



Coeur d'Alene

CITY COUNCIL MEETING

June 2, 2009

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

Councilmen Edinger, Goodlander, McEvers, Bruning, Hassell, Kennedy

CONSENT CALENDAR

A JOINT CITY COUNCIL AND
LAKE CITY DEVELOPMENT CORPORATION
WORKSHIOP
MAY 14, 2009

The Mayor and Council met in a continued session in a joint workshop with the members of the Lake City Development Corporation at 12:00 noon on May 14, 2009, there being present upon roll call a quorum

Sandi Bloem, Mayor

Ron Edinger) Members of Council Present
John Bruning)
A. J. "Al" Hassell, III)
Deanna Goodlander)
Mike Kennedy)
Woody McEvers)

Dennis Dave, LCDC Chairman

Charles Nipp) Members of LCDC Present
Rod Colwell)
Brad Jordan)
Scott Hoskins)
Deanna Goodlander)
A. J. Al Hassell, III)

STAFF: Tony Berns, LCDC Executive Director; Wendy Gabriel, City Administrator; Jon Ingalls, Deputy City Administrator; Susan Weathers, City Clerk; Warren Wilson, Deputy City Attorney; Troy Tymesen, Finance Director.

GUESTS: Donnie Murrell, Tom Hasslinger, Chris Hollibaugh

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

LCDC STRATGIC PLANNING SESSION REVIEW: LCDC Executive Director Tony Berns reviewed the draft of the long term focus areas set by the Lake City Development Corporation.

The first focus area is Education which includes the Education Corridor and "Four Corners" area and involves participation in a traffic study for the Education Corridor area; Sorenson Magnet School for ADA building improvements; and, Winton Elementary School long-term viability. Chairman Davis noted that the first phase of the Education Corridor design that LCDC would participate in is a traffic study. Councilman McEvers related that Rolly Jergens has voiced NIC's concerns regarding the open space that exists until construction is undertaken at the DeArmond Mill site. Chairman Davis

noted that the Education Corridor partners need to complete a plan to put the street through this site.

The next major focus area is Workforce Housing which has been expanded from Midtown to include the Downtown area and Student Housing within the two LCDC districts. Councilman Kennedy noted that the Workforce Housing group (North Idaho Housing Coalition) is very active in light of the stimulus funds and have currently been working with the Idaho Housing and Financing Association (IHFA) in Midtown. He noted that the old Idaho Youth Ranch building owned by IHFA rents the building out on a month to month basis so this old building could be demolished within a short period of time.

The third major focus area is Public Space which includes LCDC Partnership in help the City/community implement the proposed McEuen Field Plan including the section of Front Avenue abutting McEuen Field; continue to secure long-term public access to the lake and river waterfronts; partner with the City and School District for the development of Winton Park, and; the potential acquisition of the Sherman Park as long-term public space downtown pocket park. Additionally, LCDC has continuing partnerships with the Library, Kroc Center, and Prairie Trail initiatives. Councilman Edinger recalled that the original McEuen Plan eliminated the American Legion Ball field and he personally does not see anyplace where you can move the American Legion Ball Field and would like to see LCDC work on redoing the existing plan with improvements to the American Legion Field. Chairman Davis responded that LCDC was not looking at implementing the entire McEuen Field Plan but rather, with the term of the LDCD Lake District becoming limited for financing long term projects, there may be some elements within the McEuen Field Plan that could be attained by the City in partnership with the LCDC. Board Member Goodlander noted that the opportunity to find an equal or better location for the American Legion ball field was part of the original McEuen Field plan, but there is more to McEuen Field than the American Legion Ball Field and she believes that it is good to look at other potential improvements to McEuen Field including opening up the waterfront for more public use.

The fourth major area of focus is Job Creation and Job Retention in both the Lake and River districts.

The fifth focus area is Public Parking which includes plans for a downtown mixed use structured parking facility.

The sixth focus area is Midtown Redevelopment which is about ready to begin with the 4th Street reconstruction project starting May 26th. Executive Director Berns commended the Mayor for conducting a fine meeting with the Midtown stakeholders on the evening of May 12th..

The final focus area is Downtown Vitalization which involves continued LCDC economic support to enhance the vitality of the Downtown area including downtown pocket parks.

Councilman McEvers asked if LCDC could do a report that shows what has been accomplished in terms of financial expenditures. Tony Berns responded that LCDC has two such reports one being a district “score card” and the other being a quarterly financial summary report. Chairman Davis suggested that the Finance Committee visit with Councilman McEvers to address his information requests.

FISCAL YEAR 2010 LCDC GOALS: Executive Director Tony Berns reported on next fiscal year’s goals for the various subcommittees of LCDC which include

- The Ad Hoc Public Space Committee working as a partner with the City/Community on updating the 2002 McEuen Field Plan.
- The Communication Committee will be working on meeting with key community stakeholders to discuss community issues; continued implementation of their LCDC communication strategy, hosting an Urban Land Institute forum in Coeur d’Alene and; establishing an LCDC Advisory Group.
- The Education Corridor Ad Hoc Committee will be working with the Education Corridor partners on engineering infrastructure plans for old DeArmond mill site, and working with the City and other stakeholders on commissioning a traffic study for the Education Corridor area.
- The Finance Committee will evaluate the merit of commissioning a River District Strategic Planning effort, and continue frequent reviews of the district economic forecasting models.
- The Parking Committee will continue to work on acquiring property for the downtown mixed used structured parking facility.
- The Housing Committee will continue looking for ways to best partner with other organizations on workforce housing projects within the LCDC Districts.

Councilman Kennedy, regarding job creation, asked if LCDC has a clear sense of the jobs created in the Urban Renewal Districts. Mr. Berns responded that LCDC did complete such a job quantification report a year ago but they could develop an ongoing reporting system showing jobs created or retained within the districts. Councilman Goodlander believes that type of information needs to be provided showing how many jobs have been created through LCDC partnership efforts.

Councilman Edinger asked about LCDC hiring an attorney to be present at their Board meetings. Chairman Davis responded that LCDC is currently exploring the options of having current LCDC attorney, Ryan Armbruster, (based in Boise) attend their meetings or if it would be more economically prudent to retain qualified legal counsel locally. Chairman Davis shared that Ryan is viewed as one of the best municipal attorneys in the state, so it would be hard to replace his level of expertise.

Councilman McEvers asked if there was any legislation this year that impacted Urban Renewal Districts. Mr. Berns responded that the proposed changes that would have adversely affected urban renewal across the state never made it past the House floor vote. The only change to urban renewal code this session was more specific verbiage associated with limiting the terms of urban renewal districts to 24 years.

ADJOURNMENT: Motion by Edinger, seconded by Kennedy that there being no further business, that this meeting be adjourned. Motion carried.

The meeting adjourned at 1:05 p.m.

Sand Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM,
MAY 19, 2009

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene Library, May 19, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell)	Members of Council Present
John Bruning)	
Deanna Goodlander)	
Loren Ron Edinger)	
Woody McEvers)	

Mike Kennedy)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Sandi Bloem.

PLEDGE OF ALLEGIANCE: Councilman Hassell led the pledge of allegiance.

PROCLAMATION – “SAFE BOATING WEEK”: On behalf of Mayor Bloem, Councilman Hassell read the proclamation designating the week of May 16th as Safe Boating Week in the City. Jim Kelly from the Spokane Sail and Power Squadron and Mr. Sauder from the Coast Guard Auxiliary accepted the proclamation.

PRESENTATION – 10-YEAR PLAN TO END HOMELESSNESS: Project Coordinator Renata McLeod reported on the proposed plan to end homelessness in the City. She reviewed the process that was used to complete the proposed plan which included working groups, research and data collection, development of strategies, and obtaining feedback on strategies. Mrs. McLeod noted that the mission/vision statement for this group was to end homelessness in the Coeur d'Alene Area through a community response, and that all people within the Coeur d'Alene area have access to safe and affordable housing. She reviewed the data collected including demographics of the homeless, services rendered and the cost to the community which is approximately \$6,575,344/year on services. She reported that the strategies to be used in ending homelessness are outreach and collaboration, increasing the supply of supportive housing, promoting supportive services, developing a method of preventing the impoverished from becoming homeless, increasing economic opportunities through job placement, job training and employment counseling, creating innovative partnerships with businesses and organizations, creating measurable benchmarks for progress, creating standard data collection technology, doing periodic review of benchmarks and providing the public with education and access to current information. Mrs. McLeod provided examples of how the community can help end homelessness such as by providing housing/rentals, property management, volunteering, mentoring/sponsorship, fundraising, community collaboration, donations, job creation, and implementing the plan. She

announced that there will be a town hall meeting for community input on June 11, at 5:30 p.m. at City Hall. She noted that if anyone would like more information on this plan to contact Councilman Mike Kennedy at mkennedy@cdaid.org or Renata McLeod at Renata@cdaid.org

PUBLIC COMMENTS:

NEW EMPLOYEE INTRODUCTON: Wastewater Superintendent Sid Fredrickson, 2825 N. Honeysuckle Drive, introduced Scott Steenburgh as the City's newest Class II Collection Operator and Ken Davidson who fills the position of Collection Operator I.

POLE BARN COMPLAINT: Sharon Banducci, 755 E. Gregory Lane, voiced her objection to allowing a pole barn to be constructed on property on Gregory Lane. She believes that all the conditions set for the pole barn have been violated and no action has been taken by City staff. She is requesting that a 6-foot sight obscuring fence be erected at the expense of the owner with no access onto Gregory Lane. Deputy City Administrator Jon Ingalls responded that he has met several times with the homeowners of Gregory Lane and reported that the original permit request came from the property owner on Honeysuckle. The request had been reviewed by building and engineering, and it was determined that the city codes have been followed. The issue is that the owner of the pole barn had created access onto Gregory Lane through his own driveway. There is no ability to have traffic flowing from Honeysuckle onto Gregory Lane. He noted that there is no commercial use of this property and that the use is that of a garage. Councilman McEvers asked if the setbacks were based on the frontage being on Honeysuckle and asked why Gregory Lane wasn't considered the frontage road. Mr. Ingalls responded that the setback is from the rear of the yard and there is no prohibition from having doors in the back of the building. Councilman Edinger asked if property values have been affected by the construction of this pole barn, and the noise level has been increased due to the natural noise barrier (trees) being removed. Mr. Ingalls noted that trees on private property can be removed. In regard to the comment that the pole barn has now removed the dead end street of Gregory Lane, Mr. Ingalls responded that one individual can only drive one car and so traffic would not be increased. Councilman Edinger noted that one of the complaints was that traffic is now able to go from Honeysuckle onto Gregory Lane. Mr. Ingalls responded that this is not a public street and thus only the property owner could access Gregory Lane from this property. Mayor Bloem asked if there were any codes violated. Mr. Ingalls responded that although there may be some impact there are no code violations with the construction of this pole barn.

