



# Coeur d'Alene

## CITY COUNCIL MEETING

*July 5, 2006*

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**MEMBERS OF THE CITY COUNCIL:**

**Sandi Bloem, Mayor**

**Councilmen Edinger, Goodlander, McEvers, Reid, Hassell, Kennedy**

# CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
June 20, 2006**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Hall, June 20, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Edinger	)	Members of Council Present
Al Hassell	)	
Woody McEvers	)	
Mike Kennedy	)	
Deanna Goodlander	)	
Dixie Reid	)	

**CALL TO ORDER:** Mayor Bloem called the meeting to order at 6:00 p.m.

**INVOCATION:** The invocation was given by Tom Weadick of the Vineyard Christian Fellowship

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

**PRESENTATION** – There were no presentations

**PUBLIC COMMENTS:**

**DOG INCIDENT INDEPENDENCE POINT:** Deb Cordes, 319 Park Drive, spoke regarding an incident she was involved in at Independence Point. She wanted to clarify that the incident was different than reported in newspaper. It was not a dog fight between two dogs but an attack by another dog on her dog that just lay down. The other dog owner was very abusive to her and to the law enforcement responders. She thanked a good samaritan who pulled the pit bull off her lab, thanked the police, and also thanked animal control, who all responded in the matter. She stated that there are a lot of young people at Independence Point that hassle people and make the neighborhood feel unsafe.

Wendy Carpenter, Police Chief, responded that the City has assigned extra patrols to Independence Point. Chief Carpenter emphasized that the Police have a zero tolerance policy and will continue to enforce all City ordinances. The City welcomes youth but they must obey the City regulations.

Councilman Reid reiterated that many of the youth at Independence Point are not from Coeur d'Alene and not teenagers. They are in their early twenties and are very disrespectful of people and property.

**SCRAP METAL PURCHASE:** Sam Marks-Full Gospel Mission, 1521 East Sprague, Spokane Washington, explained a program that he administers. He teaches troubled and recovering drug youth to recycle scrap metal into jewelry, to give them a job, teach them a trade, and help them transition back into society. He passed around some examples of bracelets and a money clip that have been produced. He is requesting to purchase scrap metal from the Water Department, and will

pick it up, and pay the same price as the recyclers. Mr. Marks recycles copper, aluminum, brass, stainless steel, and other metals. They have three locations, one in Spokane, one in Missoula and one in Moses Lake. Jim Markley, Water Department Superintendent that at the present the City stockpiles their scrap metal, and then takes it to the recycling center, which generates only about \$200 a year.

Motion by Reid, second by Edinger, to allow Mr. Marks to purchase scrap metal from the Water Department.

Discussion: Councilman Hassell brought up the fact that perhaps the decision should be brought before a committee to ensure that Mr. Marks meets non-profit tax exempt status.

Councilman Edinger withdrew his second on the motion. Goodlander then seconded the motion. Motion carried, with Edinger and Hassell opposing.

**DOG DAZE:** Jennifer Jenkins, 952 North Fifth Street, gave the City Council a flyer explaining Dog Daze that was held at the Kootenai County Fairgrounds last year. She is requesting use of the City Park for the second annual Dog Daze. All dogs will be leashed and refuse cleaned up. Councilman Goodlander informed her that her approval is an item on the consent calendar and she will be able to use the City Park this year, as it is scheduled for a time period that is on the outer edges of high park usage.

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

1. Approval of minutes for June 06, 2006
2. Setting of the next Public Works Committee and General Services Committee meetings for June 26, 2006 at 4:00 p.m.
3. RESOLUTION 06-041: 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 A CPR TRAINING SITE AGREEMENT WITH EMS TRAINING COUNCIL; APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH NORTH IDAHO MEDICAL CARE CENTER TO ADMINISTER THE FIRE DEPARTMENT WELLNESS PROGRAM; APPROVAL OF CHANGE ORDER NO. 4 WITH CONTRACTORS NORTHWEST, INC., FOR THE WWTP PHASE 4B CONSTRUCTION; APPROVAL OF A PURCHASE AGREEMENT WITH MAC'S ELECTRIC FOR SOFT START PUMP PANELS FOR THE FOURTH STREET AND LINDEN WELLS; APPROVAL OF CHANGE ORDER NO. 1 WITH SPERLE'S INVESTMENT SERVICE, INC., FOR THE 2006 OPEN TRENCH REPLACEMENT PROJECT AND APPROVAL OF S-2-03, FINAL PLAT APPROVAL AND SUBDIVISION AGREEMENT FOR THE LANDINGS AND WATERFORD FOURTH ADDITION.
4. Setting of a Public Hearing for vacation of the right of way in Woodland Estates Subdivision for July 18,
5. Approval of the Fire Department's Safety Trailer Partnership
6. Authorization for use of the City Park for Dog Daze Celebration
7. Acceptance of Rights-of-Way for Ramsey Road, north of Hanley Avenue
8. Approval of Bills as submitted

**ROLL CALL: Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.**

**ANNOUNCEMENTS:**

**City Council**

**CAR D'LANE SUCCESSFUL** Councilman Reid said that Car d' Lane was a great success and the team that organized Public Safety did a great job. She also thanked all the citizens who attended. She commented that this was a great kickoff to summer. Councilman Edinger also wanted to thank the Street Department as they did an excellent job on this event with delivering barricades and sweeping, and will also be very busy with Ironman this coming week.

**SKATE PARK NEEDS** Councilman McEvers showed a quick video he made while he was helping work on the reconstruction at the Skate Park. He personally thanked Jeff Thomas, Chase Turner, Cody Gruit, Alex Graves, Matt Smith, Eric Nelson from Pyramid Skate Shop, and Debbie Miles from Coldwell Banker for all their hard work to rebuild the half pipe. He was surprised at how many youth from out of the area are using the Skate Park. He suggested that the City form an Ad-Hoc Committee to address Skate Park needs. The Park is 12-13 years old. He also commented that the exhibition bikers who do individual freestyle stunts are different than the BMX bikers and there needs to be some provisions for them as well. There were rumors that skate park was going away. Goodlander added that space has been set aside for skateboarders but not many dollars for equipment, and the Skate Park is heavily used. She also explained that in the Parks Master Plan there is the possibility of changing the location of the Skate Park, but no plans to eliminate it. She suggested that perhaps local service clubs might be contacted for help with donations for improvements.

Motion by Edinger, second by Kennedy, to move the request for review of needs to the Park and Recreation Commission, with input from local users. Motion carried, with none opposed.

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**AIC EXCELLENCE AWARD** Councilman Hassell reported on the Association of Idaho Cities that he recently attended in Lewiston. He presented Mayor Bloem with a plaque for Award of Excellence for the Street Department's "Name the Storms" theme contest with local schools to help get students involved.

**DOGS IN PARK AND BALL FIELDS** Councilman Reid discussed the problem and complaints she is regularly receiving of dogs running in City Parks and on City ball fields, even though they are signed "No Dogs Allowed". Dogs must be leashed in public and are not allowed in some public areas, and excrement must be picked up. There are City ordinances prohibiting this type of activity and pet owners must obey the signs and keep their animals under control, and citizens must help enforce. Edinger commented on a recent example at Tubbs Hill when people were told what the conditions were to have a dog on Tubs Hill, they did leash their dog and use the baggie they were given. Kennedy also commented that a dog park is being discussed, with support from the Animal Ad-hoc committee.

**Mayor**

**APPOINTMENTS – CDA TV COMMITTEE**

Motion by Reid, second by Hassell, to appoint Janet Feller as the School District representative and Kent Propst as the NIC Representative to the CDA TV Committee. Motion carried.

**GENERAL SERVICES COMMITTEE**

Chairman Goodlander requested approval of an ordinance to amend current misdemeanor criminal violation consequences. The State has raised misdemeanor sentences to a maximum of \$1000 fine and /or up to 180 days in jail Goodlander explained that a judge can impose any sentence up to the maximum. This will allow our Code to be consistent with Idaho Statutes, and amend all Municipal Code sections to match one another.

Motion by Goodlander, second by McEvers, to approve the first reading of Council Bill No. 06-1015

ROLL CALL: Goodlander, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassel, Aye; Motion carried.

**ORDINANCE NUMBER 3257  
COUNCIL BILL NO. 06-1015**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D’ALENE , KOOTENAI COUNTY, IDAHO AMENDING CITY CODE §1.28.010 (a) PROVIDING FOR THE MISDEMEANOR PENALTY ; AMENDING CITY CODE § 5.17.060, 5.24.030(E), 5.24.030 (H), 5.28.220, 5.36.065, 5.44.130, 5.64.130, 5.68.140 (A) , 6.05.210 (C), 6.05.220, 6.06.060 (A), 8.04.100, 8.08.060, 8.12.110 (B), 8.16.040, 8.25.050, 8.25.070, 8.36 .130 (D), 8.40.050, 9.05.020, 9.25.040, 10.27.040 (C), 10.27.060, 10.36.020 (C), 10.40.050 (A), 10.40.050 (C), 12.24.025, , 12.36.610, 15.24.095, 16.40.040, 17.08.955, 17.09.825; 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.

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

Motion by Edinger, second by Goodlander, to suspend the rules and to adopt Council Bill No. 06-1015 by its having had one reading by title only.

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

**RESOLUTION 06-042**

**A RESOLUTION OF THE CITY OF COEUR D’ALENE , KOOTENAI COUNTY , IDAHO AUTHORIZING AN AGREEMENT BY AND BETWEEN VARIOUS EMERGENCY RESPONSE AGENCIES FOR THE PURPOSE OF RECEIVING AND RENDERING MUTUAL AID ASSISTANCE DURING THE INITIAL; RESPONSE PHASE OF AN EMERGENCY.**

Fire Chief Gabriel gave the staff report explaining that the different cities and agencies have had various individual mutual agreements each negotiated individually for emergency response but this is the first time, there has been one agreement covering all agencies. The City is at the forefront in

developing this, and there will eventually be a state and intrastate agreement instead of all the individual agreements and negotiation.

Motion by Goodlander, second by Hassell, to adopt resolution 06-042

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

### **RESOLUTION 06-043**

#### **A RESOLUTION OF THE CITY OF COEUR D'ALENE , KOOTENAI COUNTY , IDAHO AUTHORIZING A LETTER OF AGREEMENT FOR MULTI-MEDIA SERVICES WITH JEFFREY D. CROWE**

Goodlander explained that the resolution would allow the City to enter into an agreement with Jeffrey Crowe of North Idaho College moving forward for further multi-media services.

Motion by Goodlander, second by Kennedy, to adopt Resolution 06-043.

Discussion: Kennedy stated that he has the highest regard for Mr. Crowe and his work at North Idaho College. He issued a thank you to David Hern, who has been responsible for a lot of the development so far of the television programming for the public channel.

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

#### **PUBLIC WORKS COMMITTEE:**

Chairman Reid requested Council for approval to negotiate an agreement to bring the Armstrong Park Water System into the City System, including provisions for funding improvements. She reported that that the private water system has not functioned properly and the City has worked with the homeowners to come to an agreement whereby they will pay a monthly surcharge to pay for improvements that need to be made to make the system function properly along with the normal City water rates.

Motion by Reid, second by Kennedy, to authorize staff to negotiate an agreement to bring the Armstrong Park Water System into the City Water System, including provisions for funding improvements.

Discussion: Kennedy commented on the merits of the agreement and thanked Jim Markley, Mike Gridley, and Troy Tymesen on their efforts to finalize terms for agreement. He explained that this is the reason the City no longer allows private water systems within the City. Goodlander remarked that Markley has worked very hard with the homeowners who are now supportive of the agreement. Edinger stated that he was initially against the adoption of the system as he felt it was unfair to the other citizens to have to pay for improvements that affect a small group of people who are on a bad private water system. Now that the affected homeowners have stepped forward to pay for the necessary improvements, he is supporting the

agreement. Hassell agreed that he was initially against the adoption of the Armstrong Water System as well for the same reason. Homeowners have now agreed to pay a surcharge for the next 20 years to bring the system up to standard. Reid further explained that if the improvements are paid for before the twenty years have passed, the surcharge will then expire. The revenue income is governed by growth. Reid complemented Markley in the excellent job he has done as estimating future costs that might be incurred.

All voted in favor. Motion carried.

## **OTHER BUSINESS**

### **Blackwell Island Annexation**

On June 6th the City Council made a motion to table the Blackwell Island Annexation Agreement with Hagadone Hospitality Inc to a date certain being the next Council meeting of June 20th.

Motion by Reid, second by Goodlander, to table this item to the next meeting, which is July 5th.

Discussion: Edinger remarked that he feels the City Attorneys and Finance Director should be present at the meeting. Mike Gridley and Warren Wilson will be unable to attend July 5th.

Edinger moved to amend the motion to table the agreement to the July 18th meeting. Kennedy seconded the amended motion.

Discussion: Kennedy asked Gridley if this was enough time. Gridley answered that the problem has been vacations and other commitments. He stated that the agreement is still at square one.

This time frame will allow the City and the applicant time to discuss the issues.

The amended motion carried with Reid voting opposed.

## **PUBLIC HEARINGS**

### **PUBLIC HEARING – V-06-1 VACATION OF UTILITY EASEMENT IN LOT A, CROWN ADDITION AND LOT 2, BLOCK 1, EASTON ADDITION**

Mayor Bloem read the rules of order for this public hearing. No councilman declared a conflict of interest. Gordon Dobler, City Engineer, gave the staff report. The applicant's name is Bill Thompson. The property involved is on Crown Avenue. The property has been replatted four times. The property contains an old utility easement that was dedicated in the 1970's and has never been used. Buildings have been constructed over the easement. The City's utilities are all located in the right of way. Mr. Thompson is requesting a vacation of the easement. There is no financial impact to the City.



When questioned, Mr. Dobler reported that the city doesn't vacate utility easements unless asked.

33 notices were sent on June 05, 2006 with 6 responses: 5 in favor, 1 neutral

Public Comments: None

Motion by Goodlander, second by Reid, to approve the request to vacate the utility easement in Lot A, Crown Addition, and Lot 2, Block 1, Easton Addition and direct staff to prepare the necessary ordinance.

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

### **PUBLIC HEARING – A-3-06 ANNEXATION/ZONING FOR A 21.5 ACRE PARCEL LOCATED BETWEEN WOODSIDE PARK AND MILL RIVER SUBDIVISIONS**

Associate Planner, John Stamosos gave the applicants name as Charter Builders. Mr. Stamosos continued by presenting the staff analyses for zoning, Comprehensive Plan, utilities, streets/traffic, and storm water. The applicant is requesting a zone change to C-17 in conjunction with annexation into the City from the County.

On May 09, 2006, the Planning Commission recommended approval of the zone change by a Vote of 3 to 0.

A total of 9 notices were mailed on June 02, 2006 with a total of 1 response received. The response is 0 in favor, 1 opposed, and 0 neutral.

**PUBLIC COMMENTS:** Mayor Bloem called for public comments.

Scott Whitesitt, 6194 West Sturgeon Road, Rathdrum spoke on behalf of the applicant. He explained that the zoning is compatible with the surrounding area, and they plan a mixed use project that will enhance the area.

Motion by Reid, second by Edinger, to approve the annexation and zoning of 21.5 acres located between Woodside Park and Mill River subdivisions, to adopt the Findings and Order of the Planning Commission and to direct staff to negotiate an annexation agreement.

Discussion:

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

## **PUBLIC HEARING – ZONE CHANGE AT 657 EAST BEST AVENUE ADJACENT TO ALPINE ANIMAL CLINIC**

John Stamos, City Planner gave the staff report. The applicant is James M. Duchow, who is requesting rezoning of a small area totaling 2000 square feet which is to the west of his business, Alpine Animal Clinic. The adjacent property to the west is zoned residential with single family, and apartments. The small affected area is zoned R-12. Haycraft recently replatted and Lot 3 overlaps in this small section. It is located in a transition area. The land is currently being used as non-conforming parking lot. On May 9, 2006, the Planning Commission approved the rezoning to C-17 with one condition – the applicant must obtain a site development permit to ensure compliance with parking lot requirements in the City. This condition is applied because in several instances in the City, where property has been allowed to be rezoned, the property has not been brought up to required standards.

47 notices were mailed on June 02, 2006 with 3 responses received, 3 in favor, 0 opposed, and 0 neutral.

