



Coeur d'Alene

CITY COUNCIL MEETING

September 4, 2012

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
AUGUST 21, 2012**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room on August 21, 2012 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION: The Invocation was led Pastor Dick Hege, Coeur d'Alene Bible Church.

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

PUBLIC COMMENTS:

FLAG POLES: Doug Shevalier, 3605 Newbrook Dr., spoke against requiring a building permit for the installation of flag poles in residential zones.

ITINERATE VENDORS: Susan Snedaker, 821 Hastings, requested the Council consider licensing itinerate vendors that sell their goods in our town. Councilman Goodlander explained that the City does have a vendors license when they use public property such as City sidewalks or streets and the vendors referred to in Ms. Snedaker's comments set up on private property. Councilman Goodlander also noted that the itinerate food vendors are required to have a health permit.

MC EUEN PROJECT: Tina Johnson, 601 E. Front, asked Councilman Gookin why his comments in different Council meetings contradict themselves and how does his "no" vote move the McEuen Project forward.

VACATION RENTALS: Robert Felten, 1054 N. Government Way, commented that he had been informed that his rental home is in violation of zoning codes but when he questioned the Planning Director Dave Yadon he stated that the code does not state such violations. Mr. Felten asked if the Council was aware that staff is sending out such notices. City Attorney Gridley responded that the code in residential areas does not allow rentals for less than 30 days. Mr. Felten responded that he would request that the City stop the notices of violations for housing rentals. Councilman Edinger asked about Ironman week. Mr. Gridley responded that if we strictly enforced the code we would prohibit such rentals. Councilman Adams asked Mr. Felten what the complaints were and Mr. Felten responded he received complaints from his neighbors regarding

traffic, parking, and noise. Mayor Bloem asked staff to review the code and that the City Administrator, Wendy Gabriel, will respond to Mr. Felten. Councilman Gookin suggested that rental houses could possibly be required to have a license to operate. Councilman Kennedy suggested that further discussion be held off until all the facts can be received.

Chris Copstead, 1046 N. Government Way, commented that he purchased his townhouse 4 years ago and his neighbor purchased the townhouse next to his as a business to use as a vacation rental. He noted that under the permitted uses in residential zones it does not state that vacation rentals are an allowable use. Mr. Copstead referred to a letter from former City Attorney Jeff Jones who noted that vacation rentals are not allowed in residential zones. He also noted that the remaining townhouse owners also object to the use of the townhouse as a vacation rental.

CONSENT CALENDAR: Motion by Goodlander, seconded by Adams to remove the bid award and contract for McEuen Project to ACI Northwest (Resolution 12-036) from the Consent Calendar. Motion carried.

Motion by Kennedy seconded by McEvers to approve the remaining items on the Consent Calendar as presented.

1. Approval of minutes for August 27, 2012.
2. Setting of General Services Committee and the Public Works Committee meetings for August 27th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 12-036 A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE OMEGA GROUP SOFTWARE COMPANY; APPROVING CHANGE ORDER NO. 11 WITH CONTACTORS NORTHWEST FOR WWTP PHASE 5B; ~~AWARD OF BID AND APPROVING A CONTRACT WITH ACI NORTHWEST, INC. FOR THE 2012 MCEUEN CONSTRUCTION PROJECT;~~ AND APPROVING THE DESTRUCTION OF RECORDS AS REQUESTED BY THE HUMAN RESOURCES DIRECTOR.
4. Declaration of Surplus Property from the Street Department.
5. Approval of Bills as submitted and on file in the Office of the City Clerk.
6. Approval of beer/wine license for Slate Creek Brewing Company at 1710 N. 4th St., Suite 115.
7. Declaration of surplus vehicle for the Water Department.

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

RESOLUTION 12-036

AWARD OF BID AND APPROVING A CONTRACT WITH ACI NORTHWEST, INC. FOR THE 2012 MCEUEN CONSTRUCTION PROJECT.

DISCUSSION: Councilman Goodlander noted that this bid award, as with other bid awards, are normally placed on the Consent Calendar; however, she believes that this item should be discussed separately.

MOTION: Motion by Goodlander, seconded by Kennedy to approve the Resolution.

DISCUSSION: Councilman Gookin asked about the process for Change Orders for this bid as he noticed that there is already a change order prior to approving the bid. Mr. Eastwood noted that it is not a change order and noted that the changes Mr. Gookin is referring to are really a change to the bid specifications. Councilman Gookin asked what occurs if the contractor takes longer than required. Mr. Eastwood noted that there is penalty clause that the contractor can be charged if they run over the timeline with the exception of inclement weather. Councilman Gookin asked about the change order process. Mr. Eastwood explained the change order process. Mr. Gookin commented that he has received several calls from residents who do not want to see the construction vehicles going up and down 7th Street due to the noise, dust, etc. Mr. Eastwood noted that the access point to the construction will be 5th Street. Councilman Gookin would like to see a specific plan for the route which the contractors will use during the construction of McEuen. Mr. Eastwood noted that in the Notice to Proceed he will advise them of the routes they can use for the heavy equipment. Councilman Gookin stated that he would appreciate that.

Councilman Edinger asked if LCDC is funding this project. Mr. Eastwood confirmed that a portion of the funding is coming from LCDC. Councilman Edinger asked who is taking the fencing, lights, and backstops down. Mr. Eastwood responded that Thorco is taking the lighting down and that staff is taking the fencing and backstops down. Mr. Edinger asked if the City is going to be reimbursed by LCDC for staff time. Mr. Eastwood clarified that staff is salvaging the fencing and backstops, the irrigation sprinkler heads, benches, trash cans, and ADA drinking fountains as all these items can be recycled and thus staff is taking them out for reuse. Councilman Edinger asked why this bid award did not go through the General Services Committee. Mr. Eastwood noted that this project was approved via a contract with Team McEuen and thus staff is following the normal process for bid awards. Councilman Adams asked about Team McEuen's oversight of the bid process. Mr. Eastwood responded that city staff and Welch Comer both reviewed the bids for their responsiveness to the specifications, and both submitted their reports recommending the award of bid, and that he wrote the staff report to City Council recommending the contract award go to ACI.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER : Councilman Goodlander reported that she had met with the Wastewater Treatment Plant staff for discussion of future improvements to the WWTP. One of the improvements will be to use the biogas that results from the treatment process as a heating source which will save the city \$470/day in heating costs during the winter months.

COUNCILMAN GOOKIN: Councilman Gookin noted that he has received comments from residents on 7th Street of the vehicles speeding and failing to stop at signed intersections. Also, he has received calls regarding the city not licensing door-to-door salesman. Councilman Gookin also voiced his concern of stopping the lifeguards prior to the Labor Day holiday.

COUNCILMAN ADAMS : Councilman Adams thanked the firefighters and police officers who helped manage the Coeur d'Alene Triathlon event.

ADMINISTRATOR’S REPORT: City Administrator Wendy Gabriel announced that the Parks Department will soon begin a project to restore native trees to the north side of Tubbs Hill. A veritable “wall” of non-native trees such as Norway maples and cherries, trees that are growing at the base of Tubbs Hill near McEuen Park, will be removed. Once the non-native trees are removed, the area will be replanted with native trees. Tubbs Hill trails will be open during the duration of this project. If you have any questions, contact Katie Kosanke at 415-0415. Our potential new water well on Atlas Road north of Hanley Avenue has passed the initial water quality tests. More tests are being run, but so far it has high potential to meet our needs. Also, the Emma Avenue water main replacement project continues. Beginning this week, crews will be crack filling and seal coating the section of the Centennial Trail between I-90/Northwest Boulevard and Highway 41. Between August 27th and September 7th, the remainder of the Centennial Trail from Highway 41 to the Idaho/Washington state line will be completed, barring any bad weather. The contractor can seal about one mile of trail per day. For more information, please contact the Parks Department at 769-2252. During the seal coating period, please be aware of the project, use the shoulder when traveling around the work area and, when appropriate, walk bikes around the work area. This summer’s street overlay program is on schedule. Streets to be overlaid will have temporary closures due to grinding, utility raising, and paving of the streets. In some cases, traffic may be reduced to one lane during the overlay period. The scope of the projects include the overlay of approximately 37 blocks of city streets including: A, B, C, and D Streets from Milwaukee Drive to Virginia Avenue; Milwaukee Drive from Government Way to Idaho Avenue; Browne Avenue from Government Way to Milwaukee Drive, and; Idaho and Virginia Avenues from Government Way to Lincoln Way. Although goats have been allowed at the city’s water reservoirs, Department of Environmental Quality rules prohibit the keeping of “livestock” at wells. The intent of the rule is to prevent keeping cows and other large animals near drinking water supplies. Pygmy goats are legally defined as livestock although pretty much everyone agrees that they would have no measurable impact on water quality. As a result of a study that was conducted, pygmy goats are now allowed to eat away the weeds at the well sites. For more information, please contact the Water Department at 769-2210 or the Department of Environmental Quality at 769-1422. The Coeur d’Alene Police Department is sponsoring the last of the three outdoor movie nights this summer. On Saturday, August 25th, at 8:30 p.m., in the City Park Rotary Band Shell, “The Lorax” will play. Free hot popcorn will be provided by Kiwanis. Bring chairs, blankets, and other picnic items. The Coeur d’Alene Arts Commission is seeking nominations for the 17th Annual Mayor’s Awards in the Arts. You may pick up a nomination form at City Hall, or download and print a form from www.cdaid.org. Nominations must be submitted by September 5, 2012. For more information, call Eden Irgens at 818-3067, or email eden@rangeus.com. On September 8th is the Fire Dept. Open House from 10 to 2 p.m. October 8th at 5:00 p.m. is a workshop to provide information regarding a potential transfer of property from ITD to the City for property along Coeur d’Alene Lake Drive.

Councilman Kennedy asked that Katie Kosanke do a presentation at the next Council meeting regarding the removal of non-native trees from Tubbs Hill.

RESIDENTIAL FLAG POLE BUILDNG PERMIT AND FEES: Councilman McEvers noted that several avenues could have been taken by the Council and believes that this is an issue that should be brought to the attention of the State but the residents should not be charged for a permit.

MOTION: Motion by Goodlander, seconded by Kennedy to amend the building code to exempt the requirement for building permits and permit fees for the installation of residential flag poles, and authorize staff to work with the state to exempt the requirement from the statewide adopted International Residential Building code.

DISCUSSION: Councilman Goodlander noted that this exemption should only be allowed for poles up to 32 feet and not the commercial large flag poles. Councilman Gookin agrees with this motion. Councilman Adams noted that the State had adopted the International Building Code and the city adopted the state's code but other cities did not. He believes that cities do have some flexibility in which State building codes they can adopt. Building Official Ed Wagner noted that the City cannot be less restrictive from the State Code and that the City's legal counsel believes that this would be less restrictive than State Code. City Attorney Mike Gridley responded that to exempt it from the Code, the city would need to hold a public hearing and the Council must determine that an equivalent level of protection must be maintained before the City could adopt an ordinance exempting this code section. Mayor Bloem noted if the code is changed at the state level, then the City would not need to go through this process.