NEW EMPLOYEE INTRODUCED: Fire Chief Kenny Gabriel introduced the City's newest firefighter Gabriel Aaron Mills.

HAROLD HOCKER'S COMMENTS: Harold Hocker, 1413 E. Spokane Avenue, commented that regarding the previous property where the pole barn was constructed it looked like they had rough cement as opposed to gravel along the driveway. He asked about the building at the corner of 4th and Harrison, where the Do-It Center was located, and asked if that was part of the improvements on 4th Street. Mayor Bloem responded that the 4th Street Improvements end at 4th and Harrison.

CONSENT CALENDAR: Motion by Hassell, seconded by McEvers to approve the Consent Calendar items as presented.

1. Approval of minutes for May 5, 2009.
2. Setting General Services Committee and Public Works Committee meetings for **TUESDAY**, May 26th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 09-022: 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 DECLARING A FORMER POLICE PATROL VEHICLE, 2000 CHEVY IMPALA, AS SURPLUS AND AUTHORIZING THE SALE OF THE VEHICLE TO THE CITY OF POST FALLS; APPROVAL OF A BID AWARD AND CONTRACT WITH MDM CONSTRUCTION, INC. FOR THE 2009 OPEN TRENCH SEWER LINE REPLACEMENT PROJECT; APPROVAL OF S-3-06 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR HAWKS NEST, 3RD ADDITION AND APPROVAL OF SS-11-08 FINAL PLAT APPROVAL; SUBDIVISION IMPROVEMENT AGREEMENT FOR SANDKAT ADDITION AND APPROVAL OF A BID AWARD AND CONTRACT WITH SHANNON INDUSTRIAL CONTRACTORS, INC. FOR THE CONSTRUCTION OF THE WWTP LOW PHOSPHORUS PILOT FACILITY.
4. Authorizing Brooke Howard, Legal Intern, to represent the City to the extent permitted by law.
5. Approval of beer/wine license for The Mill, 2360 Old Mill Loop.
6. Approval of bills submitted and on file in the City Clerk's office.
7. Approval of mobile food cart near the corner of 4th and Sherman
9. Setting of Public Hearing for A-1-09 – Annexation/Zoning of former DeArmond Mill property for June 16, 2009

ROLL CALL: Goodlander, Aye; McEvers, Aye; Bruning, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

COUNCIL COMMENTS:

COUNCILMAN MC EVERS: Councilman McEvers announced that there is new equipment being delivered for the BMX Skate Park this weekend and asked for volunteers to put the equipment together. He noted that the Arts Commission is trying to decide which 4 bicycle racks out of the eight proposals submitted should be placed in the 4th Street Improvement project in the Midtown area and asked the public for their comments. Steven Anthony, Arts Commission liaison, presented the 8 finalists' drawings of the bicycle racks. The plan is to have a poll done of the owners in the Midtown area to see which four bicycle racks they would like placed in Midtown.

COUNCILMAN EDINGER: Councilman Edinger asked if any park benches will be placed in the Midtown area. Jon Ingalls responded that there will be bus shelters with benches constructed.

ADMINISTRATORS REPORT: City Administrator Wendy Gabriel announced that the reconstruction of 4th Street will begin May 26th. She asked motorists to be aware of traffic control devices this weekend for the Cd'A Marathon with its main route being from Riverstone to Downtown along Mullan Avenue and Cd'A Lake Drive. The Library will be closed Sunday and Monday due to the Memorial Day holiday. City Hall will be also be closed on Monday except for the Fire and Police Departments. Garbage service will be delayed one day due to the holiday as well. The City of Coeur d'Alene has been allocated \$82,719.00 in stimulus funds for their CDBG grant and public comments on the proposed plan for using these funds can be sent to Renata McLeod at City Hall, 710 E. Mullan Ave. Police Officers Knoll and Schneider recently completed a drug recognition training course. Representatives from the Police Dept. attended a ceremony at Hayden Elementary School for their "Pennies for Protectors" fund raising project.

AMENDING CDBG ACTION PLAN 2008 YEAR TO INCLUDE CDBG-R DOLLARS: Project Coordinator, Renata McLeod, requested that the Council authorize the funding plan for 2008 be amended to include an additional \$82,719.00 the City received in stimulus funds for use in completing design work for Howard Avenue enhancements.

Motion by Edinger, seconded by Goodlander to approve the inclusion of the \$82,719.00 CDGB-R dollars into the 2008 CDBG Action Plan Year to be used for design services for enhancements within the Howard Avenue area and generally within census tract 9, block 1. Motion carried.

REVIEW OF AWARD OF BID TO POLIN AND YOUNG FOR THE LANDINGS PARK, PHASE II: Deputy City Attorney Warren Wilson reported that the City had received a written protest from Hillside Landscape Construction on the Landings Park Phase II bid award. The Council is being asked to determine whether the bid from Polin and Young Construction should be affirmed, modified or if the project should be re-bid.

Mr. Wilson reported that Hillside Landscape Construction raised two objections to the award of bid to Polin and Young. The first objection was that a copy of Addendum No 1 was not included in the bid submission. This objection was reviewed by the City's legal counsel and determined that Polin and Young's failure to include a copy of an Addendum that the City issued and that Polin and Young acknowledged receiving in their bid submittals is a minor informality and does not undermine the integrity of the bid award.

The second objection was that Polin and Young did not properly calculate bid items 8, 9, 12, 14 and 21, which resulted in an approximate savings to the City of \$1,300 when compared to the base bid. This too was reviewed by the City's legal counsel, which determined that Polin and Young rounded the unit prices submitted on the bid schedule but used the actual unit prices to calculate the base bid. The bid award was based on the base bid amount; therefore, this is a minor informality that does not undermine the integrity or the basis of the bid award.

MOTION: Motion by Goodlander, seconded by Edinger to reject the protest from Hillside Landscape Construction and to re-affirm the bid to Polin and Young for the Landings Park, Phase II project. Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by McEvers that the meeting be recessed to May 21, 2009 at 6:00 p.m. in the former City Hall Council Chambers for a City Council workshop. Motion carried.

The meeting adjourned at 7:30 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk

A WORKSHOP OF THE CITY COUNCIL
HELD IN THE CITY HALL COUNCIL CHAMBERS
ON MAY 21, 2009, AT 6:00 P.M.

Mayor Sandi Bloem

A. J. Al Hassell, III)	Members of the Council Present
Woody McEvers)	
Ron Edinger)	
John Bruning)	
Mike Kennedy)	
Deanna Goodlander)	Members of Council Absent

GUESTS: Mark Hinshaw, Peter Luttrop,

STAFF: Amy Ferguson, Dave Yadon, Wendy Gabriel

Mayor Bloem called the meeting to order and turned the time over to Dave Yadon, Planning Director.

WORKSHOP – EAST SHERMAN GATEWAY ZONING OVERLAY REGULATIONS:

Mr. Yadon explained that council previously had a workshop with the Planning Commission in which proposed regulations and guidelines for the East Sherman Corridor were reviewed. There was quite a bit of discussion and comments from various members of the public. Council chose to have this meeting tonight as an opportunity for council to interact with the public and hear more about their concerns.

Councilman Edinger asked Mr. Yadon who came up with the height limit of 75 feet from 11th to 23rd Street. Mr. Yadon responded that the Planning Commission came up with the height working with staff and the consultant, Mark Hinshaw. The base height is 45 feet with a maximum to 75 feet. From 23rd Street to Lake Coeur d’Alene Drive, the base height is 45 feet with a maximum of 165 feet. In order to get from the base height to 75 feet or 165 feet, there are certain criteria that have to be complied with.

A citizen commented that arguing about heights is different from trying to stimulate growth in that area of town. Mayor Bloem commented that council felt that the East Sherman area was probably the next area of the city to develop economically and as a result, Planning came back with a recommendation for standards on that area. Councilman Hassell said that his initial concern was that unbridled development in the future is possible and anything could be built because there were no height restrictions.

COUNCILMAN KENNEDY arrived at 6:10 p.m.

Mr. Yadon said that the proposed design standards essentially create a new zoning district in place of the C-17 district. He confirmed that the commission looked at the characteristics of the district that influenced the height limitations and what they might like to see based upon the intent. An underlying theme was to recognize that it would be compatible with the surrounding area and encourage development.

Mr. Hinshaw said that East Sherman is one of the few areas that is a zoning district that is ½ block wide on either side of the street. Any tall building would immediately seem like it was somewhat overbearing to what was adjacent to it. He confirmed that it is not that uncommon. Before, the old model was just one story with parking in front. It is probably unlikely that even if the market returns that anyone would want to do a tall office building almost anywhere. The workplace is different and companies are different. They looked at what they might feel comfortable with and what makes sense for that area.

Mr. Hinshaw explained that the 75 feet standard is not arbitrary and that the Building Code changes above 75 feet. Anything over 75 feet is high rise construction, which is the most expensive to construct. It doesn't make sense to raise the height just 10 more feet – it would need to be greatly higher to pay for itself.

Mr. Hinshaw explained that there have been court cases for many decades on changing zoning. It has always been established that cities have the full right to change zoning.

Joe Morris, 304 S. 11th Street, representing the East Mullan Historic Preservation Association, said that they care about the neighborhood in which they live. He has heard some discussions about how bad Sherman is and the neighborhoods around it, and Mr. Morris said he thinks that it is in the process of revitalizing. He thinks the demographic is in favor of downtown and people are moving there. The two most successful restaurants in town are Moon Town and Michael D's which are both located on East Sherman. You can have a successful business on East Sherman. He thinks it is a fallacy that height equals economic development. Their conclusion is that healthy neighborhoods lead to healthy downtowns and health communities. There has been unlimited height in that area for a long time and there is not a big risk of big commercial buildings being built on that end of Sherman. The new proposal would allow residential or commercial to go to 75 feet. There would be no set backs at 45 feet and beyond that it would have to set back. They see it as allowing bigger structures to occur. A fifteen story building at the end of Sherman is overkill.

Mr. Morris said they looked at the intent of the East Gateway District and the Comprehensive Plan and think that the proposed heights and eliminations of setbacks violates the intent of the East Gateway District and the Comprehensive Plan. He further said that they think council should look at the Comprehensive Plan as a whole and look at all of the parameters as a whole.

