District**

Spokane River District Tomorrow

This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the river shoreline is sure to change dramatically.

The characteristics of the Spokane River District will be:

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

**Coeur d'Alene Lake Shoreline District**

Coeur d'Alene Lake Shoreline Tomorrow

For many, the Coeur d'Alene Lake shoreline is what sets the city apart from countless other places. The shoreline will continue to experience pressure from the development community due to its effect on property values and for the benefits it provides. As property improves, it is extremely important to balance the needs of both the public and private entities to ensure that this asset is available for all to enjoy while remaining viable for economic development. Increasing public access to our waterfront will not only create space for enjoyment, it will provide major economic opportunities for businesses that serve our citizens and welcome tourists. Shorelines are a finite and valuable resource. Our city is committed to ensuring that only appropriate growth takes place now and in the future.

### **Education Corridor District:**

The Education Corridor is becoming an important asset to our community as institutions of higher learning continue to grow in this area. A study looking at future land use patterns in the Education Corridor is currently underway. This study should provide the needed framework to ensure compatibility with the existing neighborhoods, wastewater treatment plant, shoreline, and the planned higher educational uses.

The characteristics of the Education Corridor will include:

- An increasing number of uses related to the provision of higher education that is suitable in scale and density with the existing surrounding uses.
- Ensuring connectivity is maintained and improved throughout the corridor to provide multi-modal transportation options.
- Retaining and increasing trees and landscaping.

### **Special Area – Education Corridor Conceptual Plan**

Coeur d'Alene is home to three institutions of higher education: the main campus of North Idaho College (NIC), and branch campuses of the University of Idaho (UI) and Lewis-Clark State College (LCSC). NIC has made its home at the Fort Grounds since it was founded in 1933, and UI and LCSC have been offering classes and services in various locations for many years. In 2002, the City of Coeur d'Alene sold a former restaurant/office building down river from NIC to UI. It is probable that an additional institution, Idaho State University, will also offer programs from this location in the future.

The city recognizes that the continuation and growth of these higher education institutions is crucial for its quality growth. Our vision is that the locations be joined to form an Education Corridor that would extend along Northwest Boulevard and the Spokane River for more than a mile.

Two other entities are currently included in this land mix: the city's Wastewater Treatment Facilities and the DeArmond Lumber Mill, owned and operated by the Stimson Lumber Company. The city's vision is that the treatment facilities remain, but be designed and landscaped to be compatible with a new, more expansive campus.

#### **Policy:**

Working in conjunction with LCDC, NIC, UI, LCSC, and private development groups, we will create an education corridor that will connect the existing NIC campus with other higher education institutions.

#### **Methods:**

We will support educational institutions in their planning efforts for the Education Corridor.

We will enlarge the wastewater treatment plant, but will design and build it to ensure compatibility of the adjoining land uses.

### **Special Area – Shorelines**

The City of Coeur d'Alene is known for its shorelines. They are an asset and provide a multitude of benefits.

Community pride, economic advantages, transportation, recreation, and tourism are just a few examples of how shorelines affect the use and perception of our city.

Public access to and enhancement of our shorelines is a priority. Shorelines are a positive feature for a community and they must be protected. To ensure preservation, the city has an

ordinance that protects, preserves, and enhances our visual resources and public access by establishing limitations and restrictions on specifically defined shoreline property located within city limits.

To increase desired uses and access to this finite resource, the city will provide incentives for enhancement. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are just a few tools we employ to reach this goal.

Policy:

- Make public access to river and lake shorelines a priority.

Methods:

- Shoreline ordinance will govern appropriate development in designated areas.
- Ensure scale, use, and intensity are suitable with location.
- Promote protection and connectivity along shorelines.