### **PUBLIC COMMENTS:**

James Duchow, 875 Victorian Drive, Applicant reported that next spring he wants to add to west side of his veterinarian building which will require him to move his dumpster to the rezoned property. He is concerned that will be required to pave the property now, and then next spring, tear up the paving. He is requesting that the paving condition be waived. When questioned as to what exactly he is planning to do, he is not certain. When asked if he is planning to continue to use the property for parking, he answered that it is not used for public parking, but is used by his employees. He stated that he would be willing to place a “no parking” sign on the property. When asked if he plans to expand his building within next two years, he replied the he plans to make changes next spring, but it could be fall. Stamos was asked if the request was granted, could it be done with a condition that if the expansion did not occur could the City make him bring the parking lot into compliance. Stamos reported that the Council could amend the condition with a certain date, for example two years, that if the clinic did not expand within two years, Duchow would have to pave the area. Duchow explained that he does not want to pave until he knows exactly what he wants to do with this area. If he expands he may have to add more parking and this area may become a street entrance. He then asked that if he could he have a condition that as long as it is not public parking, could he refrain from paving it. Stamos replied that any parking is required to be paved, not just public parking. The Council also reiterated that if the Council gives him two years to make decision on how to use property, it may not be used for any parking. Duchow responded that he is willing to place no parking signs and eliminate his employees from parking there.

Motion by Reid, second by Edinger, to approve the requested zone change at 657 East Best Avenue with the condition that the applicant must obtain a site development permit within two years to ensure compliance with parking ordinance design standards, landscaping and storm water swale requirements to be approved by the City and required improvements constructed, with the property to be posted “No Parking” until the conditions are met.

**ROLL CALL:** Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye; Reid, Aye; Motion carried.

**EXECUTIVE SESSION**

Motion by Goodlander , second by McEvers, to enter into Executive Session as provided by Idaho Code 67-2345: Subsection A: To consider hiring a public officer, employee, staff member, or individual agent; Subsection B: To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent; Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property not owned by a public agency; and Subsection F: To consider and advise its legal representatives in pending litigation or where there is a general public awareness or probable litigation.

**ROLL CALL:** Kennedy, Aye; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Motion carried.

The session began at 7:35 p.m. Members present were the Mayor, City Council, City Administrator, and City Attorney.

No action was taken and the Council returned to regular session at 9:10 p.m.

**ADJOURNMENT**

Motion by Edinger, second by Hassell, that there being no further business, this meeting is adjourned. All in favor. Motion carried.

Meeting adjourned at 9:10 p.m.

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

ATTEST:

\_\_\_\_\_  
Susan Weathers, City Clerk

RESOLUTION NO. 06-044

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 AUTHORIZATION TO RELEASE OPTION TO PURCHASE RIGHT-OF-WAY, FROM FAIRFIELD INN; S-6-05 ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR COEUR D'ALENE PLACE 15<sup>TH</sup> ADDITION; AND SS-6-06 FINAL PLAT APPROVAL AND ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE/WARRANTY AGREEMENT FOR THE CONDOS AT MILL RIVER .

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 listed below and by reference made a part hereof as summarized as follows:

- 1) Authorization to reimburse Post Falls Highway District for installation of water main;
- 2) Authorization to release option to purchase right-of-way, from Fairfield Inn;
- 3) S-6-05—Acceptance of improvements and maintenance/warranty agreement, for Coeur d'Alene Place 15<sup>th</sup> Addition (Exhibit 1);
- 4) SS-6-06—Final plat approval and acceptance of improvements and maintenance/warranty agreement, for The Condos at Mill River, (Exhibit 2);

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 herein and in substantially the form attached hereto as Exhibits "1 and 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 5<sup>th</sup> day of July, 2006.

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

ATTEST

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

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

ROLL CALL:

COUNCIL MEMBER REID Voted \_\_\_\_\_

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

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


COUNCIL MEMBER HASSELL Voted \_\_\_\_\_

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

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

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

**PUBLIC WORKS COMMITTEE**  
**STAFF REPORT**

**DATE:** June 26, 2006  
**FROM:** Christopher H. Bates, Project Manager   
**SUBJECT:** Release of Option to Purchase Right-of-Way

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**DECISION POINT**

The Summit Group, Inc., owners of the Fairfield Inn hotel chain, is requesting the release of an "Option" to purchase r/w from the parcel that the Fairfield Inn is located on adjacent to the IHOP restaurant on 4<sup>th</sup> Street. The City Council must release the option on behalf of the city.

**HISTORY**

In 1962, Kenneth & Mary Branson, prior owners of the noted parcel, gave the City of Coeur d'Alene an option to purchase (copy attached) a r/w corridor either 25' wide to the north of Borah Avenue or 60' wide (map attached) to the east across the property. A clause in the option stated that it was binding upon the heirs and assigns of the property. Neither of these options was ever acted upon and the owners subsequently sold the property to the Summit Group group which in turn constructed the Fairfield Inn on the site.

The Summit Group is now in the process of refinancing all of their hotel properties and this "option" creates a cloud on the title which they would like to alleviate.

**FINANCIAL ANALYSIS**

There would be no financial impact on the City, unless the City chose to exercise the option to buy. Purchase of the r/w at the compensation rate required today, would be a rather expensive option for r/w that would be landlocked.

**PERFORMANCE ANALYSIS**

The need for the r/w described in the "Option" given to the City in 1962, is no longer necessary. There are intervening parcels between both Appleway Avenue and 4<sup>th</sup> Street that would need to be acquired if a connection were desired, and, even if the connections were made, they would result in "T" intersections at undesirable locations.

**RECOMMENDATION**

Direct the Legal Department to prepare a Release of Option, and, recommend to the City Council to approve the request.

400792

Filed and recorded at the request of City of Coeur d'Alene  
at 4:17 o'clock P.M. this 15th day of March 1962  
By E.W. Larson Recorder  
Kootenai County, Idaho  
Return to City Clerk City of Coeur d'Alene

100792 **O P T I O N** W. B. Branson

For valuable consideration, we, the undersigned, KENNETH K. BRANSON and MARY E. BRANSON, husband and wife, do hereby grant unto the City of Coeur d'Alene, a municipal corporation, Kootenai County, Idaho, an option to survey, construct, maintain and have dedicated to the public, for the public use forever, a street or roadway over and across the following described property, to-wit:

Part of the North 1/2 of the Northwest 1/4 of Section 12, Township 50 North, Range 4 W. B.M., Kootenai County, Idaho described as follows: Beginning at the Northwest corner of Section 12, Township 50 North, Range 4 W. B.M., Kootenai County, Idaho, thence South 468.3 feet, thence East 844.0 feet to the true point of beginning, thence East 243.39 feet, more or less, to a point, which is 247.5 feet West of the West Right-of-way Line of Fourth Street, thence South 436.95 feet to the Highway right-of-way, thence Northwesterly along said right-of-way 250.96 feet, thence North 00°51' East 408.00 feet to the true point of beginning.

which said street or roadway shall be at said City's option in either one of the following two locations, to-wit:

I.

Twenty-five feet in width along the full length of the West boundary of said described property, as may be necessary for access either to the Appleyway or Fourth Street.

or

II.

Sixty feet in width in a generally East-West direction across said described property as may be necessary for the extension of Borah Avenue easterly to and across Fourth Street.


This option shall be binding upon the heirs.

(P)

representatives and assigns of the parties hereto and shall run with the land.

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals this 15th day of January, A.D. 1962.


  
Kenneth K. Branson

  
Mary E. Branson

STATE OF IDAHO  
County of Kootenai

On this 12<sup>th</sup> day of February, A.D. 1962, before me, the undersigned Notary Public, personally appeared KENNETH K. BRANSON and MARY E. BRANSON, husband and wife, known to me to be the persons whose names are subscribed to the foregoing Option and acknowledged to me that they 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 in and for the State of Idaho, residing at Coeur d'Alene.  
My Commission Expires: 7-23-63



①



APPLEWAY AVE

#3618  
EX R/W  
00G-999-M  
1.021 Ac

#3619  
EX R/W  
00G-999-N  
1.090 Ac

#3620  
EX R/W  
00G-999-L  
0.820 Ac

#3621  
EX R/W  
00G-999-K  
0.906 Ac

00G-999-J  
0.992 Ac

#2060  
EX R/W  
00G-999-I  
1.172 Ac

#18385  
00G-999-H  
0.817 Ac

(G)

#18386

#18387  
00G-999-F  
0.668 Ac

#18384  
00G-999-G  
1.941 Ac

#3636  
EX R/W  
00G-999-D  
0.955 Ac

Payne  
Sub  
1  
000-001-0  
0.702 Ac

2  
0.359 Ac  
001-002-0  
000-001-0  
0.702 Ac

Jordan's  
Add  
1  
C-5060  
001-001-0  
0.489 Ac

1  
0.269 Ac  
001-001-0  
114.00

2  
0.177 Ac  
001-002-0  
75.00

3  
0.177 Ac  
001-003-0  
75.00

4  
0.177 Ac  
001-004-0  
75.00

5  
0.177 Ac  
001-005-0  
75.00

6  
0.177 Ac  
001-006-0  
75.00

7  
0.177 Ac  
001-007-0  
75.00

8  
0.177 Ac  
001-008-0  
75.00

9  
0.177 Ac  
001-009-0  
75.00

10  
0.177 Ac  
001-010-0  
75.00

Levendofsk Add C-5625

1  
0.262 Ac  
002-001-A  
114.00

2  
0.177 Ac  
002-002-0  
75.00

3  
0.177 Ac  
002-003-0  
75.00

4  
0.177 Ac  
002-004-0  
75.00

5  
0.177 Ac  
002-005-0  
75.00

6  
0.177 Ac  
002-006-0  
75.00

7  
0.177 Ac  
002-007-0  
75.00

8  
0.177 Ac  
002-008-0  
75.00

9  
0.177 Ac  
002-009-0  
75.00

10  
0.177 Ac  
002-010-0  
75.00

#5606  
EX R/W  
00H-999-H  
1.402 Ac

(H)

#15557  
00H-999-C  
2.139 Ac

#784  
00H-999-A  
0.733 Ac

#786  
EX PLATTED PTN  
00G-999-Q  
0.660 Ac

#19641  
00H-999-B  
0.977 Ac


GOVERNMENT WAY

SW 60' IN THE  
OR 60' IN THE  
DIRECTION

BORAH AVE

u.s.g.

**CITY COUNCIL  
STAFF REPORT**

**DATE:** July 5, 2006  
**FROM:** Christopher H. Bates, Project Manager   
**SUBJECT:** **Coeur d'Alene Place 15<sup>th</sup> Addition; Acceptance of Improvements, Maintenance/Warranty Agreement and Security Approval**

---

**DECISION POINT**

Staff is requesting the following:

1. City Council acceptance of the installed public improvements in the Coeur d'Alene Place 15<sup>th</sup> Addition, a 59 lot phase of the Coeur d'Alene Place development.
2. City Council approval of the maintenance/warranty agreement and security.

**HISTORY**

- a. Applicant: Greenstone-Kootenai, Inc.  
1421 N. Meadowwood Lane  
Suite 200  
Liberty Lake, WA 99019
- b. Location: North of Hanley Avenue & east of Atlas Road.
- c. Previous Action:
  1. Final plat approval of the 6<sup>th</sup> Addition (61 lots) in June 1999.
  2. Final plat approval of the 8<sup>th</sup> Addition (22 lots), 9<sup>th</sup> Addition (55 lots) & 10<sup>th</sup> Addition (32 lots) in November 2000.
  3. Final plat approval of the 11<sup>th</sup> Addition (38 lots) in February 2003.
  4. Final plat approval of the 12<sup>th</sup> Addition (46 lots) in August 2003.
  5. Final plat approval of the Bolivar Addition (39 lots) in October 2003.
  6. Final plat approval of the 13<sup>th</sup> Addition (56 lots) in September 2004.
  7. Final plat approval of the 14<sup>th</sup> Addition (33 lots) in October 2005.
  8. Final plat approval of the 15<sup>th</sup> Addition (59 lots) in February 2006.

**FINANCIAL ANALYSIS**

The developer is furnishing a Maintenance Bond in the amount of \$30,000.00 to insure the maintenance of the installed public infrastructure improvements during the one (1) year warranty period.

**PERFORMANCE ANALYSIS**

The developer has installed all of the required public improvements, and the appropriate City departments have approved the installations and have found them ready to accept them for maintenance. The City maintenance will be required to start after the one (1) year warranty period expires on July 5, 2007.

**DECISION POINT RECOMMENDATION**

1. Accept the installed public improvements.
2. Approve the Maintenance/Warranty agreement and accompanying security.

## AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK

THIS AGREEMENT made this \_\_\_\_ day of July, 2006 between Greenstone-Kootenai, Inc., whose address is 1421 Meadowwood Lane, Liberty Lake, WA , 99019, with Jason Wheaton, President, hereinafter referred to as the "**Developer**," and the city of Coeur d'Alene, a municipal corporation and political subdivision of the state of Idaho, whose address is City Hall, 710 Mullan Avenue, Coeur d'Alene, ID 83814, hereinafter referred to as the "**City**";

WHEREAS, the City has approved the final residential subdivision plat of Coeur d'Alene Place 15<sup>th</sup> Addition, a fifty nine (59) lot residential development in Coeur d'Alene, situated in the Southwest Quarter of Section 27, Township 51 North, Range 4 West, B.M., Kootenai County, Idaho; and

WHEREAS, the Developer completed the installation of certain public improvements in the noted subdivision as required by Title 16 of the Coeur d'Alene Municipal Code and is required to warrant and maintain the improvements for one year; NOW, THEREFORE,

### IT IS AGREED AS FOLLOWS:

The Developer agrees to maintain and warrant for a period of one year from the approval date of this agreement, the public improvements as shown on the "as-built" plans entitled "Coeur d'Alene Place 15<sup>th</sup> Addition - Record Drawings", signed and stamped by Paul T. Nelson, PE # 9967, and, dated June 5, 2006, including but not limited to: sanitary sewer system and appurtenances, water system and appurtenances, storm water swales, asphalt paving and roadway construction, concrete curb and gutter, concrete sidewalk, bike trail, street lighting, signage and monumentation as required under Title 16 of the Coeur d'Alene Municipal Code.

The Developer herewith delivers to the City, security in a form acceptable to the City, in the amount of Thirty Thousand and 00/100 Dollars (\$30,000.00) securing the obligation of the Developer to maintain and warrant the public subdivision improvements referred to herein. The security shall not be released until the 5<sup>th</sup> day of July 2007. The City Inspector will conduct a final inspection prior to the release of the security to verify that all installed improvements are undamaged and free from defect. In the event that the improvements made by the Developer were not maintained or became defective during the period set forth above, the City may demand the funds represented by the security and use the proceeds to complete maintenance or repair of the improvements thereof. The Developer further agrees to be responsible for all costs of warranting and maintaining said improvements above the amount of the security given.

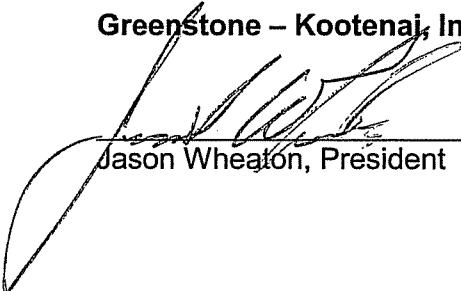
Owner's Reimbursement to the City: The Parties further agree that the City has utilized substantial staff time to prepare this agreement, which will benefit the Owner. The Parties further agree the City should be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee should be in the amount of Twenty Five and No/100 Dollars (\$25.00).

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

**City of Coeur d'Alene**

**Greenstone – Kootenaj, Inc.**

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

  
\_\_\_\_\_  
Jason Wheaton, President

ATTEST

\_\_\_\_\_  
Susan Weathers, City Clerk

**MAINTENANCE BOND**

Bond No. K07046686

KNOW ALL MEN BY THESE PRESENTS:

That Greenstone-Kootenai, 1421 N. Meadowwood Lane, #200, Liberty Lake, WA 99019, as Principal, hereinafter called Contractor, and Westchester Fire Insurance Company, 140 Broadway, Ste. 41, New York, NY 10005, as Surety, hereinafter called Surety, are held and firmly bound unto City of Coeur d'Alene, 710 E. Mullan Avenue, Coeur d'Alene, ID 83814, as Obligee, hereinafter called Owner, in the penal sum of Thirty Thousand and 00/100 Dollars (\$30,000.00), for payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has constructed various public improvements:

Streets, sidewalks, and curb in Coeur d'Alene Place – 15<sup>th</sup> Addition

in accordance with the General Conditions, the Drawings and Specifications, which Plans are by reference incorporated herein, and made a part hereof, and is referred to as the Plans.