Mr. Morris said that this entire area is in the historic heart of Coeur d'Alene and he thinks the proposal does not reflect the balance that the Comprehensive Plan calls for. The character should reflect the scale of existing neighborhoods, encourage growth and commercial characteristics, and be lower in scale.

Mr. Morris also said that according to the Comprehensive Plan's discussion of land use of the northeast hillside, that views and vistas should be visible. The proposed height and setbacks for East Sherman are contrary to the vision of the Comprehensive Plan and the East Sherman zoning district, land use, and characteristics of the historic heart area.

Mr. Morris said that his group recommends a 45 foot height limit on Sherman Avenue down to 23rd Street, with setbacks remaining in place, and a 65 foot height limit for Coeur d'Alene Lake Drive. Their vision for Sherman is for a walkable, mixed use, livable neighborhood to promote long-term vitality of the neighborhood. If you do nothing, that part of town is going to develop and the healthy neighborhood will create healthy retail.

Mayor Bloem asked if mixed-use is allowed on East Sherman right now and Mr. Yadon responded that it was. Mr. Yadon further confirmed that in order to qualify to go above 45 feet, it has to be a mixed-use structure and 51% of the square footage of that building has to be commercial. He said that parking will always be a limiting factor of what you can do. Presently parking regulations call for 1 space for every 250 square feet for commercial and residential parking is based on bedrooms. It is an interesting puzzle.

Steve Saunders, 608 Foster, representing Citizens for Planning Responsibly, said that he thinks that we can find some middle ground and that there is a lot more at stake than just height. There are other factors to consider, such as the economy and people. Our city is getting to the point where we have annexed almost to the boundaries of our city. When cities do that they have to become more efficient. There is a time and a place in areas where it makes sense to do some higher density building. The council needs to consider the fact that a whole bunch of people made decisions to make acquisitions based on the information that was provided to them. He doesn't want them to get torpedoed by something that isn't well thought out. Most of the Planning Commission discussions were very narrowly focused on height and people that have the most to lose were never invited to the beginning parts of the meetings – it was already put into a package and presented. Mr. Saunders thinks that there can be some win-win situations created and that having good, well-planned developments is progressive and makes towns thrive and creates jobs. He also said that building creates tax revenues. He has talked to a lot of the people on the street that think it would be great to have something to walk down to on the east end of Sherman.

Mr. Saunders said that he thinks that the area around 22nd Street as well as Coeur d'Alene Lake Drive should not be included in the standards. In those areas you are not shadowing anyone and there is no home ownership Coeur d'Alene Lake Drive. It is completely different from Sherman Avenue. In regard to the vistas issue, on Coeur d'Alene Lake drive, near the I-90 cut, there is no vista there – it is cut and fill. In terms of the highest and best use for the property, there is an I-90 off-ramp and it is a major thoroughfare. You have higher density development on major thoroughfares. Also, when people come into town, they are above all of the rest of the buildings. Any tall buildings won't be that much of a factor and Mr. Saunders doesn't think that it would be offensive to people coming into town.

Mr. Saunders said that he thinks discussions should be more geared to how we are going to create development and offer stimulus's to developers. He has not talked to anyone that thinks

that the proposed guidelines are stimulating. There shouldn't be any preference as to what goes inside a building – the market should be allowed to dictate that.

Mr. Saunders said that he thinks the city should do nothing at this time. To a certain extent it takes care of itself in that at the end of the day you will probably end up with what everyone wants based upon supply and demand.

Bruce MacNeil, 524 N. 17th Street, said that Sherman Avenue is unique in that it is basically a commercial corridor extending through what are overwhelmingly residential neighborhoods. He also commented that he heard two Planning Commissioners mention in two separate meetings that the Comprehensive Plan was a “guideline” that could be used to make any point you wanted to justify any perspective that you came in with. He said that this community spent a lot of time developing a document that the decision makers could use to control growth in the future. To hear those comments from the commissioners was extremely frustrating. Mr. MacNeil uses the Comprehensive Plan as the most current version of how the community has spoken as to how they want to see the community developed in the future. He thinks the first thing you have to do is establish the ground rules you are going to use to arrive at the decision making process that ultimately you have to defend to the residents of the community. He referenced pages 31 and 43 of the Comprehensive Plan and asked council to read them and apply their common sense.

Mr. MacNeil said that Coeur d'Alene has a “flavor” and if you allow unbridled development and do nothing, we'll “love” the community to death. Things that we care about and cherish will go away. He said that it isn't just height, it is the presentation we make to people as they come into our community. The smart thing to do is to come up with some reasonable controls that are reflective of what the residents in the community want.

Terry Harris, Executive Director of KEA, commented that since this was his first time attending a meeting, he is unburdened by the many hearings and workshops that have occurred previously and wanted to give his perspective as an environmental group and as someone coming to the area from the east coast as a land use attorney. Mr. Harris suggested taking a fresh look at the issue and thinks that the problem is over-constrained by the way it is being looked at. He said that he had an opportunity to testify in Post Falls in regard to their “smart codes” program, which uses form-based zoning. They asked people what they wanted to see on their streetscapes. The photographs that polled the best were downtown Coeur d'Alene. Post Falls built their codes around that and built them around forms that they wanted to see as part of the corridor. Mr. Harris said that smart codes give the flexibility that a developer might want with design protection that the neighborhood might want. He suggested that the city take a look at it.

A citizen commented that this plan was presented without input from the citizens and developers and throughout all of the hearings and meetings, nothing really has changed. She stated that the design guidelines were pretty much a finished document the first time they were presented. The citizens all gave input but not a lot has changed from the original document. She thinks it might be better to take a step back and look at it again as a whole. Planning Commissioner Peter Luttrup said the commission's intent was to get something out there for people to look at. Mr. Hinshaw clarified that the commission had a lot of workshops and meetings that were open to the public and there were no closed doors.

Janelle Stimson, 1312 E. Lakeside Avenue, commented that this was the first time they have ever gotten a notice in the mail inviting them to a meeting. They have live in her grandparent's home and have been here a long time. She wants height restrictions because her home means a lot to her.

Mayor Bloem suggested that council put the matter in the citizens' hands and let them sit down and bring something to the council to consider. Mr. MacNeil asked if there was anything to anchor them other than just their own biases and perceptions.

John Andreas, 1623 Front Avenue, said that he has lived here for a little over 68 years. He wonders how many developers live in Coeur d'Alene or on Lakeside or Front Avenue. They would be directly affected by this and a developer living in another place would not be able to participate in the discussions. Mayor Bloem said that a majority of the property is owned by local people who could be at the table. Mr. Hinshaw said that he has worked with citizen groups in the past and it is possible that some things can surface that won't meet the test of case law.

George Mitchell, 7842 Mill Hollow, said that there is always a little anger about the developers being the "boogeyman" and that you have to work together as a group and give and take. He suggested incentives to developers since the most expensive part of a building is the city fees. It would be nice to have some input as to what the city can do to get development going and to develop low instead of high.

Councilman Kennedy said that he has heard from three people who own properties near Sherman Avenue and one of the suggestions was to get urban renewal involved down there. He suggested appointing a "blue ribbon" commission composed of people from an all around perspective. He thinks that putting the issue back into the community and asking what they want to do with East Sherman is the right thing to do.

Councilman Hassell said that the urban renewal district does not go that far down Sherman Avenue. Mayor Bloem said that part of the discussion could possibly be about making that area part of a new urban renewal district. She further said that she would like to do at least one major facilitated workshop or roundtable where the community is invited.

Councilman Edinger said that he agrees that 23rd Street should be separate. He said that also lives in that neighborhood and doesn't want to stand on his back porch and not be able to see Tubbs Hill and Armstrong Hill due to high rises. He thinks there should be some height restrictions.

R.J. Obeid, 1103 Lakeshore Drive, said that he has spoken to a lot of individuals in other groups and there is a lot of common ground. Quality is foremost – you don't build something that is strictly a money maker. He thinks a lot of people aren't looking at the greater good and in the long run we have to take some kind of a stand. The bottom line is that some people are going to be unhappy.

Mr. MacNeil said that if council should find some way to reach out to the community like they did with the Comprehensive Plan. He has every confidence that if council would go back and use the Comprehensive Plan that they will arise at a reasonable compromise.

Mr. Morris said that he doesn't know if the group could come up with a compromise since they have spent five meetings repeating themselves. He thinks that the process would be very important and that it needs a thoughtful, facilitated process.

MOTION: Motion by Kennedy, seconded by Bruning, that the city commit resources to a professional meeting facilitator and provide meetings for the entire community to discuss East Sherman and form a "blue ribbon" commission to study the zoning and design standard specifics of East Sherman based upon the Comprehensive Plan.

DISCUSSION: Councilman McEvers expressed concern about involving the entire community. Councilman Kennedy said that it would require a professional facilitator and some structure. WM – thinks the difference with the housing things is there were a whole bunch of people that were passionate about it. MK – there were folks that were on absolute opposite sides. It was very well done. It does require a professional facilitator and some structure.

Councilman Edinger said that he would support the motion but thinks that whoever is on the "blue ribbon" commission will have a difficult task. He is not excited about letting somebody out in Indian Meadows or Coeur d'Alene Place decide what should be done on East Sherman.

VOTE: Motion carried.

Mr. Obeid asked if the facilitator can somehow extend the level of information to the community. There is a finite amount of land and the feasibility of doing a lot of development is almost next to impossible. Mayor Bloem said that the first thing to do in the community meeting is to create a vision of what you want East Sherman to look like.

MOTION: Motion by Edinger, seconded by Kennedy, to adjourn.

ADJOURNMENT: The workshop adjourned at 8:02 p.m.

Sandi Bloem, Mayor

ATTEST:

Amy C. Ferguson, Deputy City Clerk

RESOLUTION NO. 09-023

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 APPROVAL OF CHANGE ORDERS #1 & #2 WITH BUDDY'S BACKHOE SERVICE FOR THE LANDINGS PARK, PHASE 1 PROJECT AND APPROVAL OF A BID AWARD AND CONTRACT WITH TML CONSTRUCTION, INC. FOR THE WWTP DIGESTER #2 REPAIR.

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) Approval of Change Orders #1 & #2 with Buddy's Backhoe Service for the Landings Park, Phase 1 project;
- 2) Approval of a Bid Award and Contract with TML Construction, inc. for the WWTP Digester #2 Repair;

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 2nd day of June, 2009.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

STAFF REPORT

Date: May 26, 2009

To: General Services Committee

From: Doug Eastwood, Parks Director

RE: CHANGE ORDER #1 AND #2 LANDINGS PARK and TRELIS
ALTERNATE #1 IN PHASE II

Decision Point: Recommendation of Change Orders #1 & #2 at Landings Park Phase I and Alternate #1 in Phase II.