Mr. Wagner noted that the poles do need to be installed to manufacturer's specifications. Councilman Goodlander believes that the process would be that the City would not charge for a permit and then staff would work with the State to change the code. Mr. Gridley reiterated the process by which the Council could amend the adopted International Residential Building Code. Mayor Bloem asked if the building code requires a fee. Mr. Wagner responded that the fee is set by City resolution and the City could exempt the fee. Mr. Gridley also noted that the Council could amend the fee without a public hearing. Councilman Kennedy believes that the motion is to immediately exempt the fee and then have staff proceed with the public hearing process to amend the code to exempt the permit requirement for residential flag poles. Councilman Kennedy further believes that they could exempt the fees, go through the public hearing process, and also work with the State to review the state adopted International Residential Building Code. Councilman Adams concurred with Councilman Kennedy. City Attorney Gridley believes that the public hearing could be held in approximately 45 days.

Motion carried.

PUBLIC HEARING - AMENDMENTS TO ANNUAL APPROPRIATIONS FOR FY 2011-2012: Mayor Bloem read the rules of order for this public hearing. Finance Director Troy Tymesen gave the staff report.

Mr. Tymesen reported that the Idaho code allows the City Council at any time during the current fiscal year to amend the appropriations ordinance to reflect the receipt of revenues and/or the expenditure of funds that were unanticipated when the ordinance was adopted. The City each year adopts amendments to the appropriations ordinance. He reviewed the proposed amendments for additional revenues received and expenditures made.

DISCUSSION: Councilman Gookin noted that the City has 40 days left of the fiscal year and this is an estimated amendment to the budget, and asked if the City would need to do another public hearing at the end of the year. Mr. Tymesen responded that any changes to the proposed amendments have historically been so minimal that the auditors have never noted a

recommendation to do otherwise in their audit reports. Councilman Gookin stated that although he understands the reasons for doing the amendment to the budget 40 days prior to the end of the fiscal year, he would prefer the public hearing to be held at the end of the fiscal year.

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

ORDINANCE NO. 3448
COUNCIL BILL NO. 12-1022

AN ORDINANCE AMENDING ORDINANCE 3421, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 APPROPRIATING THE SUM OF ~~\$77,972,509~~ \$79,100,472, WHICH SUM INCLUDES ADDITIONAL MONIES RECEIVED BY THE CITY OF COEUR D'ALENE IN THE SUM OF \$1,127,963; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by McEvers to pass the first reading of Council Bill No. 12-1022.

DISCUSSION: Councilman Gookin noted that he would be more comfortable doing this amendment at the end of the year.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 12-1022 by its having had one reading by title only.

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

EXECUTIVE SESSION: Motion by Goodlander, seconded by Adams to enter into Executive Session as provided by I.C. 67-2345 § C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency.

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

The Council entered into Executive Session at 7:32 p.m. Members present were the Mayor, City Administrator, City Council, City Attorney, and Deputy City Administrator.

Matters discussed were those of labor negotiations. No action was taken and the Council returned to its regular session at 7:55 p.m.

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

The meeting adjourned at 7:55 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

RESOLUTION NO. 12-037

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING THE DESTRUCTION OF RECORDS FROM ADMINISTRATION AND LEGAL DEPARTMENTS; APPROVING S-3-12 – FINAL PLAT APPROVAL, ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR COEUR D'ALENE PLACE 18TH ADDITION; AND APPROVING A MEMORANDUM OF AGREEMENT WITH GREENSTONE KOOTENAI FOR A PLANNED UNIT DEVELOPMENT PLAN (PUD-2-94M.5).

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

- 1) Approving the Destruction of Records from Administration and Legal Departments;
- 2) Approving S-3-12 – Final Plat Approval, Acceptance of Improvements and Maintenance / Warranty Agreement for Coeur d'Alene Place 18th Addition;
- 3) Approving a Memorandum of Agreement with Greenstone Kootenai for a Planned Unit Development Plan (PUD-2-94m.5);

AND;

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

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

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

DATED this 4th day of September, 2012.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER ADAMS Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

MEMORANDUM

DATE: September 4, 2012
TO: City Council
FROM: Victoria Bruno, Project Coordinator
RE: Request for Destruction of Records

DECISION POINT:

Would the City Council approve the destruction of certain public records?

HISTORY:

Pursuant to the Records Retention regulations, the attached list of records is being presented to the Council for authorization for the destruction of such records.

PERFORMANCE ANALYSIS: Because of the lack of storage space, records are routinely reviewed to determine if the necessity of maintaining the record is warranted. Because the attached list of records has exceeded the time required to maintain them and their useful life has been exhausted, it is necessary to purge these files in order to maintain storage space for future records.

DECISION POINT: To authorize staff to proceed with the destruction of records as listed pursuant to I.C. 50-908.

REQUEST FOR DESTRUCTION OF RECORDS

DEPARTMENT: Admin

DATE: 9-4-12

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
<i>Press Releases</i>	<i>Temp</i>	<i>02/99 - 07/10</i>
<i>Mayor's Correspondence</i>	<i>Temp</i>	<i>02/99 - 07/10</i>
<i>Mayor's Misc Files</i>	<i>Temp</i>	<i>02/99 - 07/10</i>
<i>Grant Files</i>	<i>Semi-Perm.</i>	<i>10/99 - 08/07</i>
<i>Student Rep Files</i>	<i>Semi Perm</i>	<i>05/00 - 05/07</i>
<i>Service Awards Files</i>	<i>Temp</i>	<i>1999 - 2008</i>
<i>SPSS Maintenance Agreement</i>	<i>Temp</i>	<i>1999 - 2007</i>
<i>" " Manuals</i>	<i>Semi Perm</i>	<i>1999 - 2007</i>
<i>Mayor's State of the City Files</i>	<i>Temp</i>	<i>1999 - 2009</i>
<i>Quality of Life Surveys</i>	<i>Temp</i>	<i>2000</i>
<i>City Customer Service Surveys</i>	<i>Temp</i>	<i>2003 - 04</i>
<i>Project Files - Misc</i>	<i>Temp</i>	<i>1999 - 2009</i>

REQUEST FOR DESTRUCTION OF RECORDS

DEPARTMENT: *Legal-Civil*

DATE: *September 4, 2012*

RECORD DESCRIPTION <i>[GENERAL / MISCELLANEOUS FILES]</i>	TYPE OF RECORD (Perm./ Semi-P / Temp)	DATES OF RECORDS (and prior)
Dotzler vs City – asphalt paving issue on Haycraft Ave	Semi Perm	1981
FIRE DEPARTMENT:		
Correspondence	Temp	1999 - 2001
Fire Station 3	Temp	2000
Emergency Services / Fire Consolidation	Temp	2000
Collective Bargaining	Temp	1981
Civil Service Commission Local 1494 vs City case #12774	Semi Perm	1978
Purchase Apparatus and Equipment	Temp	1999
Firefighters Appeal case #37889	Semi Perm	1977
Cummings vs City – Knapp (photos)	Semi Perm	1988
Insurance on Investigation Van	Temp	1987
Dennis Brillon vs City Industrial Comm Hearing	Temp	1979
Fireman’s Info	Temp	1970
Fire Insurance Classification	Temp	1991
Fire Dispatch	Temp	1987
Firefighter Association	Temp	1988
Board of Appeals	Temp	1986
Wolfe vs City	Semi Perm	1982

REQUEST FOR DESTRUCTION OF RECORDS

DEPARTMENT: *Legal-Civil*

DATE: *September 4, 2012*

RECORD DESCRIPTION <i>[GENERAL / MISCELLANEOUS FILES]</i>	TYPE OF RECORD (Perm./ Semi-P / Temp)	DATES OF RECORDS (and prior)
POLICE DEPARTMENT:		
Gambling, Raffles, and Bingo	Temp	2001
New Police Station	Temp	1999
Merchant Police and Taxi Cabs	Temp	1995
911 Center	Temp	1993
Noise Abatement	Temp	2002
School Resource Officer	Temp	2002
Vehicle Impoundment	Temp	1999
Proposed Brady Bill / Procedures	Temp	1997
CdA Sign board Public Hearing Transcript – CdA Honda blimp	Temp	1996
Shoreline Initiative – Notes, Point, and Authorities	Temp	1981
Shugrue vs City [sewer line damage]	Temp	1988
Peggy Jo Smith vs City [violation of constitutional rights]	Semi Perm	1999
Marina Place Condos / Terry Phillips SOS vs City Moratorium on building permit Preliminary to SOS vs City	Semi Perm	1983
Southern, Kelli vs City [claim]	Semi Perm	1981
Restitution to City [yearly files back to 1990]	Temp	1997
Brent, Terry Stinett vs City [zoning issue at 4 th and Garden ZC-8-88]	Semi Perm	1988
City vs Merrill Ray Steward [mini mart] revocation of beer license	Semi Perm	1969
Stephen Sellers Claim [negligent placement of stop sign @ 3 rd and Garden]	Temp	1981

REQUEST FOR DESTRUCTION OF RECORDS

DEPARTMENT: *Legal-Civil*

DATE: *September 4, 2012*

RECORD DESCRIPTION <i>[GENERAL / MISCELLANEOUS FILES]</i>	TYPE OF RECORD (Perm./ Semi-P / Temp)	DATES OF RECORDS (and prior)
ARMSTRONG PARK:		
Easement	Temp	1989
Water Tank Height issue	Temp	1990
Water Request Outside City / Sky Harbor	Temp	1989
CC&R's	Temp	1989
PUD	Temp	1989
Annexation Agreement	Temp	1990
PUD Amendments	Temp	1993
Preliminary Review Soil Street Stormwater	Temp	1989
Agreement Accept Roadways and Sewer System	Temp	1992
Centerline Construction Sewer Phase Issue	Temp	1995
Taylor vs Stewart, Low, & Snyder [memo opinion & order] 94-00411	Temp	1996
JUB Agr Sewer	Temp	1995
Bechtel Property	Temp	1995
Misc: 1988 sub file; Notes;	Temp	1995
Building permit issues / TCO	Temp	1989
Pedro Cruz Rodriquez vs City [PD tow of abandoned vehicle]	Semi Perm	1984
Stephen Stephens vs City	Semi Perm	1997
Street Fees – City of Pocatello	Temp	1988


REQUEST FOR DESTRUCTION OF RECORDS

DEPARTMENT: Legal–Civil

DATE: September 4, 2012

RECORD DESCRIPTION <i>[GENERAL / MISCELLANEOUS FILES]</i>	TYPE OF RECORD (Perm./ Semi-P / Temp)	DATES OF RECORDS (and prior)
Thompson vs City [Giffen, Mantoen and state]	Semi Perm	1983
City vs Thompson, Robert [collision with cemetery vechile]	Semi Perm	1979
Turner vs City [LID 103 paving on 23 rd St]	Semi Perm	1977
TWB Subdivision [Ozzie Walch, case #55154]	Temp	1984
Usher vs City [case #68606 injury to child in Forest cemetery headstone fell on him]	Semi Perm	1987
City vs Walley, Kathy [sm claims cemetery account]	Semi Perm	1982
William Bert vs City [damage from sewer backup 2115 Lakeside case #78358]	Semi Perm	1990

**CITY COUNCIL
STAFF REPORT**

DATE: September 4, 2012
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: Coeur d'Alene Place 18th Addition: Final Plat Approval, Acceptance of Improvements, Maintenance/Warranty Agreement and Security Approval

DECISION POINT

Staff is requesting the following:

1. Approval of the final plat document, a seven (7) lot, one (1) tract residential development.
2. Acceptance of the installed public road improvements for the Coeur d'Alene Place 18th Addition.
3. Approval of the Maintenance/Warranty Agreement and security.