NOW, THEREFORE, the condition of this obligation is such that, if Contractor shall remedy any defects due to faulty materials or workmanship, and pay for any damage to other work resulting therefrom, which shall appear within the period beginning 6/20/06 and ending 7/5/07, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that Owner shall give Contractor and Surety notice of observed defects with reasonable promptness.

SIGNED and sealed this 20th day of June, 2006.

In the presence of:

Kimberly Rivas

GREENSTONE-KOOTENAI

Principal

(Seal)

By: [Signature]

president  
Title

WESTCHESTER FIRE

INSURANCE COMPANY

Surety

By: [Signature]

Melissa Schmidt, Attorney-in-Fact

**CITY COUNCIL  
STAFF REPORT**

**DATE:** July 5, 2006  
**FROM:** Christopher H. Bates, Project Manager   
**SUBJECT:** **Condos at Mill River; Final Plat Approval, Acceptance of Improvements, Maintenance/Warranty Agreement and Security Approval**

---

**DECISION POINT**

Staff is requesting the following:

1. Final Plat approval for the Condos at Mill River, a 17 building, 117 unit residential condominium development.
2. City Council acceptance of the installed public improvements in the Condos at Mill River development.
3. City Council approval of the maintenance/warranty agreement and security.

**HISTORY**

- a. Applicant: Steve White  
Copper Basin Construction, Inc.  
PO Box 949  
Hayden, ID 83835
- b. Location: Between Riverway Place and Seltice Way, east of Huetter Road.
- c. Previous Action:
  1. Preliminary approval by the CdA Planning Commission March 2006.

**FINANCIAL ANALYSIS**

The developer is furnishing security the amount of \$4,830.00 to insure the maintenance of the installed public infrastructure improvements during the one (1) year warranty period.

**PERFORMANCE ANALYSIS**

The developer has installed all of the required public improvements, and the appropriate City departments have approved the installations and have found them ready to accept them for maintenance. The City maintenance will be required to start after the one (1) year warranty period expires on July 5, 2007.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat.
2. Accept the installed public improvements.
3. Approve the Maintenance/Warranty agreement and accompanying security.

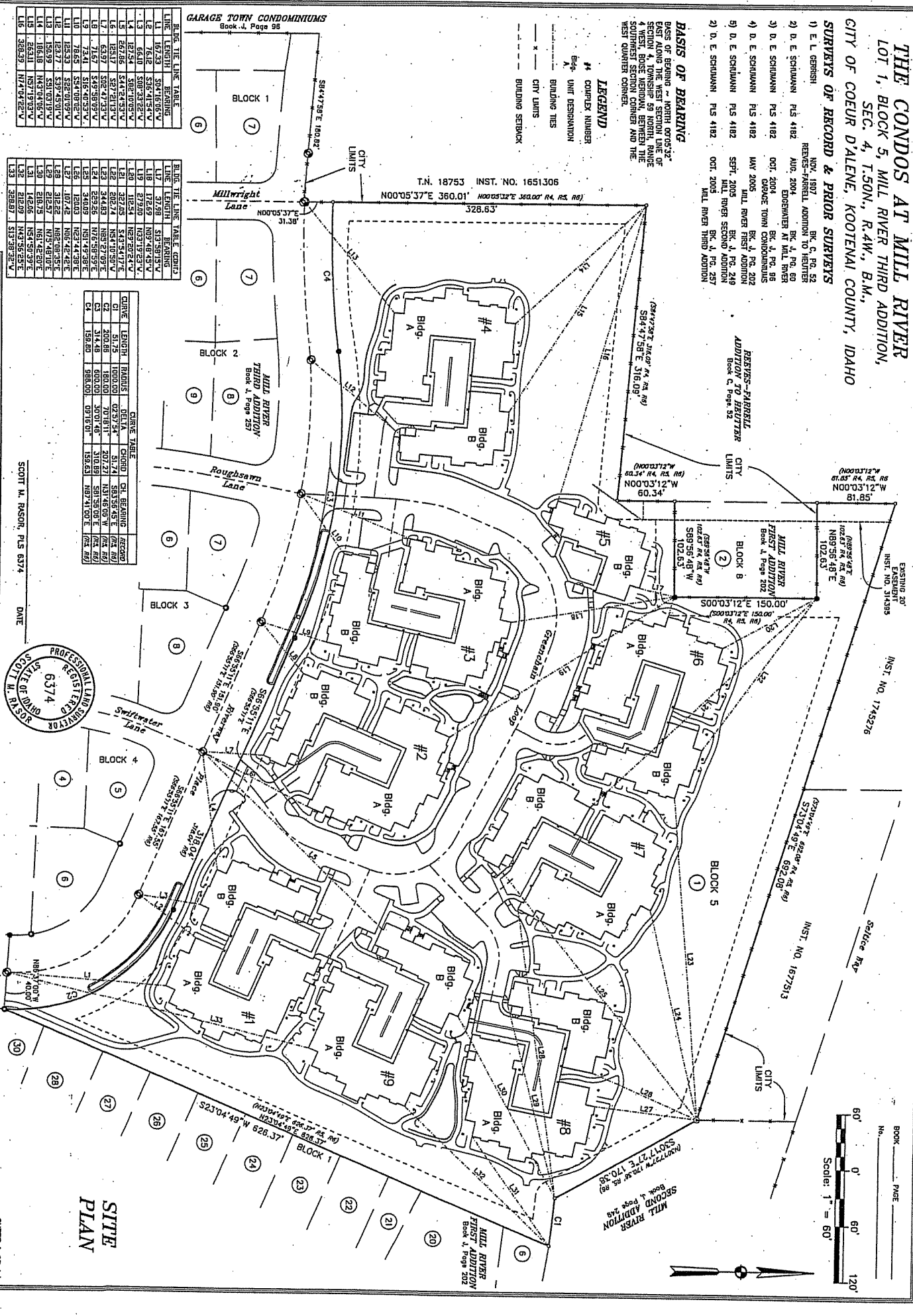
**THE CONDOS AT MILL RIVER**  
 LOT 1, BLOCK 5, MILL RIVER THIRD ADDITION,  
 SEC. 4, T.50N., R.4W., B.M.,  
 CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

**SURVEYS OF RECORD & PRIOR SURVEYS**

- 1) E. L. GERISH NOV. 1907 BK. C, PG. 52 REVERE-FARBEL ADDITION TO HEATHER
- 2) D. E. SCHUMANN PLS 4182 AUG. 2004 BK. J, PG. 60 EDEWATER AT MILL RIVER
- 3) D. E. SCHUMANN PLS 4182 OCT. 2004 BK. J, PG. 86 GARAGE TOWN CONDOMINIUMS
- 4) D. E. SCHUMANN PLS 4182 MAY 2005 BK. J, PG. 202 MILL RIVER FIRST ADDITION
- 5) D. E. SCHUMANN PLS 4182 SEPT. 2005 BK. J, PG. 249 MILL RIVER SECOND ADDITION
- 2) D. E. SCHUMANN PLS 4182 OCT. 2005 BK. J, PG. 257 MILL RIVER THIRD ADDITION

**BASIS OF BEARING**  
 BASIS OF BEARING - NORTH 07°05'32" EAST ALONG THE WEST SECTION LINE OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 SOUTH, BEING INTERSECTION BETWEEN THE WEST QUARTER CORNER AND THE WEST QUARTER CORNER.

**LEGEND**  
 #4 COMPLEX NUMBER  
 Bldg. UNIT DESIGNATION  
 A BUILDING WING  
 B BUILDING SETBACK  
 X CITY LIMITS  
 --- BUILDING SETBACK



**GARAGE TOWN CONDOMINIUMS**  
 Book J, Page 98

LINE	LENGTH	BEARING
L1	167.33	S04°16'06\"V
L2	167.33	S04°16'06\"V
L3	61.0	S08°23'22\"V
L4	11.0	N00°00'00\"W
L5	267.66	S24°24'33\"V
L6	126.17	S87°11'03\"V
L7	63.97	S08°47'33\"V
L8	71.67	S48°58'09\"V
L9	73.41	S16°40'53\"V
L10	78.65	S54°08'02\"V
L11	155.33	S52°00'00\"V
L12	155.33	S52°00'00\"V
L13	155.33	S52°00'00\"V
L14	166.18	N63°04'06\"V
L15	65.31	N57°19'33\"V
L16	328.33	N74°04'22\"V

**MILL RIVER THIRD ADDITION**  
 Book J, Page 227

LINE	LENGTH	BEARING
L1	177.69	N09°48'45\"V
L2	177.69	N09°48'45\"V
L3	67.90	N03°19'23\"V
L4	37.78	S24°24'33\"V
L5	37.78	S24°24'33\"V
L6	206.72	N84°10'50\"V
L7	344.63	N05°27'09\"E
L8	229.26	N76°56'59\"E
L9	340.03	N51°49'38\"E
L10	120.03	N02°44'38\"E
L11	107.42	N05°42'42\"E
L12	31.55	N05°42'42\"E
L13	31.55	N05°42'42\"E
L14	166.18	N63°04'06\"V
L15	65.31	N57°19'33\"V
L16	328.33	N74°04'22\"V

**CHIRRE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH. BEARING	AREA
C1	51.75	1000.00	07°57'54\"	51.74	S83°56'45\"E	622.80
C2	200.88	1000.00	70°16'11\"	207.27	N31°46'00\"W	724.80
C3	314.48	1000.00	310°19'	591.56	00°00'00\"E	724.80
C4	158.80	988.00	09°16'01\"	158.63	N87°41'00\"E	724.80



SCOTT M. RASOR, PLS 6374 DATE

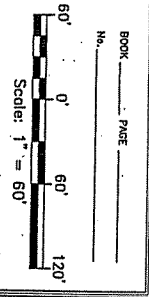
SCALE: 1" = 60'  
 DRAWN: SMO  
 DATE: JUN. 31, 2006  
 CHECKED: SMR

JOB NO. C6303.199  
 DWG FILE: C6303.199P.DWG  
 CREW: DBO



MECKEL ENGINEERING & SURVEYING  
 800 N. SPENCER WAY, COEUR D'ALENE, IDAHO 83814  
 (208) 765-1411

THE CONDOS AT MILL RIVER  
 LOT 1, BLOCK 5, MILL RIVER THIRD ADDITION,  
 CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



## AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK

THIS AGREEMENT made this \_\_\_\_ day of July, 2006 between Copper Basin Construction, Inc., an Idaho Corporation, with Steve White, President, whose address is PO Box 949, Hayden, ID 83835, hereinafter referred to as the "**Developer**," and the city of Coeur d'Alene, a municipal corporation and political subdivision of the state of Idaho, whose address is City Hall, 710 Mullan Avenue, Coeur d'Alene, ID 83814, hereinafter referred to as the "**City**";

WHEREAS, the City has approved the final residential subdivision plat of The Condos at Mill River, a seventeen (17) building, one hundred seventeen (117) unit residential condominium development in Coeur d'Alene, situated in Section 4, Township 50 North, Range 4 West, B.M., Kootenai County, Idaho; and

WHEREAS, the Developer completed the installation of certain public improvements in the noted subdivision as required by Title 16 of the Coeur d'Alene Municipal Code and is required to warrant and maintain the improvements for one year; NOW, THEREFORE,

### IT IS AGREED AS FOLLOWS:

The Developer agrees to maintain and warrant for a period of one year from the approval date of this agreement, the public water main and appurtenances as required under Title 16 of the Coeur d'Alene Municipal Code.

The Developer herewith delivers to the City, security in a form acceptable to the City, in the amount of Four Thousand Eighty Hundred Thirty and 00/100 Dollars (\$4,830.00) securing the obligation of the Developer to maintain and warrant the public subdivision improvements referred to herein. The security shall not be released until the 5<sup>th</sup> day of July 2007. The City Inspector will conduct a final inspection prior to the release of the security to verify that all installed improvements are undamaged and free from defect. In the event that the improvements made by the Developer were not maintained or became defective during the period set forth above, the City may demand the funds represented by the security and use the proceeds to complete maintenance or repair of the improvements thereof. The Developer further agrees to be responsible for all costs of warranting and maintaining said improvements above the amount of the security given.

Owner's Reimbursement to the City: The Parties further agree that the City has utilized substantial staff time to prepare this agreement, which will benefit the Owner. The Parties further agree the City should be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee should be in the amount of Twenty Five and No/100 Dollars (\$25.00).



IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

**City of Coeur d'Alene**

**Copper Basin Construction, Inc.**

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

\_\_\_\_\_  
Steve White, President

ATTEST

\_\_\_\_\_  
Susan Weathers, City Clerk

# Public Works STAFF REPORT

**DATE:** June 26, 2006  
**INITIATED BY:** Richard Suchocki, Project Manager  
**SUBJECT:** Authorize Reimbursement to Post Falls Highway District

---

## DECISION POINT

Staff is requesting authorization to reimburse Post Falls Highway District for a City water line installation along the Prairie Ave project.

## HISTORY

During the design phase for the Prairie Ave widening project, the Water Department determined the need to complete the extension of the existing 12" water main in Prairie Ave. The extension will run from Ramsey Ave to Mystic Dr. The water main will also be extended on Ramsey Rd from Prairie Ave south to the project Limits. This will allow the City to continue the extension when we complete the widening of Ramsey Rd north of Hanley.

## FINANCIAL ANALYSIS

The cost to for this water main extension is approximately \$130,000.00. This cost will be funded through the "new and replacement mains" line item in the current Water Department budget. The costs associated have been reviewed and accepted by the Water Department.

## PERFORMANCE ANALYSIS

The water main was included in this project to take advantage of savings for mobilization, traffic control, and patching. This installation of this water main now will eliminate having to cut the street at a later date. This water main will also allow for future development to the west to complete the water main looping in this area.

## SUMMARY / RECOMMENDATION

Staff recommends a motion to authorize reimbursement to the Post Falls Highway District for the installation of a new water main and direct the mayor to sign a letter to the Highway District that the City of Coeur d' Alene will reimburse them the costs for the water main installation.

# **PUBLIC WORKS COMMITTEE STAFF REPORT**

**DATE:** July 26, 2006  
**FROM:** Gordon Dobler, City Engineer  
**SUBJECT:** **RESERVED PARKING FOR COURTHOUSE**

---

## **DECISION POINT:**

Staff is requesting Council consideration of options for establishing a reserved parking area to be designated for law enforcement adjacent to the County Courthouse.

## **HISTORY:**

For some time, on the south side of Garden Avenue, adjacent to the Courthouse there existed a no parking zone with signage stating "Law Enforcement Only." Recently, a motorist that was cited for parking in this area challenged their parking ticket and prevailed on the basis that this special designated zone was never officially established. It is unclear whether the city of the county installed the signage.

The County has requested that the signage be re-installed. Staff has discussed the options that would provide the same parking access for law enforcement. The options are discussed below.

## **FINANCIAL ANALYSIS:**

There is no significant financial impact with either option.

## **PERFORMANCE ANALYSIS:**

Our Police Department and Kootenai County (Commissioner Currie) strongly support the need to reserve parking for law enforcement in close proximity to the Court house. Staff has worked with the County to evaluate 3 options: 1) Not having any designated law enforcement parking area, 2) designated parking on Garden Avenue adjacent to the Courthouse, and 3) establishing reserved parking for law enforcement inside the County's lot on Garden Avenue, across the street from the Courthouse. The County would prefer option 2, however staff recommends option 3 because of the non-standard nature of the signage and the close proximity to the existing parking lot.

## **DECISION POINT/RECOMMENDATION:**

Staff is requesting Council direction and approval on options for reserved parking for law enforcement officers at the County Courthouse.

## **CITY COUNCIL STAFF REPORT**

**DATE:** July 5, 2006  
**FROM:** Christopher H. Bates, Project Manager  
**SUBJECT:** **Stiner Addition, Final Plat Approval**

---

### **DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat of the Stiner Addition, a two (2) lot residential development.

### **HISTORY**

Applicant: Robert S. Powers  
1353 E. Lancaster Road  
Hayden, ID 83835

Location: North side of Stiner Avenue between 15<sup>th</sup> and 17<sup>th</sup> Sts.

Previous Action:

1. Preliminary plat approval by the CdA Planning Commission, June 2005.

### **FINANCIAL ANALYSIS**

There are no agreements, bonds or financial items related to this plat approval.

### **PERFORMANCE ANALYSIS**

All site development issues and conditions were previously addressed.

### **QUALITYOF LIFE ANALYSIS**

Final plat approval will allow the developer to proceed with the sale of individual lots.