History: We began Phase I of Landings Park in the fall of 2008. An early winter and a lot of snow prohibited the project from being completed in the fall and consequently weather played a factor in a late spring start. A delay in the awarding of the Phase II contract led to changing some utility excavation and installation into Phase I. The park is still on schedule to be completed in late September of 2009.

Financial Analysis: Change Order #1 is in the amount of \$11,982 (attached). Change Order #2 is in the amount of \$36,068 (attached). Alternate #1, Trellis at Splash Pad is \$21,657. Funding for the Landings Park project was allocated through the Parks Capital Improvement Fund.

Performance Analysis: Change Order #1 addresses storm water retention issues, pedestrian access improvements and utility sleeving. Change Order #2 addresses geo-tech issues on building foundation improvements, utility hook ups and conduit installation and additional grading. Alternate #1 adds a nice amenity to the park and provides shade from the sun. The Landings Park is being built to receive many years of enjoyment with easy access and safety for all visitors. This park development, like others, is a great investment in our community.

Decision Point: Forward recommendation of Change Orders #1 and #2 to General Services. Discuss Alternate #1 and forward with recommendation to add to Phase II contract if there is a consensus to do so.

Note: Forward with Commission recommendation to approve Change Orders #1 and #2. We decided to pass on Alternate #1.



CITY OF COEUR D'ALENE

PARKS DEPARTMENT

CITY HALL, 710 E Mullan Avenue
Coeur d'Alene, Idaho 83814
208-769-2252 FAX: 208-769-2383

CHANGE ORDER #1

Change Order Date: March 5, 2009

Contract Date: September 16, 2008

NAME OF PROJECT: LANDINGS PARK PHASE I.

CITY: City of Coeur d'Alene

CONTRACTOR: Buddy's Backhoe Service

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. General Deducts:

- 1) Delete 4 drywells @ \$1,500 = \$6,000 (Delete drywells 7, 9, 11, 13)
- 2) Item 3a \$916 (Remove 589 sf of asphalt paving-removed two walkways totaling 1,303 sf of asphalt and added one asphalt walkway instead, which totaled 714 sf : 1,303-714=589 sf)
- 3) Item 4 \$400 (Remove one Type 1 ramp)
- 4) Item 9 \$2,000 (Remove four Type 2 ramps)

Parking Lot Deducts:

- 1) Item 1 \$1,000 (Delete two Type 1 ramps)
- 2) Item 2 \$893.75 (Delete 325 sf concrete-sidewalk)
- 3) Item 3 \$200 (Delete 32' of irrigation sleeving)
- 4) Item 4 \$365 (Delete 235 sf asphalt-pathway)
- 5) Item 5 \$720 (Delete 60' lf of concrete curbing)

Total Deducts Amount: \$12,494.75

2. Additional work cost amounts per worksheet

General:

- 1) Item 3b add d\$266 (Asphalt walkway reconfigured just south of play area. Add 19 sf of asphalt)
- 2) Item 5 \$3,500 (Remove 7 curb inlet aprons and replace with rolled curb approx 35 lf)
- 3) Item 7 \$2,752.50 (Add 45,875 sf of hydro mulch)
- 4) Item 8 \$500 (Add one curb inlet apron)
- 5) Item 10 \$400 (Add earthwork adjustments)
- 6) Item 10 \$9,600 (Based on reworking additional materials 3200 yards outside original scope)
- 7) Item 11 \$2,259.15 (General conditions; bond, insurance O&P, etc)
- 8) Item 12 \$800 (Add 2 straw bale dikes per City detail)

3. Maintenance / Storage Building

- 1) \$2,000 (Add 851 sq ft of asphalt)
- 2) \$1,000 (Increase drive approach width from 14' to 22')
- 3) \$400 (Add 40' of sleeving)

Other: Additional survey \$1,000

Change Order –Landings Park Phase I
March 5, 2009
Page 2

Total amount of additional work: \$24,477.65

Difference between deduct and additional work: \$11,982.00

Change to CONTRACT PRICE:

Original CONTRACT PRICE:	\$ 245,263.00
The CONTRACT PRICE due to this CHANGE ORDER will be increased by:	\$ 11,982.00
The new CONTRACT PRICE including this CHANGE ORDER will be:	\$ 257,245.00

Cc: Buddy Cooper, Buddy's Backhoe
Jon Mueller, Landmark Landscape



CITY OF COEUR D'ALENE

PARKS DEPARTMENT

CITY HALL, 710 E Mullan Avenue
Coeur d'Alene, Idaho 83814
208-769-2252 FAX: 208-769-2383

CHANGE ORDER #2

Change Order Date: May 5, 2009

Contract Date: September 16, 2008

NAME OF PROJECT: LANDINGS PARK PHASE I.

CITY: City of Coeur d'Alene

CONTRACTOR: Buddy's Backhoe Service

The following changes are hereby made to the CONTRACT DOCUMENTS:

<u>Description</u>	<u>Cost</u>
1. Additional sleeving for utilities under hard surfacing and larger sleeve sizing.	\$ 1,800.00
2. Additional earthwork on larger picnic shelter per Geo-Tech recommendation.	\$ 520.00
3. Install and extend sewer stub to restroom building site, raise drywell.	\$ 2,700.00
4. Install water main between both sources, install RPAs and DCAs, install water stub to within 5 feet of each identified site.	\$20,300.00
5. Remove additional topsoil, 18 inches, from tennis court site per Geo-Tech recommendation.	\$ 2,748.00
6. Install 4 headwalls at water conveyance piping under pathways.	\$ 1,100.00
7. Trench, backfill, and compact for Avista conduit on perimeter lighting.	\$ <u>500.00</u>
TOTAL	<u>\$29,668.00</u>

cc: Buddy Cooper, Buddy's Backhoe
Jon Mueller, Landmark Landscape

**CITY COUNCIL
STAFF REPORT**

DATE: June 2, 2009
FROM: David E. Shults, Capital Program Manager *DES*
SUBJECT: Award of Bid for Repair of WWTP Digester #2

=====

DECISION POINT:

Council approval is requested for the proposed agreement with TML Construction, Inc. for repair and improvements to WWTP Digester #2, for a cost of \$131,820.00.

HISTORY:

Digester #2 was damaged on December 24, 2008 due to uncommon plugging of pressure relief equipment and overflow pipes thought to be caused by prolonged cold weather. The metal domed lid on the aboveground concrete tank was subjected to excessive pressure and shifted to a degree that resulted in damage to the support legs and peripheral seal. The City's wastewater engineering consultant, HDR Engineering conducted a thorough inspection of the digester and developed solutions for correcting the problems. HDR developed specifications, competitive contractor bids were solicited, and two bids were received from qualified contractors. TML Construction provided the lowest responsive and responsible bid. HDR and city staff reviewed the bids, and believe that the bid from TML is acceptable, that it is lower than the engineer's estimate of \$280,000, and that the proposed agreement should be approved.

FINANCIAL ANALYSIS:

<u>Estimate for Repair of Digester #2</u>	
Advertisements and Building Permit	1,200
Engineering	\$70,000
Weld and Anchor Bolt Inspection	5,000
Contractor	131,820
Contingency 5%	<u>10,400</u>
Total	\$218,420

Funding The current year FY 2008-09 budget includes \$200,000 for refurbishment of clarifiers and digesters. Sufficient reserves exist in the Wastewater Fund for costs of this project.

DISCUSSION:

Digester #2 is a cylindrical concrete tank 25 feet in diameter, with a steel dome cover that was initially constructed in 1972. This anaerobic digester is one of three that is needed to process biosolids to reduce bacteria and pathogens. The piping that serves the digester was installed and reworked several times during its life. HDR Engineering evaluated the causes of the failure, and found several piping issues that should be corrected to provide more reliable flow during extended periods of freezing temperatures. The planned work includes dismantling and installation of new piping and safety equipment, welding repair of the damaged dome mounting feet, special inspection of welds, installation of the dome's peripheral seal,

and repair of the coatings. Work should proceed as soon as possible to restore the critically necessary digester capacity.

DECISION POINT/RECOMMENDATION:

Council approval is requested for the proposed agreement with TML Construction, Inc. for repair and improvements to WWTP Digester #2, for a cost of \$131,820.00.

Attachment

des1308

SECTION 00500

AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of June, 2009, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Idaho, hereinafter referred to as the "**CITY**", and **TML Construction, Inc.**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at P.O. Box 2970, Hayden, Idaho 83835, hereinafter referred to as "**CONTRACTOR**",

WITNESSETH:

THAT, WHEREAS, the said **CONTRACTOR** has been awarded the contract for: Digester No. 2 Cover and Piping Repair, according to Contract Documents on file in the office of the City Clerk of said city, which documents are entitled: "Digester No. 2 Cover and Piping Repair" and are incorporated herein by reference.

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

The **CONTRACTOR** shall employ appropriate means to prevent accidents and shall save the city harmless from all claims for injury to person or property resulting from the **CONTRACTOR'S** actions or omissions in performance of this agreement. The **CONTRACTOR** shall purchase and maintain insurance of the type and the amount specified in the Contract Documents. Certificates of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policies shall be filed in the office of the City Clerk.

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

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

The **CITY** shall pay to the **CONTRACTOR** for the work, services and materials herein provided to be done and furnished by it, the sum of **\$131,820.00**, as hereinafter provided. Partial payment shall be made on the third Tuesday of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council, provided that the **CITY** has obtained from the Idaho State Tax Commission a release of liability for taxes (Form 10-248-79). Payment shall be made by the City Treasurer.

The **CONTRACTOR** shall complete all Work within **seventy (70) calendar days** of the commencement date given in the Notice to Proceed issued by the **CITY**.

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

CONTRACTOR shall submit applications for payment in accordance with the General Conditions.

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

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

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

The terms "Project Manual" and "Contract Documents" are defined in Section 00700 of the Project Manual, entitled "Standard General Conditions of the Construction Contract".

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

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

CITY OF COEUR D'ALENE,
KOOTENAI COUNTY, IDAHO

CONTRACTOR:
TML Construction, Inc.