HISTORY

- a. Applicant: Kevin Schneidmiller
Greenstone-Kootenai, Inc.
1421 N. Meadowwood Lane
Suite 200
Liberty Lake, WA 99019
- b. Location: North & south sides of Sorbonne Drive, east of Cornwall Street.
- c. Previous Action:
 1. Final plats of CdA Place through the 16th Addition 1994 – 2008.
 2. Final plat of CdA Place 17th Addition, November 2010.

FINANCIAL ANALYSIS

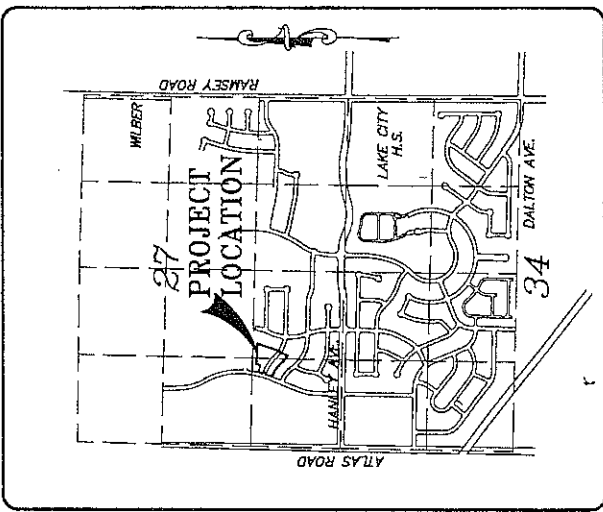
The developer is installing the required warranty bond (10%) to cover any maintenance issues that may arise during the one (1) year warranty period that will commence upon this approval, and terminate on September 4, 2013.

PERFORMANCE ANALYSIS

The developer has installed all of the required public road, and, utility improvements, and the responsible City departments have approved the installations and found them ready to accept. Acceptance of the installed improvements will allow the issuance of all available building permits for this phase of the development. The City maintenance will be required to start after the one (1) year warranty period expires on September 4, 2013.

DECISION POINT RECOMMENDATION

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



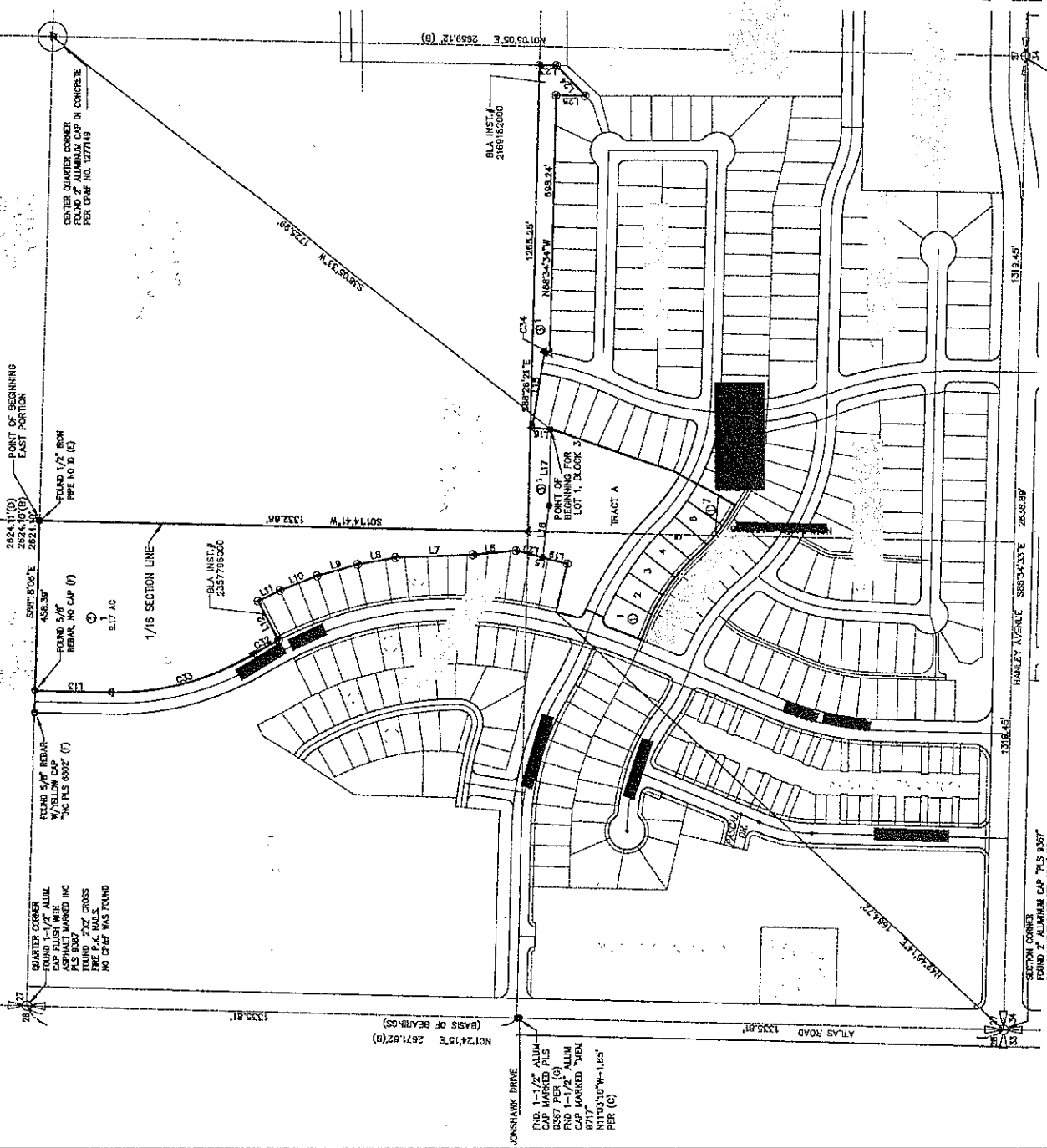
VICINITY MAP
NOT TO SCALE

- LEGEND**
- SET 5/8" X 30" REBAR WITH ALUMINUM CAP MARKED "MEM 9717", TO BE SET ON OR BEFORE ONE YEAR SUBSEQUENT TO THE RECORDING OF THIS PLAT IN ACCORDANCE WITH IDAHO CODES 50-1531 AND 50-1533.
 - SET 5/8" X 30" REBAR WITH ORANGE OR YELLOW PLASTIC CAP MARKED "MEM 9717".
 - SET 1/2" X 24" REBAR WITH ORANGE PLASTIC CAP MARKED "MEM 9717", OR LEAD PLUG WITH TAG "MEM 9717", TO BE SET ON OR BEFORE ONE YEAR SUBSEQUENT TO THE DATE OF RECORDING OF THIS PLAT IN ACCORDANCE WITH IDAHO CODES 50-1531, 50-1532 AND 50-1533.
 - FOUND AS NOTED
 - FOUND 1/2" X 24" REBAR WITH ORANGE PLASTIC CAP MARKED "MEM 9717".
 - ▲ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "MEM 9717".
 - ⊗ FOUND 5/8" X 30" REBAR WITH ALUMINUM CAP MARKED "MEM 9717".

BLOCK NUMBER
TOTAL AREA=13.19 ACRES



**COEUR D'ALENE PLACE
EIGHTEENTH ADDITION**
PORTIONS OF SORBONNE ADDITION VACATED PER ORDINANCE NO.3367 AND LOT 1, BLOCK 4 OF COEUR D'ALENE PLACE SEVENTEENTH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



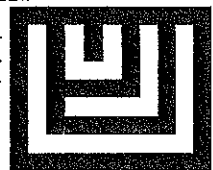
GRAPHIC SCALE
1 inch = 200 ft.
(IN FEET)

BASS OF BEARINGS
THE BEARING OF POINTS ALONG THE WEST LINE OF SECTION 27, ACCORDING TO THE PLAT RECORDED IN BOOK J OF PLATS, PAGES 285-289, IS 094°26'00". THE BEARING FOR THE EAST LINE OF SECTION 27, ACCORDING TO THE PLAT RECORDED IN BOOK K OF PLATS, PAGES 306-308, IS 094°26'00".

SURVEY REFERENCES
A) COEUR D'ALENE PLACE SEVENTEENTH ADDITION, RECORDED IN BOOK J OF PLATS, PAGES 285-289.
B) COEUR D'ALENE PLACE EIGHTEENTH ADDITION, RECORDED IN BOOK K OF PLATS, PAGES 306-308.
C) RECORD OF SURVEY FOR SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, RECORDED IN BOOK J OF PLATS, PAGES 285-289.
D) RECORD OF SURVEY FOR SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, RECORDED IN BOOK K OF PLATS, PAGES 306-308.
E) RECORD OF SURVEY FOR SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, RECORDED IN BOOK J OF PLATS, PAGES 285-289.
F) HAWKS WEST, RECORDED IN BOOK J OF PLATS, PAGES 192-193.
G) HAWKS EAST, RECORDED IN BOOK J OF PLATS, PAGES 194-195.
H) COEUR D'ALENE PLACE SEVENTEENTH ADDITION, RECORDED IN BOOK K OF PLATS, PAGES 306-308.

SECTION CORNER CAP 7/8" DIA. 4" HGT. IN HANDBOOK CASE PER CAP NO. 2107687000

ELC ASSOCIATES
18750 E. HUSBAND BLVD., SUITE 100
WASHINGTON, IDAHO 83402
P. 208.428.8949
F. 208.428.8940
D. 208.428.8941
WWW.ELCASSOCIATES.COM
LAND SURVEYING AND PLATTING
REGISTERED PROFESSIONAL LAND SURVEYORS