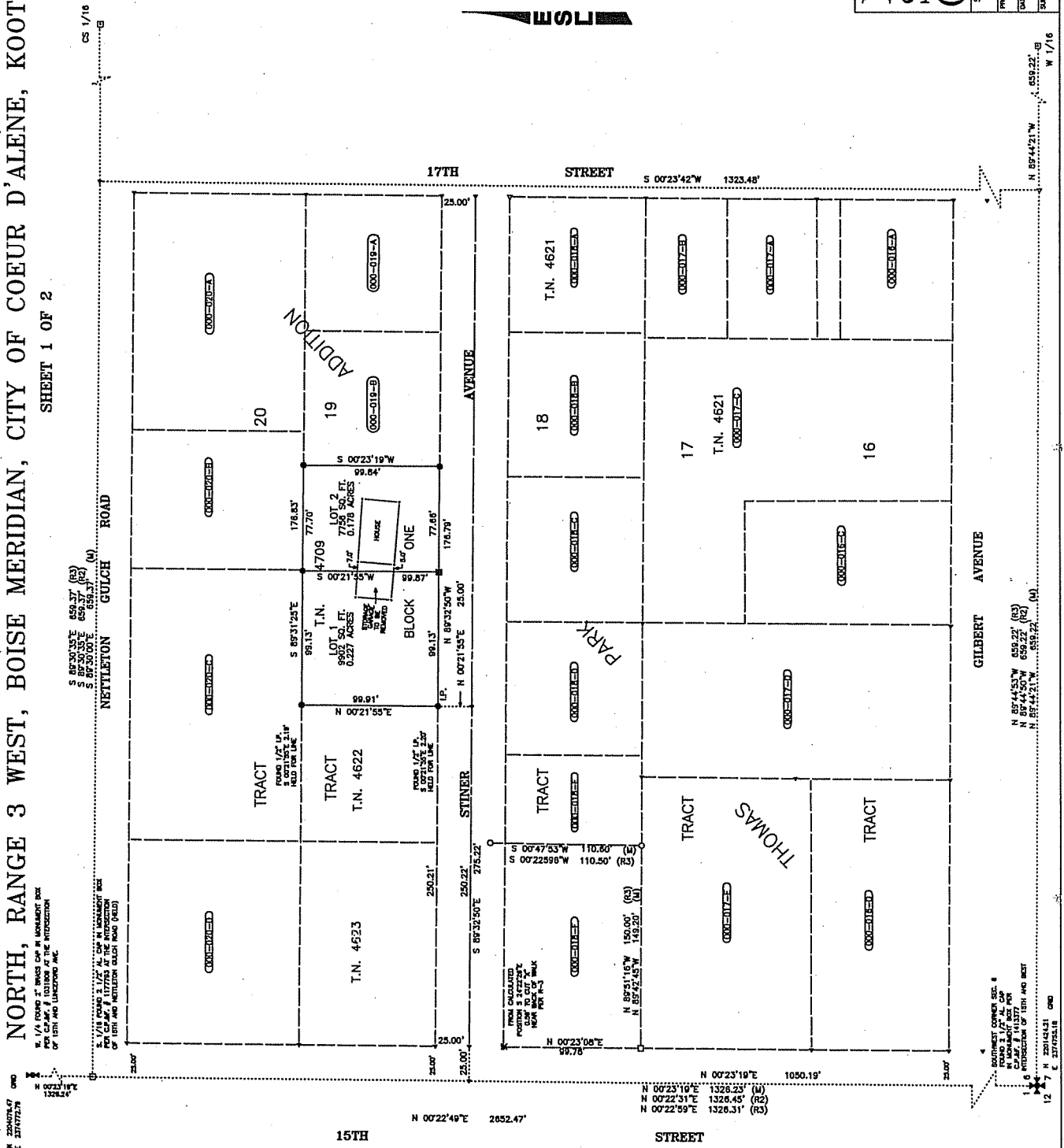
### **DECISION POINT RECOMMENDATION**

1. Approve the final plat of the Stiner Addition.

# STINER ADDITION

A SUBDIVISION OF T.N. 4709, BEING THE EAST 177 FEET OF THE WEST 427 FEET OF THE NORTH 100 FEET OF TRACT 19, THOMAS PARK ADDITION, IN THE S.W. 1/4 OF SECTION 6, TOWNSHIP 50 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

SHEET 1 OF 2



## LEGEND

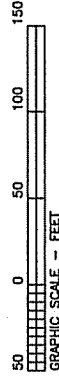
- DENOTES SET 5/8" IRON ROD WITH P.L.S. 4194 CAP
- DENOTES FOUND 5/8" IRON ROD WITH P.L.S. 832 CAP
- DENOTES FOUND 1/2" IRON PIPE
- (M) DENOTES MEASUREMENT THIS SURVEY
- (R) DENOTES MEASUREMENT OF RECORD
- DENOTES FOUND 2" ALUMINUM CAP IN A MONUMENT BOX
- X FOUND OUT "X" IN SIDEWALK
- DENOTES SET MAG NAIL IN CONCRETE DRIVEWAY
- OTHERS AS NOTED

## REFERENCE

- 1) PLAT OF THOMAS PARK ADDITION RECORDED IN BOOK 9 AT PAGE 142.
- 2) DURTSCH RECORD OF SURVEY RECORDED IN BOOK 22 AT PAGE 47.
- 3) MECKEL RECORD OF SURVEY RECORDED IN BOOK 22 AT PAGE 181.

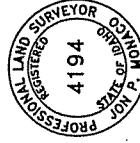
## BASIS OF BEARING

THE IDAHO STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD 1983, 1982 ADJUSTMENT, NORTH 00°23'19" EAST BETWEEN THE SOUTHWEST CORNER TO THE W. 1/4 CORNER OF SECTION 6, THE CONVERSION TO GEODETIC BEARINGS AT THE SOUTHWEST CORNER OF SECTION 6 IS -00° 45' 03".



## NOTES

- 1) THE ATTEMPT WAS NOT MADE TO SHOW ALL PHYSICAL FEATURES OF THE PROPERTY. PRESCRIPTIVE EASEMENTS OR EASEMENTS OF RECORD OR IN VIEW.



**EMPIRE SURVEYING & CONSULTING, INC.**  
 P.O. BOX 12  
 HAYDEN LAKE, ID. 83855  
 (208) 772-8581  
 (208) 772-8582 FAX  
 EMAIL: ESEINC@GTE.NET

DATE	17/11/05	DRAWN BY	1269-881	CHECKED BY	JPM	REVISIONS	16.28.50-53.67
DATE	3/22/2005	OF	POC	DATE	JPM	BY	
DRAWN BY: DAVID M. THOMPSON							
CHECKED BY: DAVID M. THOMPSON							
SCALE: 1" = 50'							

55-10-05

## **CITY COUNCIL STAFF REPORT**

**DATE:** July 5, 2006  
**FROM:** Christopher H. Bates, Project Manager  
**SUBJECT:** **Bentwood Park 7<sup>th</sup> Addition, Final Plat Approval**

---

### **DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat of the Bentwood Park 7<sup>th</sup> Addition, a four (4) lot residential development.

### **HISTORY**

Applicant: Bentwood Park, LLC  
PO Box 2288  
Coeur d'Alene, ID 83816

Location: Between Huntley Avenue & Shadduck Lane, east of 15<sup>th</sup> St.

Previous Action:

1. Preliminary plat approval by the CdA Planning Commission, October 2005.

### **FINANCIAL ANALYSIS**

There are no agreements, bonds or financial items related to this plat approval.

### **PERFORMANCE ANALYSIS**

All site development issues and conditions were previously addressed.

### **QUALITY OF LIFE ANALYSIS**

Final plat approval will allow the developer to proceed with the sale of individual lots.

### **DECISION POINT RECOMMENDATION**

1. Approve the final plat of the Bentwood park 7<sup>th</sup> Addition.

# BENTWOOD PARK SEVENTH ADDITION

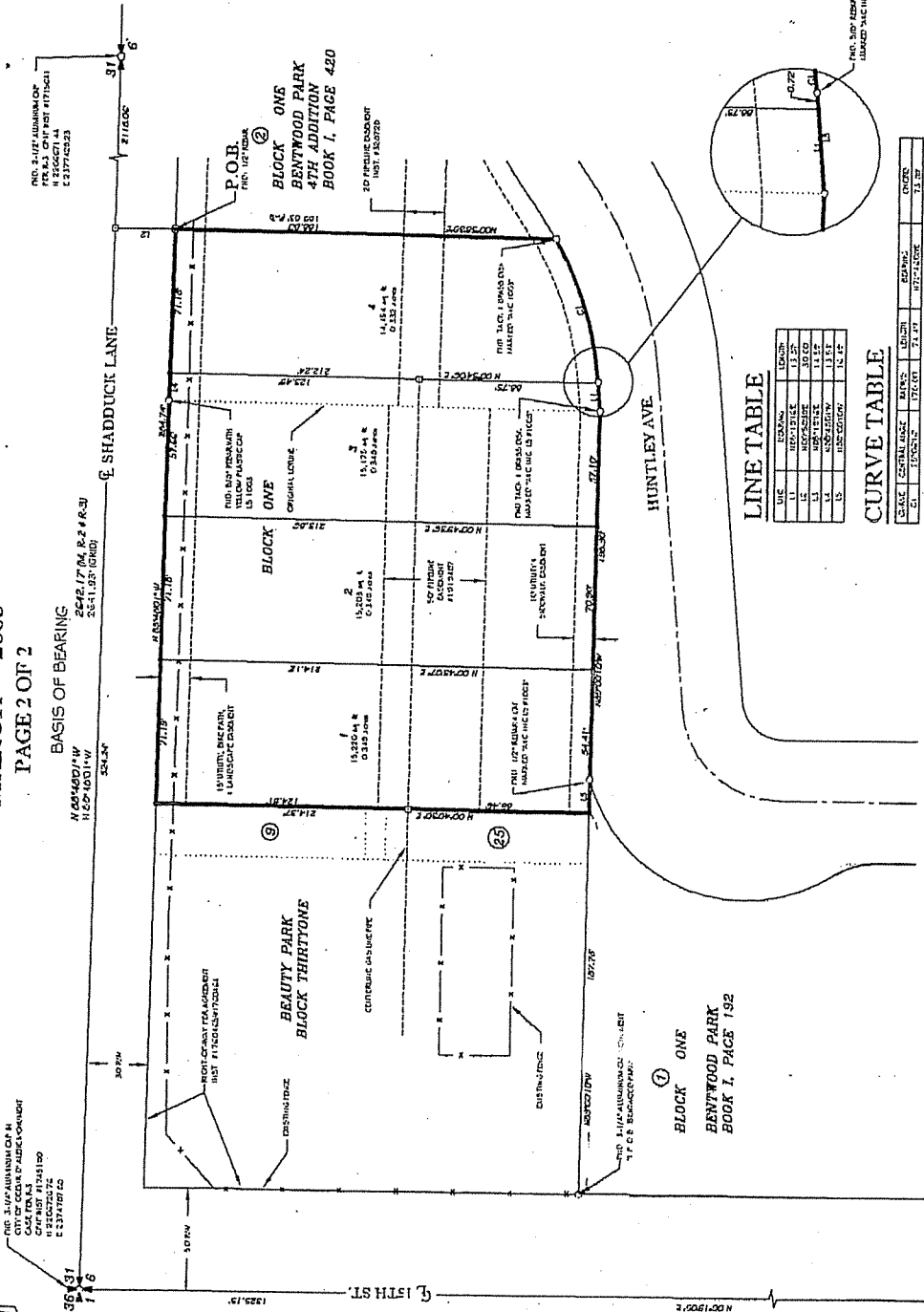
## REPLAT OF LOT 1, BLOCK 5, BENTWOOD PARK FOURTH ADDITION AND LOTS 1-8 AND LOTS 26-33, BLOCK 31, BEAUTY PARK A PORTION OF THE NORTHWEST QUARTER, OF SEC. 6, T. 50 N., R. 3 W., B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

MARCH 2005  
PAGE 2 OF 2

BASIS OF BEARING  
S 65° 40' 00" W  
N 65° 10' 00" E

THE SURVEY OF B.M.  
COEUR D'ALENE  
CITY OF COEUR D'ALENE  
CITY OF COEUR D'ALENE  
CITY OF COEUR D'ALENE

SEC. 6, T. 50 N., R. 3 W.  
S 65° 10' 00" E  
S 65° 10' 00" E



THE SURVEY OF B.M.  
COEUR D'ALENE  
CITY OF COEUR D'ALENE  
CITY OF COEUR D'ALENE

SEC. 6, T. 50 N., R. 3 W.  
S 65° 10' 00" E  
S 65° 10' 00" E

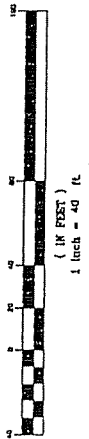
LINE TABLE

LINE	BEARING	LENGTH
1	S 65° 10' 00" E	13.25
2	S 65° 10' 00" E	39.00
3	S 65° 10' 00" E	13.25
4	S 65° 10' 00" E	13.25
5	S 65° 10' 00" E	13.25

CURVE TABLE

STATION	CHORD BEARING	ARC BEARING	CHORD DISTANCE	ARC DISTANCE
1	S 65° 10' 00" E	71.47	97.74	71.47
2	S 65° 10' 00" E	71.47	97.74	71.47

GRAPHIC SCALE



### REFERENCES

- R-1 PLAT OF BEAUTY PARK, IN BOOK C, AT PAGE 56 OF PLATS, KOOTENAI COUNTY RECORDS.
- R-2 PLAT OF BEAUTY PARK, IN BOOK L, AT PAGE 192 THRU 193 OF PLATS, KOOTENAI COUNTY RECORDS.
- R-3 PLAT OF BEAUTY PARK, FOURTH ADDITION, IN BOOK L, AT PAGE 450 & 451 OF PLATS, KOOTENAI COUNTY RECORDS.
- R-4 CITY OF COEUR D'ALENE GEOMETRIC HORIZONTAL CONTROL NETWORK, MAD 23 1982 ADJUSTMENT.

### NOTES

- 1. THERE WAS NO ATTEMPT MADE TO SHOW PHYSICAL FEATURES OF THIS PROPERTY, OR SHOW ANY NON-RECORDED DIMENSIONS, IRRESPECTIVE OF BUILDING FOOTINGS WHICH MAY BE SHOWN, ARE NOT INCORPORATED FOR PURPOSES ONLY.
- 2. ANY RIGHT-OF-WAY DESIGNATIONS AND THE DRAWINGS OF FUTURE DIMENSIONS AS INDICATED ON THIS PLAT ARE SUBMITTED IN THE OWNERS' INTEREST, AND ONE OF THIS PLAT.
- 3. LOT 1 THRU 4, BLOCK 1 SHALL HAVE NO DIRECT ACCESS TO SHADDUCK LANE.

### BASIS OF BEARING

BASIS OF BEARING FOR THIS SURVEY IS NORTH 22° 00' 00" WEST FROM THE NORTH QUARTER CORNER, FOR SECTION 6 AND THE NORTHWEST CORNER FOR SECTION 36 AND IS IDENTICAL TO THAT OF THE PUBLISHED STATE PLAT FOR THE SYSTEM, IDAHO WEST ZONE, 180 65, 1992 ADJUSTMENT ON FILE AT THE CITY OF COEUR D'ALENE SURVEYS OFFICE.

ALL BEARINGS ON THIS PLAT ARE GRID BEARINGS, THE CONVERGENCE ANGLE BETWEEN GRID AND GEODETIC AZIMUTH IS 00° 00' 50" W. ALL DISTANCES CONVEYED ARE GEODETIC DISTANCES UNLESS OTHERWISE NOTED. TO CONVERT GEODETIC DISTANCES TO STATUTE MILES MULTIPLY BY PUBLISHED CONVERSION SCALE FACTOR OF 0.999862.

### LEGEND

- (M) RECORDED
- (R) RECORDED
- (C) COMPUTED
- SET SURVEY POINT WITH PLASTIC CAP MARKER TO B.M. # 062
- FOUND NON-RECORDED POINT
- SURVEY POINT AS NOTED
- SURVEY POINT AS NOTED, REPLACEMENT WITH SURVEY POINT CAP MARKER, B.M. # 1062
- COMPUTED POINT (NOTHING FOUND ON GROUND)
- ✚ SECTION CORNER
- QUARTER CORNER
- 1/4 CH. CORNER
- DISTINGUISHING



ADVANCED TECHNOLOGY SURVEYING, INC.  
9177 HILLS STREET, HAYDEN, IDAHO, 83401  
PHONE: (208) 772-2743 • FAX: (208) 772-2744

5-12-05

## **CITY COUNCIL STAFF REPORT**

**DATE:** July 5, 2006  
**FROM:** Christopher H. Bates, Project Manager  
**SUBJECT:** Coeur d'Alene Homes 1<sup>st</sup> Addition, Final Plat Approval

---

### **DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat of the Coeur d'Alene Homes 1<sup>st</sup> Addition, a two (2) lot commercial development.