By: _____
Sandi Bloem, Mayor

By: _____
Title: _____

ATTEST:

ATTEST:

By: _____
Susan K. Weathers, CMC
City Clerk

By: _____
Title: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 2nd day of June, 2009, before me, a Notary Public, personally appeared **Sandi Bloem** and **Susan K. Weathers**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

Notary Public for Idaho
Residing at _____
My Commission expires: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

On this _____ day of June, 2009, before me, a Notary Public, personally appeared _____, known to me to be the _____, of **TML CONSTRUCTION, INC.**, and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at
My Commission Expires:

**CITY COUNCIL
STAFF REPORT**

DATE: June 2, 2009
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: **Setting of Public Hearing for V-09-2, Vacation of Waterline Easement in Carlsen Tracts**

DECISION POINT

The City Council must set a public hearing date to meet the requirements of Idaho Code Section 50-1306A, Plats and Vacations.

HISTORY

Due to the cancellation of the May 26, 2009 Public Works Committee meeting, the scheduled item is proceeding directly to the Council for the setting of the public hearing.

FINANCIAL ANALYSIS

There is no financial impact as a result of the required action.

PERFORMANCE ANALYSIS


This easement vacation does not have any impact on the City due to the fact that it is being replaced in kind by another easement directly north of the one in the request.

RECOMMENDATION

Set the required public hearing for July 7, 2009.

PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: May 26, 2009
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: V-09-2, Vacation of a Portion of Waterline Easement in Lot 1,
Block 1, Carlsen Tracts

DECISION POINT

The applicant, Costco Wholesale Corporation, is requesting the vacation of a portion of the twenty foot (20') water line easement that is situated along the north side of the store on Neider Avenue.

HISTORY

The Costco site that was developed in 2003, contained a waterline that encompassed the wholesale facility. Recent construction activity on the subject property that is resulting in the enlargement of the facility warrants the relocation of a portion of the subject waterline. Because the easement was included in the subdivision plat of the site, the vacation process is required to remove or abandon any part of the easement.

FINANCIAL ANALYSIS

There is no financial impact to the City.

PERFORMANCE ANALYSIS

All approvals have been received, and the applicant is in the process of relocating the affected water line and constructing the addition to the existing building. A new easement is being installed to replace the portion that is being vacated.

RECOMMENDATION

Recommendation to the Public Works Committee would be for staff to proceed with the vacation process as outlined in Idaho Code Sectio 50-1306, and to recommend to the City Council the setting of a public hearing for the item on July 7, 2009.

OLD

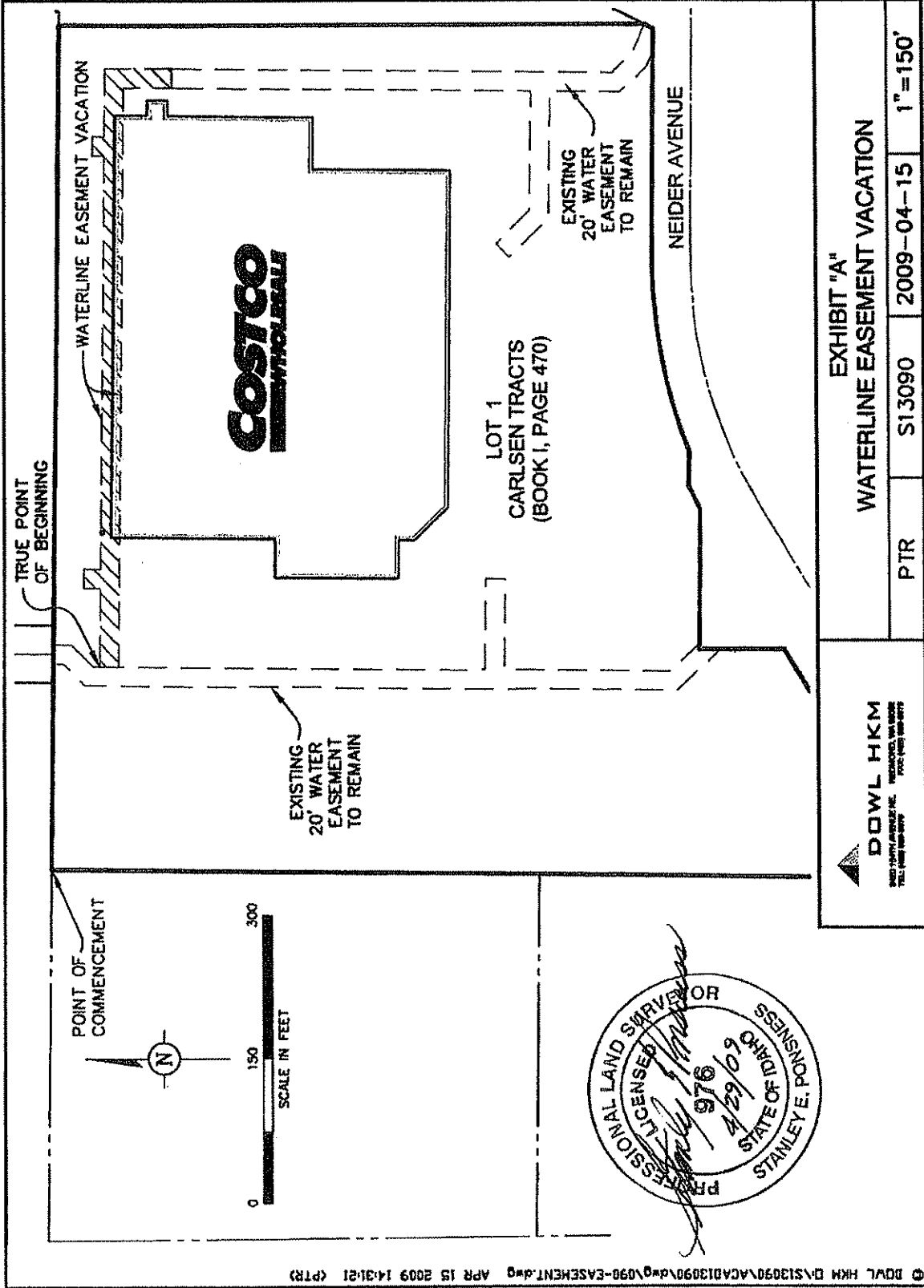


EXHIBIT "A"	
WATERLINE EASEMENT VACATION	
PTR	S13090
2009-04-15	1"=150'

DOWL HKM
 1000 UNIVERSITY AVENUE
 IOWA CITY, IOWA 52242
 TEL: 319.338.8877

NEW

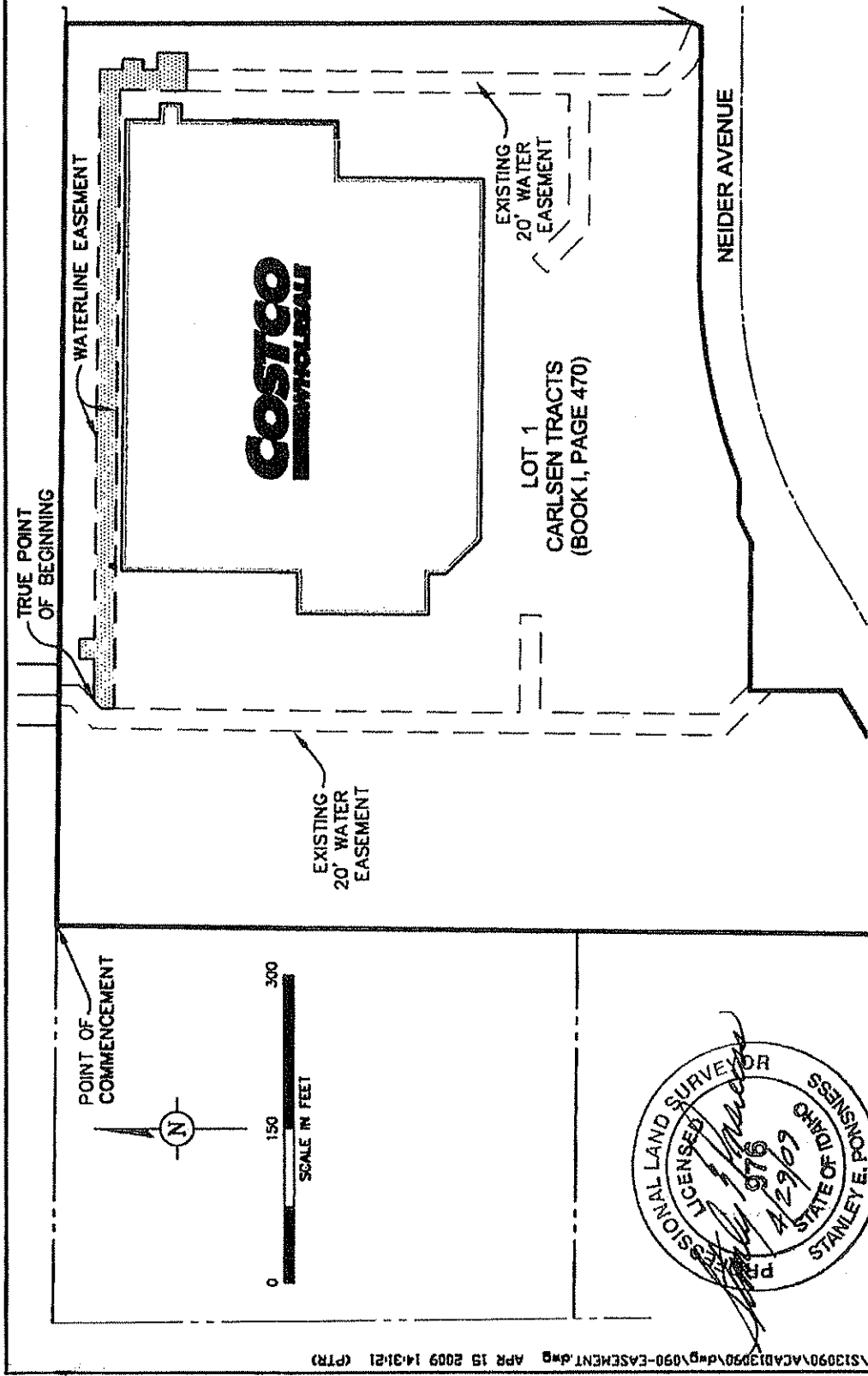
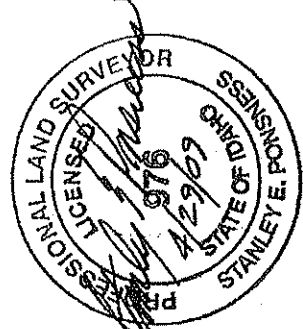


EXHIBIT "A"		
WATERLINE EASEMENT AREA		
PTR	S13090	2009-04-15
		1"=150'

DOWL HKM
 DOWLING & KIMMEL, INC.
 REGISTERED PROFESSIONAL SURVEYORS
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, CO 80202



To: City Council
 From: Kathy Lewis, Deputy City Clerk
 Date: May 15, 2009
 Re: Fireworks Stands 2009

The following entities have requested City Council permission to operate a fireworks stand within the City limits from the following locations from noon on June 23rd to 10:00 pm on July 5th, 2009.