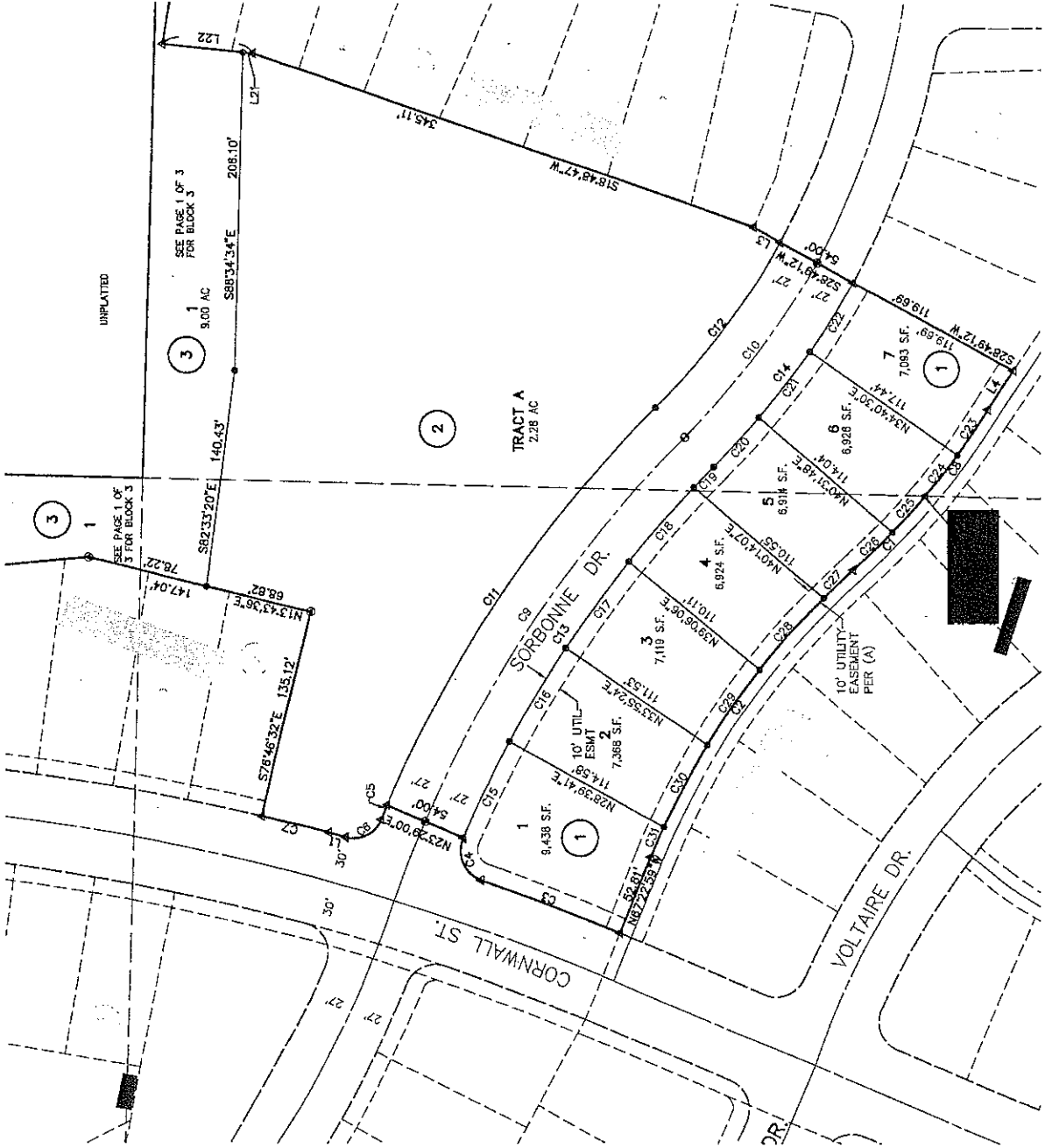
CURVE	RADIUS	LENGTH	CHD.	DIST.	CRD.	BRC.	DELTA
C1	492.00'	66.91'	86.85'	N49°25'15"W	7477.90'		
C2	508.00'	228.20'	272.29'	N54°27'15"W	28391.25'		
C3	1530.00'	98.45'	98.45'	N28°35'45"E	3358.58'		
C4	20.00'	33.05'	29.45'	S66°09'11"W	6144.39'		
C5	561.00'	10.35'	10.35'	N89°52'41"W	643.21'		
C6	150.00'	24.85'	24.85'	N47°35'41"W	142.50'		
C7	482.00'	59.70'	59.70'	N53°27'34"W	837.20'		
C8	784.00'	301.98'	300.08'	N55°37'29"W	2142.00'		
C9	1500.00'	143.53'	143.04'	N55°57'23"E	1929.50'		
C10	491.00'	312.15'	310.27'	N55°37'29"W	2142.00'		
C11	473.00'	135.78'	135.31'	S55°27'23"E	1829.50'		
C12	787.00'	291.81'	289.88'	N55°37'29"W	2142.00'		
C13	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C14	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C15	787.00'	70.44'	70.44'	N48°44'22"W	515.42'		
C16	787.00'	68.32'	68.32'	N53°27'34"W	510.42'		
C17	787.00'	68.32'	68.32'	N48°44'22"W	510.42'		
C18	787.00'	68.32'	68.32'	N48°44'22"W	510.42'		
C19	787.00'	68.32'	68.32'	N48°44'22"W	510.42'		
C20	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C21	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C22	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C23	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C24	577.00'	151.78'	151.78'	N55°37'29"W	2142.00'		
C25	482.00'	59.70'	59.70'	N53°27'34"W	837.20'		
C26	482.00'	59.70'	59.70'	N53°27'34"W	837.20'		
C27	508.00'	228.20'	272.29'	N54°27'15"W	28391.25'		
C28	508.00'	228.20'	272.29'	N54°27'15"W	28391.25'		
C29	508.00'	228.20'	272.29'	N54°27'15"W	28391.25'		
C30	508.00'	228.20'	272.29'	N54°27'15"W	28391.25'		
C31	508.00'	228.20'	272.29'	N54°27'15"W	28391.25'		
C32	1030.00'	74.07'	74.07'	N25°33'03"W	4307.14'		
C33	720.00'	408.11'	400.29'	N45°03'11"W	3278.03'		
C34	830.00'	14.47'	14.47'	N10°05'41"E	0.98572'		

LINE	TYPE	LENGTH	BEARING
L1	11.23	N15°05'03"E	
L2	20.00	S28°48'12"W	
L3	30.22	N57°26'05"W	
L4	17.05	N13°45'26"E	
L5	117.30	N65°18'26"W	
L6	211.49	N02°21'05"W	
L7	105.77	N09°25'47"W	
L8	109.48	N13°24'28"W	
L9	85.89	N28°41'55"W	
L10	118.26	S62°54'31"W	
L11	208.68	N01°06'21"E	
L12	47.85	S01°35'25"W	
L13	209.90	N80°16'05"W	
L14	51.85	S02°50'12"W	
L15	140.43	N05°33'20"W	
L16	140.43	N05°33'20"W	
L17	76.22	N13°45'26"E	
L18	6.53	S02°50'12"W	
L19	88.48	S05°50'12"W	
L20	47.85	S01°35'25"W	
L21	112.81	S48°37'05"W	
L22	24.19	N01°05'24"E	

- LEGEND**
- ⊙ SET 5/8" X 30" REBAR WITH ALUMINUM CAP MARKED "MEM 9717" TO BE SET ON OR BEFORE ONE YEAR SUBSEQUENT TO THE RECORDING OF THIS PLAT IN ACCORDANCE WITH IDAHO CODES 50-1331 AND 50-1333.
 - ⊙ SET 5/8" X 30" REBAR WITH ORANGE OR YELLOW PLASTIC CAP MARKED "MEM 9717".
 - SET 1/2" X 24" REBAR WITH ORANGE PLASTIC CAP MARKED "MEM 9717" OR LEAD PLUG WITH TAG "MEM 9717" TO BE SET ON OR BEFORE ONE YEAR SUBSEQUENT TO THE DATE OF RECORDING OF THIS PLAT IN ACCORDANCE WITH IDAHO CODES 50-1331, 50-1332 AND 50-1333.
 - FOUND AS NOTED
 - FOUND 1/2" X 24" REBAR WITH ORANGE PLASTIC CAP MARKED "MEM 9717".
 - ▲ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "MEM 9717".
 - ⊙ FOUND 5/8" X 30" REBAR WITH ALUMINUM CAP MARKED "MEM 9717".

BLOCK NUMBER
TOTAL AREA=13.19 ACRES

**COEUR D' ALENE PLACE
EIGHTEENTH ADDITION
PORTIONS OF SORBONNE ADDITION VACATED
PER ORDINANCE NO.3367 AND LOT 1,
BLOCK 4 OF COEUR D' ALENE PLACE
SEVENTEENTH ADDITION, LOCATED IN THE
SOUTHWEST QUARTER OF SECTION 27,
TOWNSHIP 51 NORTH, RANGE 4 WEST,
BOISE MERIDIAN, CITY OF COEUR D'ALENE,
KOOTENAI COUNTY, IDAHO**



- SURVEY REFERENCES**
- A) COEUR D'ALENE PLACE FIFTEENTH ADDITION, RECORDED IN BOOK J OF PLATS, PAGES 295-295D.
 - B) COEUR D'ALENE PLACE FIRST ADDITION, RECORDED IN BOOK G OF PLATS, PAGES 340-340B.
 - C) SORBONNE ADDITION, RECORDED IN BOOK K OF PLATS, PAGES 59-59B.
 - D) RECORD OF SURVEY RECORDED IN BOOK 23 OF PLATS, PAGES 38-38C.
 - E) RECORD OF SURVEY RECORDED IN BOOK 23 OF PLATS, PAGE 173.
 - F) SUNSHINE MEADOW SEVENTH ADDITION, RECORDED IN BOOK J OF PLATS, PAGES 182-182D.
 - G) HAWKS NEST, RECORDED IN BOOK J OF PLATS, PAGES 418-418H.
 - H) COEUR D' ALENE PLACE SEVENTEENTH ADDITION, RECORDED IN BOOK K OF PLATS, PAGES 308-308C.

C.L.C. ASSOCIATES
19750 E. HIRSHALEY PKWY.
SPRINGDALE, IDAHO 83403
PHONE: 800-848-6644
FAX: 208-848-6644
12-043 O&A 10TH ADD-PLATINGS
ARCHITECTURE ENGINEERING
LANDSCAPE ARCHITECTURE
LAND SURVEYING



AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK

THIS AGREEMENT made this ____ day of September, 2012 between Greenstone-Kootenai, Inc., whose address is 1421 Meadowwood Lane, Suite 200, Liberty Lake, WA 99019, with Kevin Schneidmiller, Vice-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 E. Mullan Avenue, Coeur d'Alene, ID 83814, hereinafter referred to as the "**City**";

WHEREAS, the City has approved the final subdivision plat of Coeur d'Alene Place 18th Addition, a seven (7) lot, one (1) tract, residential development, in Coeur d'Alene, situated in the Southwest ¼ 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 construction plans entitled "Coeur d'Alene Place 18th Addition", signed and stamped by Doug J. Desmond, PE, # 10886, dated July 12, 2012, including but not limited to: concrete roll curb, stormwater drainage swales, drywells and appurtenances, concrete sidewalk and pedestrian ramps, street base rock and asphalt paving, street 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, for the amount of Nine Thousand Five Hundred Eighty One and 00/100 Dollars (\$9,581.00) 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 4th day of September 2013. 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.

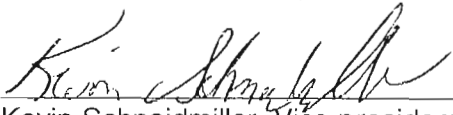
City of Coeur d'Alene

Sandi Bloem, Mayor

ATTEST

Susan Weathers, City Clerk

Greenstone-Kootenai, Inc.