### **HISTORY**

Applicant: Coeur d'Alene Homes, Inc.  
Heritage Place, Inc.  
704 W. Walnut Ave.  
Coeur d'Alene, ID 83814

Location: West side of Lincoln Way, south of US Hwy. 95.

Previous Action:

1. Preliminary plat approval by the CdA Planning Commission, March 2006.

### **FINANCIAL ANALYSIS**

There are no agreements, bonds or financial items related to this plat approval.

### **PERFORMANCE ANALYSIS**

All site development issues and conditions were previously addressed.

### **QUALITY OF LIFE ANALYSIS**

Final plat approval will allow the developer to maximize the use of the subject property.

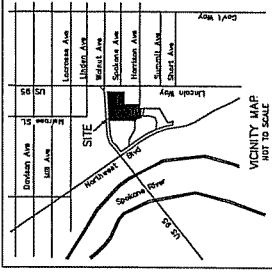
### **DECISION POINT RECOMMENDATION**

1. Approve the final plat of the Coeur d'Alene Homes 1<sup>st</sup> Addition.



# PRELIMINARY PLAT OF COEUR D'ALENE HOMES FIRST ADDITION

A REPLAT OF LOT 4, BLOCK 1, COEUR D'ALENE HOMES AND  
A PART OF GOV'T LOT 24, SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST,  
BOISE MERIDIAN  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO  
2006



CURVE LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD	
C1	485.87	2023.48	13°45'07"	570.4030"W	484.70
C2	172.80	2023.48	4°33'55"	875.0628"E	172.75
C3	302.47	2023.50	8°33'52"	896.0442"W	302.18

LINE	LENGTH	BEARING
L1	82.57	N19°00'36"W
L2	56.94	N60°14'34"W
L3	60.35	N29°45'26"E
L4	94.78	N00°00'36"W
L5	9.88	N89°59'24"E
L6	168.65	N00°00'36"W
L7	10.59	N72°33'47"E
L8	62.31	N00°00'36"W
L9	99.62	N67°21'03"E
L10	137.63	N85°43'52"E
L11	42.57	S29°36'27"E
L12	143.65	S00°40'50"W
L13	64.59	S00°40'50"W
L14	42.81	S00°40'50"W
L15	66.17	N89°45'57"W
L16	30.61	S03°59'16"W
L17	181.48	S89°59'24"W
L18	65.68	N19°00'36"W
L19	40.95	N00°11'39"W
L20	3.22	N89°46'21"E
L21	49.53	N00°05'19"E
L22	3.16	N89°54'41"W
L23	133.38	N00°00'00"E
L24	113.09	N85°46'13"E
L25	167.97	S00°00'00"E
L26	39.07	N80°00'00"E
L27	151.09	N80°00'00"W

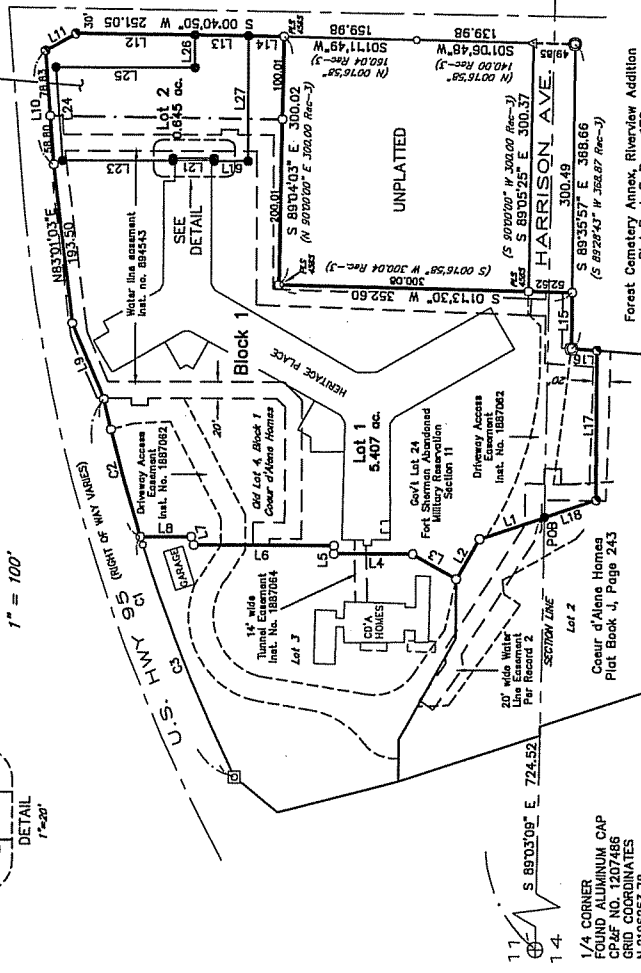
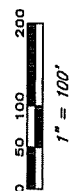
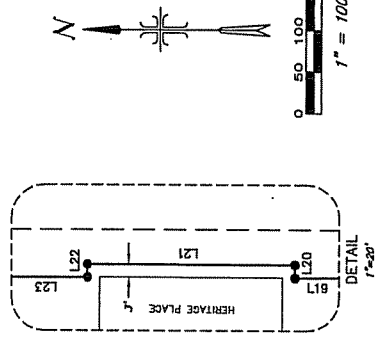
## LEGEND

- ⊕ Found Aluminum Cap 2" diam.
  - ⊖ Found Concrete Right of Way Monument with Brass Cap
  - Found Iron Pipe 3/4" diam.
  - Found Steel Pin 5/8" diam. with Plastic Cap marked PLS 8575 except as noted
  - Found Steel Pin 1/2" diam. with Plastic Cap
  - Set Steel Pin 5/8" diam., 30" long with Plastic Cap marked HODGE PLS 8575
  - Found Steel Pin 1/2" diam. with plastic cap marked PLS 4565 - replaced with Steel Pin 5/8" diam. with plastic cap marked HODGE PLS 8575
  - △ Calculated Position - nothing found or set
- POB Point of Beginning
- Drive Way Access Easement
- Public Water Line Easement
- Old Lot Line

**PRELIMINARY**

This is a preliminary survey document for review and comment only, and is subject to revision.

Date 1/24/2006



SECTION CORNER  
FOUND ALUMINUM CAP  
CP&F NO. 1207486  
GRID COORDINATES  
N.2198209.76  
E.2358406.01

Forest Cemetery Annex, Riverview Addition  
Plot Book F, Page 172  
Forest Cemetery Annex  
Plot Book E, Page 76

Gov't Lot 2  
Fort Sherman Abandoned  
Military Reservation  
Section 14

Gov't Lot 24  
Fort Sherman Abandoned  
Military Reservation  
Section 11

1/4 CORNER  
FOUND ALUMINUM CAP  
CP&F NO. 1207486  
GRID COORDINATES  
N.2198209.76  
E.2358406.01

## RECORD INFORMATION

1. Plat of FOREST CEMETERY ANNEX, RIVERVIEW ADDITION, Book F, Page 172, records of Kootenai County.
2. Plat of COEUR D'ALENE HOMES, Book J, Page 243 records of Kootenai County.

## BASIS OF BEARING

Basis of Bearing is South 89°03'09" East along the North line of the Northwest corner of Section 14, Township 50 North, Range 4 West, Boise Meridian per City of Coeur d'Alene/Kootenai County GPS network.

55-5-06

**GRANT DEED  
FOR RIGHT-OF-WAY PURPOSES**

KNOW ALL MEN BY THESE PRESENTS, that 823 MULLAN LLC, A Limited Liability Corporation whose address is 3696 E Sky Harbor Dr, Coeur d'Alene, Idaho 83814, GRANTOR/S, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, paid by the City of Coeur d'Alene, Kootenai County, State of Idaho, receipt of which is acknowledged do/es hereby grant, quitclaim and convey unto the CITY OF COEUR D'ALENE, Kootenai County, State of Idaho, a municipal corporation, the GRANTEE, whose address is 710 Mullan Avenue, Coeur d'Alene, Idaho 83814-3958, its successors and assigns, the following described property in Kootenai County, to wit:

See attached "Exhibit A" incorporated herein.

TO HAVE AND TO HOLD such property for public right-of-way purposes and incidents thereto, the GRANTOR/S do/es hereby dedicate his/her/their/its interest in said strip of land for public use. Said Grant to be appurtenant to and shall run with the land and be binding on the heirs and assigns of the GRANTOR/S.

IN WITNESS WHEREOF, the GRANTOR/S has/have caused this instrument to be executed this 12 day of June, 2006.

  
\_\_\_\_\_  
Stephen Hartbridge, GRANTOR

IN WITNESS WHEREOF, the GRANTORS have caused this instrument to be executed, this 12<sup>th</sup> day of June, 2005.

Harry Robertson

Grantor

Harry Robertson

Grantor

STATE OF Idaho )

COUNTY OF Kootenai ) SS

On this 12<sup>th</sup> day of June, 2006, before me a Notary Public, personally appeared Stephen Sheridge & Harry Robertson known or identified to me to be the individuals (s) who executed the foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed.

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

Renata McLeod

Notary Public for the State of: Idaho

Residing at: Kootenai County

My Commission Expires: 11/08/07



## RIGHT OF WAY

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., IN THE CITY OF COEUR d'ALENE, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS (THE BASIS OF BEARING FOR THIS DESCRIPTION BEING RECORD OF SURVEY BOOK 21, PAGE 3, RECORDS OF KOOTENAI COUNTY) :

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 13;  
THENCE N 1°00'51" E, 30.06 FEET TO A 5/8" REBAR PLS 832 BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;  
THENCE N 2°36'21" E, 36.06 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST;  
THENCE 56.03 FEET ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 91°42'57", A CHORD BEARING OF N 43°14'44" W AND A CHORD DISTANCE OF 50.23 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF MULLAN AVENUE;  
THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE, N 89°05'50" W, 36.06 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING APPROXIMATELY 281.65 SQUARE FEET, MORE OF LESS.

BLOCK B  
BOUGHTON KELSO ADDITION

NEW CURB AND SIDEWALK

EXIST. FIBER OPTIC LINE  
(RETAIN & PROTECT)

ALLEY

FOR  
ND

STA: 1+34.56  
15' WIDE STANDARD APPROACH

CAL PLAN  
ONNECTIONS

BLDG.

PROPOSED 8" SEWER  
(SEE CITY PLAN SHEET C4)

Y DOMESTIC  
LINE

2" IRRIGATION SERVICE,  
SEE LANDSCAPE PLAN  
FOR DETAIL

PROPOSED 8" WATER  
(SEE CITY PLAN C4)

2" DOMESTIC METER

FIRE STUB  
(SEE CITY PLAN SHEET C4)

D PVC  
S

R=40'  
PC = 2+46.48

REPLACE CATCH BASIN  
& CONNECT NEW CAT  
MANHOLE.

WITH THRUST BLOCK  
INDICATOR VALVE (PIV)

MATCH EXIST. CURB,  
BOTH SIDES S 89°05'50" E

STA: 3+04.33

URBAN APPROACH,  
DETAIL "C-9".

S. 1/4 SEC 13  
FOUND 2" ALUM. CAP IN  
MONUMENT BOX, CP&F #1151053

FDC WITH BALL DRIP VALVE

NEW MANHOLE  
(SEE CITY PLAN C4)

PED. RAMP TYPE "C", SEE  
SHEET C3.

PT = 3+00.41

EXIST. WATER MH  
RIM=2165.45

PED. RAMP TYPE "A",  
SEE DETAIL ON  
SHEET C3.

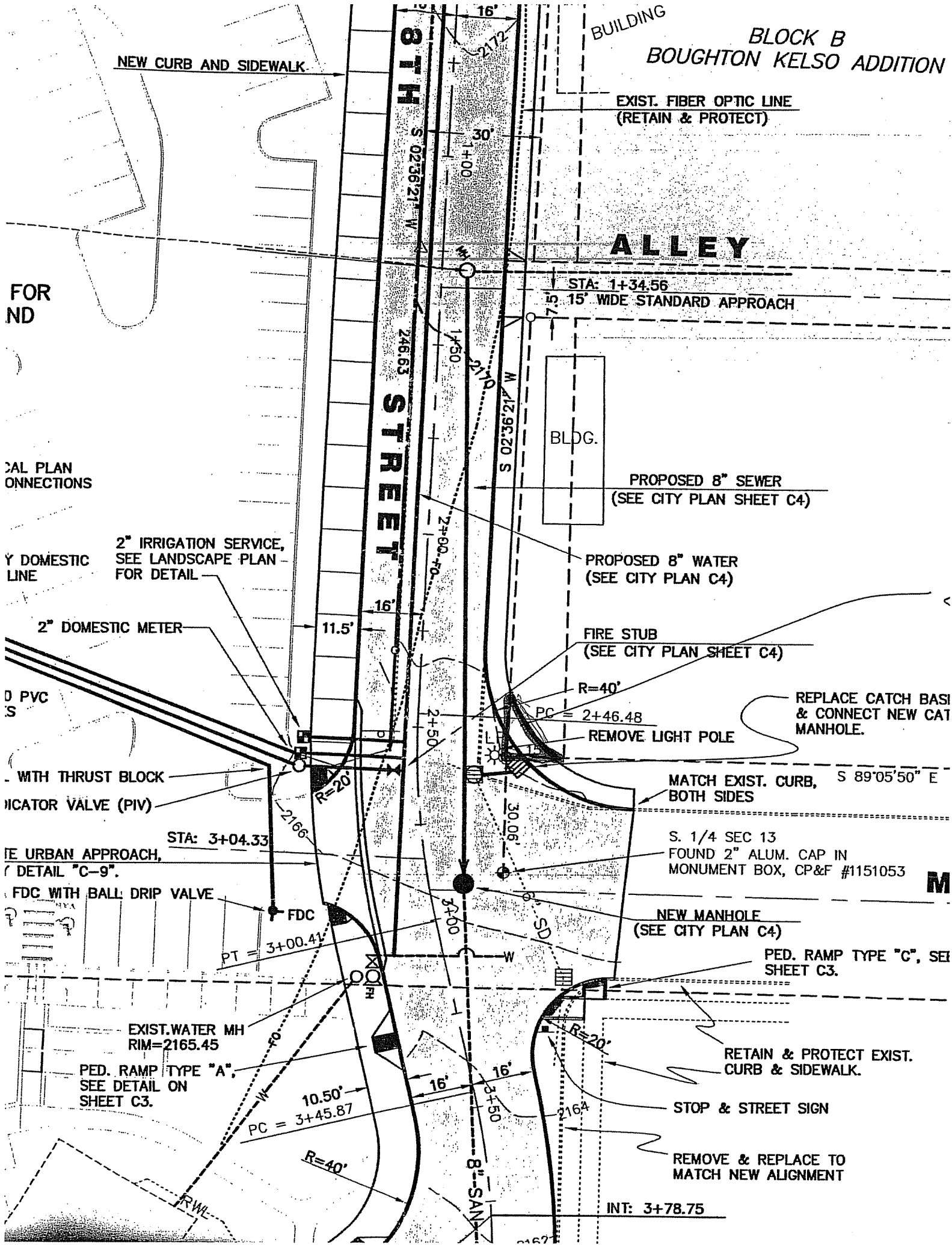
RETAIN & PROTECT EXIST.  
CURB & SIDEWALK.

PC = 3+45.87

STOP & STREET SIGN

REMOVE & REPLACE TO  
MATCH NEW ALIGNMENT

INT: 3+78.75





CITY OF COEUR D'ALENE

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

July 10

to City Council 7/5/06 Date rec. 06-20-06 Amt Pd 5000 Rec. No 197370 Permit No Date issued

Application for MOBILE FOOD CONCESSION

Applicant Name JESSE PARDUE Date of Application 6-1-06

Applicant Physical Address 1402 3rd ST

Mailing Address PO Box 1931 83814

City, State, Zip C D A ID.

Telephone (208)818-2341 Cell E-Mail Fax

Name of Business THE FAMILY DOG

Health Permit No. 2006 (Number must be permanently affixed to cart)

Specific description of cart/unit (include all dimensions) SMALLER UNIT 3' By 2'

Please describe the type of item(s) sold HOT DOGS, SANDWICHES, ICE CREAM

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.