	Location	Operator	Distributor
1	K- Mart 201 West Neider Avenue Coeur d'Alene ID 83815	Journey Church - Troy Carpenter 2900 Government Way #302 Coeur d Alene ID 83815	TNT Fireworks
2	Albertson's - Eastside 1223 Government Way Coeur d Alene ID 83814	Joe Hoffman 18906 East Sandusky River Lane Green Acres WA 99016	TNT Fireworks
3	Safeway #1470 121 West Neider Avenue Coeur d'Alene ID 83814	Janet Stutzman North 3621 Molter Road Otis Orchards WA 99027	TNT Fireworks
4	Fred Meyer 560 West Kathleen Avenue Coeur d Alene ID 83815	Darin Teichner 16504 West Laurel Drive Medical lake WA 99022	TNT Fireworks
5	Goodwill Store North 1212 Fourth Street Coeur d Alene ID 83814	Linda Morgan 16151 North Marble Lane Hayden ID 83835 b	TNT Fireworks
6	Walgreens 335 Appleway Avenue Coeur d'Alene ID 83815	Chris Galvin 428 East LaCrosse Spokane WA 99207	TNT Fireworks
7	Super 1 Foods 305 West Kathleen Avenue Coeur d'Alene ID 83815	Mary Quinn 251 Pine Crest Loop Sandpoint ID 83864	TNT Fireworks
8	Safeway #295 1001 North Fourth Street Coeur d Alene ID 83814	Ernie Carr Rathdrum-Lakeland Kiwanis 416 East Third Avenue Post Falls, ID 83854	TNT Fireworks
9	Silverlake Mall - Southwest 200 West Hanley Avenue Coeur d'Alene ID 83815	Justin Ocher 110 North 26 th Avenue Yakima WA 98902	Phantom Fireworks
10	Albertson's #243 - North Side 220 Ironwood Drive Coeur d'Alene ID 83814	Lucas Jaeger 220 North 76 th Avenue Yakima WA 98908	Phantom Fireworks
11	Runge Furniture 303 East Spokane Avenue Coeur d Alene Id 83814	Steven Bartlett 2123 East Prairie View Drive Post Falls, ID 83854	Big Boom Fireworks
12	CDA Open Air Market (frmr Pines Motel) 1808 Northwest Blvd Coeur d'Alene, Id 83814	Ron Ayers 101 North Prairie Shopping Ctr #364 Hayden ID 83835	Phantom Fireworks



CITY OF COEUR D'ALENE

MUNICIPAL SERVICES - CITY HALL, 710 EAST MULLAN COEUR D'ALENE, IDAHO 83816-3964 208/769-2229 Fax 769-2237

Date rec. 5/15/09 Amt Pd 50 Rec. No 437111 Permit No to Council 6/2/09 Date issued

Application for MOBILE FOOD CONCESSION

Applicant Name Todd Brewer Date of Application

Applicant Physical Address 935 N. 16th cda. Id. 83814

Mailing Address Same

City, State, Zip cda. Id. 83814

Telephone 208-664-9960 Cell 208-661-3280 E-Mail Fax

Name of Business MAHORAS ICE CREAM

Health Permit No. (Number must be permanently affixed to cart)

Specific description of cart/unit (include all dimensions) WORKMAN ICE CREAM TRIKE Model V-IT-S (PICTURE ATTACHED)

Please describe the type of item(s) sold Ice Cream NOVELTIES (pre packaged)

Location where unit will be operating: Note-Units are NOT allowed in City Park, Veteran's Park, or Independence Point during the effective dates of bid contracts-these areas are reserved for bid applicants only. RESIDENTIAL

By signing this application, I hereby acknowledge that I am aware of the regulations and standards set out in the City of Coeur d'Alene Municipal Code 5.18 for the governing of my operation, and will abide by same.

Signature of Applicant Todd R. Brewer

Sworn to me this 15th day of May, 20 09

City Clerk Myra Kline, Deputy



Worksman Ice Cream Trike Model V-IT-S

\$2,049.00

Same as model V-ICT, except the door is a removable flip style door measuring 20x10". This door style is appropriate for pre-packaged Novelty Ice Cream or scooping (Keep in mind the door opening size vs. your bulk pack containers to make certain that scooping will work in this configuration). We only install Dry Ice Shelf on V-IT-S if customer so desires and specifies. Freight is additional.

Please select the options from the following list:

Select Frame Color: Gloss Black Brass Tuned Chime Bells: none

Umbrella Bracket: None

Umbrella: none

Tire Upgrade: Standard Air Tube Upgrade: Standard

Tube Liner Insert: none Tire Sealant: none

Front Wheel Upgrade: Standard Spoked

Multi-speed Gearing: Single Speed

Front Fender Upgrade: none Parking Brake Upgrade: none

Saddle Upgrade: Standard

Front Sprocket: 36 Tooth

Quantity 1

[Add to Cart](#)

[View Cart](#)



CITY OF COEUR D'ALENE

MUNICIPAL SERVICES -CITY HALL, 710 EAST MULLAN COEUR D'ALENE, IDAHO 83816-3964 208/769-2229 Fax 769-2237

Date rec. 5/1/09 Amt Pd 5000 Rec. No. 434563 Permit No. Date issued

Application for MOBILE FOOD CONCESSION

Applicant Name Scratch CDA, Inc Date of Application 5-4-09

Applicant Physical Address 501 E. Sherman

Mailing Address same

City, State, Zip Coeur d'Alene, Id. 83814

Telephone Cell 389-1242 E-Mail Fax

Name of Business Scratch Restaurant

Health Permit No. (Number must be permanently affixed to cart)

Specific description of cart/unit (include all dimensions)

Gelato cart

Please describe the type of item(s) sold gelato ice cream & granita's

Location where unit will be operating: Note-Units are NOT allowed in City Park, Veteran's Park, or Independence Point during the effective dates of bid contracts-these areas are reserved for bid applicants only. 501 E. Sherman

By signing this application, I hereby acknowledge that I am aware of the regulations and standards set out in the City of Coeur d'Alene Municipal Code 5.18 for the governing of my operation, and will abide by same.

Signature of Applicant Connie Naccarato

Sworn to me this 1st day of May, 2009

by Kathy Lewis, Deputy City Clerk

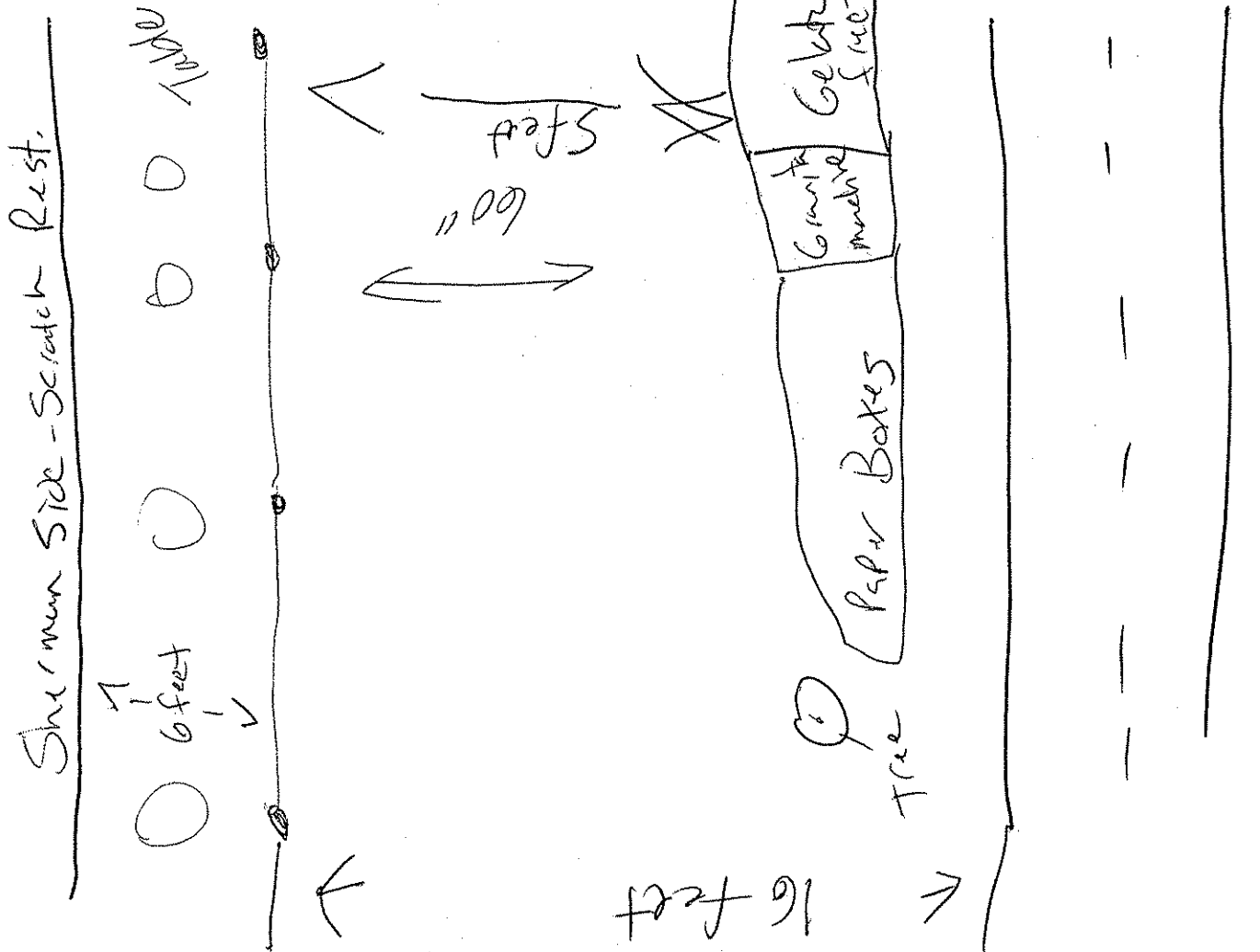
Gelato freezer

34 inches X 50 inches

Granite Dispenser

27 inches X 16 inches

Top View



MEMORANDUM

DATE: MAY 27, 2009

TO: MAYOR BLOEM AND THE CITY COUNCIL

FROM: RENATA MCLEOD, PROJECT COORDINATOR

RE: REQUEST FOR PUBLIC HEARING

I am requesting the City Council set a public hearing for the Council meeting scheduled June 16, 2009, to hear public testimony regarding the 2009 Community Development Block Grant (CDBG) Funding 2009 Annual Action Plan for the HUD CDBG funds directly allocated to the City of Coeur d'Alene.