Kevin Schneidmiller, Vice-president

Project Name:	CDA Place 18th Addition Warranty Bond Information				length	width	area - sq ft	per unit	cost	tax	TOTAL COST (Includes Allocations)
Street Names	Sorbonne				475	30	0	0			
Radius					14250	0	0	0			
9-0120 Storm Drainage	Single Depth DW							\$ 1,950.00	0	0	
	Double Depth DW				2			\$ 2,310.00	4,620	0	
	CMP 8"							\$ 16.00	0	0	
	CMP 12"				.58			\$ 18.10	1,050	0	
	CMP 18"							\$ 28.00	0	0	
	HDPE 24"							\$ 32.00	0	0	
	HDPE 30"							\$ 43.82	0	0	
	Type I CB				2			\$ 1,030.00	2,060	0	
	Type II CB							\$ 1,939.00	0	0	
	Sidewalk Vaults							\$ 1,500.00	0	0	
	208' ponds				700			\$ 0.90	630	0	
	Rip Rap							\$ 350.00	0	0	
	Splash Pads							\$ 500.00	0	0	
	Hydroseed				700			\$ 0.10	70	0	8,430
9-0130 Sewer	6" mainline							\$ 26.00	0	0	
	8" mainline				370			\$ 24.87	9,202	0	
	10" mainline							\$ 36.00	0	0	
	12" mainline							\$ 39.00	0	0	
	12" forced main							\$ 41.00	0	0	
	6" forced main							\$ 32.00	0	0	
	Manholes				2			\$ 2,232.00	4,464	0	
	Manholes-Main services				7			\$ 300.00	0	0	
	8" cleanout							\$ 807.00	5,649	0	
	Excessive depth sleeving							\$ -	0	0	
	Tie in							\$ 35.00	0	0	
	boring							\$ 2,000.00	0	0	19,315
9-0140 Water	6" mainline							\$ -	0	0	
	8" mainline				430			\$ 27.36	11,765	0	
	10" mainline							\$ 36.00	0	0	
	12" mainline							\$ 42.00	0	0	
	Fire Hydrants				1			\$ 3,956.00	3,956	0	
	blow offs							\$ 750.00	0	0	
	air vacs							\$ 1,949.00	0	0	
	Services				7			\$ 1,794.00	12,558	0	
	irrigation service							\$ 15,000.00	0	0	
	irrigation sleeving							\$ 16.00	0	0	
	Tie In							\$ 2,000.00	0	0	28,279
9-0150 Paving	2" on 4"							\$ 1.50	0	0	
	2" ON 6"				14250			\$ 1.72	24,510	0	
	3" on 6"							\$ -	0	0	
	4" on 8"							\$ -	0	0	
	overlay							\$ -	0	0	
	Patching							\$ -	0	0	24,510
9-0151 Curbing	Curb and Gutter				915			\$ 10.00	9,150	0	
	Rollled Curb							\$ 9.00	0	0	

Project Name:	CDA Place 18th Addition Warranty Bond Information									
Street Names							per unit	cost	tax	TOTAL COST (Includes Allocations
							\$			
9-0152 Sidewalk width			Type "S" Curb				\$ 9.00	0	0	9,150
			5 feet	460			\$ 2.50	5,750	0	
			6 feet				\$ 2.50	0	0	
			alley approaches				\$ 2,100.00	0	0	
			ADA DOMES				\$ 300.00	0	0	5,750
9-0175 Trail System			width							
			concrete				\$ 1.75	0	0	
			asphalt	4900			\$ 1.80	8,820	0	8,820
9-0180 Mailboxes/Street Signs			1 street signs	1			\$ 450.00	450		
CONSTRUCTION COSTS										104,254
								\$ 95,814	Total Cost of Public Infrastructure Items	
							\$ 9,581	10% Cost of Maintenance/Warranty Agr. Security		

EXHIBIT "B"

CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 4, 2012
TO: CITY COUNCIL
FROM: TAMI STROUD, PLANNER
SUBJECT: PUD-2-94m.5 - MEMORANDUM OF AGREEMENT

DECISION POINT

Approve memorandum of agreement for PUD-2-94m.5 "Coeur d'Alene Place PUD 18th ADDITION"

HISTORY

The Planning Commission approved PUD-2-94m.5 on May 22, 2012 and the Planning Department approved the Final Development Plan on September 4, 2012.

PERFORMANCE ANALYSIS

It has been past practice to memorialize the Final Development Plan, in accordance with Section 17.09.478 of the Municipal Code, by requiring a memorandum of agreement that is approved by the City Council, signed by the Mayor and property owner and recorded in the Kootenai County Recorder's Office. This request is in keeping with that procedure.

FINANCIAL ANALYSIS

There is no financial impact associated with the proposed memorandum of agreement.

QUALITY OF LIFE ANALYSIS

The memorandum of agreement will provide any future buyers of the property with information on the agreement.

DECISION POINT RECOMMENDATION

Approve the memorandum of agreement for PUD-2-94m.5.

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT, entered into this _____ day of _____, 2012 by and between the City of Coeur d'Alene, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho, hereinafter referred to as the "City," and Greenstone-Kootenai, hereinafter referred to as the "Owner."

WITNESSETH:

WHEREAS, the "Owner" has received approval for a Planned Unit Development, which Planned Unit Development includes certain terms, conditions and agreements, which the parties wish to memorialize as applicable to the real property to which this Planned Unit Development attaches.

NOW, THEREFORE the parties agree as follows:

1. The real property to which the below listed terms, conditions, and agreements apply particularly is described as follows:

Portion of the South Half and a portion of the Northeast Quarter in Section 27, and a portion of the North Half of Section 34 all in Township 51 North, Range 4 West, Boise Meridian, in the City of Coeur d'Alene, Kootenai County, Idaho.

2. The parties agree that the following constituted agreement to which the owner, owner's heirs, assigns, and successors in interest, must comply during and after the development of the aforementioned Planned Unit Development.

- A. Preliminary Planned Unit Development Plan (PUD-2-94m.5) approved by Planning Commission on May 22, 2012.
- B. Final Planned Unit Development Plan (PUD-2-94m.5) approved by Planning Department on September 4, 2012.
- C. List of exhibits.

Exhibit 1- Final Development Plan dated June 2012

Exhibit 2- Final PUD Phasing Plan dated June 2012

Exhibit 3- Final PUD Sewer and Water plan dated June 2012

Exhibit 4- Final PUD Final Development Plan Details dated June 2012


WHEREAS, said terms, conditions, and agreements are on file at City Hall in the Offices the Planning Director, and City Clerk.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this contract on behalf of said City, the City Clerk has affixed the seal of said City hereto, and Greenstone - Kootenai, Owner, has caused the same to be executed the day and year first above written.

CITY OF COEUR D'ALENE,
KOOTENAI COUNTY, IDAHO

GREENSTONE-KOOTENAI

By: _____
Sandi Bloem, Mayor

By: 
Kevin Schneidmiller, Applicant

ATTEST:

Susan K. Weathers, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this ____ day of _____, 2012, before me, a Notary Public, personally appeared Sandi Bloem and Susan K. Weathers, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene and the persons who executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

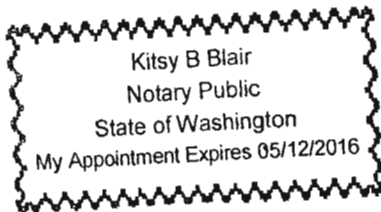
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires:

STATE OF IDAHO)
) ss.
County of Kootenai)


On this 28th day of August, 2012, before me, a Notary Public, personally appeared, Greenstone-Kootenai, known to me to be the Owner that executed the foregoing agreement, and acknowledged to me that said Greenstone-Kootenai 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.



Kitsy B Blair
Notary Public for ~~Idaho~~ Washington
Residing at Liberty Lake
My Commission expires: 5/12/16

PUBLIC WORKS COMMITTEE STAFF REPORT

DATE: August 27, 2012
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: **V-12-3, Vacation of Portions of Right-of-Way in the Merriam Park Addition & the Relinquishment of a Remainder Portion of College Drive, and, Carlin Avenue/aka Garden Avenue, to North Idaho College**

DECISION POINT

The City of Coeur d'Alene Engineering Department is requesting the vacation of the remaining portions of "Government Road" in the Merriam Park Addition adjoining the southerly boundary of Tract "I", and, the relinquishment of the remaining portions of Carlin Avenue aka Garden Avenue, and College Drive. The portions of the relinquished streets would subsequently be quit claimed to North Idaho College.

HISTORY

The Kootenai County Assessor's office contacted North Idaho College concerning a few portions of streets and old rights-of-way, that still remained under City ownership, and the College Facilities Office contacted the City in hopes of bringing the matter to final closure.

The Merriam Park Addition subdivision consisting of ten (10) "Tracts" (A-J), with Tract "J" being a private road (Carlin Avenue), and two (2) "Government Roads" adjoining the southerly and westerly boundaries, was originally platted November 1905.

The "Government Road" that adjoins the southerly boundary of Tract "I" contains a portion of the parking lot for the Schuler Performing Arts Center, and a small +/- 60'x60' portion of College drive. The portion of what is now known as Garden Avenue, was originally Carlin Avenue, a private street given to the owners of the "tracts" within the Merriam Park subdivision. That roadway was subsequently purchased and dedicated to the City in November 1956 by the Spokane International Railroad Company. The remaining portion of College Drive was originally a piece of Tract "I" that was dedicated by the North Idaho Junior College to the City in March 1957.

Over the years there have been a number of right-of-way vacations in the College proper:

- 1960: Ordinance # 1113 vacated portions of Government Road along the westerly boundary of Merriam Park.
- 1968: Ordinance # 1229 vacated portions of Tract "I", and, Government Road along the southerly boundary of Tract "I" of Merriam Park.
- 1976: Ordinance # 1461 vacated a portion of Government Road/Empire Avenue east from College Drive.
- 1984: Ordinance # 1859 vacated a portion of Empire Avenue in Gwinn's Park Addition.
- 2003: Ordinance # 3138 vacated a portion of right-of-way adjoining Lot 19, FSAMR, and Merriam Park Addition.
- 2012: Ordinance # 3440 vacated portions of right-of-way lying north of River Avenue in the Taylor's Park Addition.

Also, in conjunction with Ordinance # 3440 that vacated the r/w's to the north of River Avenue, the City quit claimed the portion of College Drive that was dedicated in 1957 by the "Deed of Dedication" from the North Idaho Junior College.

Due to the generous use of the street name Garden Avenue, which at times also referred to the "Government Road" south of Tract "I", there remained a small portion of College Drive that was not included in the previous relinquishment to NIC. That portion would be dealt with in this request.

FINANCIAL ANALYSIS

There is no negative financial impact to the City. There are no tax issues on any of the property, and, the portions that remain as roadways would be all maintained by the College, therefore those costs do not figure in to City departmental budgets.

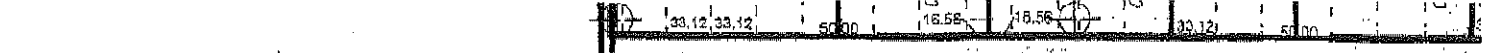
PERFORMANCE ANALYSIS

This vacation, and relinquishment of the portions that were deeded for streets, will relieve the City of all responsibility over the roads on the NIC campus for any construction, maintenance, and, enforcement issues. All existing City utilities that are located in the requested areas, would be protected by restrictive easements that provide for access, use, maintenance, and, replacement if necessary. These easements would be a component of any vacation ordinance or quit claim deed to NIC.

As with the previous vacation of r/w, and, quit claiming of the previous portion of College Drive, this allows NIC the ability to request and obtain State funding through the State Department of Public Works (DPW) to maintain their internal streets, whereas if they are City owned, they cannot.

RECOMMENDATION

Recommendation to the Public Works Committee would be for staff to proceed with the vacation process as outlined in Idaho Code Section 50-1306, to request relinquishment of the portions of roadway known as College Drive, and, Garden Avenue (formerly Carlin Avenue), and, to recommend to the City Council the setting of a public hearing for the item on October 2, 2012.



RIVER DR

RIVER AVE

19

20

21

22

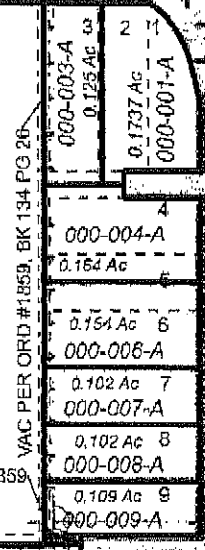
23

24

25

Ft. Sherman A.M.R.
(C-3735)

000-019-A
7.1262 Ac



GWINN'S PARK (C-4455)

Merriam Park
(C-6075)

000-00B-A
5.9494 Ac

000-00A-A
0.196 Ac

Quit Claim Deed To NIC

GARDEN AVE

Portion of Government Rd to be Vacated

VAC PER ORD #1229, BK 53 PG 364

pt C-3735-000-046-A

North Idaho College

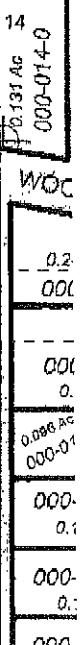
46

46

pt C-3735-000-046-A
30.2079 Ac

PT
#15738

HUBBARD AVE (Private)



VAC PER ORD #1113, BK 36 PG 590

VAC ORD #3188, Inst #1828072

VAC ORD #1460

VAC PER ORD #1481, BK 84 PG 221

VAC PER ORD #1859, BK 134 PG 26

VACATED #1859

Pin of Govt Rd to be Vacated

PUBLIC WORKS STAFF REPORT

DATE: August 27, 2012
FROM: Tim Martin, Street Superintendent

SUBJECT: DECLARATION FOR SOLE SOURCE PROCUREMENT

DECISION POINT: Request Council Consent for authorization to purchase (1) One new “Street Smart” plow, as well as request to authorize staff to publish a declaration for the sole source procurement of (1) “Street Smart” snowplow manufactured by the Wausau, Inc.