301 SHERMAN AVE CDA ID 83814

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 [Handwritten Signature]

Sworn to me this 20th day of June, 20 06

by Kathy Seinius, Deputy City Clerk City Clerk

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 1/9/06  
Department Name / Employee Name / Date

Request made by: Cheri Atkin, legal Assistant J. Ralph Atkin Attorney  
Name / Phone  
1240 East 100th South #10 St. George Utah 84790  
Address 435-656-5300

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

Niche(s): \_\_\_\_\_  
Lot(s): WYB, 06, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. Block: 33 Section: G

Lot(s) are located in /  Forest Cemetery / / Forest Cemetery Annex (Riverview).  
Copy of / / Deed or /  Certificate of Sale must be attached.  
Person making request is / / Owner / / Executor\* /  Other\* handling Estate/Trust  
\*If "executor" or "other", affidaviats of authorization must be attached.

Title transfer fee (\$ N/A.) attached\*\*. \$ 225.00  
\*\*Request will not be processed without receipt of fee. Cashier Receipt No.: \_\_\_\_\_

**ACCOUNTING DEPARTMENT** Shall complete the following:

Attach copy of original contract.  
Vornie Jensen  
Accountant Signature

**CEMETERY SUPERVISOR** shall complete the following:

- 1. The above-referenced Lot(s) is/are certified to be vacant: / / Yes / / No
- 2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:  
\_\_\_\_\_
- 3. The purchase price of the Lot(s) when sold to the owner of record was \$ \_\_\_\_\_ per lot.  
RDS 6/27/06  
Supervisor's Init. Date

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

- 1. Quit Claim Deed(s) received: / / Yes / / No.
- Person making request is authorized to execute the claim: [Signature] 6/26/06  
Attorney Init. Date

I certify that all requirements for the transfer/sale/repurchase of cemetery lot(s) have been met and recommend that that transaction be completed.  
Susan K. Weathers 6-28-06  
City Clerk's Signature Date

**COUNCIL ACTION**

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

**CEMETERY SUPERVISOR** shall complete the following:

Change of ownership noted/recorded in the Book of Deeds: / / Yes / / No  
Cemetery copy filed / /; original and support documents returned to City Clerk / /  
\_\_\_\_\_  
Cemetery Supervisor's Signature Date

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

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 6/21/06  
Department Name / Employee Name / Date  
Request made by: Hollis Anderson Attorneys 416 Sixth St. 208 752-1271  
Name / Phone  
Wallace ID 63873  
Address

The request is for: / / Repurchase of Lot(s)  
 / Transfer of Lot(s) from Elsie Pabst dec. to Jairne + Cythnia Flores  
(husband + wife)

Niche(s): \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
Lot(s): 20, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ Block: 37 Section: A

Lot(s) are located in  Forest Cemetery / / Forest Cemetery Annex (Riverview).  
Copy of / / Deed or / / Certificate of Sale must be attached.  
Person making request is / / Owner / / Executor\*  Other\* Attorney for Estate

\*If "executor" or "other", affidaviats of authorization must be attached.  
Title transfer fee (\$ 40<sup>00</sup> ) attached\*\*.  
\*\*Request will not be processed without receipt of fee. Cashier Receipt No.: \_\_\_\_\_

**ACCOUNTING DEPARTMENT** Shall complete the following:  
Attach copy of original contract.

Sheri Carroll  
Accountant Signature

**CEMETERY SUPERVISOR** shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant: / / Yes / / No
2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:  
\_\_\_\_\_
3. The purchase price of the Lot(s) when sold to the owner of record was \$ 70.00 per lot.  
RDE 6/27/06  
Supervisor's Init. Date

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

1. Quit Claim Deed(s) received: / / Yes / / No. [Signature] 6-27-06  
Person making request is authorized to execute the claim: \_\_\_\_\_  
Attorney Init. Date
- I certify that all requirements for the transfer/sale/repurchase of cemetery lot(s) have been met and recommend that that transaction be completed.  
Susan K. Weathers 6-28-06  
City Clerk's Signature Date

**COUNCIL ACTION**

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

**CEMETERY SUPERVISOR** shall complete the following:

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

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



# ANNOUNCEMENTS

# Memo to Council

DATE: June 26, 2006

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the March 7th Council Meeting:

GENE O'MEARA

Pedestrian & Bicycle Advisory Committee

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

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Susan Weathers, Municipal Services Director  
Michael Gridley, Ped/Bike Committee Liaison

OTHER BUSINESS

COUNCIL BILL NO. 06-1017  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING PORTIONS OF UNUSED UTILITY EASEMENTS FROM THE COEUR ADDITION AND THE COEUR FIRST ADDITION, RECORDED IN BOOK "E" OF PLATS, PAGE 104, AND BOOK "E" OF PLATS, PAGE 197, RESPECTIVELY, AND, KOOTENAI COUNTY RECORDED INSTRUMENT #599428, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; ALL IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, LYING WITHIN LOT "A", BLOCK 1 OF THE PLAT OF CROWN ADDITION, RECORDED IN BOOK "J" OF PLATS, PAGE 228, RECORDS OF KOOTENAI COUNTY, IDAHO, AND, LOT 2, BLOCK 1, EATON ADDITION, RECORDED IN BOOK "J" OF PLATS, PAGE 25, RECORDS OF KOOTENAI COUNTY, IDAHO, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said utility easements be vacated; NOW, THEREFORE,

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

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

The northerly 5.0 feet, and, westerly 2.5 feet of former Lot 5, Block 2 of said Coeur Addition; the northerly 2.5 feet and westerly 5.0 feet of former Lot 6, Block 2, of said Coeur Addition; the northerly and easterly 2.5 feet of former lot 7, Block 2 of said Coeur First Addition; and, the westerly and southerly 2.5 feet of former lot 8, Block 2 of said Coeur First Addition.

be and the same is hereby vacated.

**SECTION 2.** That said vacated easements shall revert to the underlying property owners.

**SECTION 3.** That the existing rights-of-way, easements, and franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law, and that the adjoining property owners shall in no manner pave or place any obstruction over any public utilities.

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

**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED by the Mayor this 5<sup>th</sup> day of July, 2006.

---

Sandi Bloem, Mayor

ATTEST:

---

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
V-06-1 RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_\_, vacating undeveloped utility easements from the Coeur Addition and the Coeur First Addition, Recorded in Book "E" of Plats, Page 104, and Book "E" of Plats, Page 197, respectively, and, Kootenai County recorded Instrument #599428, Records of Kootenai County, Coeur d'Alene, Kootenai County, Idaho, all in the Southeast Quarter of Section 35, Township 51 North, Range 4 West, Boise Meridian, City of Coeur d'Alene, Kootenai County, Idaho, lying within Lot "A", Block 1 of the plat of Crown Addition, recorded in Book "J" of Plats, Page 228, records of Kootenai County, Idaho, and, Lot 2, Block 1, Eaton Addition, recorded in Book "J" of Plats, Page 25, records of Kootenai County, Idaho.

Such easements are more particularly described as follows:

The northerly 5.0 feet, and, westerly 2.5 feet of former Lot 5, Block 2 of said Coeur Addition; the northerly 2.5 feet and westerly 5.0 feet of former Lot 6, Block 2, of said Coeur Addition; the northerly and easterly 2.5 feet of former lot 7, Block 2 of said Coeur First Addition; and, the westerly and southerly 2.5 feet of former lot 8, Block 2 of said Coeur First Addition.

The ordinance further provides that the ordinance shall be effective upon publication of this summary. The full text of the summarized Ordinance No. \_\_\_\_\_ is available at Coeur d'Alene City Hall, 710 Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

---

Susan K. Weathers, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, V-06-1 RIGHT-OF-WAY VACATION , 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 5<sup>th</sup> day of July, 2006.

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Warren J. Wilson, Deputy City Attorney

# PUBLIC HEARINGS



Date: July 5, 2006  
To: City Council  
From: David Yadon, Planning Director  
Subject: **Item O-6-05 Amendment to Zoning Code** – Downtown Development Regulations (Downtown Core Zone). Regulations

### **Decision Point**

The City Council is asked to consider amendments to the C-34 Zoning district that would establish new development standards.

### **History**

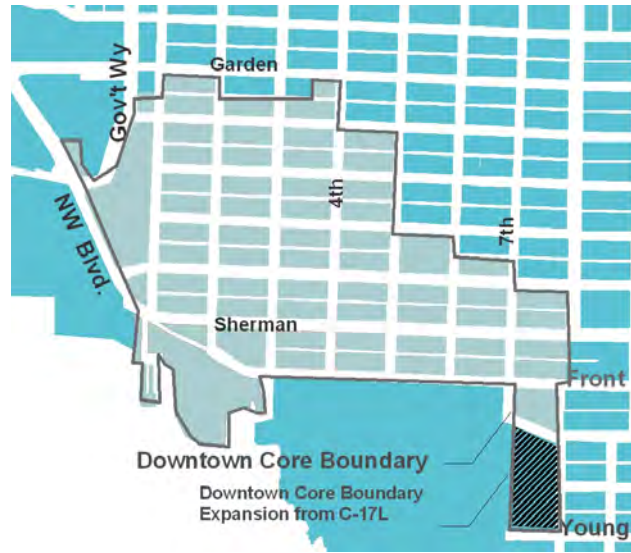
In April 2005 the City Council directed that a study of downtown height regulations be initiated as soon as possible. In May 2005, the Lake City Development Corporation (LCDC) agreed to partner with the city and extended an existing contract with Mark Hinshaw of LMN Architects to conduct the study.

With the assistance of an eleven member steering committee made up of business and citizen representatives, Mr. Hinshaw developed a proposal for the Planning Commission's consideration. After workshops and public hearings the Planning Commission recommends the attached regulations.

The amendments address the following areas of the C-34 Zoning District:

- Changing the name of the District,
- Expanding the district to include the property now included within the Downtown Design Overlay District ( See Map);
- Adopt an Application and Intent statement;
- Amending the Permitted Uses;
- Establishing Basic Development Standards including Floor Area Ratios and Bonus Features Allowing Increased Floor Area Ratio, Maximum Building Height, Building Bulk and Parking Ratios.

In addition, section 17.44.570, the defined legal description of the Central Business District, would be deleted.



### **Performance Analysis**

The proposed amendment is consistent with Comprehensive Plan policies including 6A, 38, 42A1, 52 B, 58A, 63D.

### **Quality of Life Analysis**

The amendment will provide a set of regulations designed to create a distinct, strong identity for the downtown core, preserving a civic heart for Coeur d'Alene.

### **Decision Point Recommendation**

The City Council is asked to consider amendments to the C-34 Zoning district that would establish new development standards.

**PLANNING COMMISSION  
MINUTES  
APRIL 19, 2006  
CITY COUNCIL CHAMBERS**

COMMISSIONERS PRESENT

John Bruning, Chairman  
Heather Bowlby  
Brad Jordan  
Tom Messina  
Scott Rasor  
Mary Souza  
Tiffany Tenty, (Student Representative)

STAFF MEMBERS PRESENT

Dave Yadon, Planning Director  
Shana Stuhlmiller, Public Hearing Assistant  
Warren Wilson, Deputy City Attorney

COMMISSIONERS ABSENT

CALL TO ORDER

The meeting was called to order by Chairman Bruning at 6:00 p.m.

PUBLIC HEARINGS:

1.      Applicant:      City of Coeur d'Alene  
         Request:      Downtown Development Regulations  
                             LEGISLATIVE (0-6-05)

Planning Director Yadon presented the staff report, gave the mailing tally as, 0 in favor, 4 opposed, and 2 neutral and answered questions from the Commission.

Mark Hinshaw, LMN Architects, Consultant for the City, explained an overview of the regulations to be reviewed. He commented that the City is now emerging with very strong economic trends and people want to live downtown. He added now that the word is out, it is time for the City to acquire the tools to move forward into the 21<sup>st</sup> century. He explained the updated draft regulations to the Commission and then asked if the Commission had any questions.

Public testimony open:

Keith Thorhaug, 1025 Lakeside Avenue, Coeur d'Alene commented that he feels the views and vistas will be destroyed if these regulations are approved. He continued that people move here for the charm and beauty of the area, and not to be concerned with a high rise building blocking the views. He commented that he feels that it is too quick to make a decision on these regulations and should be denied.

Rick Seward, 1315 N. Hill Drive, Coeur d'Alene commented that he represents the Masonic Lodge and questioned how the taxes will affect the lodge if these regulations are approved. He inquired if the City has a process for inclusion of this property if these regulations are approved.

Planning Director Yadon commented that he would be happy to meet with Mr. Seward and discuss any questions he has pertaining to the inclusion process for this property.

John Barlow, 3403 Fernan Hill Road, Coeur d'Alene, commented that he has spent a lot of time reviewing these regulations and how they will impact their future projects in the City. He explained that the setback restrictions are so extreme that they would be useless to help promote needed parking in the City, which would discourage growth downtown. He explained that the FAR (Floor Area Ratio) is too low and would suggest that it be adjusted higher. He feels that bonuses given for extra square footage are unfair, and commented as an example, that the resort would like to add additional rooms but the cost would be higher if these regulations were approved. He concurs with previous testimony that more discussion is needed before a final decision is made.

Commissioner Razor inquired if these changes were made as requested to these regulations would they be acceptable.

Mr. Barlow commented that some changes will work for some and not others. He added that the language for these regulations is too broad and should be narrowed so that they make sense. He also questioned how much authority will be given to the Planning Director to make decisions on what is allowed and what is not. He commented that these regulations greatly help residential but does not see it benefit commercial.

Peter Cooper, 1671 E. Miles Avenue, Hayden, commented that he is in favor of these regulations that will allow buildings to be designed on an individual basis. He feels that there is a desire to place vegetation on the side of a building that will help soften the architecture, promote extra oxygen and will help absorb heat to the building. He commented that 220 feet is a comfortable height and that by promoting the use of bay windows and balconies will create a pleasing façade to future buildings.

Gary Banbury, Representative for Coeur d'Alene Mines, 505 Front Avenue, Coeur d'Alene, commented that they do not support these regulations and feels that these will limit their ability for any future growth intended in the future. He added that Coeur d'Alene Mines has been in the City for over 20 years and feels that if these are approved the business will suffer because of strict limitations.

John Beutler, 1836 North West Boulevard, Coeur d'Alene, commented that the City spent a lot of money on the Walker Macy report which supported growth downtown, and feels that approving these regulations goes against the goals stated in that report. He added that he understands the need to want to keep things the same but the Commission should keep the promise to future business owners not to stifle growth and provide tools that will keep growth downtown. He added that this will not happen if these regulations are approved. He suggested that the Planning Commission to not approve these regulations and feels more discussion is needed before a decision is made.

Commissioner Souza questioned if Mr. Beutler could suggest any alterations that could be made to these regulations that would make him feel comfortable and approve.

Mr. Beutler commented that by limiting restrictions to the parking site will hurt growth because people will not come downtown if there is not enough parking. He commented that he does not understand why people are panicked over tall buildings that he feels as a developer will not happen. He added that if you want the City to continue to grow, do not approve these regulations.

Commissioner Messina questioned if restricting the height limit to 220 if this will hurt growth in the City.

Mr. Beutler answered that the current zoning already sets the limit for height and that has been working fine. He added that he feels that there are few buildings that can be built to the height of 220 feet. He added that he is currently building a new commercial building on his existing lot which is not downtown and how the costs are outrageous and feels that to promote growth downtown you have to give people a break.

Commissioner Razor commented if Mr. Beutler would agree that the FAR has some validity allowing more

density when available.

Mr. Beutler concurs but the trade-off is if the building is reduced by width that would make it impossible to design a building that would be functional. He commented that these guidelines are too restrictive.

Robert Provost, 118 N. 7<sup>th</sup> Street, Coeur d'Alene, commented that he is in favor of these regulations and explained how the FAR was instrumental to help acquire the needed density for his building. He commented that he feels that a decision needs to be made quickly either way so developers can start planning for future projects in the City.

Janet Robnett, 701 Front Avenue, Coeur d'Alene, commented that she has been involved in many land use issues within the City and been a downtown business owner for many years. She continued that their should not be a discrimination in the FAR ratios for residential and commercial and feels height and bulk should be more defined. She concurs with previous testimony that their needs to be additional discussion before these regulations are approved. She then stated the following that she feels needs to be addressed: 1. Industrial uses should not be eliminated and feels that there is a need for this type of use downtown. 2. The FAR should be enlarged to include Commercial and Residential and feels that when the FAR's are calculated will determine the height of the building.

Tom Anderson, 814 Coeur d'Alene Avenue, Coeur d'Alene, commented that he went to various neighborhoods in the City and took a poll on how people felt about buildings being built in downtown that could reach 220 feet. He presented a copy of a petition to the Commission with over 100 signatures of people who were opposed to these regulations. He added that some of the concerns from those polled were that tall buildings are out of character for downtown, noise congestion, nighttime pollution, and that property values will be reduced and neighborhoods will deteriorate.