ANNOUNCEMENTS



Memo to Council

DATE: May 20, 2009

RE: Appointments to Boards/Commissions/Committees

The following **re-appointments** are presented for your consideration for the June 2nd Council Meeting:

SCOTT CRANSTON
BRIDGET HILL

Parks & Recreation Commission
Parks & Recreation Commission

JANET FEILER
WOODY MCEVERS

CDA TV Committee
CDA TV Committee

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director/CDA TV Committee Liaison
Doug Eastwood, Parks & Recreation Commission Liaison

Memo to Council

DATE: May 26, 2009

RE: Appointments to Boards/Commissions/Committees

The following appointment and reappointment are presented for your consideration for the June 2nd Council Meeting:

GARY MAMOLA	PEDESTRIAN & BICYCLE ADVISORY CMTE
ELISABTH GARLAND	ARTS COMMISSION (Reappointment)

A copy of Mr. Mamola's data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Monte McCully, Ped/Bike Cmte Liaison
* Juanita Van Cleave, Ped/Bike Cmte Staff Support
Amy Ferguson, Arts Commission

OTHER COMMITTEE MINUTES
(Requiring Council Action)

May 26, 2009
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Deanna Goodlander, Chairperson
Ron Edinger
John Bruning

STAFF PRESENT

Doug Eastwood, Parks Director
Warren Wilson, Chief Civil Deputy City Attorney
Jon Ingalls, Deputy City Administrator
Juanita Knight, Senior Legal Assistant

CITIZENS PRESENT

Pat Acuff
Jim Elder

**Item 1. Change Order No's 1 & 2 / Landings Park, Phase 1.
(Consent Resolution No. 09-023)**

Doug Eastwood, Parks Director, reported Phase 1 of the Landings Park began in the fall of 2008. An early winter and a lot of snow prohibited the project from being completed in the fall and consequently weather played a factor in a late spring start. A delay in the awarding of the Phase II contract led to changing some utility excavation and installation into Phase I. The park is still on schedule to be completed in late September of 2009. Change Order #1 addresses storm water retention issues, pedestrian access improvements and utility sleeving. Change Order #2 addresses geo-tech issues on building foundation improvements, utility hook ups and conduit installation and additional grading. Alternate #1 adds a nice amenity to the park and provides shade from the sun. The Landings Park is being built to receive many years of enjoyment with easy access and safety for all visitors. This park development, like others, is a great investment in our community.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council adopt Resolution No. 09-023 approving Change Order No's 1 & 2 with Buddy's Backhoe for the Landings Park Phase 1 project.

**Item 2. Property Donation / Fernan Lake Property
(Agenda item)**

Doug Eastwood, Parks Director, Property is recommending the Council accept 50+ acres of natural area on the south side of Fernan Lake and appoint an Open Space Committee as a sub-committee to the Parks & Recreation Commission. Mr. Eastwood noted the property is being deeded to the City at no cost. Eventually the city may need to do some clean up, create access and develop a trail system. With the addition of this property, the City's open space acreage will be in excess of 200 acres. Open space is an asset that adds to the City's quality of life. This particular piece of property has open space views and vistas and over a 1,000 linear feet of waterfront. The re-instatement of an Open Space Committee will help us with long term management of our valued natural areas.

Mr. Jim Elder: a study performed on Fernan Lake a few years back. The outcome being that the lake is extremely fragile. Construction of homes and roads in this area would be detrimental to the lake. Mr. Elder expressed that preserving the lake and this area is their main goal.

Pat Acuff concurred with Mr. Elder's comments.

Councilman Edinger asked about the location of the proposed dock, who would install it, and where would the proposed trails go. Mr. Eastwood said the proposed dock would be directly across from the current docks. He would propose the City sponsor and possible partner with the county to install it and possible obtain a State waterways grant. However, the proposed dock is likely several years out. Mr. Eastwood said the location of a trail (s) is not yet determined. The trail would need to fit topography, due to the steepness of the grade. They would solicit input from the forest service since they have extensive experience with trail systems. .

MOTION: by Councilman Bruning , seconded by Councilman Edinger, recommend Council accept the 50+ acres of natural area on the south side of Fernan Lake and approve the appointment of an Open Space Committee as a sub-committee to the Parks and Recreation Commission.

Discussion: Ron – gone through the pc and parks and rec.

**Item 3. Presentation of Council Bill No. 09-1013 / Proposed Animal Control Ordinance.
(Information Only)**

Warren Wilson, Deputy City Attorney, requested Council direction in re-writing the Animal Control Ordinance.

Items addressed:

- Adopt a Multiple Classification ordinance for Dangerous Dogs.
- Adopt other measures aimed at streamlining the system and encouraging responsible dog ownership.
- Prohibiting feeding deer and other wild animals.
- Animal Control Board / Hearing process.
- Owning/keeping large snakes.

Staff will forward the DRAFT copy and solicit comments from the Humane Society, Animal Control Board Members, and the City of Fernan. Once comments are received, staff will schedule a City Council Workshop for further discussion.

Councilman Goodlander commented that she would like to see this ordinance adopted by this coming fall.

DISUCCSION ITEM ONLY

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Juanita Knight
Recording Secretary

STAFF REPORT

Date: May 18, 2009

To: General Services Committee

From: Doug Eastwood, Parks Director

Re: FERNAN PROPERTY and OPEN SPACE COMMITTEE RE-
INSTATEMENT

Decision Point: Recommend to General Services to accept 50+ acres of natural area on the south side of Fernan Lake and appoint an Open Space Committee as a sub-committee to the Parks & Recreation Commission.

History: In our 2005 review of open space and a recommendation from our ad-hoc Open Space Committee states that ‘Our foothills are visible from many areas of our community. Views and vistas are valuable assets to our quality of life. It is important that we preserve the natural beauty of Coeur d’Alene, protecting our property values and managing the public access to our natural areas.’ Additionally their report states that ‘Our lakes and rivers are the defining characteristics of our community; they are the valuable public open spaces. Access to, and views of, our waterfront and shoreline areas are great benefits of living in Coeur d’Alene.’ In 2008, open space or Natural Park Preserves, were further identified in our Parks Master Plan. Fernan, in particular, was addressed as follows: ‘An assessment of site resources and designation of appropriate public access areas should be carried out. Based on the assessment, a trails and waterfront access plan for the site should be developed.’ We began discussions with the owners of this property approximately 3 years ago.

Financial Analysis: The property is being deeded to the City at no cost. Eventually we may need to do some clean up, create access and develop a trail system. We do not know what those costs might be and are not recommending any expenses or making any requests in the 09-10 fiscal budget year.

Performance Analysis: With the addition of this property, the City’s open space acreage will be in excess of 200 acres. As mentioned in the History above, open space is an asset that adds to our quality of life. This particular piece of property has open space views and vistas and over a 1,000 linear feet of waterfront. The re-instatement of an Open Space Committee will help us with long term management of our valued natural areas. Attached are some restrictions on use of the site that should be included in the acceptance of the property. Also attached is a property map.

Decision Point: Recommend acceptance of the Fernan acreage and the formation of a new open space committee that could be formed by the Parks & Recreation Commission and ratified by the City Council.

WARRANTY DEED

FOR VALUE RECEIVED, FERNAN LAKE PRESERVATION, LLC, an Idaho Limited Liability Company, Grantor, does hereby grant, bargain, sell and convey unto EAST SIDE HIGHWAY DISTRICT, a quasi-municipal local government entity, whose address is 6095 E Mullan Trail Rd., Coeur d'Alene, ID 83814, and to City of Coeur d'Alene, an Idaho Municipal Corporation, whose address is 710 Mullan Avenue, Coeur d'Alene, Idaho 83814; Grantees, the following described premises, in Kootenai County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED
HEREIN.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that they are free from all encumbrances except easements and rights of way of view, and covenants, conditions and restrictions of record and that they will warrant and defend the same from all lawful claims whatsoever,

SUBJECT HOWEVER TO THE FOLLOWING RESTRICTIONS which shall be binding on the Grantees, their successors and assigns and shall run with the land:

The property shall, pursuant to this grant, forever remain a natural park preserve left in a natural state intended for nature-oriented leisure activities. As such, no buildings other than restrooms, picnic structures and/or service and storage buildings necessary to maintain the property shall be constructed or maintained on the property. Lighting on the property will be limited to the building envelope and will be limited to safety/security lighting for the structure. Any use of the property shall include restrictions against overnight use, camping, hunting, fires, and any manner of motorized vehicles, other than emergency or maintenance vehicles. Any trails constructed on the property shall be no wider than is necessary for a footpath. Any picnic or day use areas which may

be constructed on the property will be no larger than what the property can reasonably accommodate based on its topography and limited access. No docks shall be constructed adjacent to the property other than in the western most bay as depicted in the drawing attached hereto as Exhibit "B" and made a part hereof.

DATED this 21st day of April, 2009.

FERNAN LAKE CONSERVATION, LLC

By: [Signature]
J. Patrick Acuff, Member

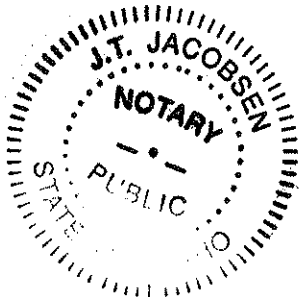
By: [Signature]
Jim Elder, Member

GRANTOR

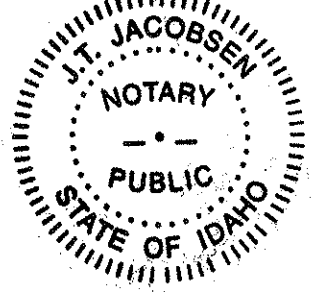
STATE OF IDAHO)
 ss.
County of Kootenai)

On this 21st day of April, 2009, before me, the undersigned Notary Public, personally appeared J. PATRICK ACUFF and JIM ELDER, known or identified to me to be the members of FERNAN LAKE PRESERVATION, LLC, the limited liability company that executed the instrument or the persons who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Idaho
Residing at POST FALLS
My Commission expires: 6/19/09



ACCEPTED AND APPROVED by EAST SIDE HIGHWAY DISTRICT, a quasi-local government entity, the Grantee, this 20th day of April, 2009.

EAST SIDE HIGHWAY DISTRICT

By: Jimmie Dorsey
Jimmie Dorsey, Chairman

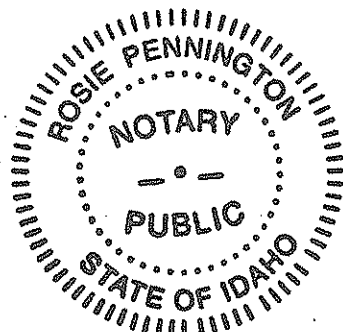
By: Lawrence R. Edinger
Lawrence R. Edinger, Commissioner

By: Terry Sverdsten
Terry Sverdsten, Commissioner

STATE OF IDAHO)
 ss.
County of Kootenai)

On this 20th day of April, 2009, before me, a Notary Public, personally appeared Chairman Jimmie Dorsey, Commissioner Lawrence R. Edinger, and Commissioner Terry Sverdsten, known or identified to me to be Chairman and Commissioners, respectively, of the EAST SIDE HIGHWAY DISTRICT, an Idaho quasi-municipal corporation, and the persons who executed the foregoing instrument and acknowledged to me that said East Side Highway District executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Rosie Pennington
Notary Public for Idaho
Residing at Kootenai Co.
My Commission expires: 7-8-2014

ACCEPTED AND APPROVED by the City of Coeur d'Alene, Grantee, and hereunto subscribed by its Mayor and its official seal affixed by its City Clerk this 2nd day of June, 2009 SUBJECT TO AND CONDITIONED UPON Grantor complying with the requirements of the City of Coeur d'Alene's Subdivision ordinance relevant to the premises described in Exhibit A. Grantor's failure to comply with the requirements of the Subdivision ordinance will render this ACCEPTANCE AND APPROVAL voidable by the Grantee.

CITY OF COEUR D' ALENE

By: _____
 Sandi Bloem, Mayor

ATTEST:

 Susan Weathers, CMC, City Clerk

STATE OF IDAHO)
) ss.
 County of Kootenai)

On this ____ day of _____, 200_, before me, a Notary Public, personally appeared Sandi Bloem and Susan K. Weathers, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

 Notary Public for Idaho
 Residing at _____
 My Commission expires: _____

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR A PORTION OF GOVERNMENT LOT 1**

Government Lot 1 in Section 20, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, City of Coeur d' Alene, Idaho.

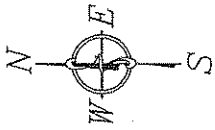
EXCEPT the South 100 feet thereof.

Containing 32.09 Acres, more or Less.

**LEGAL DESCRIPTION
FOR A PORTION OF GOVERNMENT LOT 2**

The East 1050 feet of Government Lot 2 in Section 19, Township 50 North, Range 3 West, Boise Meridian, Kootenai County, City of Coeur d' Alene, Idaho.

Containing 15.17 Acres, more or Less.



18 17
19 20

FERNAN LAKE

GOVT
LOT 1
35.20 AC
3200
32,000 AC

GOVT
LOT 2
18.15 AC
C-1000-019-0500
18,150 AC

FERNAN LAKE
DOCK

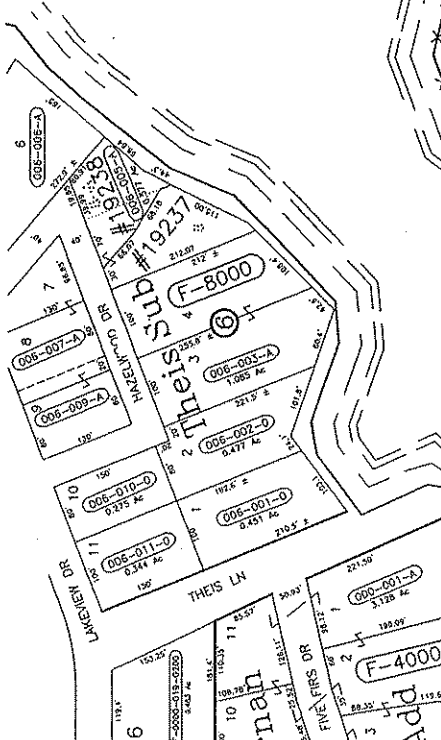


EXHIBIT "B"

NW1/4 Sec.20 Twp.50 N. R.3 W.B.M.

NE1/4 Sec.19 Twp.50 N. R.3 W.B.M.

QUITCLAIM DEED

FOR VALUE RECEIVED, EAST SIDE HIGHWAY DISTRICT, a quasi-municipal local government entity, Grantor, does hereby convey, release, remise and forever quit claim unto City of Coeur d'Alene, an Idaho Municipal Corporation, whose address is 710 Mullan Avenue, Coeur d'Alene, Idaho 83814, Grantee, the following described premises in Kootenai County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR LEGAL DESCRIPTION

DATED this 20th day of April, 2009.

EAST SIDE HIGHWAY DISTRICT

By: Jimmie Dorsey
Jimmie Dorsey, Chairman

By: Lawrence R. Edinger
Lawrence R. Edinger, Commissioner

By: Terry Sverdsten
Terry Sverdsten, Commissioner

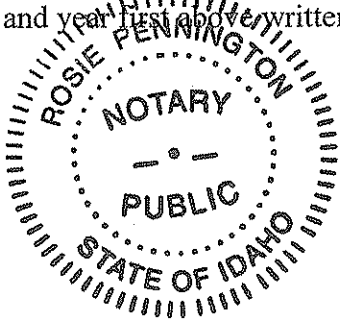
STATE OF IDAHO)

ss.

County of Kootenai)

On this 20th day of April, 2009, before me, a Notary Public, personally appeared Chairman Jimmie Dorsey, Commissioner Lawrence R. Edinger, and Commissioner Terry Sverdsten, known or identified to me to be Chairman and Commissioners, respectively, of the EAST SIDE HIGHWAY DISTRICT, an Idaho quasi-municipal corporation, and the persons who executed the foregoing instrument and acknowledged to me that said East Side Highway District executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Rosie Pennington
Notary Public for Idaho
Residing at Kootenai Co.
My Commission expires: 7-8-2014

ACCEPTED AND APPROVED by the City of Coeur d'Alene, the Grantee, and hereunto subscribed by its Mayor and its official seal affixed by its City Clerk this _____ day of _____ 2009.

CITY OF COEUR D'ALENE

By: _____
Sandi Bloem, Mayor

ATTEST:

[This section amended & replaced on page 3]

Susan K. Weathers, CMC
City Clerk

ACCEPTED AND APPROVED by the City of Coeur d'Alene, Grantee, and hereunto subscribed by its Mayor and its official seal affixed by its City Clerk this 2nd day of June, 2009 SUBJECT TO AND CONDITIONED UPON Fernan Lake Preservation, LLC, or its assignee, complying with the requirements of the City of Coeur d'Alene's Subdivision ordinance for the premises described in Exhibit A. Fernan Lake Preservation, LLC, or its assignee's failure to comply with the requirements of the Subdivision ordinance will render this ACCEPTANCE AND APPROVAL voidable by the Grantee.

CITY OF COEUR D' ALENE

By: _____
Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 2nd day of June, 2009, before me, a Notary Public, personally appeared Sandi Bloem and Susan K. Weathers, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

Notary Public for Idaho
Residing at _____
My Commission expires: _____

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR A PORTION OF GOVERNMENT LOT 1**

Government Lot 1 in Section 20, Township 50 North, Range 3 West, Boise Meridian,
Kootenai County, City of Coeur d' Alene, Idaho.

EXCEPT the South 100 feet thereof.

Containing 32.09 Acres, more or Less.

**LEGAL DESCRIPTION
FOR A PORTION OF GOVERNMENT LOT 2**


The East 1050 feet of Government Lot 2 in Section 19, Township 50 North, Range 3
West, Boise Meridian, Kootenai County, City of Coeur d' Alene, Idaho.

Containing 15.17 Acres, more or Less.

PUBLIC HEARINGS

PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: April 27, 2009
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: **Vacation of a Portion of Excess Seltice Way Right-of-Way Adjoining the Southerly Boundary of Tax #'s 8882 & 10490 (2619 Seltice Way)**

DECISION POINT

The applicant, William Sheldon, is requesting the vacation of thirty feet (30') of excess right-of-way along his property at 2619 Seltice Way.

HISTORY

The four (4) lane divided highway known as Seltice Way was originally constructed in 1926 as US Highway 10, with the portion from Coeur d'Alene to the Idaho/Washington boundary being replaced by I-90 in 1971. The portion of Seltice Way adjoining the area of request has a right-of-way of +/- 260'.

FINANCIAL ANALYSIS

There is no cost to the City, and approximately 13,590 sq.ft. would be removed from the tax exempt status and added to the Assessor rolls as taxable.

PERFORMANCE ANALYSIS

The area of the request is currently utilized as parking lot, equipment storage area and unimproved ground, and, would mirror a previous request that was granted in 2007 along the frontage of the Coeur d'Alene Honda automobile dealership to the west. If the request were approved, the area currently used by the applicant would be property of the applicant instead of r/w. The request would not have any impact on future expansion of the Seltice Way corridor if such an action were to occur, and it would not impact access to the large area of r/w locate to the east of the subject property.

RECOMMENDATION

Recommendation to the Public Works Committee would be for staff to proceed with the vacation process as dictated by Idaho State Code Section 50-1306, and to recommend to the City Council the setting of a public hearing for the item on June 2, 2009.

CONTRACT 023
 Welch-Comer & Associates, Inc.
 The document, and items and details incorporated herein by reference, are the property of Welch-Comer & Associates, Inc. and shall be used in whole or in part for any other project without the written authorization of Welch-Comer & Associates, Inc.



WELCH-COMER
 ENGINEERS & SURVEYORS
 208-864-9382
 350 E. Kathleen Ave.
 (Cell) 208-864-5972
 (Fax) 208-864-5946
 www.welchcomer.com
 Coeur d'Alene, ID 83815
 DATE: _____
 REVISION DESCRIPTION: _____
 BY: _____

SELTICE RIGHT OF WAY
PROPOSED RIGHT OF WAY
VACATION, EXHIBIT MAP

PROJECT NO.: 1994
 DESIGNED BY: T.J.F.
 DRAWN BY: M.L.H.
 CHECKED BY: M.L.H.
 DIVISION: TOPOGRAPHY
 DATE: 4-22-09
 SHEET NO.: 1