HISTORY:

“Street Smart” truck plows are only available from Wausau, Inc. They would provide the city the unique safety benefits that only their multi-section, shock absorbing, reversible plows can provide. “Street Smart” patented plows have four, separately acting sections that independently raise up and go over any obstacle such as a curb, high manhole, water valve, etc. They are uniquely able to protect the plow, hitch, truck, and operator. Wausau is the only manufacturer of multi-section, shock absorbing reversible snowplows. The unique benefit of these patented plows is that they eliminate damage arising from hitting high manholes and other unseen obstructions. Six years ago we purchased five (5) “street smart” plows. Prior to that date, the City of Coeur d’Alene suffered damages from plows colliding with high manholes, water valves and other obstructions. Despite best efforts, there will always be high manholes and other obstructions causing damage to plows and posing a safety hazard to operators and the public. When conventional plows collide with manholes or break through an ice floor, the entire truck is thrown sideways and operators as well as citizens have reported numerous close calls in nearly colliding with vehicles. This sole source justification fits the criteria outlined in Idaho Statute 67-2808 as for process improvement (safety and less damage) as well as meeting the criteria that there is no “functional equivalent” snow plow.

FINANCIAL ANALYSIS:

This plow purchase is not in our fiscal year plan. With the ability to obtain a used dump truck from Waste Water along with savings we had from two winter-related line items from our 2011- 2012 budget allows us the opportunity put another truck into the Arterial plow team. There is a need to purchase a plow for this truck to be able to make this happen. There will be no additional cost of the purchase to the citizens in the upcoming fiscal budget 2012-13

Here are the identifiable Line Items we were able to save budgetary dollars due moderate winter conditions.

001-018-4311-1200	Overtime	+ \$10,600.00
001-018-4311-5911	Equipment Rental	+ \$12,986.00

PERFORMANCE ANALYSIS:

These patented plows reduce the potential of damage from hitting high manholes and obstructions as they have 4 separate sections that smoothly rise independently if the plow encounters an obstacle. We have used these plows

with great success. Since using these plows we have been able to minimize plow damage and have had no accidents in large part due to the superior “ride” of these plows. This plow will be used for arterial plowing and has no connection to our neighborhood snow gate program.

DECISION POINT/RECOMMENDATION:

The Council is requested to authorize staff to publish a declaration for the sole source procurement of (1) “Street Smart” snowplow manufactured by the Wausau, Inc. and purchase with budgetary dollars in this fiscal year.

**CITY COUNCIL
STAFF REPORT**

DATE: 4 September 2012
FROM: Jim Markley, Water Superintendent
SUBJECT: Acceptance of water main easement

=====

DECISION POINT: Staff requests Council acceptance of a water line easement from the Mill Rivers Seniors project.

HISTORY: Normally water mains are located in public right of ways but in this case the streets are all private. Having an easement will allow us to access and maintain the public portions of the water system; including mains, meters and fire hydrants within the project.

FINANCIAL ANALYSIS: This action will have no fiscal impact on the City.

PERFORMANCE ISSUES: This request conforms to our standard practice.

RECOMMENDATION: Staff requests that the Council accept the water line easement from the Mill River.

GRANT of EASEMENT
FOR WATER MAIN AND APPURTENANCES

KNOW ALL MEN BY THESE PRESENTS, that **MILL RIVER SENIORS, LLC**, whose address is P.O. BOX 1478, Hayden, Idaho, 83835, GRANTOR, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration paid by the City of Coeur d'Alene, Kootenai County, State of Idaho, receipt of which is acknowledged, does 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, an easement, together with the rights of ingress and egress for the installation, improvement, operation and maintenance of a potable water line and appurtenances, over and through the following described property in Kootenai County, to wit:

See attached "Exhibits A & B" incorporated herein.

TO MAINTAIN AND/OR USE a water pipeline, together with such fixtures and appurtenances, at such locations and elevations, upon, along, over and under the area described as GRANTEE, may now or hereafter determine in its sole discretion without any additional compensation.

GRANTOR, its heirs, successors and assigns shall not erect or construct or permit to be erected or constructed any building, structure or improvement, or plant any tree or trees, or plant any other vegetation or flora excepting grass within said easement, or increase or decrease the existing ground elevations without the express written approval of the City of Coeur d'Alene as evidenced by the signature of the Water Department Superintendent on an approved plan. GRANTOR, its heirs, successors and assigns shall not dig or drill any hole or wells on any portion of the easement.

GRANTOR agrees that no other easement or easements shall be granted on, under, or over this easement without obtaining the prior written consent of GRANTEE.

GRANTEE may at any time increase its use of the easement, change the location of pipe or other facilities within the boundaries of the easement, or modify the size of existing facilities or other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to the GRANTOR or the GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

GRANTOR expressly warrants and represents that GRANTOR has the power to grant this easement in accordance with its terms.

IN WITNESS WHEREOF, the GRANTOR has executed this easement this 1st day of March, 2012.

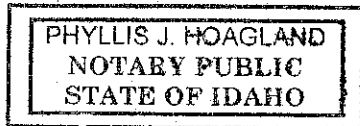
MILL RIVER SENIORS, LLC

By: [Signature]
MARYANN PRESCOTT, MEMBER

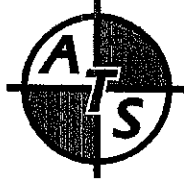
STATE OF IDAHO)
) ss.
County of Kootenai)

On this 1st day of March, 2012, before me, a Notary Public, personally appeared MARYANN PRESCOTT, as Member of MILL RIVER SENIORS, LLC whose name is subscribed to the within instrument and who acknowledged that she executed the same on its behalf.

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



[Signature]
Notary Public for Idaho
Residing at HAYDEN, IDAHO
My Commission Expires: 12-11-2012



Advanced Technology Surveying & Engineering

EXHIBIT A
WATER LINE EASEMENT TO THE CITY OF COEUR D'ALENE

A STRIP OF LAND 10.00 FEET WIDE AND CENTERED ON THE EXISTING WATER MAIN LINE, FIRE HYDRANTS AND ASSOCIATED STRUCTURES AS LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST OF THE BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO. THE SIDE LINES OF WHICH ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 4, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION BEARS NORTH 88°01'04" WEST, 2652.94 FEET; THENCE, NORTH 00°09'01" WEST, 827.32 FEET ALONG THE EAST BOUNDARY OF SAID SOUTHWEST QUARTER TO THE POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE FOR SELTICE WAY (OLD HIGHWAY 10) AS MARKED BY A 5/8" REBAR AND CAP STAMPED "PLS 4182"; THENCE, NORTH 65°25'59" WEST, 43.03 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 66°32'02" WEST, 89.86 FEET TO THE TRUE **POINT-OF-BEGINNING** FOR THIS DESCRIBED STRIP OF LAND;

THENCE, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE NORTH 66°32'02" WEST, 10.88 FEET;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE NORTH 00°12'53" EAST, 308.35 FEET;

THENCE, NORTH 36°11'50" WEST, 18.77 FEET;

THENCE, NORTH 72°36'32" WEST, 143.05 FEET;

THENCE, SOUTH 62°23'28" WEST, 26.33 FEET;

THENCE, SOUTH 00°05'38" WEST, 280.39 FEET TO A POINT OF NON-TANGENT CURVATURE. SAID POINT LYING ON THE NORTH RIGHT-OF-WAY LINE FOR SELTICE WAY;

THENCE, 10.86 FEET ALONG SAID RIGHT-OF-WAY CURVE TO THE LEFT HAVING A RADIUS OF 5804.58 FEET, A CENTRAL ANGLE OF 00°06'26" AND A CHORD BEARING NORTH 67°09'44" WEST, 10.84 FEET TO A POINT OF NON-TANGENCY;

THENCE, LEAVING SAID RIGHT-OF-WAY NORTH 00°05'38" EAST, 27.03 FEET;

THENCE, NORTH 89°54'22" WEST, 21.57 FEET;

THENCE, NORTH 00°05'38" EAST, 10.00 FEET;

THENCE, SOUTH 89°54'22" EAST, 21.57 FEET;

THENCE, NORTH 00°05'38" EAST, 217.82 FEET;

THENCE, NORTH 89°54'23" WEST, 23.61 FEET;
THENCE, NORTH 00°05'38" EAST, 10.00 FEET;
THENCE, SOUTH 89°54'23" EAST, 23.61 FEET;
THENCE, NORTH 00°05'38" EAST, 17.40 FEET;
THENCE, NORTH 62°23'28" EAST, 36.52 FEET;
THENCE, SOUTH 72°36'32" EAST, 150.49 FEET;
THENCE, SOUTH 36°11'50" EAST, 25.35 FEET;
THENCE, SOUTH 00°12'53" WEST, 3.09 FEET;
THENCE, SOUTH 89°47'07" EAST, 25.29 FEET;
THENCE, SOUTH 00°12'53" WEST, 10.00 FEET;
THENCE, NORTH 89°47'07" WEST, 25.29 FEET;
THENCE, SOUTH 00°12'53" WEST, 281.57 FEET;
THENCE, SOUTH 89°47'07" EAST, 27.13 FEET;
THENCE, SOUTH 00°12'53" WEST, 10.00 FEET;
THENCE, NORTH 89°47'07" WEST, 27.13 FEET;
THENCE, SOUTH 00°12'53" WEST, 11.26 FEET RETURNING TO THE POINT-OF-BEGINNING FOR
THIS DESCRIBED STRIP OF LAND;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, COVENANTS, RESERVATIONS AND
RESTRICTIONS OF RECORD AND IN VIEW;