Barb Crumpacker, 1015 Lakeside Avenue, Coeur d'Alene, commented that she is concerned how the impact of larger buildings will have to the existing sewer system and how the costs will impact residential owners. She commented she is opposed to this request.

Assistant Deputy Attorney Wilson commented that impact fees are already being collected from new growth to go for fees such as parks, police, streets, and Fire.

John Motandon, 1010 Sherman Avenue, commented that he has been in business for 52 years and feels that putting so many restrictions for downtown will make opportunities go away. He explained that the height from a one story building views are gone, and feels that this opposition does not make sense. He added that he had a buyer for a property he owns on Sherman Avenue, and that the people who were going to buy the building, pulled there offer after hearing about these restrictions being proposed. He stressed that the Commission needs to slow down on the adoption of these regulations.

Tom Nelson, 8568 W. Meadow Brook Court, Coeur d'Alene, commented that he is opposed for several reasons such as people who live here will be paying for the costs of these facilities, and that there should be a moratorium passed to accrue the extra costs. He added that they owned a building on Sherman Avenue and how the LID costs were so high they had to get rid of it.

R.G. Nelson, 2233 Northwest Boulevard, Coeur d'Alene, commented that he is a local architect in town and has spent a lot of time reviewing these regulations and found that they do not work. He presented to the Commission a letter and drawing showing a design of a building using these calculations and found that they do not work.

Commissioner Souza questioned if the validity to use the FAR ratios to help increase the amount of units is a positive as opposed to the old regulations. She commented that she feels that there are many incentives when using these new calculations to help increase the amount of space for smaller units.

Mr. Nelson commented that the FAR ratios were not a concern and found that it is impossible to meet the requirements of parking by code, impossible for access using a 15' alley, and impossible in pursuit for economy of structural systems. This is going to hurt and added that 8' feet will not work for people who live in this area who drive large vehicles and feels that people living in Seattle can get away with this, but not in our area. He added that he feels parking issues drives what you type of building you can have. He added that a developer is not going to design a building with no parking and commented that this is unacceptable.

Susie Snedaker, 821 Hastings, Coeur d'Alene, commented that she concurs with Mr. Nelsons comments regarding parking and added as an example, that the building proposed by Miller Stauffer that they had to acquire an additional lot for parking. She continued that she is concerned with the amount of people moving to the City, and how a need for a public transit system should be implemented so people can get around the City. She concurs with previous testimony that the bonus features should be eliminated and questioned why schools are not included with the current impact fees. She commented that she feels the downtown is for sale. She commented that antennas located on the roof should be no more than fifteen feet above the roof top and that should not be limited to antennas but should include everything. She commented that skywalks are important and was not included in these regulations and feels that they should not be allowed. She continued that she is dismayed that Design Guidelines were not part of these regulations.

Commissioner Souza questioned if the current design guidelines would apply to these regulations.

Commissioner Messina answered that there are limitations to what is looked at in the Design Guidelines.

Dennis Cunningham, 8158 N. Stonehaven Drive, Coeur d'Alene commented that he feels that he was fortunate to have attended past discussions that included representation of many different business people to discuss these regulations. He added that this is a challenge, and commended the people who have to make this decision on these regulations. He commented that he recently tested these regulations on a current project he has been working on and found they work. He noted that he found that the FAR calculations were not a problem but helped with how creative when designing the building. He added that this is a great product and feels that you can not make everyone happy and feels that when this goes forward to Council to request that a decision be made soon for the implementation of these regulations.

Dale Hickman, 5477 W. Heine Road, Coeur d'Alene, commented that he recently purchased a piece of property on Indiana Avenue, and found when using the FAR calculations limited his ability to design a building that was attractive and would not benefit a return on this investment. He commented that he doubts that there will be a lot of high rises built in the City and feels that these regulations will limit the ability for Architects to be creative when designing buildings.

Public testimony closed.

Chairman Bruning commented that he would like to thank everyone for there comments and feels that the topic of height downtown is one of the most important topics that needs to be addressed now and not later.

Commissioner Messina commented that he concurs that this draft needs some work and when a decision is made will not make everyone happy. He added that he understands the importance for developers to have an answer as soon as possible and agrees this needs to be a priority.

Commissioner Souza concurred that more work needs to be done on this document and feels that this is a "In progress document"

Commissioner Jordan concurred that more work needs to be done and appreciates all of the public testimony heard tonight.

Commissioner Bowlby commented that she concurs and explained the history of how the Commission felt of the possibility that a wall of buildings could be built along Front Avenue that would cause views and vistas to be lost. She agrees that more time is needed to get this right but understands the urgency for this to be a priority so a decision can be made. She also stressed that transportation needs to be discussed and how important this is to keep the downtown vibrant and people coming into the City.

Student Representative Tenty commented that she was confused and now after hearing testimony concurs that more discussion is needed before a final decision is made. She added that she concurs that transportation is a problem and how important it is for people to have a way to get to the City.

Commissioner Jordan inquired what is the next step in this process in order to get this completed.

Planning Director Yadon answered that a date for a schedule a workshop.

Commissioner Razor inquired if staff knew of any pending projects that are waiting for a decision to be made in order to go forward.

Planning Director Yadon stressed that the ability to design under the old is difficult given the uncertainty and feels that the Commission needs to make a decision soon so developers can plan their projects knowing what is expected.

Commissioner Jordan commented that he is sympathetic for the developers who have designs pending waiting for an answer. He added that he feels this should be a high priority and a decision made.

Commissioner Messina commented that he is aware that next month is a full schedule with meetings and is willing to bite the bullet to get it done.

Commissioner Bowlby commented that they have had a lot of testimony tonight and would like to have an open door to the public at the workshop for more input to help with a decision.

Planning Director Yadon stressed that it would be helpful for staff to have the Commission forward their questions to him so he can have a chance to discuss these changes with Mr. Hinshaw before the workshop.

The Commission concurred and set a date for a workshop to be scheduled on Tuesday, April 25<sup>th</sup> at 5:00 p.m. in the City Council Chambers.

Motion by Razor, Seconded by Souza, to continue Item 0-6-05 to a special meeting for the Planning Commission on Tuesday, May 15<sup>th</sup>, 2006 starting at 6:00 p.m. Motion approved.

#### ADJOURNMENT:

Motion by Razor, seconded by Messina, to adjourn the meeting.

The meeting was adjourned at 10:00 p.m. Motion approved.

Prepared by Shana Stuhlmiller, Public Hearing Assistant

**PLANNING COMMISSION  
MINUTES  
MAY 15, 2006  
CITY COUNCIL CHAMBERS**

**COMMISSIONERS PRESENT**

John Bruning, Chairman  
Heather Bowlby  
Brad Jordan  
Tom Messina  
Scott Rasor  
Mary Souza

**STAFF MEMBERS PRESENT**

Dave Yadon, Planning Director  
Shana Stuhlmiller, Public Hearing Assistant  
Warren Wilson, Deputy City Attorney

**COMMISSIONERS ABSENT**

Tiffany Tenty (Student Representative)

**CALL TO ORDER**

Chairman Bruning called the meeting to order at 6:00 p.m.

**PUBLIC HEARINGS**

1. Applicant: City of Coeur d'Alene  
Request: Downtown Development Regulations  
LEGISLATIVE (0-6-05)

Planning Director Yadon presented a copy of the draft regulations to the Commission incorporating the changes from the workshop held on April 25, 2006. He then asked if the Commission had any questions.

Commissioner Souza noted changes on page seven under the heading Public Art and that the word "as" should be eliminated in that sentence, under structured parking that screened should be added, and that off site workforce added within the downtown area. She also noted that under the heading Maximum Building Height item number two feels that this statement needs more clarification and that heliports should be included in these regulations and should not be allowed.

Planning Director Yadon inquired if heliports are to be considered a principal or an accessory use. He explained the two uses and feels that an accessory use would be the best choice that would allow helicopters to be used occasionally, rather than eliminating the use at all.

Commissioner Jordan concurred to not eliminate the use of helicopters in the downtown and explained that people who live in these two million dollar condos occasionally may need to use a helicopter.

Commissioner Souza commented that she feels that there is a need to be sensitive to people who use helicopters and does not want to infringe on heliports.

Commissioner Jordan commented that he feels that affordable housing needs to be available downtown and does not want to see local people driven out of living downtown because of not having affordable housing.



Planning Director Yadon noted that if jobs are created downtown, there should be affordable housing so that people working in the City will not have to drive 100 miles to work. He noted that a five-minute walk is estimated to be 1,500 feet and that by providing affordable housing downtown will benefit people working in the City.

Commissioner Souza concurred to keep people working in the City to be able to live downtown within walking distance of their jobs. She noted that the workforce definition should be clarified to reflect the need to provide affordable housing downtown.

Commissioner Bowlby suggested that I-90 would be a good dividing point for the boundary for affordable housing and commented that she has a neighbor who lives on Fernan Hill and walks to work everyday. She commented that she feels that this has to be a priority so that people working in the City have other options than driving to work.

Planning Director Yadon commented that he would add to the draft regulations that South of I-90 be the dividing line for workforce housing.

#### Public testimony

John Barlow, 3403 Fernan Hill Road, Coeur d'Alene, commented that he wanted to compliment the Planning Commission on the progress that was made to the draft regulations. He noted that the main concern was to not segregate commercial and residential, but make them the same and thanked the Commission for incorporating that change to the draft presented tonight and that the Hagadone Corporation will endorse all the rest of the changes to the draft regulations presented tonight. He continued that he concurs that the parking structure should be screened. He commented that he agrees that affordable housing should be provided downtown so rental properties do not disappear because costs are too high to live in the City. He commented that he would like the Commission to reconsider not allowing heliports and explained that occasionally, VIP's will come to the resort by helicopter, and not tie this use to height restrictions for a building since this type of service is not used often, but should not be eliminated. He added that he would like to congratulate the Commission on the progress made to this draft and for achieving the established goals.

Commissioner Bowlby concurred that heliports should not be eliminated, and mentioned that they may be used as an occasional use, and this should be a "heads up" for future developers who would like to use this service.

Chairman Bruning concurred, and feels that rather than prohibit this use, a definition can be worked on by staff, not to eliminate but with restrictions.

Commissioner Jordan commented that he could see that a heliport will be needed for future development.

Commissioner Souza commented that she feels that there should be consideration to people living in the City who would be impacted from the noise and lights for this use. She concurs that this should be restricted to an occasional use.

Janet Robinett, P.O. Box E, Coeur d'Alene, commented she feels all of her concerns have been addressed and that she is looking forward to seeing how the language for helicopter use will be incorporated into the draft regulations. She added that she feels hospitals would be hesitant about eliminating this use, since they are often used in emergencies. She noted that she feels that these draft regulations are easy to understand and commends the Commission for their work.

Marshall Mend, 2071 E. Packsaddle, Coeur d'Alene, commented that he owns property on 1<sup>st</sup> and Coeur d'Alene Avenue, with intentions to build an eight-story condo on the property. He noted that the parking spaces will be changed with the approval of these regulations and questioned how soon these changes will be official.

Planning Director Yadon answered that if the Planning Commission gives their recommendation for approval this draft will go forward to Council who will make the final decision. He added that he would estimate this to be two months.

Dennis Hinrichsen, 946 E. Spruce Avenue, Coeur d'Alene, commented that the approval of these regulations would have an adverse impact to the area neighborhoods. He asked why these regulations are being proposed without traffic counts being done first, and feels that private property rights need to be protected. He questioned how people get in and out of the City with the addition of high rise buildings and feels that there needs to be a plan, and suggested a monorail system to be used. He concurred that affordable housing should stay downtown and does not want the need for density to push affordable housing farther out of the City. He added that it should be our responsibility to petition the State Legislature to demand that development pay for itself. He added that numerous times he has tried to contact staff concerning traffic reports, and that nobody has responded to his request.

Commissioner Souza explained that new development is already being paid for by impact fees and suggested that he talk with staff to get his other concerns addressed.

Mr. Hinrichsen commented that he feels traffic counts are important before authority is given to developers to build sky-high buildings and feels that this issue needs further discussion before these regulations are approved.

Commissioner Messina questioned if traffic counts should be done for the entire City or just the downtown core.

Mr. Hinrichsen commented that he feels that traffic counts should be done for the downtown district.

Chairman Bruning commented that north and south traffic flow is bad and feels that when Government Way is open, it will lessen the impact to traffic in the City. He added that the school district is concerned that school enrollment is down and feels that the demographics are changing in the City.

Commissioner Souza commented that she feels it is the goal of the Planning Commission and City Council to maintain density downtown, and feels that these regulations will help that need.

Mr. Hinrichsen commented that he does not want the City to turn into downtown Seattle and to help safeguard the existing homeowners so that they are not taxed out of their homes.

Public testimony closed.

#### **DISCUSSION:**

Commissioner Bowlby concurred with Mr. Hindrichsen that traffic is a problem and feels that traffic projections should be done for the next 10 years and feels that this topic needs further discussion. She added that it is important for people to get in and out of the City and that this is a valid concern.

Planning Director Yadon answered that the City Engineer, Gordon Dobler, would be the best person to address those questions regarding traffic. He noted that in discussions with City Engineer Dobler, he mentioned that he is working on a report involving traffic counts for residential and commercial, but has not completed that report yet.

Chairman Bruning commented that his office is across from the Lakevilla Apartments, and does not notice a problem with traffic when leaving work in that area.

Commissioner Souza recommended that if these regulations go forward to Council it would be a good idea to give a heads up to Council concerning traffic counts in the area.

Commissioner Jordan commented that he appreciates all the concerns addressed tonight and that if you look back forty years ago, downtown had a lot of mixed use businesses including a hospital which kept downtown vibrant for many years. He noted that in the last year, downtown is booming, which is exciting, and feels that these guidelines need to go forward so a decision can be made. He added that he would like to thank his fellow Commissioners for their great input on putting together regulations that are flexible.

Chairman Bruning commented that he feels this is one of the most important ordinances the Commission has worked on and would like to congratulate staff for all of their input in this process. He added that building height downtown has been a concern for the Commission for along time and feels that with this ordinance it will elevate some of the concerns of building high-rise buildings downtown.

Commissioner Souza commented that she feels this ordinance will accomplish limitations to height downtown but not restrict altogether. She added before there were not any restrictions and that with this there will be a buffer. She added that these regulations are great.

**Motion by Souza, seconded by Messina, to approve Item 0-6-05 Motion approved.**

Commissioner Jordan commented that he would like to thank his fellow members of LCDC for the help they gave in providing funds for professional help to produce a working document. He also note that Mark Hinshaw was the right consultant for the job.

**ROLL CALL:**

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

**ADJOURNMENT:**

Motion by Souza, seconded by Messina, to adjourn the meeting.

The meeting was adjourned at 8:00 p.m. Motion approved.

Prepared by Shana Stuhlmiller, Public Hearing Assistant



## DEVELOPMENT REGULATIONS

## DOWNTOWN COEUR D'ALENE

LMN Architects  
City of Coeur d'Alene

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## DEVELOPMENT REGULATIONS

### I. Overall Purpose

To create a distinct, strong identity for the downtown core, preserving a civic heart for Coeur d'Alene.

To encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.

To produce a concentration and a mixture of commercial, office, retail, residential, and public uses within the downtown.

To develop a downtown that supports pedestrian movement and use of public transit.  
To implement the City's Comprehensive Plan.

***How Proposal relates to Purpose statements:***

***“Encourage the development of a mixed-use city center”***

*Response: Simplified list of uses to encourage virtually all uses*

***“Stimulate economic development in downtown”***

*Response: Allow a significantly greater residential density than current code*

***“Preserve views of Tubbs Hills and other distant landforms”***

*Response: View corridors through upper level setbacks along with tower size and spacing*

***“Increase the downtown residential population”***

*Response: Eliminate units per acre maximum;  
use FAR instead (Proposed Code doubles current allowable density)*

***“Respect the small town scale and character”***

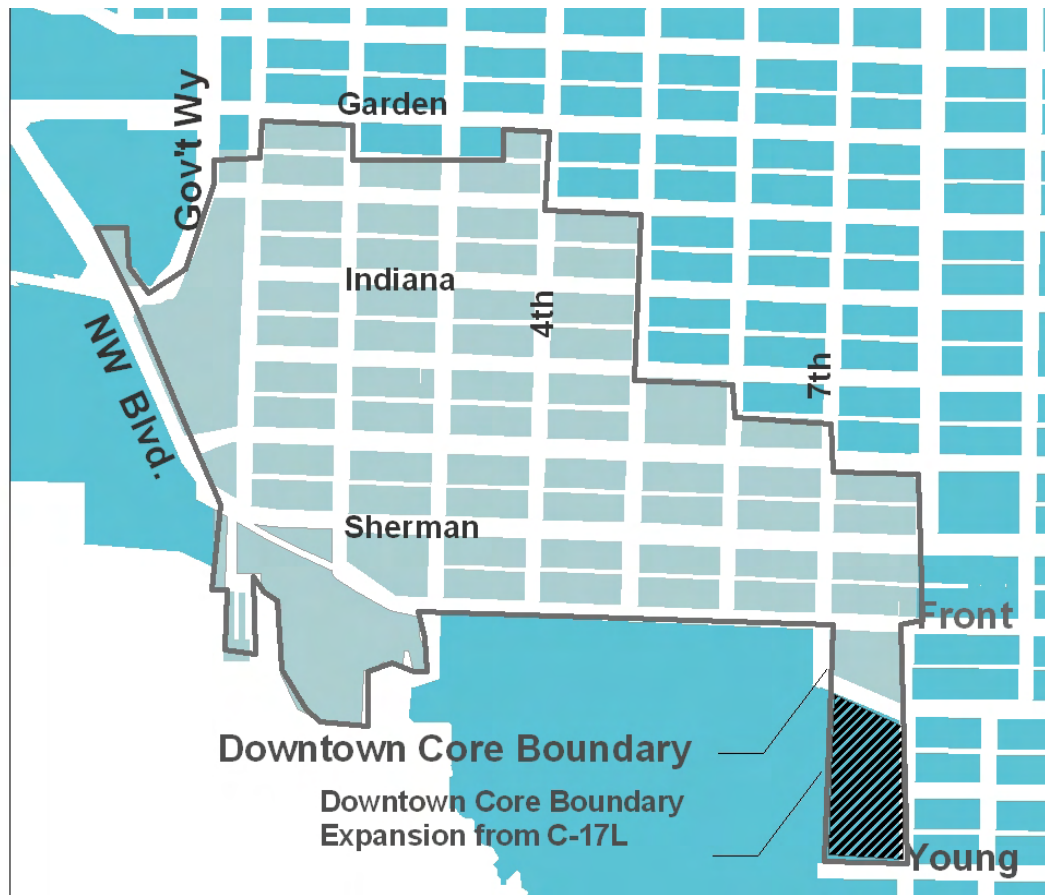
*Response: Street level amenities and character through bonuses and exemptions from parking requirements for small retailers*

## DEVELOPMENT REGULATIONS

### II. Application and Intent

#### DC – Downtown Core

This district is envisioned to have the highest intensity uses, especially retail, office, residences, and hotels contained within low-rise, mid-rise and high-rise buildings. Shops and restaurants would be located along key streets. Major public spaces and buildings would anchor the district. Over time, parking would be increasingly located within structures.



*Note: These proposed regulations do not affect the Downtown Overlay North area regulations located north of Indiana.*

### III. Use Limitations

All uses shall be allowed, unless prohibited below.

Prohibited:

- Adult Entertainment
- Billboards
- Drive-Through Businesses along Pedestrian-Oriented Streets
- Gasoline Sales
- Industrial Uses
- Heliports as a principal use
- Mini-Storage on the street level.
- Outdoor Sales or Rental of Boats, Vehicles, or Equipment
- Outdoor Storage of materials and equipment (except during construction)
- Repair of Vehicles, unless entirely within a building
- Sewage Treatment Plants and other Extensive Impact activities.
- Surface Parking on Pedestrian-Oriented Streets
- Work Release Facilities
- Wrecking Yards
- Vehicle Washing, unless located within a building or parking structure
- Any other use that the Planning Director determines not to comport with the intent of the district as expressed in Section I Overall Purpose.



**IV. Basic Development Standards**

**A. Floor Area Ratio**

Floor Area Ratio (FAR) is a method of calculating allowable floor area. The FAR multiplied by the parcel size (in square feet) equals the amount of allowable floor area that can be built within a development.

**Floor Area Ratio (FAR)**

	Basic Allowable	Maximum Allowable with Bonuses
District		
DC	4.0	6.0

Note:

1. For the purposes of these regulations, floor area is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:
  - Space below grade
  - Space dedicated to parking
  - Mechanical spaces
  - Elevator and stair shafts
  - Lobbies and common spaces, including atriums
  - Space used for any bonused feature
2. Parcel size is one or more contiguous lots under common ownership.

Planning Commission Recommended Draft

**B. Bonus Features** Allowing Increased Floor Area Ratio (up to Maximum)

<b>Feature</b>	<b>Additional Floor Area for each Feature</b>
<p><b>Street Level Retail</b> Uses providing goods and services, including food and drink, adjacent to, visible from, and accessible from the sidewalk</p>	<p>100 sf of floor area for each linear foot of retail frontage</p>
<p><b>Public Plaza / Courtyard</b> An open space that is accessible to the public at all times, predominantly open to the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut and be within 3 feet in elevation of a sidewalk, at least 10% of the area shall be planted with trees and other vegetation. There must be seating, lighting and penetration of sunlight</p>	<p>5 sf of floor area for each sf of plaza / courtyard</p>
<p><b>Canopy</b> A rigid structure covered with fabric, metal or other material and supported by a building at one or more points, projecting over an entrance, window, outdoor service area or walkway with the purpose of sheltering persons from sun, wind and precipitation</p>	<p>4 sf of floor area for each sf of canopy</p>
<p><b>Public Art</b> Any form of painting, mural, mosaic, sculpture, or other work of art as approved by the Arts Commission. Documentation of building costs and appraised value of the art feature shall be provided. The art feature must be displayed on the exterior of a building, at or near the pedestrian entrance or on a public plaza.</p>	<p>10 sf of floor area for each \$100 of valuation</p>
<p><b>Water Feature</b> A fountain, cascade, stream, fall, pond of water, or combination thereof, that serves as a focal point. It must be a water-efficient design located outside of a building and be publicly visible and accessible. Water features must comply with City policies regarding water usage. It must be active during daylight hours. During periods of water use restrictions and freezing such features may be turned off</p>	<p>10 sf of floor area for each \$100 of valuation</p>
<p><b>Parking, Structured</b> Parking contained within an enclosed or screened building, designed to appear like it is part of the larger building complex.</p>	<p>0.5 sf of floor area for each sf of required parking above grade</p>
<p><b>Parking, Below Grade</b> Any portion of structure containing parking that is located below the average finished grade around a building.</p>	<p>1 sf of floor area for each sf of required parking below grade</p>
<p><b>Green Roof</b> A roof designed with principles of environmental sustainability, involving the use of vegetation and storm water collection and cleaning. It may or may not be accessible</p>	<p>2 sf of floor area for each sf of green roof</p>

Planning Commission Recommended Draft

<b>Feature</b>	<b>Additional Floor Area for each Feature</b>
<p><b>Day Care</b>                      A use providing for the care of children or elderly people, generally during the hours of 6am and 7pm. Such use shall comply with all applicable City standards</p>	<p>4 sf of floor area for each sf of day care</p>
<p><b>Health Club</b>                      A use that offers exercise and recreational activities for tenants and/or the general public, either with or without a fee.</p>	<p>2 sf of floor area for each sf of health club</p>
<p><b>Public Meeting Rooms</b>                      A space that can be used by the general public and having a capacity of at least 50 people. It may operate under a reservation or nominal fee system, but must be easily accessible from a lobby or plaza</p>	<p>5 sf of floor area for each sf of meeting room</p>
<p><b>Workforce Housing</b>                      For purposes of this code, workforce housing is defined as dwelling units available to households making less than the median income for all households within the city limits</p>	<p>4 sf of floor area for each sf of workforce housing</p>

Note: Public Plaza, Parking may be provided within the DC District & Workforce Housing features may be provided south of the freeway ( This section may be further refined by additional boundaries of 1 1/2 miles and within the city limits.)

**C. Maximum Building Height**

Buildings within this district shall only be permitted to exceed 75 feet if they comply with the bulk, spacing, and setback standards indicated in the sections that follow. Buildings that comply with the standards, as well as accumulate sufficient Floor Area Ratio through bonuses, may extend as high as shown in the chart below.

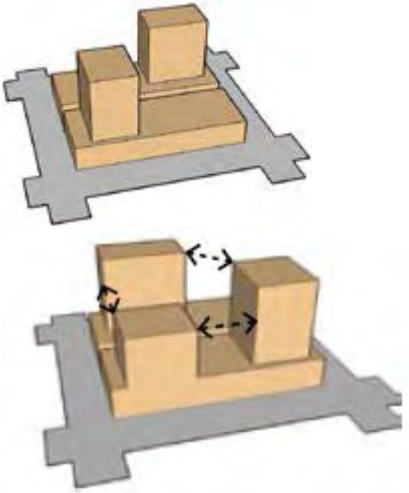
	Height	Height w/architectural feature <sup>2</sup> .
Base	75 ft.	83 ft.
Base + Bonus	200 ft	220 ft.

Notes:

1. Mechanical penthouses, stair/elevator overruns, and antennae may be excluded from Building Height calculation provided they are no more than 15 feet above the roof deck.
2. The Base Building height may be increased by up to 10% if the top is designed as a non-habitable, architectural element. This element may extend above the increased height limit.

*The combination of these restrictions are expected to result in 2-3 buildings on each block that might exceed 75 feet. Furthermore, only very large development sites would be able to attain the maximum height. It is estimated that throughout the downtown, only approximately a dozen sites are sufficiently large enough to reach the maximum height.*

#### D. Building Bulk



##### 1. Tower Floor Size

Building floors over 75 feet in height above grade shall have a maximum floor area of 8000 square feet.

##### 2. Tower Separation

Building floors over 75 feet in height above grade shall be at least 50 feet from any other structure over 75 feet above grade.



##### 3. Upper Level Stepback

On the following streets, building floors over 45 feet in height above grade shall be stepped back from the right-of-way by at least 10 feet:

1st, 3rd, 4th, 5th, 6th, 7th., Sherman Avenue

Note: Normal projections into setback allowed by the zoning ordinance include:

- Chimneys may extend into a yard a distance of not more than twenty four inches (24").
- Eaves, cornices, belt courses, and similar ornamentation may project over a yard not more than two feet (2').
- Balconies and Bay/Bow windows may project up to four feet (4').

#### **Design Departure for Building Bulk**

A design departure procedure would be established to allow a project to achieve flexibility in the application of prescriptive development standards. A 20% departure may be granted administratively. Greater departures would require approval of the Design Review Commission. In order to allow a departure from a code standard, an applicant must demonstrate that it would result in a development that better meets the intent of the purpose of the regulation and applicable design guidelines. Note that this departure would not apply to building height.

**E. Parking Ratios**

Use Type	Minimum	Maximum
Retail / Restaurants	2 stalls / 1000 nsf	4 stalls / 1000 nsf
Office	2 stalls / 1000 nsf	4 stalls / 1000 nsf
Residential & Hotels	0.5 stall per unit	2 per unit
Senior Housing	0.25 stall per unit	1 per unit

Notes:

1. Retail and restaurant uses less than 3000 sf shall be exempt from parking requirements.
2. Parking requirements for uses not listed shall be determined by a study of parking demand for that use and as approved by the City.
3. Uses sharing a common parking facility may reduce the required number of stalls by 25%.
4. Parking may be located off site, so long as it is within 1000 feet of the property, is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the City and Deed of Record at the County.
5. Uses within existing buildings are exempt from additional parking requirements. (See City Code 17.44.120)

***Note: A reduction of minimum standard parking stall size in this district from 9x20 to 8x18 would be adopted to enhance parking garage design.***

**Definitions:**

**Floor Area Ratio**

Floor Area Ratio (FAR) is a method of calculating allowable floor area. The FAR multiplied by the parcel size (in square feet) equals the amount of allowable floor area that can be built within a development.

**Floor area** is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:

- Space below grade
- Space dedicated to parking
- Mechanical spaces
- Elevator and stair shafts
- Lobbies and common spaces, including atriums
- Space used for any bonused feature

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes



**June 26, 2006**  
**PUBLIC WORKS COMMITTEE**  
**MINUTES**

**COMMITTEE MEMBERS PRESENT**

Council Member Dixie Reid, Committee Chairman  
Council Member Woody McEvers  
Council Member Mike Kennedy

**CITIZENS PRESENT**

Dennis Hinrichsen (Public Comments)

**STAFF PRESENT**

Warren Wilson, Deputy City Atty.  
Dick Suchocki, Project Manager  
Gordon Dobler, City Engineer  
Christopher Bates, Project Manager  
Jon Ingalls, Deputy City Administrator  
Amy Ferguson, Committee Liaison

**PUBLIC COMMENTS:**

Dennis Hinrichsen, 946 E. Spruce Avenue, addressed the committee regarding work force housing and traffic movement in the downtown area.

**Item 1        Reserved Parking for Courthouse**  
**Consent Calendar**

Gordon Dobler, City Engineer, requested Council consideration of options for establishing a reserved parking area to be designated for law enforcement adjacent to the County Courthouse. Mr. Dobler explained that for some time, on the south side of Garden Avenue adjacent to the Courthouse, there existed a reserved parking area for law enforcement. Recently, a motorist cited for parking in this area challenged their parking ticket and prevailed on the basis that the specially designated zone was never officially established. After research, no sign request could be located for the placement of the signs and the signs were subsequently removed by the City. The County has since requested that the signage be re-installed. Various options were discussed and Mr. Dobler indicated that the County would prefer to have designated parking on Garden Avenue adjacent to the Courthouse, but the City would recommend establishing reserved parking for law enforcement inside the County's lot on Garden Avenue. Mr. Dobler further explained that the "law enforcement only" sign was a non-standard sign that was not in conformance with MUTCD standards and, as a result, enforcement could be an issue. Right now, the only reserved parking on street is for handicapped persons. Mr. Dobler further stated that after consulting with the legal department, he was informed that "law enforcement only" parking would require an ordinance change before it could be ticketed by Diamond Parking. Jon Ingalls, Deputy City Administrator stated that the City has offered to partner with the County in regard to the making of signs for the County parking lot.

**MOTION:        RECOMMEND that Council support the creation of reserved parking for law enforcement inside the County's parking lot on Garden Avenue, and authorize 30 minute signs on the street in front of the Courthouse, and authorizing the City Street Shop to make the signs as requested by the County.**

**Item 2        Authorize Reimbursement to Post Falls Highway District**  
**Consent Calendar**

Dick Suchocki, Project Manager, requested authorization to reimburse the Post Falls Highway District for a City water line installation along the Prairie Avenue project. Mr. Suchocki's staff

report explained that during the design phase for the Prairie Avenue widening project, the Water Department determined the need to complete the extension of the existing 12” water main in Prairie Avenue from Ramsey Road to Mystic Drive, and on Ramsey Road from Prairie Avenue south to the project limits. This will allow the City to continue the extension when they complete the widening of Ramsey Road north of Hanley. Mr. Suchocki explained that the cost for the water main extension would be approximately \$130,000 and would be funded through the Water Department budget. The installation of the water main extension will take advantage of savings for mobilization, traffic control, and patching, will eliminate the need to cut the street at a later date, and allow for future development to the west.

**MOTION: RECOMMEND Council approval of RESOLUTION NO. 06-044 authorizing reimbursement to the Post Falls Highway District for the installation of a new water main and directing the Mayor to sign a letter to the Highway District that the City of Coeur d’Alene will reimburse them the costs for the water main installation.**

**Item 3 Release of Option to Purchase Right of Way  
Consent Calendar**

Chris Bates, Project Manager, presented a request from The Summit Group, Inc., owners of the Fairfield Inn hotel chain, to release the City’s option to purchase right of way from the parcel that the Fairfield Inn is located on adjacent to the IHOP restaurant on 4<sup>th</sup> Street. Mr. Bates explained that in 1962 the prior owners of the property gave the City of Coeur d’Alene an option to purchase a right of way corridor across the property. A clause in the option stated that it was binding upon the heirs and assigns of the property. The option was never acted upon and the owners subsequently sold the property to The Summit Group. The option creates a cloud on the title which The Summit Group would like to alleviate. Mr. Bates explained that the need for the right of way is no longer necessary, there is no financial impact to the City, and no public hearing would be required.

**MOTION: RECOMMEND Council approve RESOLUTION No. 06-044 approving a Release of Option to purchase right of way on parcel of property occupied by Fairfield Inn.**

The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Amy C. Ferguson  
Public Works Committee Liaison