**Significant policies:**

- Objective 1.01 - Environmental Quality:  
Minimize potential pollution problems such as air, land, water, or hazardous materials.
- Objective 1.02 - Water Quality:  
Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer
- Objective 1.04 - Waterfront Development:  
Provide strict protective requirements for all public and private waterfront developments.
- Objective 1.12 - Community Design:  
Support the enhancement of existing urbanized areas and discourage sprawl.
- Objective 1.13 - Open Space:  
Encourage all participants to make open space a priority with every development and annexation.
- Objective 1.14 - Efficiency:  
Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.
- Objective 1.17 - Hazardous Areas:  
Areas susceptible to hazardous conditions (e.g. flooding, landslides, earthquakes, etc.) should be left in a natural state unless impacts are mitigated
- Objective 2.01 - Business Image & Diversity:  
Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.
- Objective 2.02 - Economic & Workforce Development:  
Plan suitable zones and mixed use areas, and support local workforce development and housing to meet the needs of business and industry.
- Objective 3.05 - 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 3.12 - Education:  
Support quality educational facilities throughout the city, from the pre-school through the university level
- Objective 3.16 - Capital Improvements:  
Ensure infrastructure and essential services are available prior to approval for properties seeking development.
- Objective 4.01 - City Services:  
Make decisions based on the needs and desires of the citizenry.
- Objective 4.02 - City Services:  
Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).
- Objective 4.06 - Public Participation:  
Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision- making process.

**Evaluation:** The City Council must determine, based on the evidence 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.

**Finding #B9: THAT PUBLIC FACILITIES AND UTILITIES (ARE) (ARE NOT) AVAILABLE AND ADEQUATE FOR THE PROPOSED USE.**

**SEWER:** Wastewater has no concerns with this proposed annexation.

*Comments submitted by Jim Remitz, Utility Project Manager*

**WATER:** There will be no impact on the water system at this time.

*Comments submitted by Jim Markley Superintendent*

**STORMWATER:**

The Engineering Department had no concerns..

*Submitted by Chris Bates, Engineering Project Manager*

**FIRE:** The Fire Department had no issues with this request.

*Submitted by Bryan Halverson, Fire Inspector*

**Evaluation:** The City Council must determine, based on the evidence before them, that public

facilities and utilities are or are not available and adequate for the proposed use.

**Finding #B10: THAT THE PHYSICAL CHARACTERISTICS OF THE SITE (MAKE) (DO NOT MAKE) IT SUITABLE FOR THE REQUEST AT THIS TIME.**

The subject property is a sand and small gravel beach typical of the Coeur d'Alene Lake north shore. The area of request gradually slopes to the shoreline of the Spokane River and the lake and extends out 1000 feet from the high water mark into navigable water of the lake.

The subject property is within a FEMA designated Flood Hazard Area and also contains a portion of a dike that protects the main North Idaho College campus and Fort Grounds area from flooding.

NIC Beach Property—looking west along Dike Wall / Road



NIC Beach Property- looking east



NIC Beach Property- looking west along Rosenberry Dr. AKA Dike Rd.



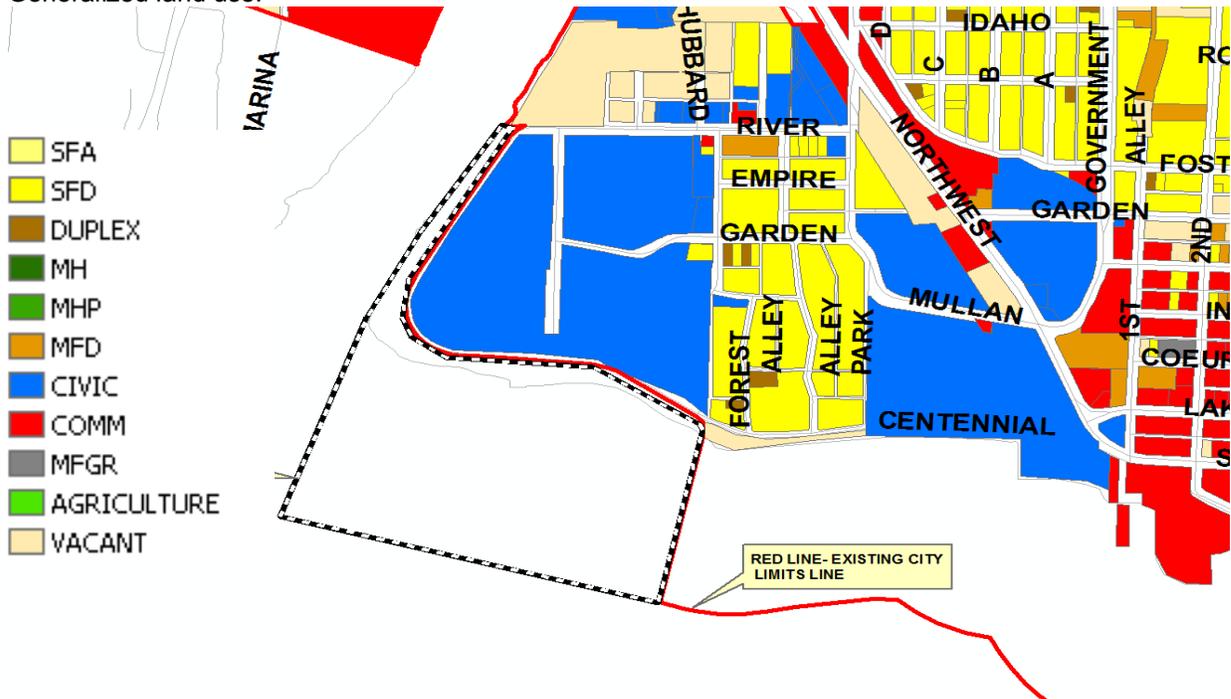
NIC Beach Property- birds-eye views



**Evaluation:** The City Council must determine, based on the evidence before them, whether the physical characteristics of the site make it suitable for request at this time.

**Finding #B11: THAT THE PROPOSAL (WOULD) (WOULD NOT) ADVERSELY AFFECT THE SURROUNDING NEIGHBORHOOD WITH REGARD TO TRAFFIC, NEIGHBORHOOD CHARACTER, (AND) (OR) EXISTING LAND USES**

C. Generalized land use.



- D. Land uses in the area include civic (North Idaho College), single-family residential and public recreational areas. The subject property is waterfront property and is utilized for public recreation and outdoor recreation uses. The types of facilities on the site include beach structures such as shelters, benches, picnic tables, small boat/watercraft facilities and a public dock.
- E. The traffic volumes generated from this site will remain similar to what exists today, as the site is restricted to recreational activity.
- F. The subject property is restricted to recreational uses only under terms of Land and Water Conservation Funding.
- G. The surface water portion of the request will be zoned Navigable Water.
- H. The proposed R-17 zone will have less of a theoretical impact on the surrounding area than the present County Industrial zone and will continue to allow North Idaho College to utilize the property as a recreation area for students, residents and visitors to the City.

. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - 2007.  
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.  
Kootenai County Zoning Ordinance

**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:

## JUSTIFICATION

Please use this space to state the reason(s) for the requested annexation and include comments on the 2007 Comprehensive Plan Category, Neighborhood Area, and applicable Special Areas and appropriate goals and policies and how they support your request.

North Idaho College wishes to annex its beach parcel into the City of Coeur d'Alene in order to improve their ability to work with the City in planning and development of the Education Corridor. The parcel is currently zoned industrial and is a strip of unincorporated property between the City and the lake. Rather than try to overcome the hurdles of working with the County in this restrictive zoning, it makes more sense to annex the parcel into the City.

This is a logical annexation. The parcel is in the Area of City Impact. NIC is already working with the City on the Education Corridor, street maintenance, and levee/floodwall maintenance. The City supplies water and sewer service to two bathrooms on the parcel already.

This unique shoreline parcel is used as recreation space by students, residents, and visitors to the City. It is an invaluable asset to the college and the Education Corridor. NIC is committed to maintaining existing vegetation and recreational amenities including the beach, volleyball courts, boat rentals, and picnic areas. They will enhance these areas as opportunities arise. Examples of this are recent boulder slope stabilization, planned ADA beach access, and working with the City on improving levee encroachments.

NIC's current use of the beach parcel is compliant with Comprehensive Plan policies such as protecting and enhancing the urban forest, public access to river and lake shorelines, and protection and continuity along shorelines. By annexing the parcel the City can help implement another policy by helping with the planning efforts of this educational institution.

Applicant: Eric Olson/Ruen – Yeager & Associates  
Location: 1000 W. Garden  
Request: A proposed 58.51 acre annexation from County Industrial to City R-17 (Residential at 17 units/acre) zoning district QUASI-JUDICIAL (A-1-12)

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

Commissioner Bowlby inquired looking at the site plan that the property line extends into the water and if staff could explain.

Deputy City Attorney Wilson explained that the shoreline gradually slopes and extends 1,000 feet from the high water mark into navigable water as outlined on the site plan.

Chairman Jordan inquired why staff did not report any tallies.

Deputy City Attorney Wilson explained that a quasi-judicial hearing is not a popularity contest and by de-emphasizing the tallies, it can eliminate problems.

Commissioner Soumas inquired if public parking along the dike road could be affected with this annexation.

City Engineer Dobler explained that the city signed a maintenance agreement with North Idaho College a long time ago stating that the city is responsible for the maintenance for the Dike Road.

***Public Testimony open:***

Eric Olson, applicant representative, 803 E. Young Avenue, explained the reason for the annexation is work needed to be done on the boat house and when going to the county to get permits found out the property was zoned industrial. The county has different standards than the city and felt that it was time for this parcel to be part of the city. He added that by annexing this parcel in, the zoning will be consistent with other surrounding parcels on campus.

William Boyd, 735 W. Lakeshore Drive, commented that he is not clear why this project is being proposed and would like some clarification.

Chairman Jordan explained that by annexing this parcel in the city, it would allow the city to control issues like building permits, etc. instead of going to the county.

Commissioner Bowlby added that this would be consistent with the other parcels on campus.

Susie Snedaker, 828 Hastings, commented that she is confused about the applicant's justification and feels that LCDC is involved with providing the money to support the financial costs associated with the environmental issues on the dike road.

Gary Stark, 3706 N. Monarch Drive, commented that he works at the college and feels that when the annexation for the mill site was approved a few years ago, he felt that this parcel should have been included and stated by approving the annexation; it will provide additional safety to citizens by providing city services.

***Rebuttal:***

Eric Olson stated that from discussions with the college, that there is not any future plan for this parcel, except the on-going levy issues with the Corp of Engineers.

***Public Testimony closed***

***Discussion:***

Commissioner Bowlby commented that she is comfortable approving this request because of safety issues and that the zoning will be consistent with the other parcels on campus.

Commissioner Luttrupp commented that he concurs and feels this request will benefit the city and the citizens of the city.

Commissioner Haneline concurs and stated that this project complies with what is stated in the Comprehensive Plan.

***Motion by Soumas, seconded by Bowlby, to approve Item A-1-12. Motion approved.***

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Haneline	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Soumas	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on March 13, 2012, and there being present a person requesting approval of ITEM A- 1-12, a request for Zoning prior to annexation from County Industrial to the City R-17 (Residential at 17 units/acre) zoning district.

APPLICANT: RUEN-YEAGER & ASSOCIATES

LOCATION: +/- 58.51 ACRES KNOWN AS NIC BEACH PROPERTY

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

**(The Planning Commission may adopt Items B1-through7.)**

- B1. That the existing land uses are civic – North Idaho College – single-family and multi-family and recreational areas.
- B2. That the Comprehensive Plan Map designation is Transition and Stable Established
- B3. That the zoning is County Industrial.
- B4. That the notice of public hearing was published on February 25, 2012 , which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 21 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on February 24, 2012.
- B7. That public testimony was heard on March 13, 2012.

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

1.2 Objective 1.02 - Water Quality:

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer  
It will help improve the ability for the city to control the water quality in the dike

1.04 Objective 1.04 - Waterfront Development:

Provide strict protective requirements for all public and private waterfront developments.

It will help us protect the waterfront development in the area both public and private waterway down there.

Objective 1.13 - Open Space:

Encourage all participants to make open space a priority with every development and annexation.

It helps continue to meet the open space requirement objective of the comprehensive plan and continues to promote the infrastructure already in place .Encouraging open space use by all public.

B9. That public facilities and utilities are available and adequate for the proposed use. This is based on the fact that there are no proposed changes to the site existing water, sewer and electricity available to the site meet the needs for the site.

B10. That the physical characteristics of the site do make it suitable for the request at this time because no proposed changes in the physical characteristics and it currently meets the needs and the use for the topography and the sight requirements.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because there is no proposed change in the land use and the restrictions that ride with the property are the water and land conservation fund continued to ride with the property whether it's in the County or the City. Additionally, it adds this to our shoreline district which puts further restrictions on the property that don't exist while it's in the county.

**C. ORDER: CONCLUSION AND DECISION**

The Planning Commission, pursuant to the aforementioned, finds that the request of **RUEN-YEAGER AND ASSOCIATES** for zoning prior to annexation, as described in the application should be approved.

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

ROLL CALL:

Commissioner Bowlby	Voted Yes
Commissioner Evans	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Haneline	Voted Yes

Commissioner Messina was absent.

Motion to approve carried by a 4 to 0 vote.



CHAIRMAN BRAD JORDAN

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

**A. INTRODUCTION**

This matter having come before the City Council on, April 17, 2012, and there being present a person requesting approval of ITEM A-1-17, a request for Zoning in conjunction with annexation from County Industrial to the City R-17 (Residential at 17units/acre) zoning district.

APPLICANT: RUEN-YEAGER & ASSOCIATES

LOCATION: +/- 58.51 ACRES KNOWN AS NIC BEACH PROPERTY

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

**(The City Council may adopt Items B1-through7.)**

- B1. That the existing land uses are civic – North Idaho College – single-family and multi-family and recreational areas.
- B2. That the Comprehensive Plan Map designation is Transition and Stable Established
- B3. That the zoning is County Industrial.
- B4. That the notice of public hearing was published on, March 30, 2012, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 21 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on
- B7. That public testimony was heard on April 17, 2012.

B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use.  
This is based on

**Criteria to consider for B9:**

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

**Criteria to consider for B10:**

1. Topography.
2. Streams.
3. Wetlands.
4. Rock outcroppings, etc.
5. vegetative cover.

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

**Criteria to consider for B11:**

1. Traffic congestion.
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed?
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request **RUEN-YEAGER AND ASSOCIATES** for zoning in conjunction with annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement 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 Goodlander	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Kennedy	Voted _____

Mayor Bloem Voted \_\_\_\_\_ (tie breaker)

Council Member(s) \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

\_\_\_\_\_  
MAYOR SANDI BLOEM

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

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

FUND	BALANCE 2/29/2012	RECEIPTS	DISBURSE- MENTS	BALANCE 3/31/2012
<u>General-Designated</u>	\$1,250,558	\$3,013	\$690,576	\$562,995
<u>General-Undesignated</u>	6,674,028	3,959,296	4,591,627	6,041,697
<u>Special Revenue:</u>				
Library	292,714	30,542	101,324	221,932
CDBG	(39)	28,362	28,482	(159)
Cemetery	33,250	20,870	14,331	39,789
Parks Capital Improvements	340,730	52,915	6,854	386,791
Impact Fees	2,259,828	201,065	755	2,460,138
Annexation Fees	15,722	2		15,724
Insurance	1,460,961	20,041	3,654	1,477,348
Cemetery P/C	1,858,227	4,103	1,905	1,860,425
Jewett House	15,555	2	980	14,577
Reforestation	9,242	1		9,243
Street Trees	169,549	4,524		174,073
Community Canopy	794	810	393	1,211
CdA Arts Commission	595			595
Public Art Fund	91,913	23		91,936
Public Art Fund - LCDC	521,937	74	15,000	507,011
Public Art Fund - Maintenance	131,829	18	41	131,806
<u>Debt Service:</u>				
2000, 2002 & 2006 G.O. Bonds	851,560	21,876		873,436
LID Guarantee	121,690	151		121,841
LID 124 Northshire/Queen Anne/Indian Meadows	167			167
LID 127 Fairway / Howard Francis	4,761			4,761
LID 129 Septic Tank Abatement	7,995	687		8,682
LID 130 Lakeside / Ramsey / Industrial Park	3,004			3,004
LID 146 Northwest Boulevard	79,892		82,210	(2,318)
LID 149 4th Street	2,455			2,455
<u>Capital Projects:</u>				
Street Projects	53,770	149	4,069	49,850
<u>Enterprise:</u>				
Street Lights	16,194	42,304	69,365	(10,867)
Water	995,179	213,721	567,014	641,886
Water Capitalization Fees	1,540,976	108,779		1,649,755
Wastewater	8,522,013	458,584	641,475	8,339,122
Wastewater-Reserved	1,295,291	27,500		1,322,791
WWTP Capitalization Fees	274,932	373,943		648,875
WW Property Mgmt	60,668			60,668
Sanitation	(136,307)	278,041	295,687	(153,953)
Public Parking	773,276	10,527	17,732	766,071
Stormwater Mgmt	195,680	242	129,248	66,674
Wastewater Debt Service	-			-
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	176,908	177,900	176,982	177,826
LID Advance Payments	350	40		390
Police Retirement	1,422,986	142,331	134,146	1,431,171
Sales Tax	1,534	1,786	1,534	1,786
BID	160,393	3,523		163,916
Homeless Trust Fund	505	496	505	496
<b>GRAND TOTAL</b>	<b>\$31,553,265</b>	<b>\$6,188,241</b>	<b>\$7,575,889</b>	<b>\$30,165,617</b>

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 SIX MONTHS ENDED  
 31-Mar-2012

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2012	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$199,267	\$102,259	51%
	Services/Supplies	10,645	5,322	50%
Administration	Personnel Services	509,809	253,885	50%
	Services/Supplies	4,560	2,878	63%
Finance	Personnel Services	612,255	301,844	49%
	Services/Supplies	86,480	57,491	66%
Municipal Services	Personnel Services	908,242	447,542	49%
	Services/Supplies	483,894	229,903	48%
	Capital Outlay	13,640		
Human Resources	Personnel Services	214,257	107,284	50%
	Services/Supplies	26,500	2,128	8%
Legal	Personnel Services	1,319,612	658,171	50%
	Services/Supplies	91,533	43,674	48%
	Capital Outlay	60,000		
Planning	Personnel Services	434,394	218,973	50%
	Services/Supplies	23,850	5,623	24%
Building Maintenance	Personnel Services	277,058	141,073	51%
	Services/Supplies	131,207	72,503	55%
	Capital Outlay		64,466	
Police	Personnel Services	8,682,213	4,285,033	49%
	Services/Supplies	804,799	246,978	31%
	Capital Outlay	100,450	203	0%
Fire	Personnel Services	7,177,070	3,628,625	51%
	Services/Supplies	376,013	100,206	27%
	Capital Outlay			
General Government	Services/Supplies	131,750	131,000	99%
	Capital Outlay			
Byrne Grant (Federal)	Personnel Services	152,311	75,085	49%
	Services/Supplies	91,507	6,011	7%
	Capital Outlay		34,722	
COPS Grant	Personnel Services	170,843	118,969	70%
CdA Drug Task Force	Services/Supplies	36,700	2,470	7%
	Capital Outlay			
Streets	Personnel Services	1,678,695	815,771	49%
	Services/Supplies	442,075	155,128	35%
	Capital Outlay	50,000	9,723	19%

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 SIX MONTHS ENDED  
 31-Mar-2012

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2012	PERCENT EXPENDED
ADA Sidewalk Abatement	Personnel Services	179,604	68,077	38%
	Services/Supplies	40,300	715	2%
Engineering Services	Personnel Services	453,118	225,386	50%
	Services/Supplies	476,125	433,845	91%
	Capital Outlay			
Parks	Personnel Services	1,267,823	492,132	39%
	Services/Supplies	417,750	114,316	27%
	Capital Outlay	9,000		
Recreation	Personnel Services	628,342	266,889	42%
	Services/Supplies	135,000	62,784	47%
Building Inspection	Personnel Services	685,687	337,133	49%
	Services/Supplies	21,545	8,286	38%
Total General Fund		<u>29,615,923</u>	<u>14,334,506</u>	<u>48%</u>
Library	Personnel Services	1,020,775	484,266	47%
	Services/Supplies	173,850	92,499	53%
	Capital Outlay	90,000	27,265	30%
CDBG	Services/Supplies	297,600	92,968	31%
Cemetery	Personnel Services	164,489	56,763	35%
	Services/Supplies	84,975	33,028	39%
	Capital Outlay			
Impact Fees	Services/Supplies	925,000	68,560	7%
Annexation Fees	Services/Supplies	133,000	133,000	100%
Parks Capital Improvements	Capital Outlay	676,600	148,447	22%
Insurance	Services/Supplies	234,000	123,896	53%
Cemetery Perpetual Care	Services/Supplies	98,000	40,576	41%
Jewett House	Services/Supplies	17,790	7,480	42%
Reforestation	Services/Supplies	3,000	27,006	900%
Street Trees	Services/Supplies	75,000	5,700	8%
Community Canopy	Services/Supplies	1,200	454	38%
CdA Arts Commission	Services/Supplies	6,650	7	0%
Public Art Fund	Services/Supplies	189,600	33,744	18%
KMPO	Services/Supplies	350,000		
Total Special Revenue		<u>4,541,529</u>	<u>1,375,659</u>	<u>30%</u>
Debt Service Fund		<u>1,500,680</u>	<u>266,883</u>	<u>18%</u>

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
SIX MONTHS ENDED  
31-Mar-2012

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 3/31/2012	PERCENT EXPENDED
River / NW Blvd Intersection	Capital Outlay	1,750,000		
Govt Way - Dalton to Hanley	Capital Outlay	2,700,000	2,424	0%
Govt Way - Hanley to Prairie	Capital Outlay	418,000		
Govt Way - sewer & water LID	Capital Outlay			
Howard Street - North	Capital Outlay			
15th Street - Lunceford to Dalton	Capital Outlay		1,095	
15th Street - Harrison to Best	Capital Outlay		23,392	
McEuen Field Project	Capital Outlay	2,677,000		
Kathleen Avenue Widening	Capital Outlay	25,000		
Total Capital Projects Funds		7,570,000	26,911	0%
Street Lights	Services/Supplies	575,021	275,522	48%
Water	Personnel Services	1,589,394	761,455	48%
	Services/Supplies	3,987,557	626,116	16%
	Capital Outlay	1,817,500	533,769	29%
Water Capitalization Fees	Services/Supplies	850,000		
Wastewater	Personnel Services	2,271,589	1,079,705	48%
	Services/Supplies	6,875,920	921,809	13%
	Capital Outlay	7,538,880	1,573,557	21%
	Debt Service	1,073,110	573,637	53%
WW Capitalization	Services/Supplies	802,750		
Sanitation	Services/Supplies	3,229,772	1,605,170	50%
Public Parking	Services/Supplies	177,957	140,546	79%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	435,690	219,870	50%
	Services/Supplies	681,938	217,332	32%
	Capital Outlay	300,000	62,230	21%
Total Enterprise Funds		32,207,078	8,590,718	27%
Kootenai County Solid Waste		2,200,000	908,841	41%
Police Retirement		194,000	94,902	49%
Business Improvement District		137,200	40,000	29%
Homeless Trust Fund		6,100	2,547	42%
Total Fiduciary Funds		2,537,300	1,046,290	41%
TOTALS:		\$77,972,510	\$25,640,967	33%