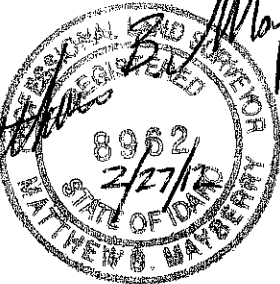
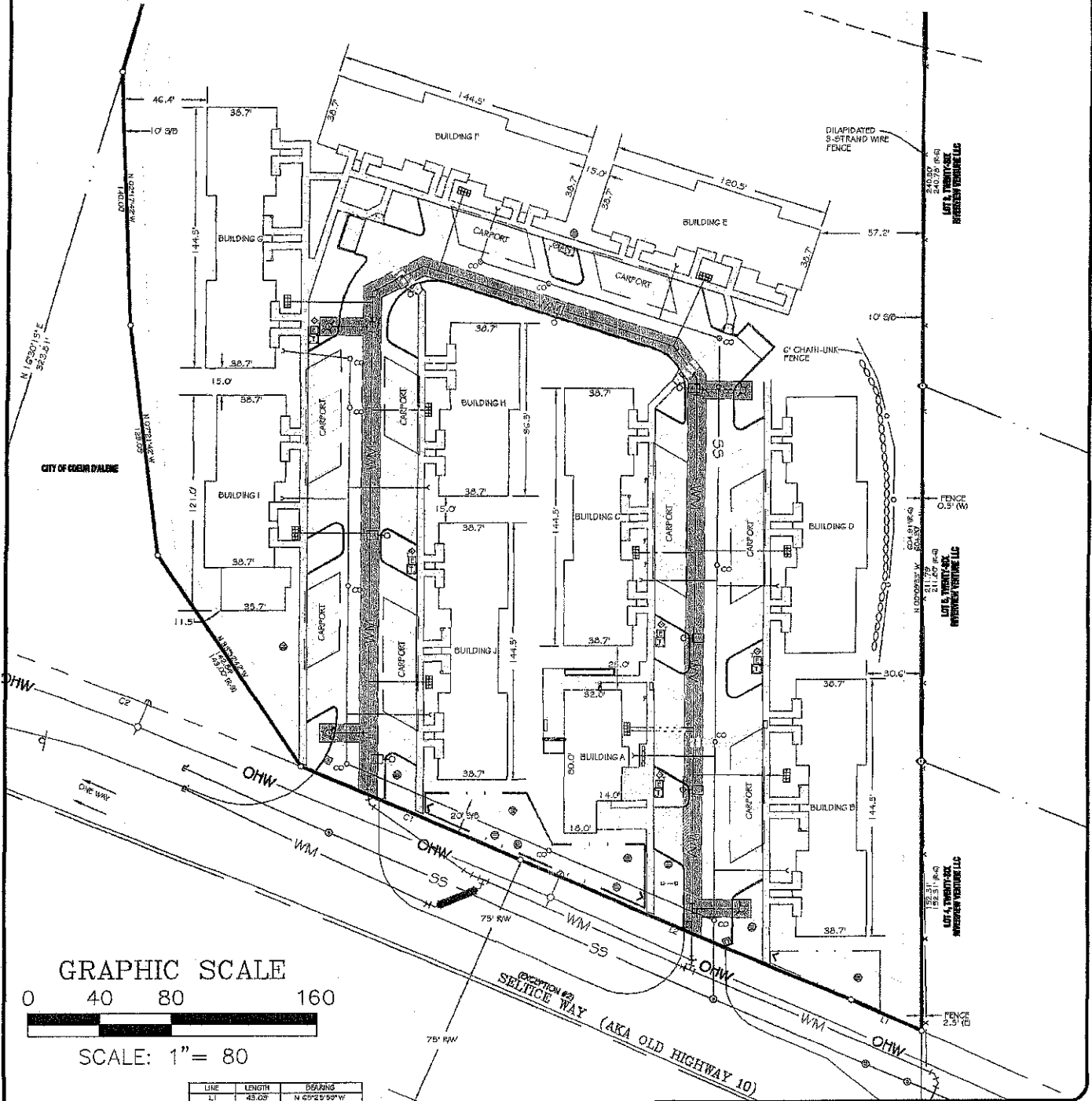
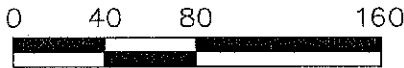
Matthew B. Matberry


EXHIBIT B

MILL RIVER SENIOR
SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M.,
KOOTENAI COUNTY, IDAHO



GRAPHIC SCALE



SCALE: 1" = 80

LINE	LENGTH	BEARING
L1	43.08'	N 62°25'58"W
L2	188.98'	N 62°02'02"W

CUAVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DIST.
C1	131.61'	1824.52'	01°17'29"	N 66°54'22"W	131.61'
C2	1805.15'	1804.50'	02°00'16"	N 62°35'01"W	200.12'



ADVANCED
TECHNOLOGY
SURVEYING &
ENGINEERING
INC.

P.O. BOX 3457, HAYDEN IDAHO, 83835
* PH. (208) 772-2745 * FAX (208) 762-7731 *

SCALE: 1" = 80'

CHECKED BY: MM
DATE: 02-27-2012
DRAWN BY: MBM
DATE: 02-27-2012
DWG: HARD COPY
PROJ: 10.05B

ANNOUNCEMENTS

Memo to Council

DATE: August 28, 2012

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the September 4th Council Meeting:

STEVE McCREA

LIBRARY BOARD

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

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Bette Ammon, Library Board Liaison

OTHER COMMITTEE MINUTES
(Requiring Council Action)

August 27, 2012
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Mike Kennedy, Chairperson
Ron Edinger
Steve Adams

CITIZENS PRESENT

Scott Cranston, Parks and Rec Commission Chairman
Ron Oren, Chair of the Campaign Cabinet, Field of Dreams
Jim Faucher, Member of the Campaign Cabinet, Field of Dreams

STAFF PRESENT

Jon Ingalls, Deputy City Administrator
Tim Martin, Streets Superintendent
Susan Weathers, City Clerk
Bill Greenwood, Parks Superintendent
Mike Gridley, City Attorney
Steve Anthony, Recreation Director
Juanita Knight, Senior Legal Assistant

**Item 1. Conceptual Approval / West Coast League.
(Agenda)**

Councilman Kennedy explained that the Parks and Recreation Commission is recommending City Council endorse the concept of allowing a West Coast Collegiate Team to locate in Coeur d'Alene in 2014 as the anchor tenant for the Cherry Hill Sports Complex. Councilman Kennedy noted from the staff report that the Parks Department and other interested baseball enthusiasts have been proposing a new baseball field in Coeur d'Alene for approximately 12 years. The City has recently completed the land sale agreement with the Coeur d'Alene Eagles for property at Cherry Hill that could be home to a minor league quality field. The sports complex at will likely be built with or without the inclusion of a West Coast League Team (WCL). Councilman Kennedy said the request is to adopt the concept of bringing a West Coast League Team to Coeur d'Alene. Fee structures, management and uses would be worked out over the next several months including routine maintenance and capital improvements. The estimated cost of the facility is \$2,700,000 and those funds are being raised privately. The Panhandle Parks Foundation is taking on the fund raising and all funds are going to that organization.

Scott Cranston said the Parks & Recreation Commission vetted this out pretty thoroughly. They felt there is enough positive with the potential of bringing in a WCL team into this facility that it's worth moving forward with discussions with them. Mr. Cranston emphasized that the Commission is endorsing the *concept* of having the WCL team coming into the facility as an anchor tenant with the hopes that an agreement between the City and WCL can be agreed upon. The agreement would then be brought back for Council consideration.

Jim Fouche gave a 'fly through' presentation of the proposed facility.

Councilman Edinger expressed concern if the City will have full control of managing & scheduling the events at the facility. Mr. Cranston said the City would, in cooperation with an anchor tenant. Councilman Edinger said the City has scheduled events for their facilities for years and they do a good job of it. Why would it be any different at this facility. Mr. Cranston said that will certainly be one of the discussion points once they get into negotiations.

Steve Anthony, Recreation Director, said historically the City schedules events at their facilities. The City has a policy for each facility that is developed with the Park and Recreation Commission. Mr. Anthony went on to describe a couple of the policies and who has priority to the facility. Mr. Anthony said as with this proposal he imagines the scheduling will all get worked out in the negotiations.

Mr. Cranston added that the WCL representatives said the league schedule comes out by October, therefore there would be about 9 month the City would have to be able to schedule around the collegiate team.

Mr. Anthony said the City is used to working with other user groups in order to schedule events therefore he staff should be able to work out the details with the WCL.

Ron Oren, Chairman for the stadium fund raising committee, said he believes the scheduling of events can be easily accomplished. Getting the WCL team involved in marketing and areas of potential fund raising is another part of the equation.

Councilman Edinger reiterated that he strongly believes the City's Recreation Department should have full control of scheduling the events at this facility.

Councilman Adams asked if this team will become a Coeur d'Alene team and would they commit to Coeur d'Alene for x number of years. Mr. Oren responded yes.

Mr. Cranston noted the WCL would need a full year from commitment before they are able to field a team for things like advertising, marketing, placement of players, etc. They hope to have a team on site by the 2014 season.

Councilman Adams asked how the WCL is funded. Mr. Oren said they are funded privately. Each club has owners and they derive their income from tickets sales, marketing, advertising, promotion, concession sales, etc.

MOTION: by Councilman Kennedy, seconded by Councilman Adams, that Council approve the Parks and Recreation Recommendation to endorse the concept of allowing the West Coast League to locate a baseball team in Coeur d'Alene and direct staff to work out the details with the WCL for a future chilly hill sports complex.

DISCUSSION:

Councilman Adams said he likes the idea of giving the baseball players of the future the opportunity to have something like this here. However, he doesn't like the potential of putting the horse before the cart. He is a little uneasy about that. But since this is just a conceptual plan he'll keep an open mind and vote to move it forward.

Councilman Edinger said he always has an open mind.

The meeting adjourned at 12:40 p.m.

Respectfully submitted,

Juanita Knight

Recording Secretary

**PARKS & RECREATION COMMISSION
STAFF REPORT**

August 20, 2012

From: Doug Eastwood, Parks Director

RE: WEST COAST LEAGUE

Decision Point: Does the Parks & Recreation Commission want to recommend to General Services and City Council to endorse the concept of allowing a West Coast Collegiate Team to locate in Coeur d'Alene in 2014 as the anchor tenant for the Cherry Hill Sports Complex?

History: The Parks Department and other interested baseball enthusiasts have been proposing a new baseball field in Coeur d'Alene for approximately 12 years. Possible site locations have included land north of Ramsey Park which was initially purchased for baseball fields but eventually became home to the Kroc Center. We have had several discussions with developers at the Riverstone Complex and the Atlas Mill Site as potential baseball field sites. We have also had discussion with School District 271 to improve their fields for additional baseball use. Most recently we completed the land sale agreement with the Coeur d'Alene Eagles that could be home to a minor league quality field.

Financial Analysis: The sports complex at Cherry Hill will likely be built with or without the inclusion of a West Coast League Team. Without the team the City would have the responsibility of maintaining the facility for the various uses. With the West Coast League Team the city will still have the responsibility but other income, or resources, may be recognized to offset some of that responsibility. The request is to adopt the concept of bringing a West Coast League Team to Coeur d'Alene. Fee structures, management and uses would be worked out over the next several months including routine maintenance and capital improvements. The estimated cost of the facility is \$2,700,000 and those funds are being raised privately. The Panhandle Parks Foundation is taking on the fund raising and all funds are going to that organization. The fund raising committee is comprised of several interested citizens including their Honorary Chairman; Don Larsen of the New York Yankee fame; the only pitcher in Major League Baseball history to pitch a perfect game in the World Series.

Performance Analysis: The West Coast League will bring marketing and management skills to the facility. The league is a college level, wooden bat league, with college students placed by their universities to get experience with other teams and players during the summer season. The players are not payed to play at this level. The W.C.L. intent will be to get community participation (attendance) by promoting the league and providing a fun family day/night at the ball park.

Decision Point: Does the Parks & Recreation Commission want to recommend to General Services and the City Council to endorse the concept of bringing a West Coast League Team to Coeur d'Alene as the anchor tenant for the new sports facility at Cherry Hill? The W.C.L. team would like to plan to have a team on site by the 2014 season. This would also be predicated on successful fund raising and completion of the facility. Staff recommends endorsing the concept to bring a West Coast League Team to Coeur d'Alene by the start of the 2014 season.

Item # 10: West Coast League

Motion from Parks and Rec Commission meeting on Monday August 20th, 2012.

Commissioner Kennedy moved that the Park and Rec Commission recommend to the City of Coeur d'Alene General Services and City Council to endorse the concept of bringing a West Coast League team as the anchor tenant and there will be details of fee structures and management uses to be worked out. But conceptually the motion is to recommend approval. Commissioner Patzer seconded this motion. Motion carried unanimously.

OTHER BUSINESS

STAFF REPORT

DATE: September 4, 2012
TO: Mayor and City Council
FROM: Susan Weathers, City Clerk
RE: Re-Adoption of Ordinance No. 3445

DECISION POINT: Would the City Council re-adopt Ordinance No. 3445 originally adopted on July 17, 2012.

HISTORY: On June 19, 2012 the City Council held a public hearing and approved ZC-3-12, a zone change at 2022 N. Government Way. On July 17, 2012 the City Council adopted Council Bill No. 12-1019 (Ordinance No. 3445) enacting this zone change. The Summary of this ordinance was emailed to the Cd'A Press on July 18, 2012 (see attached); however, it inadvertently was not published. Due to the 30-day period for publication having lapsed since the adoption of this ordinance, the ordinance becomes null and void. Tonight, staff is requesting the Council re-adopt Ordinance No. 3445.

PERFORMANCE ANALYSIS: This is a housekeeping matter that clarifies the need for re-adopting an expired ordinance.

DECISION POINT: Staff recommends that the City Council re-adopt Ordinance No. 3445 which was previously adopted on July 17, 2012.



You forwarded this message on 8/23/2012 1:39 PM.
From: WEATHERS, SUSAN
To: 'legals@cdapress.com'
Cc:
Subject: Legal Notice
Sent: Wed 7/18/2012 9:43 AM

Message Ordinance No. 3445 - Summary.doc (28 KB)

Madison, Attached is a copy of the Summary of Ordinance No. 3445 adopted by the City Council last night and needs to be published on Wednesday, July 25th.

Thanks



Susan G. Weathers
City Clerk/Municipal Services Director
710 E. Mullan Avenue
Coeur d'Alene, ID 83814
(208)769-2231

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3445
Zone Change – ZC-3-12
2202 N. Government Way R-12 to NC

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R12 TO NC, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.288 ACRE PARCEL AT 2202 N. GOVERNMENT WAY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3445 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

Publish: July 25, 2012

ORDINANCE NO. 3445
COUNCIL BILL NO. 12-1019

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R12 TO NC, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.288 ACRE PARCEL AT 2202 N. GOVERNMENT WAY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

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

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

**A +/- 0.288 acre parcel at 2202 N. Government Way
Lot 1, Block 1, Ott's Subdivision to the City of Coeur d' Alene,
according to the plat recorded in Book D of Plats, Page 29, records of
Kootenai County, Idaho.**

is hereby changed and rezoned from R12 (Residential at 12 units/acre to NC (Neighborhood Commercial).

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

NONE

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

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

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

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

APPROVED this 4th day of September, 2012.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3445

Zone Change – ZC-3-12

2202 N. Government Way R-12 to NC

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R12 TO NC, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 0.288 ACRE PARCEL AT 2202 N. GOVERNMENT WAY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3445 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. 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 Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3445, Zone Change – ZC-3-12 / 2202 N. Government Way R-12 to NC, 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 4th day of September, 2012.

Warren J. Wilson, Chief Civil Deputy City Attorney

PUBLIC HEARINGS

ORDINANCE NO. _____
COUNCIL BILL 12-1023

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012" APPROPRIATING THE SUM OF \$72,705,505 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF COEUR D'ALENE FOR SAID YEAR; LEVYING A SUFFICIENT TAX UPON THE TAXABLE PROPERTY WITHIN SAID CITY FOR GENERAL REVENUE PURPOSES FOR WHICH SUCH APPROPRIATION IS MADE; LEVYING SPECIAL TAXES UPON THE TAXABLE PROPERTY WITH SAID CITY FOR SPECIAL REVENUE PURPOSES WITHIN THE LIMITS OF SAID CITY OF COEUR D'ALENE, IDAHO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

Section 1

That the sum of \$72,705,505 be and the same is hereby appropriated to defray the necessary expenses and liabilities of the City of Coeur d'Alene, Kootenai County, Idaho, for the fiscal year beginning October 1, 2012.

Section 2

That the objects and purposes for which such appropriations are made are as follows:

GENERAL FUND EXPENDITURES:

Mayor and Council-----	\$ 220,014
Administration-----	399,866
Finance Department-----	676,928
Municipal Services-----	1,369,649
Human Resources-----	241,663
Legal Department-----	1,428,897
Planning Department-----	475,512
Building Maintenance-----	398,419
Police Department-----	9,969,692
Drug Task Force-----	36,700
ADA Sidewalks-----	220,785
Byrne Grants-----	149,077
COPS Grant-----	69,819
Fire Department-----	7,627,429
General Government-----	192,635
Engineering Services-----	1,238,436
Streets/Garage-----	2,390,303
Parks Department-----	1,665,888
Recreation Department-----	764,454
Building Inspection-----	721,439
TOTAL GENERAL FUND EXPENDITURES:	<u>\$30,257,605</u>

SPECIAL REVENUE FUND EXPENDITURES:	
Library Fund-----	\$ 1,278,960
Community Development Block Grant-----	267,325
Impact Fee Fund-----	613,133
Parks Capital Improvements-----	881,215
Annexation Fees-----	70,000
Insurance / Risk Management-----	264,000
Cemetery Fund-----	239,300
Cemetery Perpetual Care Fund-----	98,000
Jewett House-----	42,000
Reforestation/Street Trees/Community Canopy	68,000
Arts Commission-----	7,000
Public Art Funds-----	<u>245,000</u>

TOTAL SPECIAL FUNDS: \$ 4,073,933

ENTERPRISE FUND EXPENDITURES:	
Street Lighting Fund-----	\$ 570,050
Water Fund-----	7,602,289
Wastewater Fund-----	18,996,924
Water Cap Fee Fund-----	850,000
WWTP Cap Fees Fund-----	879,336
Sanitation Fund-----	3,285,480
City Parking Fund-----	575,957
Stormwater Management-----	<u>923,967</u>

TOTAL ENTERPRISE EXPENDITURES: \$33,684,003

FIDUCIARY FUNDS:-----	2,538,100
CAPITAL PROJECTS FUNDS:-----	770,000
DEBT SERVICE FUNDS:-----	<u>1,381,865</u>
GRAND TOTAL OF ALL EXPENDITURES:	<u>\$72,705,506</u>

Section 3

That a General Levy of \$16,140,917 on all taxable property within the City of Coeur d'Alene be and the same is hereby levied for general revenue purposes for the fiscal year commencing October 1, 2012.

Section 4

That a Special Levy upon all taxable property within the limits of the City of Coeur d'Alene in the amount of \$2,484,215 is hereby levied for special revenue purposes for the fiscal year commencing October 1, 2012.

Section 5

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any

person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt there from.

Section 6

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the City of Coeur d'Alene and the official newspaper thereof.

APPROVED by this Mayor this 4th day of September, 2012.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

August 27, 2012
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Woody McEvers
Council Member Dan Gookin
Council Member Deanna Goodlander

STAFF PRESENT

Amy Ferguson, Executive Assistant
Tim Martin, Street Superintendent
Jon Ingalls, Deputy City Administrator
Christopher Bates, Eng. Proj. Mgr.

Item 1 V-12-3: Vacation of Portions of Right-of-Way in the Merriam Park Addition & the Relinquishment of a Remainder Portion of College Drive, and Carlin Avenue/aka Garden Avenue, to North Idaho College

Consent Calendar

Christopher Bates, Engineering Project Manager, presented a request for the vacation of the remaining portions of “Government Road” in the Merriam Park Addition adjoining the southerly boundary of Tract “I”, and, the relinquishment of the remaining portions of Carlin Avenue aka Garden Avenue, and College Drive. The portions of the relinquished streets would subsequently be quit claimed to North Idaho College.

Mr. Bates explained in his staff report that the Kootenai County Assessor’s Office had contacted North Idaho College concerning a few portions of streets and old rights-of-way, that still remained under City ownership, and the College Facilities Office contacted the City in hopes of bringing the matter to final closure. He explained that there is no negative financial impact to the City and there are no tax issues on any of the properties and the portions that remain as roadways would all be maintained by the College. The vacation, and relinquishment of the portions that were deeded for streets, will relieve the City of all responsibility over the roads on the NIC campus for any construction, maintenance, and enforcement issues. All existing City utilities that are located in the requested areas would be protected by restrictive easements that provide for access, use, maintenance, and replacement, if necessary. These easements would be a component of any vacation ordinance or quit claim deed to NIC. As with the previous vacation of right-of-way, and quit claiming of the previous portion of College Drive, this allows NIC the ability to request and obtain State funding through the State Department of Public Works to maintain their internal streets, whereas if they are City owned, they cannot.

Mr. Bates described the different pieces of property that needed to be vacated or relinquished and mentioned that Government Road runs across the athletic field and portions of it were never vacated. He confirmed that this action by council would take care of all of the remaining right-of-way issues at North Idaho College and that the city would retain easements for all of their utilities.

MOTION by Gookin, seconded by McEvers, to recommend Council direct staff to proceed with the vacation process and set a public hearing before the City Council for October 2, 2012. Motion carried.

**Item 2 Declaration for Sole Source Procurement
Consent Calendar**

Tim Martin, Street Superintendent, presented a request for council authorization to purchase one (1) new “Street Smart” plow, as well as authorization to publish a declaration for the sole source procurement of the “Street Smart” plow manufactured by Wausau, Inc.

Mr. Martin stated in his staff report that the “Street Smart” truck plows are only available from Wausau, Inc. They would provide the city the unique safety benefits that only their multi-section, shock absorbing, reversible plows can provide. The “Street Smart” patented plows have four, separately acting sections that independently raise up and go over any obstacle such as a curb, high manhole, water valve, etc. They are uniquely able to protect the plow, hitch, truck, and operator. The Streets Department has used these plows with great success. The plow will be used for arterial plowing and has no connection to the neighborhood snow gate program. This sole source justification fits the criteria outlined in Idaho Statute 67-2808 in regard to process improvement (safety and less damage) as well as meeting the criteria that there is no “functional equivalent” snow plow.

Mr. Martin further noted in his staff report that the plow purchase is not in their fiscal year plan. With the ability to obtain a used dump truck from Waste Water, along with savings from two winter-related line items from the 2011-2012 budget, they have the opportunity to put another truck into the Arterial plow team. As a result, there is a need to purchase a plow for this truck to make it happen. There will be no additional costs for the purchase in the upcoming fiscal budget 2012-13.

Mr. Martin explained that because of the way conventional plows are made, they hit manholes in the road, water valves, etc., jolt operators, and are not safe.

Councilman Gookin asked if there is adequate manpower to utilize the truck. Mr. Martin confirmed that, if needed, they augment their winter support with Water and Parks Department employees. He also noted that when the 2004 vehicle was purchased from the Wastewater Department, it didn’t come with hydraulics, a plow frame, or a plow. They have incurred some expense putting hydraulics on the vehicle.

MOTION: Motion by McEvers, seconded by Gookin, to recommend Council authorize the sole source procurement of one (1) new “Street Smart” plow and to publish public notification. Motion carried.

The meeting adjourned at 4:10 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison