



# Coeur d'Alene

## CITY COUNCIL MEETING

*September 5, 2006*

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**MEMBERS OF THE CITY COUNCIL:**

**Sandi Bloem, Mayor**

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

# CONSENT CALENDAR

A CONTINUED MEETING OF THE  
COEUR D'ALENE CITY COUNCIL  
AUGUST 9, 2006

The City Council met in continued session for the purpose of conducting a budget workshop, held in the City Council Chambers, August 9, 2006 at 5:15 p.m. there being present upon roll call a quorum.

Mayor Sandi Bloem

Ron Edinger ) Members of the Council Present  
A. J. Al Hassell, III )  
Woody McEvers )  
Dixie Reid )  
Mike Kennedy )

Deanna Goodlander 5:30 p.m.)

**PLEDGE OF ALLEGIANCE** was led by Councilman McEvers.

**BUDGET WORKSHOP Cont'd:** Troy Tymesen, Finance Director, reviewed the Council's high priorities that were set in April of this year and that have been incorporated in the proposed budget. He explained why the City has fluctuations in the total appropriations from year to year. He noted that the proposed budget includes the first payment for the Public Safety/Library Bonds, as well as 3.48 FTE Police Department staff, 3.0 FTE Fire Department personnel, 1.5 FTE Parks staffing, 0.7 FTE for Recreation Department. 0.5 FTE Street Department staff and when the new Library is constructed 2 FTE's are proposed for the Building Maintenance Department. Mr. Tymesen addressed the different ways in which the city receives revenues including property tax, new construction, new annexations, forgone taxes and voter approved additional revenue such as G.O. Bonds. He explained the 3% increase in budget increase. He noted that 49% of the General Fund budget is property taxes. He commented that the City needs \$1.4 million each year in additional revenue to maintain the current services provided and it is new growth that has been paying the lion's share of this needed revenue. He noted that the levy rate this year would be \$4.26/\$1,000 assessed valuation compared to last year which was \$5.09/\$1,000 assessed valuation. Councilman Reid noted that the Service and Supplies budget shows a very small increase compared to the overall budget and that most of the increase is in personnel. Mr. Tymesen added that Capital Outlay is down this year.

**PUBLIC COMMENTS:** Kelly Richards, 1460 E. Woodstone Drive, Hayden, Idaho, representing Concerned Business of North Idaho, applauded the Council's effort to reach out to the citizens by opening up the budget workshop to public comments. She requested that the decrease in the levy rate match the increase in new construction revenue being received. She requested the Council to take less than the 3% increase allowed. Ron Catlain, 986 Victorian Drive, requested that the City not take the 3% increase. He proposed that the City take an aggressive campaign to recruit more volunteers which would decrease personnel costs, such as having volunteers keep the parks maintained instead of hiring additional staff. He also suggested that some volunteers could do the parking enforcement instead of

contracting this service. Councilman Kennedy asked if the City had a Volunteer Commission.

Troy noted that if the City only took \$2% he would need to eliminate \$117,000 from the budget. He would recommend that new hires be delayed until the revenue reduction is realized. If the Council only took 1.5%, the City would need to delay hiring the firefighters until February as well as the Police Officers positions plus eliminating one of the new police vehicles.

Troy noted that at the previous budget workshop there was approximately \$25,000 identified which could be reduced from the proposed budget.

Councilman Reid commented that she has a hard time delaying the hiring of additional police officers because it takes six months from the date of hire to get the officers on the streets. She also believes that we need to hire the Firefighters immediately and she will not vote for delaying these hires. She proposed reducing Street Overlay until additional revenue is received and hire Police and Fire without the proposed delay.

Councilman Hassell recommended that the Finance Director look at revenues which might be underestimated as well as look at increasing other revenues and to reduce the budget increase to 1.5%. Councilman Kennedy suggested that part of the Fund Balance be decreased as he has heard that our Fund Balance is high.

Mr. Tymesen recommended shifting \$1,000,000 from the fund balance to the Insurance Fund which has been depleted to a point that there is only an \$800,000 balance today but has been recommended to be maintained at \$2,000,000. He added that he would recommend delay hiring staff since this is the largest portion of the City's budget.

Motion by Reid, seconded by Goodlander to direct Finance Director Troy Tymesen to provide the Council with his recommendations of balancing the budget if the Council reduced the 3% increase by 1% or reduced it by 1.5% cut.

DISCUSSION: Mayor Bloem cautioned about building up foregone taxes too high. Councilman equated the property taxes with employees to population ratio. Motion carried.

ADJOURNMENT: Motion by Reid, seconded by Hassell to adjourn. Motion carried.

The workshop adjourned at 7:20 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk

MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
AUGUST 15, 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, August 15, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

**INVOCATION** was led by Pastor Michael Slothower, River of Life Church..

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

**PUBLIC COMMENTS:**

**VOLUNTEERS THANKED:** Parks Director Doug Eastwood reported that the Parks Department had a booth in the Park last weekend during the Taste of the Coeur d'Alene's in order to obtain survey information regarding the Parks Master Planning project. He expressed his appreciation for all the volunteers who manned the booth including Councilman Edinger, Councilman Hassell, and Councilman Goodlander. Councilman Edinger commended the Parks crew for the great job they did in keeping the Parks clean during the event.

**STAFF THANKED FOR SUPPORT:** Mac Cavasar, 621 Dollar Street, commended Lee Brainard and the Police Department, Tim Martin and the Streets crew, Kathy Lewis, Susan Weathers, Renata McLeod, Bill Greenwood, Jim Washko and the Fire Department EMT's, Jon Ingalls, and the City Council for all their support and help in making the various races and triathlons such a success in our community.

**CONSENT CALENDAR:** Motion by Reid, seconded by Edinger to approve the Consent Calendar. Councilman Reid noted that she has a conflict of interest on Item 7, Fort Ground Grill and her vote will be abstained from this item.

1. Approval of minutes for August 1, 3, 2006.
2. Setting of the Public Works Committee and General Services Committee meetings for August 21, 2006 at 4:00 p.m.

3. RESOLUTION 06-052: 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 AN ENERGY EFFICIENCY AGREEMENT WITH AVISTA FOR THE WASTEWATER TREATMENT PLANT AND APPROVAL OF S-6-03 ADDITION, FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR BOLIVAR SUBDIVISION.
4. Acceptance of easement for Sanitary Sewer Lift Station from Northwest Properties, LLC for the Bellerive Development.
5. SS-10-06 – Final Plat approval for Neider Square Condominiums.
6. SS-17-06 - Final Plat Approval for Creekside Meadows Subdivision
7. Approval of beer/wine/liquor license transfer for the Fort Ground Grill and for the Silver Lake Motel.
8. Approval for staff to auction the used 1984 C & CH Aqua Tech Jett Truck on the City website.
9. Approval of bid specifications and authorizing staff to advertise for bids for an emergency generator for the Wastewater Treatment Plant.
10. Approval of bid specifications and authorizing staff to advertise for bids for polymer equipment for the Wastewater Treatment Plant.
11. Approval of bills as submitted to and on file in the City Clerk's Office.
12. Setting of public hearing: ZC-8-06 - Zone Change at 3615 N. Fruitland for September 19, 2006.

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

**MICRO-SOCCER FEE CHANGE:** Motion by Hassell, seconded by Goodlander to approve the waiver of the registration fee for parents who sign up to coach micro-soccer. Motion carried.

**PARK STORAGE BUILDING:** Motion by Hassell, seconded by Edinger to authorize the installation of a new storage building at the NE corner of Short and C Streets. Motion carried.

ORDINANCE NO. 3264  
COUNCIL BILL NO. 06-1024

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 8.25.025 'WATERCRAFT MOORING TIME RESTRICTIONS AT CITY DOCKS' AND 8.25.030 'SWIMMING PROHIBITED AT CITY DOCKS', TO INCLUDE THE DOCK LOCATED AT THE MILL RIVER PARK; 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.

Motion by Hassell, seconded by Edinger to pass the first reading of Council Bill No. 06-1024.

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

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 06-1024 by its having had one reading by title only.

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

ORDINANCE NO. 3265  
COUNCIL BILL NO. 06-1020

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 2.48.020 REDUCING THE PLANNING AND ZONING COMMISSION MEMBERS FROM 9 TO 7; 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.

Motion by Reid, seconded by Edinger to pass the first reading of Council Bill No. 06-1020.

ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, No; Goodlander, Aye; McEvers, Aye. Motion carried.

Motion by Edinger, seconded by Goodlander to suspend the rules and to adopt Council Bill No. 06-1020 by its having had one reading by title only.

ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, No; Goodlander, Aye; McEvers, Aye. Motion carried.

RESOLUTION NO. 06-053

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ACCEPTING THE BID OF FIRE FACILITIES, INC. FOR THE PURCHASE OF A STEEL STRUCTURE FIREFIGHTING TRAINING FACILITY.

Deputy Fire Chief Jim Washko presented a power point which showed photos of the training tower facility that will be purchased. He noted that it is hoped that the facility will be completed and ready for the Spring Fire Academy next year.

Motion by Edinger, seconded by Hassell to adopt Resolution 06-053.

DISCUSSION: Councilman Reid thanked the voters for approving the G.O. Bond which allows for the purchase of this training tower.

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

**BUDGET OPTIONS - FY 2006-2007:** Finance Director Troy Tymesen reviewed the proposed budget and announced that he had just learned that the City will be receiving \$109,000 less than estimated in new construction revenue. He noted that with the proposed budget the levy rate would be \$4.10/\$1,000 assessed valuation. He reported that the Council had directed him to propose a plan to reduce the 3% increase by 1% which would mean reducing the budget by a total of \$117,865. Mr. Tymesen proposed meeting this decrease by eliminating \$1,000 for the Mayor's Arts Awards, \$6,500 for NLC Dues and Travel, Unemployment Insurance \$13,751, Health Insurance (Building Maintenance) \$17,964, Street Asphalt, Overlay \$30,000 and delay hiring of 3 new Firefighters until January 1<sup>st</sup> \$48,650. If the Council chose to take a 1.5% decrease a total of \$176,798 would need to be reduced in the budget which would include the items listed above plus eliminating the purchase of a new police car and accompanying equipment for \$50,298 and delay the hiring of the 3 new firefighters until mid-January which would save \$8,635.

DISCUSSION: Councilman Reid noted that if the Council reduced the budget by 1% the Council would still need to reduce the budget by another \$109,000 as noted by above. Troy confirmed that Councilman Reid is correct; however, he suggested that the City would delay hiring vacancies by attrition or hiring other new positions proposed in the budget.

Councilman Hassell asked if they reduced the Street Overlay program by the \$109,000, would we be able to add it back in if additional revenue is received during the year. Mr. Tymesen endorsed this proposal.

MOTION: Motion by Reid, seconded by Goodlander to accept the 1% decrease option including taking \$109,000 from the Fund Balance.

DISCUSSION: Councilman Reid noted that this is in response to the citizens request to reduce the budget. Councilman McEvers suggested taking the Fund Balance to make up the difference in taking a 2% increase. Councilman Goodlander asked what is going to happen when growth flattens. Mr. Tymesen noted that the City has been very conservative in hiring building inspectors. Councilman Edinger was hoping to get the increase down by 1.5% but he realizes that the City already has a lean budget and even by cutting the 3% increase by 1% it is a response to citizens' input.

Motion carried.



ORDINANCE NO. 3266  
COUNCIL BILL NO. 06-1025

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO CHAPTER 6.06 KENNELS AND PET SHOPS BY AMENDING SECTIONS 6.06.015, TO ADD AND DEFINE ANIMAL SHELTER, SECTIONS 6.06.025, 6.06.060 AND 0.06.065 TO ALLOW AN AUTHORIZED CITY DESIGNEE TO INSPECT KENNELS OR SHELTERS; 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.

Motion by Reid, seconded by McEvers to pass the first reading of Council Bill No. 06-1025.

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

Motion by Hassell, seconded by McEvers to suspend the rules and to pass Council Bill No. 06-1025 by its having had one reading by title only.

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

**PUBLIC HEARING: A-4-06 – ANNEXATION/ZONING OF A 3.5 ACRE PARCEL AT 19<sup>TH</sup> STREET AND NETTLETON GULCH ROAD ADJACENT TO GREYSTONE SUBDIVISION.** Mayor Bloem read the rules of order for this public hearing. John Stamos, Associate Planner, gave the staff report.

Mr. Stamos gave the applicants name as Shefoot Investments, LLC, the location as a 3.5 acre parcel located in the vicinity of 19<sup>th</sup> Street and Nettleton Gulch Road adjacent to Greystone Subdivision and the reason for the request as annexation and an R-3 zoning.

He gave the staff analyses for land use, neighborhood characteristics, Comprehensive Plan, streets, and utilities.

Mr. Stamos reported that on July 11, 2006 the Planning Commission approved the requested zoning prior to annexation and approved the preliminary plat.

On July 28, 2006 78 notices were mailed regarding tonight public hearing with one (1) response being received opposed to the request. Written Comments were distributed for Council review.

**PUBLIC COMMENTS:** Steve Cordes, 3517 Wildflower Lane, Hayden, spoke on behalf of the applicant.

Councilman Goodlander asked about the existing roadway through this parcel and the concerns expressed by neighboring residences. Mr. Cordes noted that they plan to continue a roadway.

Councilman Reid referred to a letter from the Smiths that said that their rock wall, trees, shrubs, shed and flower beds are located on the roadway. Mr. Cordis noted that they constructed these on someone else's property.

Ed Price, 1905 E. Nettleton Gulch is an adjoining property owner and co-owner of the property being annexed and commented that the reason he became an investor in this property is to assure that this piece of property only has 5 homes built on this site. He noted that they are working with Gordon Dobler to narrow the roadway to help accommodate Mr. And Mrs. Smith's concerns.

**MOTION:** Motion by Edinger, seconded by Reid to approve the requested annexation with the R-3 zoning, adopt the Findings and Order of the Planning Commission and authorize staff to negotiate an annexation agreement.

**DISCUSSION:** Councilman McEvers complimented the applicant for trying to work with the adjoining neighbors.

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

**PUBLIC HEARING - UPDATING 2003 BIKEWAYS PLAN:** Mayor Bloem read the rules of order for this public hearing. Hugo Lecomte, Trails Coordinator, gave the staff report.

Mr. Lecomte reviewed the proposed changes to the 2003 Bikeway Plan as recommended by the Pedestrian/Bicycle Committee. Proposed changes include 15<sup>th</sup> Street, Government Way, Ramsey Road, Nursery Road/Kathleen Avenue, Atlas Road, Hanley Avenue, Dalton Avenue, Best Avenue and Nettleton Gulch.

Mac Cavasar, Chairman of the Pedestrian/Bicycle Committee, explained the overall route system's incorporation of Class I, II and III trails.

Councilman McEvers recalled that the issue of removing on-street parking to provide for a Class II bike route and the public's response to this request. Mr. Cavasar responded that these are just recommendations to the Council and the residents can voice what it is they want as a community.

Councilman Edinger asked if the Pedestrian/Bicycle Committee held any public hearings on the proposed Bicycle Plan. City Attorney Mike Gridley responded that the Plan has had two public hearings, one before the Planning Commission and tonight's public hearing.

Councilman Goodlander noted that this is a basic plan to work with and changes could be made; however, she drives 15<sup>th</sup> Street frequently and notices the number of residents that use the existing portions of the roadway that currently have bicycle lanes.

Hugo Lecomte noted that the County is compiling a County-wide bicycle route system which would incorporate this proposed Bikeways Plan.

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

Motion by Reid, seconded by Edinger to approve Item O-2-06 the proposed revisions to the City's Bikeways Plan. Motion carried.

**EXECUTIVE SESSION:** Motion by Reid, seconded by Edinger to enter into Executive Session as provided by I.C. 67-2345, 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 of probable litigation.

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

The Council entered into Executive session at 7:55 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator, City Attorney and Finance Director.

Matters discussed were those of property acquisition and negotiations. No action was taken and the Council returned to their regular meeting at 8:20 p.m.

**PARK AND RIDE PROPERTY:** The Council discussed options for obtaining property for a Park and Ride parking lot.

**NEW/EXPANDED URBAN RENEWAL DISTRICT:** City Administrator Wendy Gabriel presented options from LCDC for a new or expanded Urban Renewal District.

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

The meeting adjourned at 8:50 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk

RESOLUTION NO. 06-054

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 AN AGREEMENT FOR WATER SERVICE AND WAIVING OPPOSITION TO ANNEXATION WITH JEFF & PENNY DAVIS; APPROVAL OF S-2-03 – ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR THE LANDINGS AT WATERFORD, 4TH ADDITION AND AWARD OF BID AND APPROVAL OF CONTRACT WITH RED DIAMOND CONSTRUCTION, INC. FOR THE NORTHEAST WATER SYSTEM IMPROVEMENT PROJECT.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "1 through 3" and by reference made a part hereof as summarized as follows:

- 1) Approval of an Agreement for Water Service and Waiving Opposition to Annexation with Jeff & Penny Davis;
- 2) Approval of S-2-03 – Acceptance of Improvements and Maintenance / Warranty Agreement for the Landings at Waterford, 4<sup>th</sup> Addition;
- 3) Award of BID and Approval of Contract with Red Diamond Construction, Inc. for the Northeast Water System Improvement Project;

AND;

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

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "1 through 3" 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 September, 2006.

\_\_\_\_\_  
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 REID Voted \_\_\_\_\_

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

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

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

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

**CITY COUNCIL COMMITTEE  
STAFF REPORT**

**DATE:** August 30, 2006  
**FROM:** Legal Department  
**SUBJECT:** Council approval of agreement waiving opposition to annexation

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**DECISION POINT:**

Staff requests Council acceptance of an agreement waiving opposition to annexation by Jeff and Penny Davis, owners of the property described as 647 South Fairmont Loop, Block 3, Lot 3, Nob Hill in exchange for water service outside City limits in accordance with City policy.

**BACKGROUND:**

Staff received a request for water service from the owners of property at 647 South Fairmont Loop. Legal Department staff and Water Department staff reviewed the request in light of the City's policy regarding water service to properties outside City limits. The property is allowed service under the policy as quoted below. Standard practice is to require the owners to properly execute an agreement waiving opposition to annexation in exchange for water service. A copy of the agreement is included in the packet.

**POLICY REVIEW:**

The request is consistent with Section 8 of the main extension policies as adopted by the City on February 3, 1981. That policy section states, "No new water service shall be provided to property outside the City Limits except for that property having prior approval in the form of a subdivision (approved prior to February 3, 1981), consumers order, property abutting or adjoining mains installed under refundable water extension contracts, or other written agreements."

**DECISION POINT/RECOMMENDATION:**

Staff requests Council acceptance of an agreement waiving opposition to annexation by Jeff and Penny Davis, owners of the property described as 647 South Fairmont Loop in exchange for water service outside City limits in accordance with City policy.

AGREEMENT WAIVING OPPOSITION TO ANNEXATION

THIS AGREEMENT, made and dated this 5<sup>th</sup> day of September, 2006, 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 Jeffery and Penny Davis, husband and wife, whose mailing address is 212 Ironwood Drive, Ste D PMB 306, Coeur d' Alene, Idaho 83814 hereinafter referred to as the "Owners,"

WITNESSETH: That in consideration of the City permitting connection for water service to the property described as follows, to wit:

***647 South Fairmont Loop  
Block 3, Lot 3, Nob Hill,  
Kootenai County, Idaho***

the Owners do hereby agree on behalf of themselves, their heirs, assigns, and successors in interest, as follows:

1. That at such time as the City of Coeur d'Alene deems it advisable to annex the hereinbefore described property to the City of Coeur d'Alene, the Owners of said property agree and covenant that they will not oppose annexation of said property to the City of Coeur d'Alene and will cooperate to the fullest extent with the City in the annexation of such property.

2. That all costs and fees for connecting to and providing water service including but not limited to plumbing costs, connection fees (i.e., capitalization fees), hookup fees, excavation cost and fees shall be borne by the Owners and no cost whatsoever shall accrue to the City of Coeur d'Alene for the provision of such water service.

3. That the connection to the City's water service shall be done to City specifications.

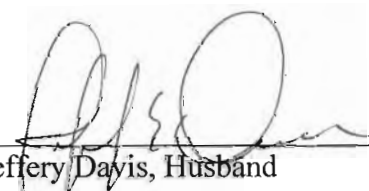
It is further agreed that the foregoing covenants are covenants running with the land and shall be binding on the heirs, devisees and assigns of the undersigned Owners.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this agreement on behalf of said City, the City Clerk has affixed the seal of said City hereto, and the Owners have signed the same, the day and year first above written.

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

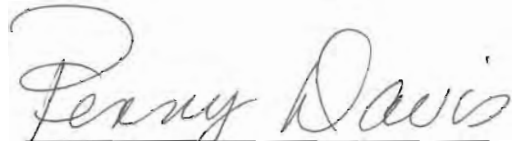
\_\_\_\_\_  
Sandi Bloem, Mayor

OWNERS:

  
\_\_\_\_\_  
Jeffery Davis, Husband

ATTEST:

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

  
\_\_\_\_\_  
Penny Davis, Wife

STATE OF IDAHO )  
  ) ss.  
County of Kootenai )

On this 5<sup>th</sup> day of September, 2006, 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.

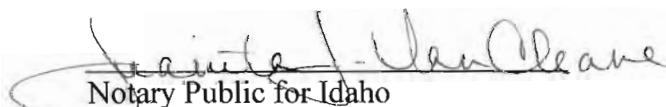
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

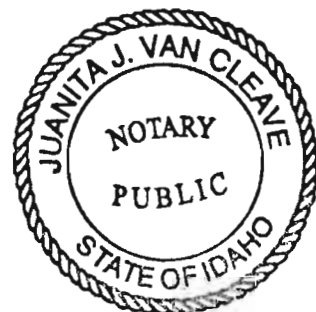
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Coeur d'Alene  
My Commission expires:

STATE OF IDAHO )  
  ) ss.  
County of Kootenai )

On this 23<sup>rd</sup> day of August, 2006, before me, a Notary Public, personally appeared Jeffery Davis and Penny Davis, husband and wife, known to me to be the persons subscribed herein who executed the foregoing instrument and acknowledged that they voluntarily 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: 11/27/08





**CITY COUNCIL  
STAFF REPORT**

**DATE:** September 5, 2006  
**FROM:** Christopher H. Bates, Project Manager  
**SUBJECT:** Landings at Waterford 4<sup>th</sup> Addition; Acceptance of Improvements,  
Maintenance/Warranty Agreement and Security Approval

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**DECISION POINT**

Staff is requesting the following:

1. City Council acceptance of the installed public improvements for the Landings at Waterford 4<sup>th</sup> Addition.
2. City Council approval of the maintenance/warranty agreement and security.

**HISTORY**

- a. Applicant: Tom Anderl  
B.T.T.A, LLC  
1250 Northwood Center Court  
Coeur d'Alene, ID 83814
- b. Location: South of Prairie Avenue, west of Atlas Road.
- c. Previous Action:
  1. Final plat approval of Landings 4<sup>th</sup> Addition, June 2006.

**FINANCIAL ANALYSIS**

The developer is reducing the existing security (\$759,985.80) that was installed for the initial subdivision agreement, to the amount of \$180,000.00 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 September 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 22 day of September, 2006 between B.T.T.A., LLC, an Idaho Limited Liability Company, with Tom Anderl as Managing Member, whose address is 1250 Northwood Center Court, Coeur d'Alene, 83814, 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 Landings at Waterford 4<sup>th</sup> Addition, a development with one hundred fifty seven (157) residential lots situated in the Northwest Quarter of Section 28, 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 The Landings at Waterford Fourth Addition, dated August 17, 2006, and signed and stamped by Drew Dittman, PE #11138, including but not limited to: sanitary sewer system and appurtenances, water system and appurtenances, storm water swales, asphalt paving, concrete curb and gutter, concrete sidewalk, street lighting, signage and monumentation as required under Title 16 of the Coeur d'Alene Municipal Code.

The Developer herewith has delivered to the City, security in a form acceptable to the City, in the amount of One Hundred Eighty Thousand and 00/100 Dollars (\$180,000.00) 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 September 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**

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

ATTEST

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

**B.T.T.A., L.L.C.**

  
\_\_\_\_\_  
Tom Anderl, Managing Member



AMENDMENT #01 TO  
IRREVOCABLE STANDBY  
LETTER OF CREDIT NO. 22856  
DATED: JUNE 8, 2006  
AMOUNT: \$759,985.80

AUGUST 22, 2006

City of Coeur d'Alene  
Attn: Chris Bates  
710 E. Mullan Avenue  
Coeur d'Alene, ID 83814

Gentlemen:

This letter will serve as our Amendment to Letter of Credit No. 22856 in your favor for the account of BTTA, LLC, 1250 Northwood Center Ct., Coeur d'Alene ID 83814, up to the aggregate amount of SEVEN HUNDRED FIFTY NINE THOUSAND NINE HUNDRED EIGHTY FIVE AND 80/100-----Dollars (\$759,985.80) as follows:

- Amend Expiration Date **FROM** "July 15, 2007" **TO** "September 5, 2007"
- Amend dollar value **FROM** "\$759,985.80" **TO** "\$180,000.00".

All other terms and conditions of Letter of Credit No. 22856 remain unchanged.

Sincerely,

Renne R. Ditton  
Assistant Vice President  
International Banking Department

**CITY COUNCIL  
STAFF REPORT**

**DATE:** September 5<sup>th</sup>, 2006  
**FROM:** Jim Markley, Water Superintendent  
**SUBJECT:** Northeast Pressure Enhancement Project: Bid Award.

=====

**ACTION REQUIRED:**

Staff recommends acceptance of the low bid of Red Diamond Construction for the Northeast pressure enhancement project. Their total bid amount for the base bid plus alternate 2 was the lowest responsive bid received.

**BACKGROUND:**

Four bids were opened on August 30<sup>th</sup>. An analysis of the bids was performed by our Consultant, Welch Comer Engineers and is attached to this report. Of the four bids, Red Diamond's was the lowest. They meet all of the bid requirements and are thus are the lowest responsive bidders.

**DISCUSSION:**

Due to the recent volatility of pipe prices and due to the rapidly rising cost of plastic pipe (petroleum is used in the manufacture of PVC pipe) we bid the project with a base bid and with two alternatives. Alternate 1 was based on using PVC plastic pipe and Alternate 2 used ductile iron. Ductile iron is stronger pipe but usually has a significantly higher cost. For this bid, the ductile iron pipe was cheaper than the plastic pipe. Thus we are recommending awarding Alternate 2 with the base bid.

**FISCAL ANALYSIS:**

The project is budgeted and will be funded through the water capital fund.

**RECOMMENDATION:**

Staff requests acceptance of the bid of Red Diamond Construction for the Northeast pressure enhancement project. The base bid together with Alternate 2 totals \$1,641,674.00

**IDAHO**

1626 Lincoln Way  
Coeur d'Alene, ID 83814  
208-664-9382  
Fax 208-664-5946

**WASHINGTON**

P.O. Box 861  
Liberty Lake, WA 99019  
509-255-6000  
Fax 509-255-6009

Toll free  
1-877-815-5672

E-mail  
wc@welchcomer.com

August 30, 2006

Mr. Jim Markley  
City of Coeur d'Alene Water Department  
3820 Ramsey Road  
Coeur d'Alene, Idaho 83815

Re: Bid Recommendation – Coeur d'Alene NE Water System Project

Dear Jim:

Enclosed please find the bid tabulation and review checklist on the above referenced project. The bids were received at Coeur d'Alene City Hall at 1:30 p.m. on August 30, 2006. We reviewed the bids received and they all appear to be responsive.

Welch Comer & Associates, Inc. recommends the City award the contract for the Base Bid plus Add Alternate No. 2 (24-Inch Ductile Iron Waterline) to the low bidder, Red Diamond Construction, in the amount of \$1,641,674.00. Should the City concur, please have the Mayor sign the attached copies of the Notice of Award and return to our office for processing.

Should you have any questions, please contact our office.

Sincerely,  
Welch, Comer & Associates, Inc.



Necia Maiani, P.E.  
Project Engineer

NMM/spm

Enclosures: Bid Review Checklist  
Bid Tabulation

# NOTICE OF AWARD

Dated September 5, 2006

Project: Cd'a Northeast Water System Improvement Project	Owner: City of Coeur d'Alene Water Department	Owner's Contract No.:
Contract:		Engineer's Project No.: 11337
Bidder: Red Diamond Construction, Inc.		
Bidder's Address: (send Certified Mail, Return Receipt Requested) P.O. Box 14806		

Opportunity, WA 99214

You are notified that your Bid dated August 30, 2006 for the above Contract has been considered. You are the apparent Successful Bidder and have been awarded a contract for the \_\_\_\_\_  
BASE BID PLUS ADD ALTERNATE NO. 2

The Contract Price of your contract is: \$1,641,674.00

You must comply with the following conditions precedent within **ten (10)** days of the date of this Notice of Award, that is by September 15, 2006:

You must deliver to the OWNER three (3) fully executed counterparts of the Agreement including all the Contract Documents. This includes the triplicate sets of Drawings. Each of the Contract Documents must bear your signature on the cover page.

1. You must deliver with the executed Agreement the Contract Security (Bonds), Certificate of Insurance and Public Works Contract Report along with this Notice of Award as Accepted, as specified in the Instructions to Bidders, General Conditions and Supplementary Conditions.
2. Please note that your Certificate of Insurance must list those additional insureds as identified in the Supplementary General Conditions.
3. The contract date referenced on the Performance and Payment Bond face **and** the bond date on the bond face **must** match the contract date on the first page of the Standard Form of Agreement. Failure to comply with dates may result in the rejection of bonds and further expense to the Contractor for re-issuance of the bonds with corrected dates.
4. Please complete the Public Works Contract Report within the required thirty (30) days and forward to the Engineer. The Engineer will forward to the Idaho State Tax Commission.

Failure to comply with these conditions within the time specified will entitle OWNER to consider your bid in default, to annul this Notice of Award and to declare your Bid Security forfeited.

Within ten days after you comply with the above conditions. OWNER will return to you one fully signed counterpart of the Agreement with the Contract Documents attached.

CITY OF COEUR D'ALENE, IDAHO  
(OWNER)

By: \_\_\_\_\_  
(AUTHORIZED SIGNATURE)

\_\_\_\_\_  
(TITLE)

## ACCEPTANCE OF AWARD

RED DIAMOND CONSTRUCTION, INC.  
(CONTRACTOR)

By: \_\_\_\_\_  
(AUTHORIZED SIGNATURE)

\_\_\_\_\_  
(TITLE)

CITY OF COEUR D'ALENE WATER DEPARTMENT													
COEUR D'ALENE NE WATER SYSTEM IMPROVEMENT PROJECT													
BID TABULATION													
Bid Opening [August 30, 2006/1:30 pm]													
Pay Item	Description	Pay Unit	Estimated Quantity	Engineer's Estimate		Red Diamond		Safco Excavating		Taylor & Sons		S & L Underground	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
<b>BASE BID</b>													
1500.01	Mailbox Remove and Reinstall	EA	8	\$ 250.00	\$ 2,000.00	\$ 120.00	\$ 960.00	\$ 250.00	\$ 2,000.00	\$ 77.88	\$ 623.04	\$ 500.00	\$ 4,000.00
1505.01	Mobilization	LS	1	\$ 125,000.00	\$ 125,000.00	\$ 46,139.00	\$ 46,139.00	\$ 108,000.00	\$ 108,000.00	\$ 82,660.28	\$ 82,660.28	\$ 200,000.00	\$ 200,000.00
1570.01	Traffic Control	LS	1	\$ 35,000.00	\$ 35,000.00	\$ 19,500.00	\$ 19,500.00	\$ 24,000.00	\$ 24,000.00	\$ 6,088.82	\$ 6,088.82	\$ 40,000.00	\$ 40,000.00
2110.01	Site Clearing and Grubbing	AC	0.15	\$ 20,000.00	\$ 3,000.00	\$ 6,500.00	\$ 975.00	\$ 33,333.00	\$ 4,999.95	\$ 28,552.67	\$ 4,282.90	\$ 10,000.00	\$ 1,500.00
2110.02	Large Tree Removal	EA	10	\$ 150.00	\$ 1,500.00	\$ 425.00	\$ 4,250.00	\$ 400.00	\$ 4,000.00	\$ 798.76	\$ 7,987.60	\$ 500.00	\$ 5,000.00
2207.01	Type A3 Coarse Aggregate	CY	1150	\$ 40.00	\$ 46,000.00	\$ 19.78	\$ 22,747.00	\$ 17.50	\$ 20,125.00	\$ 44.25	\$ 50,887.50	\$ 20.00	\$ 23,000.00
2207.02	Type A8 Utility Pipe Bedding	LF	12975	\$ 4.50	\$ 58,387.50	\$ 0.01	\$ 129.75	\$ 2.47	\$ 32,048.25	\$ 1.91	\$ 24,782.25	\$ 3.00	\$ 38,925.00
2207.03	Pea Gravel Restoration	SY	280	\$ 5.00	\$ 1,400.00	\$ 7.00	\$ 1,960.00	\$ 6.00	\$ 1,680.00	\$ 6.31	\$ 1,766.80	\$ 8.00	\$ 2,240.00
2225.01	Trench Excavation and Backfill	LF	12975	\$ 20.00	\$ 259,500.00	\$ 15.00	\$ 194,625.00	\$ 22.81	\$ 295,959.75	\$ 25.32	\$ 328,527.00	\$ 50.00	\$ 648,750.00
2225.02	Exploratory Excavation	HR	12	\$ 300.00	\$ 3,600.00	\$ 275.00	\$ 3,300.00	\$ 150.00	\$ 1,800.00	\$ 189.32	\$ 2,271.84	\$ 200.00	\$ 2,400.00
2227.01	Bore Highway	LF	430	\$ 600.00	\$ 258,000.00	\$ 708.95	\$ 304,848.50	\$ 715.19	\$ 307,531.70	\$ 727.40	\$ 312,782.00	\$ 750.00	\$ 322,500.00
2510.01	Saw Cutting	LF	5700	\$ 2.50	\$ 14,250.00	\$ 1.11	\$ 6,327.00	\$ 1.00	\$ 5,700.00	\$ 1.26	\$ 7,182.00	\$ 2.00	\$ 11,400.00
2510.02	AC Pavement Removal	SY	4650	\$ 3.50	\$ 16,275.00	\$ 3.03	\$ 14,089.50	\$ 1.00	\$ 4,650.00	\$ 3.46	\$ 16,089.00	\$ 6.00	\$ 27,900.00
2510.03	ITD Class III AC Pavement	TON	900	\$ 75.00	\$ 67,500.00	\$ 104.44	\$ 93,996.00	\$ 121.38	\$ 109,242.00	\$ 72.92	\$ 65,628.00	\$ 85.00	\$ 76,500.00
2510.04	Pavement Repair	TON	220	\$ 125.00	\$ 27,500.00	\$ 170.40	\$ 37,488.00	\$ 203.86	\$ 44,849.20	\$ 93.68	\$ 20,609.60	\$ 150.00	\$ 33,000.00
2526.01	Remove and Replace Cement Concrete Curb and Gutter	LF	300	\$ 15.00	\$ 4,500.00	\$ 25.00	\$ 7,500.00	\$ 14.00	\$ 4,200.00	\$ 70.75	\$ 21,225.00	\$ 28.00	\$ 8,400.00
2526.02	Remove and Replace Cement Concrete Sidewalk	SY	25	\$ 100.00	\$ 2,500.00	\$ 75.00	\$ 1,875.00	\$ 160.00	\$ 4,000.00	\$ 68.47	\$ 1,711.75	\$ 60.00	\$ 1,500.00
2667.01	8-Inch AWWA C-900 DR-18 Water Line	LF	150	\$ 30.00	\$ 4,500.00	\$ 28.00	\$ 4,200.00	\$ 24.00	\$ 3,600.00	\$ 10.51	\$ 1,576.50	\$ 13.00	\$ 1,950.00
2667.02	12-Inch AWWA C-900 DR-18 Water Line	LF	275	\$ 45.00	\$ 12,375.00	\$ 55.51	\$ 15,265.25	\$ 58.63	\$ 16,123.25	\$ 24.39	\$ 6,707.25	\$ 25.00	\$ 6,875.00
2667.03	16-Inch AWWA C-905 DR-25 Water Line	LF	3800	\$ 60.00	\$ 228,000.00	\$ 32.53	\$ 123,614.00	\$ 24.79	\$ 94,202.00	\$ 24.55	\$ 93,290.00	\$ 28.00	\$ 106,400.00
2667.06	Tie-Into 8-Inch Diameter Existing Water Line	EA	4	\$ 3,000.00	\$ 12,000.00	\$ 6,909.00	\$ 27,636.00	\$ 2,400.00	\$ 9,600.00	\$ 6,091.69	\$ 24,366.76	\$ 12,000.00	\$ 48,000.00
2667.07	Tie-Into 12-Inch Diameter Existing Water Line	EA	2	\$ 3,500.00	\$ 7,000.00	\$ 8,300.00	\$ 16,600.00	\$ 3,800.00	\$ 7,600.00	\$ 9,137.46	\$ 18,274.92	\$ 12,000.00	\$ 24,000.00
2667.08	8-Inch Resilient Seat Gate Valve	EA	3	\$ 1,000.00	\$ 3,000.00	\$ 953.00	\$ 2,859.00	\$ 840.00	\$ 2,520.00	\$ 1,356.08	\$ 4,068.24	\$ 1,200.00	\$ 3,600.00
2667.09	12-Inch Butterfly Valve	EA	4	\$ 2,000.00	\$ 8,000.00	\$ 1,087.00	\$ 4,348.00	\$ 969.00	\$ 3,876.00	\$ 1,878.52	\$ 7,514.08	\$ 1,800.00	\$ 7,200.00
2667.10	16-Inch Butterfly Valve	EA	5	\$ 4,500.00	\$ 22,500.00	\$ 1,807.00	\$ 9,035.00	\$ 1,502.00	\$ 7,510.00	\$ 2,698.45	\$ 13,492.25	\$ 3,200.00	\$ 16,000.00
2667.11	24-Inch Butterfly Valve	EA	11	\$ 7,500.00	\$ 82,500.00	\$ 4,302.00	\$ 47,322.00	\$ 4,850.00	\$ 53,350.00	\$ 6,823.35	\$ 75,056.85	\$ 6,800.00	\$ 74,800.00
2667.12	Fire Hydrant	EA	2	\$ 2,500.00	\$ 5,000.00	\$ 3,802.00	\$ 7,604.00	\$ 4,943.00	\$ 9,886.00	\$ 4,478.95	\$ 8,957.90	\$ 4,800.00	\$ 9,600.00
2667.13	Pressure Reducing Station	LS	4	\$ 45,000.00	\$ 180,000.00	\$ 21,307.50	\$ 85,230.00	\$ 25,000.00	\$ 100,000.00	\$ 32,873.19	\$ 131,492.76	\$ 28,000.00	\$ 112,000.00
2667.14	6" AC Pipe Crossing	EA	2	\$ 1,500.00	\$ 3,000.00	\$ 1,300.00	\$ 2,600.00	\$ 2,300.00	\$ 4,600.00	\$ 1,403.26	\$ 2,806.52	\$ 1,800.00	\$ 3,600.00
2667.15	8" AC Pipe Crossing	EA	2	\$ 1,500.00	\$ 3,000.00	\$ 1,600.00	\$ 3,200.00	\$ 2,400.00	\$ 4,800.00	\$ 1,579.38	\$ 3,158.76	\$ 2,500.00	\$ 5,000.00
2667.16	Water Service	EA	1	\$ 3,500.00	\$ 3,500.00	\$ 1,800.00	\$ 1,800.00	\$ 2,400.00	\$ 2,400.00	\$ 1,112.60	\$ 1,112.60	\$ 1,200.00	\$ 1,200.00
2831.01	Remove and Reinstall Chain Link Fence	LF	200	\$ 45.00	\$ 9,000.00	\$ 10.00	\$ 2,000.00	\$ 15.00	\$ 3,000.00	\$ 12.55	\$ 2,510.00	\$ 32.00	\$ 6,400.00
2831.02	Remove and reinstall Wire Fence	LF	30	\$ 35.00	\$ 1,050.00	\$ 9.00	\$ 270.00	\$ 30.00	\$ 900.00	\$ 13.31	\$ 399.30	\$ 20.00	\$ 600.00
2930.01	Hydro-Seed	SY	8600	\$ 3.50	\$ 30,100.00	\$ 1.00	\$ 8,600.00	\$ 1.10	\$ 9,460.00	\$ 0.66	\$ 5,676.00	\$ 2.00	\$ 17,200.00
	<b>ESTIMATED TOTAL BASE BID COST</b>				<b>\$ 1,540,437.50</b>		<b>\$ 1,122,893.00</b>		<b>\$ 1,308,213.10</b>		<b>\$ 1,355,566.07</b>		<b>\$ 1,891,440.00</b>
	<b>ADD ALTERNATE NO. 1</b>												
2667.04	24-Inch AWWA C-905 DR-25 Water Line (Add Alt #1)	LF	8900	\$ 75.00	\$ 667,500.00	\$ 61.46	\$ 546,994.00	\$ 49.10	\$ 436,990.00	\$ 52.01	\$ 462,889.00	\$ 49.00	\$ 436,100.00
	<b>ADD ALTERNATE NO. 2</b>												
2667.05	24-Inch AWWA Ductile Iron Water Line (Add Alt #2)	LF	8900	\$ 85.00	\$ 756,500.00	\$ 58.29	\$ 518,781.00	\$ 47.64	\$ 423,996.00	\$ 58.67	\$ 522,163.00	\$ 50.00	\$ 445,000.00



**BID REVIEW CHECKLIST  
PRIOR TO RECOMMENDATION**

**OWNER:** CITY OF COEUR D'ALENE WATER DEPARTMENT  
**PROJECT:** COEUR D'ALENE NE WATER SYSTEM IMPROVEMENTS  
**Open Date:** AUGUST 28, 2006 AT 2:00 PM

Bid Review Performed By: SHARIE MACDONALD

<b>CONTRACTOR</b>	<b>Red Diamond</b>	<b>Safco Excavating</b>	<b>Taylor &amp; Sons</b>	<b>S &amp; L Underground</b>
BID AMOUNT (Basis of Bid Award)	\$ 1,122,893.00	\$ 1,308,213.10	\$ 1,355,566.07	\$ 1,891,440.00
PUBLIC WORKS LICENSE NO.	11860-AAA	16215-AA-1-2	15564-AAA-1-2	14825-AA-1-2-3
License Limit	MAY EXCEED \$3 MILLION	MAY NOT EXCEED \$3 MILLION	MAY EXCEED \$3 MILLION	MAY NOT EXCEED \$3 MILLION
License Confirmed with the License Board at <a href="http://www.accessidaho.org/public/dbs/pubworks/search.html">www.accessidaho.org/public/dbs/pubworks/search.html</a>				
<b>BID PACKAGE</b>				
<b>Are all forms filled out completely and correctly?</b>				
BID PROPOSAL FORM	YES	YES	YES	YES
BID SCHEDULE	YES	YES	YES	YES
FORM OF BID SECURITY	BID BOND	BID BOND	BID BOND	BID BOND
Surety Company Confirmed at <a href="http://www.fms.treas.gov/c570/index.html">www.fms.treas.gov/c570/index.html</a> ?	TRAVELERS CASUALTY & SURETY COMPANY OF AMERICA	WESTERN SURETY COMPANY	LIBERTY MUTUAL INSURANCE COMPANY	GREAT AMERICAN INSURANCE COMPANY
LIST OF SUBCONTRACTORS	YES	YES	YES	YES
AFFIDAVIT OF QUALIFICATIONS	YES	YES	YES	YES
NON-COLLUSION AFFIDAVIT	YES	YES	YES	YES
CONTRACTOR FOR PW TO PAY ALL TAXES	YES	YES	YES	YES
AFFIDAVIT OF PYMT OR SECUREMENT OF TAXES	YES	YES	YES	YES

## CONTRACT

THIS CONTRACT, made and entered into this 5<sup>th</sup> day of September, 2006, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as the "**CITY**", and **RED DIAMOND CONSTRUCTION, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of Washington, with its mailing address as P.O. Box 14806, Spokane, WA 99214, hereinafter referred to as the "**CONTRACTOR**",

W I T N E S S E T H:

THAT, WHEREAS, the said **CONTRACTOR** has been awarded the contract for the **Northeast Water System Improvement Project** in Coeur d'Alene, according to plans and specifications on file in the office of the City Clerk of said city, which plans and specifications are incorporated herein by reference.

IT IS AGREED that for and in consideration of the covenants and agreements to be made and performed by the City of Coeur d'Alene, as hereinafter set forth, the **CONTRACTOR** shall perform and furnish all Work as set forth in the said plans and specifications described above, in said city, furnishing all labor and materials therefore according to said plans and specifications and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said plans and specifications are hereby declared and accepted as parts of this contract. All material shall be of the high standard required by the said plans and specifications and approved by the Water Department Superintendent of the City of Coeur d'Alene, and all labor performed shall be of first-class workmanship.

The **CONTRACTOR** shall take all appropriate measures as required by law and agreement of the parties to prevent injury or property damage. The **CONTRACTOR** shall indemnify, defend and hold the **CITY** harmless from all claims arising from **CONTRACTOR's** acts or omissions in performance of this contract. The **CONTRACTOR** shall purchase and maintain insurance of the type and the amount specified in the Contract Documents. Certificates of insurance providing at least thirty (30) days written notice to the **CITY** prior to cancellation of the policies shall be filed in the office of the City Clerk.

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

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

The **CITY** shall pay to the **CONTRACTOR** for the work, services and materials herein provided to be done and furnished by it, an amount not to exceed the base bid together with Alternate 2 of One Million Six Hundred Forty-One Thousand Six Hundred Seventy-Four Dollars and No/100's (\$1,641,674.00) as hereinafter provided. Partial payment shall be made on the fourth Tuesday of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council, provided that the contractor has obtained from the Idaho State Tax Commission and submitted to the City a release of liability for taxes (Form 10-248-79). Payment shall be made by the City Finance Director.

The Contract work shall be completed no later than May 15, 2007.

The **CITY** and the **CONTRACTOR** recognize that time is of the essence and failure of the **CONTRACTOR** to complete the work within the time allowed shall result in damages being sustained by the **CITY**. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the **CONTRACTOR** shall fail to complete the work within the above time limit, the **CONTRACTOR** shall pay to the **CITY** or have withheld from monies due, liquidated damages at the rate of \$1,000.00 per calendar day, which sums shall not be construed as a penalty.

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

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

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

such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said contractor is liable.

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

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

The term "CONTRACT DOCUMENTS" are defined in Section 2 of the Contract Documents, entitled "Standard General Conditions of the Construction Contract."

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

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

**CITY OF COEUR D'ALENE,**

**CONTRACTOR:  
RED DIAMOND CONTRUCTION, INC.**

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

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

**ATTEST:**

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

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this 5<sup>th</sup> day of September, 2006, before me, a Notary Public, personally appeared **Sandi Bloem** and **Susan K. Weathers**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this \_\_\_\_\_ day of September, 2006, before me, a Notary Public, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_, of **Red Diamond Construction, Inc.**, and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Finance Department  
Staff Report**

**Date:** September 19, 2006  
**From:** Troy Tymesen, Finance Director  
**Subject:** Amending the 2005-2006 Fiscal Year Appropriations (Budget)

**Decision Point:**

To set the public hearing to review and approve the amendments being presented by staff regarding the changes to the appropriations ordinance for the current Fiscal Year, 2005-2006.

**History:**

The City Council annually amends the original appropriations ordinance.

**Financial Analysis:**

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 an amendment to the appropriations ordinance at the second Council meeting in September.

**Performance Analysis:**

Revenues in excess of the anticipated budget plus fund balance will cover the increased expenses and transfers.

**Decision Point:**

To set the public hearing to review and approve the amendments being presented by staff regarding the changes to the appropriations ordinance for the current Fiscal Year, 2005-2006.

CITY OF COUER D'ALENE  
FISCAL YR 2005-06 BUDGET AMENDMENT

08/31/06

	<u>FY 05-06 BUDGETED</u>	<u>FY 05-06 PROJECTED</u>	<u>Projected Increase</u>
<u>TAXES</u>			
CURRENT YEAR	10,817,860	10,817,860	0
<u>FEES &amp; LICENSES</u>			
CABLEVISION	173,000	187,431	14,431
NATURAL GAS	350,000	442,559	92,559
ELECTRICITY	785,000	832,355	47,355
BUS. LICENSE	68,000	68,000	0
BLDG/INSPECTN	1,230,000	1,685,153	455,153
BLDG/INSPECTN MECHANICAL	120,000	138,145	18,145
STORMWATER REVIEW	2,500	2,500	0
PLUMBING INSPECTION	180,000	233,188	53,188
ENCROACHMENT PERMITS	45,000	45,000	0
ELECTRICAL PERMITS	10,000	15,000	5,000
BUS. PERMITS	12,000	14,000	2,000
BURN PERMITS	1,600	1,600	0
SIGN PERMITS	16,000	17,014	1,014
BID SPECS	2,000	2,000	0
OCCUPANCY	96,000	96,000	0
TOTAL FEES AND LICENSES	<u>3,091,100</u>	<u>3,779,945</u>	<u>688,845</u>
<u>INTERGOVERNMENTAL</u>			
LIQUOR	470,000	470,000	0
HIGHWAY USER	1,398,765	1,472,539	73,774
REVENUE SHARE	1,400,000	1,626,322	226,322
SALES TAX	494,000	625,396	131,396
HIGHWAY DIST	430,000	467,755	37,755
KOOTENAI CNTY EMSS	1,012,472	1,012,472	0
FEDERAL GRANT	254,996	309,982	54,986
STATE GRANT	127,752	188,747	60,995
SCHOOL RESOURCE OFFICER	169,000	176,675	7,675
OTHER INCOME (THRU CNTY)	7,000	13,264	6,264
TOTAL INTERGOVERNMENTAL	<u>5,763,985</u>	<u>6,363,152</u>	<u>599,167</u>
<u>SERVICES</u>			
ANNEX/ZONING FEES	45,000	82,820	37,820
FEES FOR DOCUMENT PREP	1,500	2,630	1,130
POLICE	10,000	15,491	5,491
STREET	20,060	20,060	0
STREET WEAR	204,300	204,300	0
BILLING	13,000	13,000	0
RECREATION	200,000	220,395	20,395
MAP/CODE BOOKS	2,350	2,350	0
RENTS & LEASES	16,000	31,711	15,711
TOTAL SERVICES	<u>512,210</u>	<u>592,757</u>	<u>80,547</u>
<u>FINES/FORFEITS</u>			
DISTRICT COURT	240,000	240,000	0
RESTITUTIONS	6,000	8,376	2,376
PARKING	58,000	61,125	3,125
DRUG TASK FORCE	10,000	13,319	3,319
ORDINANCE VIOLATIONS	600	2,147	1,547
NSF CHECK FEES	2,400	2,400	0
TOTAL FINES AND FORFEITS	<u>317,000</u>	<u>327,367</u>	<u>10,367</u>

## FISCAL YR 2005-06 BUDGET AMENDMENT

	<u>FY 05-06 BUDGETED</u>	<u>FY 05-06 PROJECTED</u>	<u>Projected Increase</u>
<u>INTEREST EARNINGS</u>			
INTEREST EARNINGS	<u>60,000</u>	<u>189,479</u>	<u>129,479</u>
<u>MISCELLANEOUS</u>			
SURPLUS SALE	12,000	19,828	7,828
OTHER	8,000	8,000	0
PROCEEDS FROM GO BOND		389,847	389,847
PROCEEDS FROM LEASE	346,626	0	(346,626)
TOTAL MISCELLANEOUS	<u>366,626</u>	<u>417,675</u>	<u>51,049</u>
<u>TRANSFERS</u>			
INTERFUND TRANSFER	1,398,675	1,398,675	0
TRF FROM IMPACT FEES			0
TRF FROM ANNEXATIONS FEES	410,000	410,000	0
TOTAL TRANSFERS	<u>1,808,675</u>	<u>1,808,675</u>	<u>0</u>
DESIGNATED FUND BALANCE	14,140	14,140	0
FUND BALANCE	272,948	1,363,378	1,090,430
TOTAL FUND BALANCE	<u>287,088</u>	<u>1,377,518</u>	<u>1,090,430</u>
TOTALS	<u>23,024,544</u>	<u>25,674,428</u>	<u>2,649,884</u>

<u>SUMMARY</u>	<u>FY 04-05 BUDGETED</u>	<u>FY 04-05 PROJECTED</u>	<u>Projected Increase</u>
Taxes	\$ 10,817,860	\$ 10,817,860	\$ -
Fees and Licenses	3,091,100	3,779,945	688,845
Intergovernmental	5,763,985	6,363,152	599,167
Services	512,210	592,757	80,547
Fines and Forfeits	317,000	327,367	10,367
Interest	60,000	189,479	129,479
Miscellaneous	366,626	417,675	51,049
Interfund Transfer	1,808,675	1,808,675	0
Beginning Balance	287,088	1,377,518	1,090,430
TOTAL GENERAL FUND	<u>\$ 23,024,544</u>	<u>\$ 25,674,428</u>	<u>\$ 2,649,884</u>



## FISCAL YR 2005-06 BUDGET AMENDMENT

<u>General Fund - Added Expenses</u>	<u>Cost</u>
Admin - Deputy City Administrator position	34,000
MS - Audio Visual minor equipment	10,000 FB
MS - Minor Equipment - table & chairs	3,077
MS - Licensing Background Checks	5,800
Planning - Professional Services - Overheight Study & Four Corners	28,000
Police - Overtime	35,000
Police - Grants - LLEBG	665
Police - Grants - Byrne Grant	60,330
Police - Tuition Reimbursement - PD Assoc contract	1,000
Police - Motorcycle Program - radar purchase from MPH	2,147
Police - Drug Dog Reserve	3,000 FB
Police - increased utility rates and solid waste charges	16,550
Police - Training SRO funded through the County	7,675
Fire - Overtime	55,000
Fire - FEMA Fire Prevention and Safety Grant	54,986
Fire - Fuels	9,500
General Government - Ramsey property	465,000 FB
General Government - Library project	300,000 FB
General Government - Pedestrian Ramps	45,000
General Government - Transfer to Insurance Fund	1,000,000 FB
Streets - Equipment Storage Building	65,000 FB
Growth Services - FTA Grant match for public transportation	25,000
Growth Services - Overlay	203,540 FB
Building Inspection and Growth Services - Vehicles	50,000
Building Inspection - Minor Equip - laptops, cameras, review monitor	26,600
Building Inspection - Professional Services - Plan reviews	86,700
Recreation - increase in parttime wages offset by increase in tournament revenues	20,395
Recreation - Field Lights at Ramsey	32,600 FB
Drug Task Force - audio video camera	876
Drug Task Force - computers	2,443
	<u>\$ 2,649,884</u>

## FISCAL YR 2005-06 BUDGET AMENDMENT

<b><u>Other Funds - Added Expenses</u></b>		<b><u>Cost</u></b>
004-013	Street Lighting - Annual Operation	40,000
023-093	Capital Projects - NW Blvd	3,200
023-090	Capital Projects - Ped Ramps	50,000
023-092	Capital Projects - 4th St - PAC Grant	388,000
023-093	Capital Projects - Govt Way - I-90 to Dalton	4,000
023-124	Capital Projects - Seltice - PAC Grant	136,000
026-021	Water Fund - Outside Professional Services - Annie Well	40,000
026-021	Water Fund - Insurance Claims	10,000
026-021	Water Fund - Maint Pumping Station - Material - Annie	57,000
026-021	Maint Services - Material	40,000
026-021	Water Fund - Power Purchased for Pumping	60,000
026-021	Water Fund - Capital Outlay	(207,000)
028-043	2006 GO Bond Capital Projects - Police Station Lease Payment	228,175
028-043	2006 GO Bond Capital Projects - Fire Station Lease Payment	161,714
023-043	2006 GO Bond Capital Projects - Library Building expenditures	2,000,000
023-043	2006 GO Bond Capital Projects - Fire Station II Remodel	178,084
023-043	2006 GO Bond Capital Projects - Fire Station Tower Training Facility	158,805
023-043	2006 GO Bond Capital Projects - Fire Dept Equipment	213,098
023-043	2006 GO Bond Capital Projects - Fire Administration Building	2,500
028-043	2006 GO Bond Capital Projects - Bond Issuance Costs	130,000
028-043	2006 GO Bond Capital Projects-transfer to G.F. to reimburse FY 04-05	128,000
029-049	2006 GO Bond Debt Service Payment - due 8/1/06	1,000,000
030-027	Kootenai County Solid Waste receipt turnovers	1,500,000
031-022	Wastewater - Services & Supplies	500,000
031-022	Wastewater - Capital Outlay	(500,000)
032-014	Sanitation - Garbage Collection	180,000
032-014	Sanitation - Transfer to G.F. for Street Wear	20,000
038-047	Stormwater - Office Supplies - postage	12,000
038-047	Stormwater - Motor Fuels	18,000
038-047	Stormwater - leaf pickup	10,000
038-047	Stormwater - R/M Other	18,500
038-047	Stormwater - share of 4th St improvements	100,000
048-042	LID Guarantee Fund - transfer to LID 137	76,000
067-095	Insurance Fund - Insurance Premium	16,000
070-095	Parking Fund - Repair Street Lights at Independence Point	8,060
070-095	Parking Fund - Capital Outlay	(8,060)
071-037	Arts Commission - Arts and Crafts Instructors & Directors	1,000
072-100	AJW Properties - Ramsey South Property	465,000
072-100	Parks Capital Improvements - Cherry Hill	240,000
072-100	Parks Capital Improvements - Bikeway	14,000
078-025	Kootenai Metropolitan Planning Organization	150,000
		<b><u>\$ 7,642,076</u></b>

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 9/11/06  
Department Name / Employee Name / Date  
Request made by: James J. Shepperd 604-6432  
Name / Phone  
2304 North 12th Street Coeur d'Alene ID 83814  
Address

The request is for: / / Repurchase of Lot(s)  
 Transfer of Lot(s) from Margaret Osborne to Linda Schmidt  
Niche(s): \_\_\_\_\_  
Lot(s): 23, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. Block: 44 Section: C 687-2652  
Lot(s) are located in / / Forest Cemetery / / Forest Cemetery Annex (Riverview). PO Box 594  
Copy of / / Deed or / / Certificate of Sale must be attached. Rathdrum  
Person making request is / / Owner / / Executor\* / / Other\* \_\_\_\_\_ 83858  
\*If "executor" or "other", affidaviats of authorization must be attached.  
Title transfer fee (\$ 4000 ) attached\*\*.  
\*\*Request will not be processed without receipt of fee. Cashier Receipt No.: 201523

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.

Vonnie 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:  
MARGARET B. OSBORNE
3. The purchase price of the Lot(s) when sold to the owner of record was \$ 100.00 per lot.  
R.D.E. BY 9/11/06  
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] 8-14-06  
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 8-14-06  
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.

# BEER, WINE, AND/OR LIQUOR APPLICATION Expires March 1 annually

**City of Coeur d' Alene  
Municipal Services  
710 Mullan Avenue  
Coeur d' Alene, Idaho 83814  
208.769.2229 Fax 769.2237**

[Office Use Only] Amt Pd 25-  
 Rec No 210644  
 Date 8/16/06  
 Date to City Council: 9/5/06  
 Reg No. \_\_\_\_\_  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_


**Check the ONE box that applies:**

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input checked="" type="checkbox"/>	Transfer of ownership of a City license with current year paid	\$ 25.00

*Transfer from Timber Creek LLC to J+S Helmholz*

Business Name	J+S Helmholz DBA Elmers Restaurant
Business Address	300 West Neider
City State Zip	Coeur d' Alene, ID 83815
Business Contact	Telephone Number: 360-872-0147 Fax: SAME
Manager Name	Jason Helmholz
Manager Home Address	11825 181st St E, Puyallup WA 98374
Manager Information	Social Security No. 539-96-3879 Date of Birth 10-17-1970
Manager Contact	Telephone: (360) 872-0147 Cell: (253) 961-8544 e-mail: JHelmholz@comcast.net
Manager Place of Birth	
License Applicant	Jason Helmholz
Filing Status (circle one)	Sole Proprietor <u>Corporation</u> Partnership LLC Other
Address of Applicant	11825 181st St E, Puyallup, WA 98374
Applicants Prior Address for past five years	915 West Main, Puyallup WA
Applicants Prior Employment for past 5 years	Elmers Restaurant, Tacoma, WA

**PUBLIC WORKS COMMITTEE  
STAFF REPORT**

**DATE:** August 21, 2006  
**FROM:** Christopher H. Bates, Project Manager   
**SUBJECT:** Vacation of an Undeveloped 10' Public "Access" Adjoining the Easterly Boundary of Lot 9, Block 2 of the Bentwood Park 3<sup>rd</sup> Addition

---

**DECISION POINT:**

Charles Harzke, applicant and owner of said Lot 9, is requesting the vacation of the undeveloped ten foot (10') wide public "pedestrian access" adjoining the easterly boundary of his property in the Bentwood Park 3<sup>rd</sup> Addition.

**HISTORY:**

The noted "pedestrian access" was a component of the preliminary subdivision plat that was approved in 1999. The rapid rate at which the subdivision developed eliminated the need for the access way, however, no action was ever undertaken to eliminate "lot" prior to the final platting of the phase in December 2002, and it was therefore included as a component of the Bentwood Park 3<sup>rd</sup> Addition.

**FINANCIAL ANALYSIS:**

There would be no financial impact to the City if the vacation request were approved.

**PERFORMANCE ANALYSIS:**

Due to the fact that it was never developed, and, it is not being utilized for the original intended purpose, coupled with the location of the 20<sup>TH</sup> Street connection to Thomas Lane 430' to the east, relinquishing the parcel to the adjoiner should not have any adverse effect on the development, or, pedestrian movement in the subdivision.

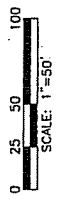
**SUMMARY:**

A request for the vacation of an undeveloped pedestrian access between Preakness Avenue and Thomas Lane in the Bentwood Park 3<sup>rd</sup> Addition has been submitted. The access way was never developed for the intended purpose, and, the adjacent presence of the fully developed 20<sup>TH</sup> St. connection to Thomas Lane (430' east) would tend to make the connection moot. If the Public Works Committee approves the request, it is recommended that the Committee direct staff to proceed with the vacation process per Idaho State Code, Section 50-1306A, and, recommend the setting of a public hearing on the vacation request before the City Council for October 3, 2006.

**LEGEND**

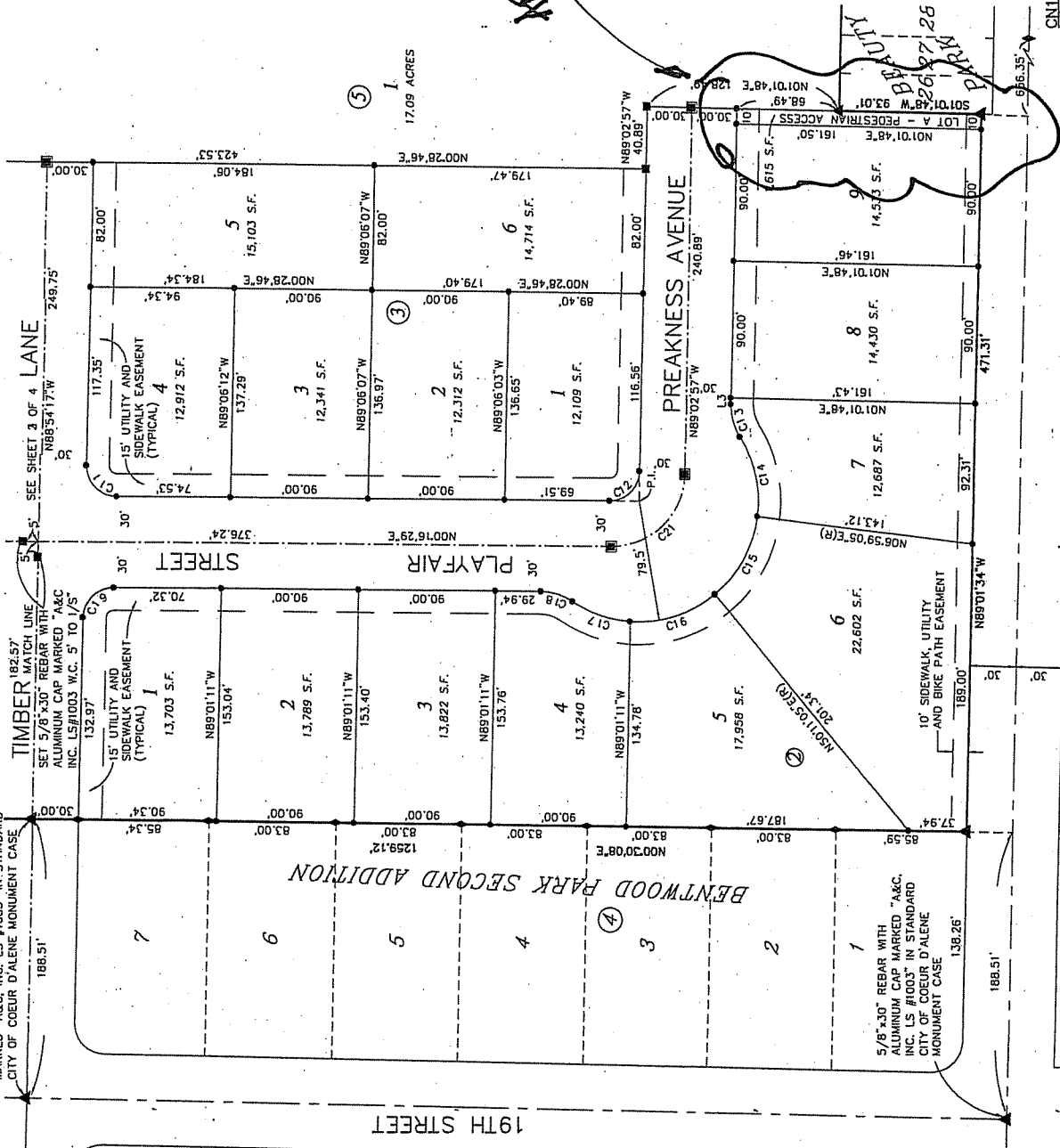
- SET 1/2"x24" REBAR WITH YELLOW PLASTIC CAP-MARKED "A&C, INC. LS #1003" UNLESS OTHERWISE NOTED
- SET 5/8"x30" REBAR WITH ALUMINUM CAP-MARKED "A&C, INC. LS #1003" IN STANDARD CITY OF COEUR D'ALENE MONUMENT CASE
- ◆ SET 5/8"x30" REBAR WITH YELLOW PLASTIC CAP-MARKED "A&C, INC. LS #1003" UNLESS OTHERWISE NOTED
- ▲ FOUND 1/2"x24" REBAR WITH YELLOW PLASTIC CAP-MARKED "A&C, INC. LS #1003" UNLESS OTHERWISE NOTED
- ▲ FOUND 5/8"x30" REBAR WITH YELLOW PLASTIC CAP-MARKED "A&C, INC. LS #1003" UNLESS OTHERWISE NOTED

P.I. = POINT OF INTERSECTION  
(R) = RADIAL  
R/W = RIGHT-OF-WAY  
S.F. = SQUARE FEET  
W.C. TO I/S = WITNESS CORNER TO INTERSECTION  
# = BLOCK NUMBER



LINE	BEARING	LENGTH
L3	N89°02'57"W	4.16

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BRG.
C11	31.70	20.00	90°49'14"	20.29	N45°41'06"E	28.49
C12	31.18	20.00	89°19'26"	19.77	N44°23'14"W	28.12
C13	22.45	38.50	33°24'38"	11.55	N74°14'44"E	22.13
C14	54.73	79.50	39°28'40"	28.50	N77°15'45"E	53.66
C15	59.94	79.50	43°12'00"	31.48	N61°24'55"W	58.53
C16	60.78	79.50	43°48'19"	31.96	N17°54'46"W	59.31
C17	41.20	79.50	29°41'44"	21.08	N18°50'16"E	40.74
C18	22.45	38.50	33°24'38"	11.55	N16°58'49"E	22.13
C19	31.13	20.00	89°10'46"	19.72	N44°18'54"W	28.08
C21	75.61	48.50	89°19'26"	47.93	N44°23'14"W	68.18



GN1/16 CORNER  
SEE SHEET 1

**FINAL PLAT OF BENTWOOD PARK, THIRD ADDITION**  
A REPLAT OF LOT 1, BLOCK 5 OF BENTWOOD PARK, SECOND ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 6, TOWNSHIP 50 NORTH, RANGE 3 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.



Adams & Clark, Inc.  
306 N. Spokane St., Suite G  
Post Falls, ID 83854  
(208) 777-1812

NE	SE	SW	NW
06-50-03W			

PINE HILL DRIVE

HILLS

PINE

BENTWOOD PARK SECOND ADDITION

19TH STREET

TIMBER 182.57'  
SEE SHEET 3 OF 4 LANE  
SET 5/8"x30" REBAR WITH ALUMINUM CAP-MARKED "A&C, INC. LS #1003 W.C. 5' TO I/S"

15' UTILITY AND SIDEWALK EASEMENT (TYPICAL) 1

15' UTILITY AND SIDEWALK EASEMENT (TYPICAL) 4

10' SIDEWALK, UTILITY AND BIKE PATH EASEMENT

5/8"x30" REBAR WITH ALUMINUM CAP-MARKED "A&C, INC. LS #1003" IN STANDARD CITY OF COEUR D'ALENE MONUMENT CASE

Area of Request

BOOK I PAGE 413  
 NO. \_\_\_\_\_  
 STATE OF IDAHO  
 COUNTY OF KOOTENAI  
 AT THE REQUEST OF: \_\_\_\_\_  
 AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M  
 DATE: 12-12-2001  
 RECORDER \_\_\_\_\_  
 BY \_\_\_\_\_  
 FEE \_\_\_\_\_

**LEGEND**  
 ▲ = FOUND 5/8" x 30" REBAR WITH YELLOW PLASTIC CAP MARKED "A&C, INC. LS #1003"  
 ● = FOUND AS NOTED  
 NO I.D. = NO IDENTIFYING CAP OR TAG  
 R/W = RIGHT-OF-WAY  
 ROS = RECORD OF SURVEY  
 ( ) SR# = RECORD DATA PER SURVEY REFERENCE SR#  
 YPC = YELLOW PLASTIC CAP  
 31 = FOUND 1/4" CORNER AS NOTED  
 36 31 = FOUND SECTION CORNER AS NOTED  
 1 6 = FOUND SECTION CORNER AS NOTED

**BASIS OF BEARINGS**  
 The bearing of S88°48'01"E between the found monuments at the northwest corner and the north quarter corner of Section 6, is based on the City of Coeur d'Alene horizontal control network, 1992 adjustment. A delta alpha angle of -00°45'04" was calculated at the northwest corner of Section 6.

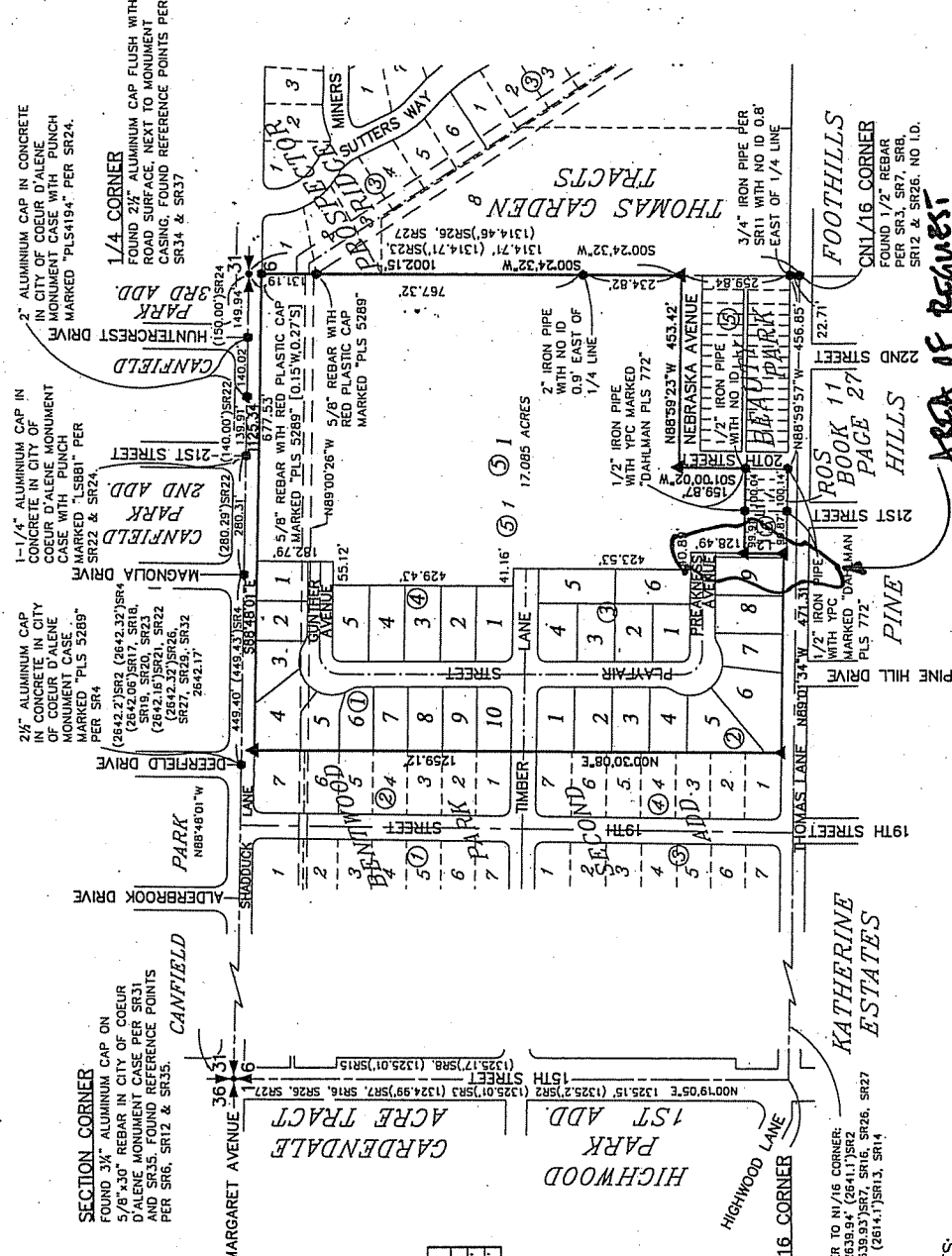
**SURVEYOR'S NOTE:**  
 There was no attempt made to show physical features of the property, or to show any previously existing non-recorded easements.



**FINAL PLAT OF BENTWOOD PARK, THIRD ADDITION.**  
 A REPLAT OF LOT 1, BLOCK 5 OF BENTWOOD PARK, SECOND ADDITION, IN THE N1/2 OF THE NW1/4 OF SECTION 6, TOWNSHIP 50 NORTH, RANGE 3 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

**AC**  
 Adams & Clark, Inc.  
 306 N. Spokane St., Suite G  
 Post Falls, ID 83854  
 (208) 777-1812

DATE: 11/12/02 Dwg. By: JSH  
 SCALE: 1"=200' F.B. NO. PFB  
 FOR: BENTWOOD, LLC W.O. NO. 20012502.4



**AREA OF REQUEST**

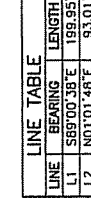
- SURVEY REFERENCES:** (Continued)  
 SR26 = RECORD OF SURVEY, BOOK 20 PAGE 86. #1606500  
 SR27 = PLAT OF PROSPECTOR RIDGE, BOOK 1, PAGE 182 & 182A. #1610712  
 SR28 = RECORD OF SURVEY, BOOK 20 PAGE 282. #1639036  
 SR29 = PLAT OF PROSPECTOR RIDGE FIRST ADDITION, BOOK 1 PAGES 234 & 234A.  
 SR30 = RECORD OF SURVEY, BOOK 20 PAGE 368. #1651619  
 SR31 = PLAT OF BENTWOOD PARK FIRST ADDITION, BOOK 1 PAGES 257 THROUGH 257C.  
 SR32 = PLAT OF PROSPECTOR RIDGE SECOND ADDITION, BOOK 1, PAGES 302 & 302A.  
 SR33 = CORNER PERPETUATION & FILING RECORD. #1261144.  
 SR34 = CORNER PERPETUATION & FILING RECORD. #1706877.  
 SR35 = CORNER PERPETUATION & FILING RECORD. #1745190.  
 SR36 = PLAT OF BENTWOOD PARK SECOND ADDITION, BOOK 1, PAGES 334 THROUGH 334C. #1719031  
 SR37 = CORNER PERPETUATION & FILING RECORD. #1715641.

- NOTES:**  
 1. RESTRICTED ACCESS:  
 LOTS 6 THRU 9, BLOCK 2 SHALL HAVE NO ACCESS TO THOMAS LANE.  
 LOTS 1 THRU 4, BLOCK 1 SHALL HAVE NO ACCESS TO SHADDOCK LANE.  
 2. GARAGE SETBACKS FOR ALL LOTS SHALL BE 20 FEET FROM THE BACK OF SIDEWALK TO THE GARAGE FACE.

**SECTION CORNER**  
 FOUND 3/4" ALUMINUM CAP ON 5/8" x 30" REBAR IN CITY OF COEUR D'ALENE MONUMENT CASE PER SR31 AND SR35. FOUND REFERENCE POINTS PER SR6, SR12 & SR35.

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°00'38"E	199.95'
L2	N07°01'48"E	93.01'



- SURVEY REFERENCES:**  
 SR1 = CITY OF COEUR D'ALENE HORIZONTAL CONTROL NETWORK NAD83 1992 ADJUSTMENT.  
 SR2 = PLAT OF BEAUTY PARK, BOOK C, PAGE 56.  
 SR3 = PLAT OF BRECKENRIDGE ESTATES, BOOK F, PAGES 199 AND 199A. #1080600  
 SR4 = PLAT OF CANFIELD PARK, BOOK G, PAGES 283 THROUGH 283B. #1410357  
 SR5 = CORNER PERPETUATION & FILING RECORD. #1301146  
 SR6 = CORNER PERPETUATION & FILING RECORD. #1293980  
 SR7 = PLAT OF FOOTHILLS, BOOK G, PAGES 130 THROUGH 130C. #1350075  
 SR8 = PLAT OF CLEMAN'S ESTATES, BOOK G, PAGES 429 & 429A. #1474592  
 SR9 = THAT PORTION OF THE PLAT OF BEAUTY PARK EAST OF 19TH STREET VACATED BY ORDINANCE NO. 2978. #1639657  
 SR10 = RECORD OF SURVEY, BOOK 20 PAGE 261. #667966  
 SR11 = RECORD OF SURVEY, BOOK 11 PAGE 27. #1254275  
 SR12 = PLAT OF BENTWOOD PARK, BOOK 1 PAGES 192 THROUGH 192C. #1617944  
 SR13 = PLAT OF PINE HILLS, BOOK 2 PAGES 218 & 218A. #1702680  
 SR14 = PLAT OF KATHERINE ESTATES, FIRST ADDITION, BOOK 7 PAGES 204 & 204A. #1097889  
 SR15 = #1097889  
 SR16 = RECORD OF SURVEY, BOOK 37, #1231749  
 SR17 = RECORD OF SURVEY, BOOK 10, PAGE 117. #1232491  
 SR18 = RECORD OF SURVEY, BOOK 10, PAGE 187. #1244169  
 SR19 = RECORD OF SURVEY, BOOK 11, PAGE 53. #1258048  
 SR20 = RECORD OF SURVEY, BOOK 13, PAGE 59. #1305958  
 SR21 = RECORD OF SURVEY, BOOK 19, PAGE 172. #1517281  
 SR22 = PLAT OF CANFIELD PARK SECOND ADDITION, BOOK 1 PAGES 115 THROUGH 115B. #1571061  
 SR23 = RECORD OF SURVEY, BOOK 19 PAGE 469. #1502651  
 SR24 = PLAT OF CANFIELD PARK THIRD ADDITION, BOOK 1 PAGES 138 THROUGH 138B. #1585439  
 SR25 = PLAT OF CANFIELD PARK FOURTH ADDITION, BOOK 1 PAGES 139 THROUGH 139B. #1585440

DATE: SEPTEMBER 23, 2006  
TO: MAYOR AND CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
RE: SETTING OF PUBLIC HEARING DATE: NOVEMBER 7, 2006

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Mayor Bloem,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
ZC-6-06 PUD – 3-06 S-9-06 SP-11-06	Requested appeal Applicant: Givens Pursely, LLP Location: Howard Street and Bosanko Avenue	Recommended denial	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the earliest regular Council meeting at which this item may be heard is **November 7, 2006**

JS:ss



DATE: AUGUST 23, 2006  
TO: MAYOR AND CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
RE: SETTING OF PUBLIC HEARING DATE: OCTOBER 3, 2006

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Mayor Bloem,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
ZC-9-06	Applicant Becky Randles Location: 307 Haycraft Request: Zone change from R-12 (Residential At 12 units/acre) to C-17L (Commercial Limited at 17 units/acre)	Recommended approval	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **October 3, 2006.**

JS:ss

# ANNOUNCEMENTS

OTHER COMMITTEE MINUTES  
(Requiring Council Action)

**GENERAL SERVICES COMMITTEE  
MINUTES**

August 21, 2006

4:00 p.m., Council Chambers

**MEMBERS PRESENT**

Deanna Goodlander, Chairman  
A.J. "Al" Hassell, III

**MEMBERS ABSENT**

Ron Edinger

**STAFF MEMBERS PRESENT**

Sean Holm, Assistant Planner  
Warren Wilson, Deputy City Attorney  
Ed Wagner, Building Official  
Jon Ingalls, Deputy City Administrator

**CITIZENS PRESENT**

Jon & Heather Berger  
David Gorringer  
Mark Henderson, Pool World  
Dave Nelson

**Item 1.** Municipal Code 8.20.060 – Request to amend regulations for side-yard pools.  
**(Council Bill No. 06-1027)**

Jon Ingalls, Deputy City Administrator, said the issue before the committee is the question of whether an amendment should be made to Municipal Code Section **8.20.060 Private Pool; Location**. Jon reported that Jon and Heather Berger, homeowners at 1321 East Lakeshore Drive, are making landscaping improvements to include a swimming pool that will be located in the side/front yard. Municipal Code Section 8.20.060 provides that private swimming pools shall be located in the back half of the lot. The City received a request from Mark Henderson of Pool World, on behalf of the Berger's, for consideration of a change in the city's code. Jon presented numerous ways to handle the request.

1. Repeal city code sections (8.20.010 through 8.20.070); adopt International Residential Code (IRC), Chapter 41, Appendix G for single family and duplex swimming pool construction, and by default allow the 2003 IBC to govern commercial swimming pools. **OR**
2. Repeal city code section 8.20.060 and wait for the formal adoption of the 2006 IRC code, including applicable appendix language, in 2007. **OR**
3. Leave the city code unchanged and require pools be located in the back half of the lot.

Councilman Goodlander asked Mark Henderson if he's seen a request like this before. Mr. Henderson indicated he has not as most lot sizes would not allow for this arrangement.

Councilman Goodlander asked Warren Wilson which option would be most workable for the city. Mr. Wilson indicated that either option would work though he would recommend option 2 as it would retain the 20 ft setback requirement. Ed Wagner and Sean Holm concurred.

Jon noted that the set back for the pool in this project will be approximately 30 feet.

**MOTION: THE COMMITTEE is recommending that the City Council approve option 2 – to repeal city code section 8.20.060 and wait for the formal adoption of the 2006 International Residential Code, including applicable appendix language in 2007 and directed staff to prepare an ordinance for Council consideration.**

The meeting adjourned at 4:20 p.m.

Respectfully submitted, **DEANNA GOODLANDER, Chairman**

Juanita Van Cleave  
Recording Secretary

Date: August 15, 2006  
To: General Services Committee  
From: Sean Holm, Assistant Planner  
Ed Wagner, Building Services Director  
Subject: Amendment to code- Private swimming pools

**Decision Point:**

The purpose of this amendment is to amend certain code listed below regarding the requirements for residential swimming pools within city limits.

**History:**

Currently, private swimming pools located in city limits are subject to review for compliance with city code prior to placement.

In 1974, the City Council adopted ordinance 1379 governing the placement and various safety features to be incorporated in the construction of swimming pools. This section of the code has historically been a difficult one to determine which department has responsibility to ensure compliance due to overlapping and conflicting standards.

The International Residential Code (IRC) has an appendix that would apply to single family and duplex construction but has not been adopted.

The adopted 2003 International Building Code (IBC) governs swimming pool location, barrier height, and latching requirements for triplexes and beyond.

The request for code amendment, made by Pool World (Berger's), asks that the city use 2003 IRC as the benchmark to review private pools. *(See attachment)*

**8.20.010: FENCE; HEIGHT; LOCATION:**

All public, semipublic and private swimming pools located in the city capable of holding twenty four inches (24") or more of water shall have the area in which the swimming pool is located surrounded by a fence six feet (6') in height. No such fence or building shall be located within five feet (5') of the edge of the swimming pool.

**8.20.020: PUBLIC OR SEMIPUBLIC POOLS; GATES; LATCHES:**

Gates leading to public or semipublic swimming pools shall be securely fastened shut when the pool is not in use by authorized persons or supervised by a qualified attendant. Locks or latches shall be placed not less than four feet (4') above the ground.

**8.20.030: FILTER OR HEATING EQUIPMENT STRUCTURES:**

Structures housing filter or heating equipment or change houses shall be located in conformity with the regulations pertaining to accessory buildings

**8.20.040: SAFETY LATCHES:**

Private swimming pools shall have all gates provided with safety latches operated only from the pool side of the fence and the latches shall be located not less than four feet (4') above the ground.

**8.20.050: POOL COVER NOT SUBSTITUTE FOR REQUIRED FENCE:**

A cover which may be used to enclose or cover the swimming pool shall not qualify as a substitute for the required fence or as a means of providing minimum safeguards of the pool area.

**8.20.060: PRIVATE POOL; LOCATION:**

Private swimming pools shall be located in the back half of the lot, provided that the distance from the front right of way line need not exceed seventy five feet:

**8.20.070 PRIVATE POOL; SWIMMING INSTRUCTION:**

Use of a private pool for swimming instructions to not more than six (6) pupils simultaneously is permitted, provided that:

- A. Hours of instruction are restricted to those between nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.;
- B. No amplified sound equipment is used in the instruction;
- C. The pool area is separated from adjoining properties by a six foot (6') sight obstructing fence;
- D. Vehicular traffic to the site shall not be such as to create a hazard or a parking problem adversely affecting adjacent property owners;
- E. The installation of such a pool shall meet the requirements of the state department of health pertaining to public pools.

**Financial Analysis:**

There is no financial impact associated with the proposed amendment.

**Performance Analysis:**

This amendment will provide consistency between existing city code and the 2003 IBC requirements for residential swimming pools by providing clear direction as to which code governs this use.

**Quality of Life Analysis:**

This amendment and adoption will provide consistency for the review of residential and commercial swimming pools.

**Decision Point Recommendation:**

There are numerous ways to handle this request:

1. Remove city code listed above (8.20.010 through 8.20.070); adopt International Residential Code (IRC), Chapter 41, Appendix G for single family and duplex swimming pool construction, and by default allow the 2003 IBC to govern commercial swimming pools.
2. Remove city code 8.20.060 and wait for the formal adoption of the 2006 IRC code, including applicable appendix language, in 2007.
3. Leave the code unchanged and require pools be located in the back half of the lot.

COUNCIL BILL NO. 06-1027  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING CHAPTER 8.20 ENTITLED SWIMMING POOLS BY REPEALING SECTION 8.20.060 ENTITLED PRIVATE POOL LOCATION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

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

**SECTION 1.** *That Coeur d'Alene Municipal Code Section 8.20.060, is hereby repealed as follows:*

~~8.20.060 PRIVATE POOL; LOCATION:~~

~~Private swimming pools shall be located in the back half of the lot, provided that the distance from the front right of way line need not exceed seventy five feet (75').~~

**SECTION 2.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 3.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

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

APPROVED, ADOPTED and SIGNED this 5<sup>th</sup> day of September, 2006.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk



SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Repealing M.C. Section 8.20.060 entitled Private Pool; Location

AMENDING CHAPTER 8.20 ENTITLED SWIMMING POOLS BY REPEALING SECTION 8.20.060 ENTITLED PRIVATE POOL LOCATION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Susan K. Weathers, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Repealing M.C. Section 8.20.060 entitled Private Pool; Location, 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 September, 2006.

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Warren J. Wilson, Deputy City Attorney

**August 21, 2006**  
**PUBLIC WORKS COMMITTEE**  
**MINUTES**

**COMMITTEE MEMBERS PRESENT**

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

**CITIZENS PRESENT**

Gloria Harzke, Item #1  
Chuck Harzke, Item #1  
Bob Thomson, Item #4  
Christina Style, Item #4  
Ruth Barker, Item #4  
Eydie Kendall, Item #4  
Kraig Lysek, Item #4  
Karen Lawson, Item #4

**STAFF PRESENT**

Mike Gridley, City Attorney  
Doug Eastwood, Parks Director  
Gordon Dobler, Engineering Svcs Dir.  
Renata McLeod, Proj. Coordinator  
Dave Yadon, Planning Director  
Amy Ferguson, Committee Liaison  
Chris Bates, Project Manager  
Dick Suchocki, Project Manager

**Item 1      Vacation of an Undeveloped 10' Public "Access" Adjoining the Easterly Boundary of Lot 9, Block 2 of the Bentwood Park 3<sup>rd</sup> Addition**

**Consent Calendar**

Christopher Bates, Project Manager, on behalf of Charles Harzke, applicant and owner of Lot 9, Block 2 of the Bentwood Park 3<sup>rd</sup> Addition, presented a request for the vacation of the undeveloped ten foot (10') wide public "pedestrian access" adjoining the easterly boundary of his property in the Bentwood Park 3<sup>rd</sup> Addition. Mr. Bates noted that the pedestrian access was a component of the preliminary subdivision plat that was approved in 1999. The rapid rate at which the subdivision developed eliminated the need for the access way; however, no action was ever undertaken to eliminate the "lot" prior to the final platting of the phase in December, 2002, and it was therefore included as a component of the Bentwood Park 3<sup>rd</sup> Addition. Mr. Bates further stated that relinquishing the parcel to the adjoiner should not have any adverse effect on the development or pedestrian movement in the subdivision due to the adjacent presence of the fully developed 20<sup>th</sup> Street connection to Thomas Lane. Discussion ensued regarding involving the Pedestrian & Bicycle Committee in the process. Mr. Gridley confirmed that the Ped/Bike Committee would support the wishes of the neighborhood.

**MOTION:      RECOMMEND Council direct staff to proceed with the vacation process and set a public hearing date for October 3, 2006.**

**Item 2      Approval of Agreement with Lakes Highway District**

Richard Suchocki, Project Manager, presented a request for approval of an agreement between the City and Lakes Highway District for Ramsey Road improvements. He stated that the City will be widening Ramsey Road north of Hanley next spring. The project will tie into the improvements being installed by the state south of Prairie Avenue. The north 1000 linear feet of the project is outside of the city limits. It was decided that a joint project with the Lakes Highway District was in the best interest of both parties. The City will manage and bid the project, and by combining the projects on Ramsey Road, it will make a difference in bidding, continuity in construction, and deduced construction time.

**MOTION: RECOMMEND Council approval of RESOLUTION NO. 06-56 authorizing an agreement with Lakes Highway District for Ramsey Road improvements.**

**Item 3 Sims Property Annexation – SW Corner of Government Way & Aqua**

Dave Yadon, Planning Director, asked for a determination as to whether the City should consent to the annexation of the Sims Property at the SW corner of Government Way and Aqua by the City of Hayden. Mr. Yadon explained that due to a lack of sewer service, the property owner is hoping to annex into the City of Hayden and that the Coeur d'Alene City Council had previously not had a problem with this request. He further explained that the City of Hayden has told the applicant that they prefer that the annexation request include additional property owners to the west and perhaps south of the site. As a result, the City of Hayden has asked the Sims' to formally request consent from the City of Coeur d'Alene City Council to allow the subject property as well as adjacent properties contiguous to Hayden to be considered for voluntary annexation by the City of Hayden. Mr. Yadon stated that the Development Review Team and the Executive Team have reviewed the proposal and do not see any issues that would be detrimental to Coeur d'Alene if the property were annexed by Hayden.

**MOTION: RECOMMEND Council consent to the annexation of the Sims property by the City of Hayden.**

**Item 4 Mullan Avenue Crosswalk**

Gordon Dobler, Engineering Services Director, presented several options for Council consideration regarding improvement of pedestrian visibility at the existing crosswalk on Mullan Road, adjacent to Memorial Field. Mr. Dobler stated that at the request of the Pedestrian and Bicycle Committee, the city has re-evaluated the issue of pedestrian visibility at the subject crosswalk. A review of accident records and discussion with C.A.R.E. officers does not indicate any accident history. Mr. Dobler further stated that after performing a traffic study on Mullan Road on July 18<sup>th</sup> through the 20<sup>th</sup>, the study indicated that the inbound daily traffic is about ½ that of the outbound traffic, and the 85<sup>th</sup> percentile speed was 25 mph eastbound and 28 mph westbound. As a result, Mr. Dobler suggested the consideration of several options, which would include (1) a lane reduction and installation of a median, (2) installation of pedestrian activated flashers, (3) installation of an overhead pedestrian warning, (4) installation of a pedestrian signal, or (5) doing nothing at this time.

Kraig Lysek, 410 Hubbard Street, stated that he did not have a problem with reducing the street to one lane in each direction since he is concerned about small children crossing two lanes in each direction.

Discussion ensued regarding the need to implement a solution before North Idaho College starts again in September to give drivers an opportunity to get used to the new configuration. Councilman Reid expressed concern regarding implementing a solution to a problem that does not exist since there is no accident history, and cars appear to be traveling at the speed limit. In addition, she suggested that she believed that any problem would be solved when another entrance is created to the Fort Grounds. Doug Eastwood, Parks Director, stated that he would like to see the City take a little more time to review the issues involved before making a decision.

Ruth Barker, 1123 Ash Street, stated that she owns a concession stand at Memorial Field and that there have been accidents down there. She is surprised that there are no police reports. She further stated that speeding is a bad problem and that there is no speed sign posted in the area.

She presented a list of 100 names of persons who were in the crosswalk area when vehicles did not stop for them. She invited the council to come down to the area and sit and watch what goes on. She is concerned that an accident will happen.

Discussion ensued regarding the need to move forward quickly. Mr. Dobler expressed concern regarding getting any striping done in time due to the end of the season if the request is tabled until a later date, and requested permission to work with Mr. Eastwood for a solution and present it for approval at the next council meeting on September 5<sup>th</sup>.

Councilman McEvers requested that the crosswalk paint lines be “brightened up” as soon as possible.

**MOTION: RECOMMEND Council approval of the elimination of the inside westbound lane on Mullan Avenue at Memorial Field, and the establishment of a painted median, and recommend the installation of pedestrian-activated flashers at the crosswalk as available monies are identified.**

**Item 5 Request for No Parking Zone, Federal Courthouse  
Consent Calendar**

Gordon Dobler, Engineering Services Director, presented a request for approval of a No Parking Zone on Lakeside Avenue and 4<sup>th</sup> Street, adjacent to the Federal Courthouse. He pointed out that since 2001 the US Marshalls have placed temporary barricades in the parking areas adjacent to the courthouse for security reasons. They are now requesting the City to establish “No Parking” zones as a more permanent solution. After discussion regarding enforcement of the “no parking” zones, Mr. Gridley stated that he would check with Troy Tymesen and Renata McLeod regarding patrolling in those areas, and the possibility of raising fine limits for certain “no parking” areas as a deterrent to parking.


**MOTION: RECOMMEND Council approval of establishing a No Parking Zone adjacent to the Federal Courthouse on Lakeside Avenue and 4<sup>th</sup> Street and direct staff to prepare the necessary resolution/ordinance.**

The meeting adjourned at 5:17 p.m.

Respectfully submitted,

Amy C. Ferguson  
Public Works Committee Liaison

# CITY COUNCIL STAFF REPORT

**DATE:** August 21, 2005  
**INITIATED BY:** Richard Suchocki, Project Manager   
**SUBJECT:** Approval of Agreement with Lakes Highway District

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## DECISION POINT

Staff is requesting City Council approval of an agreement between the City and Lakes Highway District for Ramsey Road improvements.

## HISTORY

The City will be widening Ramsey Road north of Hanley Ave next spring. This project will tie into the improvements being installed by the state south of Prairie Ave. The north 1000 LF of the project is outside the city limits. Staff met with Lakes Highway district to coordinate their planned project with ours. It was decided that a joint project was in the interest of both parties.

## FINANCIAL ANALYSIS

The costs of the Highway Districts portion will be paid by the Lakes Highway District. The City portion of the project will be paid with impact fees.

## PERFORMANCE ANALYSIS

By combining our projects on Ramsey Road into one will make a difference in bidding, continuity in construction and deduced construction time.

## SUMMARY / RECOMMENDATION

Staff recommends a motion to approve the agreement with Lakes Highway District and direct the mayor to sign the document.

RESOLUTION NO. 06-056

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH LAKES HIGHWAY DISTRICT FOR RAMSEY ROAD IMPROVEMENTS.

WHEREAS, the Public Works Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into an Agreement with Lakes Highway District, for Ramsey Road Improvements pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof; 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 agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into an Agreement for Ramsey Road Improvements, in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

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

DATED this 5<sup>th</sup> day of September, 2006.

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

ATTEST:

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

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

ROLL CALL:

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

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

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

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

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

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

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



4-04

**CITY/HIGHWAY DISTRICT AGREEMENT  
(CONSTRUCTION)  
RAMSEY ROAD RECONSTRUCTION & WIDENING**

**PARTIES**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the CITY OF COEUR d'ALENE, and LAKES HIGHWAY DISTRICT

**PURPOSE**

LAKES HIGHWAY DISTRICT and the City of Coeur d' Alene have determined it is mutually beneficial to combine widening projects on Ramsey Road in a single City widening and construction project. This agreement sets out the responsibilities of the parties in the construction and maintenance of the project.

The Parties agree as follows:

**SECTION I.**

1. This Agreement is entered into for the purpose of including a portion of Ramsey Road outside the City limits of Coeur d'Alene with a City widening project on Ramsey Road.
2. Lakes Highway District agrees to pay its share of the construction and inspection costs incurred.

**SECTION II.** That the CITY will:

1. Advertise, open bids, prepare a contract estimate of cost based on the successful low bid and notify Lakes Highway District thereof.
2. Award a contract for construction of the project, based on the successful low bid, if it does not exceed the estimate of cost of construction by more than ten (10) percent. If the low bid exceeds the estimate by more than 10%, the bid will be evaluated, and if justified, the contract will be awarded and the Highway District will be notified.

3. Obtain concurrence of the Highway District before awarding the contract if the Highway District share of the low bid amount exceeds the amount set forth in Section III, Paragraph 1 by more than ten (10) percent.
4. Provide to the Highway District sufficient copies of the Contract Proposal, Notice to Contractors, and approved construction plans.
5. Designate a resident engineer and other personnel, as the CITY deems necessary, to supervise and inspect construction of the project in accordance with the plans and specifications in the manner required by applicable state and federal regulations. This engineer, or his authorized representatives, will prepare all monthly and final contract estimates and change orders, and submit all change orders to the Highway District for their concurrence.
6. Notify the Highway District when construction engineering and inspection (CE&I) costs have reached approximately 85% of the estimated cost for CE&I.
7. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.
8. Upon completion of the project, after all costs have been accumulated and the final payment paid by the City, provide a statement to the Highway District summarizing the estimated and actual costs, indicating an adjustment for or against the Highway District.
9. Upon completion of the project, provide a copy of as-built drawings to the Highway District.

**SECTION III.** That the Highway District will:

1. Pay to the City before the advertisement for bids, the amount of \$258,170.00, which is the Highway District's estimated share of the cost for construction plus construction engineering & inspection (CE&I) by the City. The actual cost to the Highway District will be determined from the total quantities obtained by measurement plus the actual cost of engineering and contingencies required to complete the work. CE&I may be approximately 15% of the total construction cost.

2. Lakes Highway District has received a \$100,000.00 grant through the Local Rural Highway Investment Program to be used for paving a portion of this project. This amount will be a part of the payment to the City of Coeur d'Alene for the paving, advertising and construction observation on Lakes Highway District's portion of the project. Lakes Highway District will remit the above referenced \$100,000.00 upon the execution of this agreement by Lakes Highway District and the City of Coeur d'Alene.
3. Upon approval of the lowest qualified bid received, if the Highway District's share exceeds the amount set forth in Section III, Paragraph 1, transmit to the City the Highway District's portion of such excess cost.
4. Authorize the City to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications. Prior approval of the Highway District will be obtained for any material deviation from the plans and specifications to such a degree that the costs will be increased or the nature of the completed work will be significantly changed.
5. The Highway District will designate an authorized representative to act on the Highway District's behalf regarding action on change orders. That authorized representative's name is Joseph H. Wuest, Road Supervisor, Phone No. (208)772-7527.
6. When change orders are submitted by the City for approval pursuant to Section II, Paragraph 7, the Highway District or its authorized representative shall give approval of same as soon as possible, but no later than ten (10) calendar days after receipt of the change order. If approval is delayed, any claims due to that delay shall be the responsibility of the Highway District.
7. Upon receipt of either of the statements referred to in Section II, Paragraphs 7 and 8, indicating an adjustment in cost against the Highway District, promptly remit to the City a check or warrant in that amount.

**SECTION IV.**

1. Checks for funds owed by Lakes Highway District shall be made payable to the City of Coeur d' Alene, and mailed to City Hall 710 Mullan Ave Coeur d'Alene Idaho 83814.
2. All information, regulatory and warning signs, pavement or other markings, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of Lakes Highway District upon the completion of Lakes Highway District's portion the project.
3. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State of Idaho.

**EXECUTION**

This Agreement is executed for the City by the Mayor Sandy Bloom, and executed for the Highway District by the Board of Commissioners, attested to by Diane J. Fountain, Deputy Clerk of the Board of Commissioners, with the imprinted corporate seal of the Lakes Highway District.

City of Coeur d' Alene

APPROVED BY:

\_\_\_\_\_  
Mayor Sandy Bloom

RECOMMENDED

\_\_\_\_\_  
Gordon Dobler, City Engineer

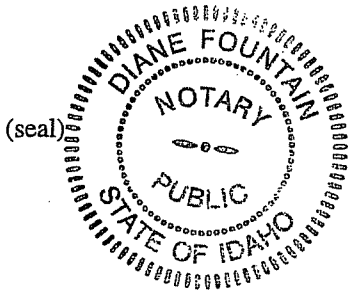
Lakes Highway District

Approved by:

Mark R. Soderling 8-7-06  
Mark R. Soderling, Chairman

Chris Hansen 8-7-06  
Chris Hansen, Vice Chairman

Dean A. Primmer  
Dean A. Primmer, Commissioner



Attest:

Diane J. Fountain  
Diane J. Fountain, Deputy Clerk

By regular meeting on August 7, 2006

**APENDIX A**

**EXCERPTS FROM TITLE 49 CFR PART 21**

During the performance of work covered by this Agreement, the > for itself, its assignees and successors in interest (hereafter referred to as the SPONSOR), agrees as follows:

**1. Compliance with Regulations:** The SPONSOR during the performance of work covered by this Agreement shall comply with all regulations of the United States Department of Transportation relative to Civil Rights with specific reference to Title 49 CFR Part 21, Title 41 CFR Part 60, Civil Rights Act of 1964 as amended and Executive Order 11246.

**2. Non-Discrimination:** The SPONSOR, with regard to the work performed during the term of this Agreement, shall not in any way discriminate: against any employee or applicant for employment; subcontractor or solicitations for subcontract including procurement of materials and equipment; or any other individual or firm providing or proposing services based on race, color, religion, sex, national origin, age or non-job-related handicap.

**3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by bidding or negotiation, made by the SPONSOR for work or services performed under subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be made aware, by the SPONSOR, of the obligations of this Agreement and to the Civil Rights Requirements based on race, color, religion, sex, national origin, age or non-job-related handicap.

**4. Information and Reports:** The SPONSOR shall provide all information and reports required by Regulations and/or Directives and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Idaho Transportation Department or the Federal Highway Administration. The SPONSOR will be required to retain all records for a period of three years.

**5. Sanctions for Non-Compliance:** In the event the SPONSOR is in non-compliance with the Civil Rights Provisions of this Agreement, the Idaho Transportation Department shall impose such sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the SPONSOR until it has achieved compliance and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

**6. Incorporation of the Provisions:** The SPONSOR shall physically include this Appendix in every subcontract of \$10,000 or more to include procurement of materials and leases of equipment unless exempt by Regulations, Orders, or Directives pursuant thereto. The SPONSOR shall take such action with respect to subcontractor or procurement as the Idaho Transportation Department or the Federal Highway Administration may direct as a means of enforcing the provisions, including sanctions for noncompliance, provided in event the SPONSOR becomes involved in, or is threatened with litigation with the subcontractors or suppliers as a result of such direction, the SPONSOR may request the STATE to enter into such litigation to protect the interest of the STATE, and in addition the SPONSOR may request the United States to enter into such litigation to protect the interest of the United States.

Date: August 21, 2006  
To: Public Works Committee  
From: Planning Director  
Subject: **Sims Property Annexation – SW Corner of Gov't Way & Aqua**

**Decision Point**

Does the City wish to consent to the annexation of this property by the City of Hayden.

**History**

Due to lack of Sewer Service, the property owner is hoping to annex into the City of Hayden. The City of Hayden boundary is located at Aqua (across the street) and by annexing into Hayden the property can be served by sewer approximately +/-200-ft away. (See attached request and maps)

The property is not “ripe for annexation” into Coeur d’Alene unless an additional five property owners to the west of the site were also annexed.

This property is located with the City of Coeur d’Alene’s Area of City Impact which means that the area has been designated as an area that could reasonably be annexed into the city in the future. This designation does not prevent a property owner within one city’s impact area may request annexation into an adjoining city.

The City of Hayden however, has asked the Sims’ to formally request consent from the City of Coeur d’Alene City Council to allow the subject property as well as adjacent properties contiguous to Hayden to be considered for voluntary annexation by the City of Hayden . (See attached information)

The Development Review Team and Executive Team have reviewed the proposal and do not see any issues that would be detrimental to Coeur d’Alene if this property were annexed by Hayden.

The Development Review Team did identify that the two cities will want to maintain close coordination on future Government Way improvements and jurisdictional issues with Government Way and Aqua if and when Coeur d’Alene annexed the remainder of the surrounding area.

**Financial Analysis**

There is no substantial financial impact associated with the proposed amendment. Some future tax revenue

**Performance Analysis**

Comprehensive Plan policies related to this issue 4B, 9, 14A6, 53

**Decision Point Recommendation**

The City Council should determine if it should consent to the annexation of the property by the City of Hayden

# **PUBLIC WORKS COMMITTEE**

## **STAFF REPORT**

**DATE:** August 21, 2006  
**FROM:** Gordon Dobler, Engineering Services Director  
**SUBJECT:** Pedestrian Crosswalk on Mullan Rd at Memorial field

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### **DECISION POINT**

Staff is presenting several options for Council consideration regarding improvement of pedestrian visibility at the existing crosswalk on Mullan Rd, adjacent to Memorial field.

### **HISTORY**

At the request of the Pedestrian Bicycle Committee, we have re-evaluated the issue of pedestrian visibility at the subject crosswalk. Mullan is a 4-lane road, 60 wide. Currently parking is limited to the south side of Mullan and we have established no parking zones on either side of the crosswalk in order to increase visibility for pedestrians. While this has always been an uncomfortable crossing because of its width and number of lanes, a review of accident records and discussion with C.A.R.E. officers does not indicate any accident history.

We performed a traffic study on Mullan Rd on July 18<sup>th</sup> – 20<sup>th</sup>. The results of that study indicate that the average daily traffic is 5999, 4033 eastbound and 1966 westbound. In addition, the 85<sup>th</sup> percentile speed was 25 mph eastbound and 28 mph westbound. The posted speed limit is 25 mph.

In response to this request we have evaluated several options for Council consideration.

### **FINANCIAL ANALYSIS**

There is no funding currently identified for any of the options listed below. Impact fees cannot be used for this because it is a pre-existing condition and therefore not eligible.

### **PERFORMANCE ANALYSIS**

Option 1: Lane reduction and installation of a median.

One of the key factors to pedestrian usability is the width of the crossing and the number of lanes. By reducing the number of lanes the numbers of potential traffic pedestrian conflicts are also reduced. Adding a median also provides a refuge for pedestrians. Given the existing traffic usage, the most obvious lane reduction would be to the westbound lanes. The inside west bound lane would be eliminated and a median would be



added. The lane reduction would extend from the east end, where it is currently a single lane, to Park Ave. The lane reduction and median could be done with striping only or with striping and curbing for the median. The cost for striping changes would be minimal and could be absorbed in our current budget. The cost to curb the median would be in range of \$5000 to \$7000.

**Option 2: Install pedestrian activated flashers**

Pedestrian flashers could be installed as stand-alone measure or in conjunction with Option 1. They would consist of yellow flashing lights activated by a push button. We currently have all the equipment for this from the installation at Kathleen and Atlas that was replaced by the new signal. The cost to install it would be about \$2500 to \$3500.

**Option 3: Install an overhead pedestrian warning.**

An overhead warning could be used as a stand alone measure or in combination with Option 1. It would consist of pedestrian activated overhead warning signs mounted to a pole and mast arm. Cost for equipment and installation would range from \$30,000 to \$35,000.

**Option 4: Install a pedestrian signal.**

A signal could be used as a stand alone measure or in combination with Option 1. It would consist of pedestrian activated overhead stop lights mounted to poles and mast arms. Cost for equipment and installation would range from \$40,000 to \$45,000.

**Option 5: Do nothing**

The lack of accident history would support leaving the existing configuration in place. In addition, future plans for Mullan Rd as identified in the Four Corners Master Plan indicate that the street may be narrowed or even eliminated when another access is constructed to the Fort Grounds.

## **RECOMMENDATION**

Staff recommends that the Committee consider the options and provide direction.

# **PUBLIC WORKS COMMITTEE**

## **STAFF REPORT**

**DATE:** August 21, 2006  
**FROM:** Gordon Dobler, Engineering Services Director  
**SUBJECT:** Request for No Parking Zone, Federal Courthouse

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### **DECISION POINT**

Staff is requesting Council approval of a No Parking Zone on Lakeside Ave and 4<sup>th</sup> Street, adjacent to the Federal Courthouse

### **HISTORY**

Since 2001 the US Marshalls have placed temporary barricades in the parking areas adjacent to the courthouse, on Lakeside Ave and on 4<sup>th</sup> street, for security reasons. They are now requesting the City to establish "No Parking" zones as a more permanent solution.

### **FINANCIAL ANALYSIS**

There is no significant financial impact from this proposal

### **PERFORMANCE ANALYSIS**

Establishing a No Parking Zone would not be a significant change over the current conditions. The temporary barricades would be removed and No Parking signs would be installed where the current 2 hour limit signs are located. The area is patrolled by Diamond Parking, and, if necessary, Couer d'Alene police could be called if additional enforcement is necessary.

### **RECOMMENDATION**

Staff recommends that Council adopt a resolution establishing a No Parking Zone adjacent to the Federal Courthouse on Lakeside Ave and 4<sup>th</sup> Street.

OTHER BUSINESS

COUNCIL BILL NO. 06-1016  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE ZONING CODE OF THE CITY OF COEUR D ALENE TO RENAME THE C-34 ZONING DISTRICT AS THE DOWNTOWN CORE ("DC") DISTRICT; RENAMING THE CENTRAL BUSINESS DISTRICT AS THE DC DISTRICT; AMENDING SECTIONS 17.05.330 AND 17.05.390 TO DELETE GROSS ACRE DENSITY INCREASES FOR AREAS WITHIN AND NEAR THE CENTRAL BUSINESS DISTRICT; AMENDING SECTION 17.05.370 TO SET HEIGHT LIMITS IN THE R-34 DISTRICT; AMENDING SECTION 17.05.650 TO SET OUT THE PURPOSE AND INTENT OF THE DC DISTRICT; AMENDING SECTION 17.05.660 TO ESTABLISH PROHIBITED USES IN THE DC DISTRICT; REPEALING SECTION 17.05.670 REGARDING ACCESSORY USES; REPEALING SECTION 17.05.680 REGARDING USES ALLOWED BY SPECIAL USE PERMIT; ADOPTING A NEW SECTION 17.05.685 TO ADOPT A BASE FLOOR AREA RATIO FOR THE DC DISTRICT AND TO ALLOW FOR ADDITIONAL FLOOR AREA RATIO THROUGH THE USE OF BONUS FEATURES; AMENDING SECTION 17.05.690 TO ESTABLISH A MAXIMUM BUILDING HEIGHT WITHIN THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.695 TO REGULATE THE BULK AND SPACING OF LARGE BUILDING WITHIN THE DC DISTRICT; REPELAING SECTION 17.05.700 REGARDING IMPERVIOUS SURFACES; AMENDING SECTION 17.05.710 REGULATE MINIMUM LOT AREA AND FRONTAGE FOR RESIDENTIAL USES IN THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.725 TO ESTABLISH PARKING RATIOS FOR THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.727 TO ALLOW FEES IN LIEU OF PARKING SPACES IN THE DC DISTRICT; AMEINDING ARTICLE "X" OF CHAPTER 17.09 TO ADOPT A DESIGN DEPARTURE PROCEDURE; ADOPTING A NEW SECTION 17.09.905 TO ESTABLISH THE PURPOSE FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.910 TO REGULATE THE APPLICATION AND SUBMITTAL FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.920 TO ESTABLISH PROCEDURES FOR CONSIDERATION OF A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.930 TO ESTABLISH REQUIRED FINDINGS FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.940 GOVERNING APPEALS TO CITY COUNCIL FROM A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.950 TO REGULTATE THE TERMINATION, AND REAPPLICATION OF A DESIGN DEPARTURE; AMENDING SECTIONS 17.44.030, 17.44.050, 17.44.060, 17.44.070, 17.44.080 AND 17.44.090 TO ALLOW PARKING REQUIREMENTS FOR INDIVIDUAL USES TO BE GOVERNED BY THE RELEVANT ZONING DISTRICT; AMENDING SECTION 17.44.240 TO ALLOW EIGHT (8') FOOT BY EIGHTEEN (18') FOOT PARKING STALLS IN THE DC DISTRICT; AMENDING SECTION 17.44.280 GOVERNING THE SIZE OF DRIVEWAYS AND TRAFFIC AISLES; REPEALING ARTICLE "V" OF CHAPTER 17.44; REPEALING SECTION 17.44.360 REGARDING THE SIZE OF PARKING STALLS; REPEALING SECTION 17.44.370 REGARDING DRIVEWAY WIDTHS; REPEALING SECTION 17.44.570 DEFINING THE CENTRAL BUSINESS DISTRICT; REPEALING SECTION 17.44.572 REGARDING FEES IN LIEU OF PARKING; 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 Downtown Development Regulations Steering Committee and the Planning and Zoning Commission, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

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

**SECTION 1.** *That Coeur d'Alene Municipal Code Section 2.66.010, is hereby amended to read as follows:*

**2.66.010: ESTABLISHED; MEMBERSHIP; TERMS:**

- A. There is established a parking commission in the city which shall consist of nine (9) members who will receive no salary. Members of the parking commission shall be appointed by the mayor and confirmed by the city council and any members may, in a like manner, be removed.
- B. The members shall consist of: one representative of the downtown master places implementation committee (committee of nine); two (2) property/business owners within the ~~central business district~~ DC district; one Lake City Development Corporation board member; one downtown employee; one representative from North Idaho College; one Fort Grounds neighborhood resident; and, two (2) community at large members from outside the above named areas/businesses. One member of the city council shall act as a liaison for the parking commission with the city council.
- C. The terms of members shall be staggered in such a manner that the terms of no more than three (3) of those members shall expire in any one year. The respective terms of office of the first members appointed shall be determined by lot at the first meeting of the commission. Three (3) of such members shall hold office for a term of one year, three (3) for two (2) years, and three (3) for three (3) years. Thereafter, the term of office of each appointed member shall be three (3) years.
- D. Vacancies in such commission occurring otherwise than by expiration of the term shall be filled by the mayor and confirmed by the city council for the unexpired term.

**SECTION 2.** *That Coeur d'Alene Municipal Code Section 2.98.020, is hereby amended to read as follows:*

**2.98.020: MEMBERSHIP; TERMS; VACANCIES; COMPENSATION:**

- A. The design review commission of the city shall consist of eight (8) members. The members shall be appointed by the mayor and confirmed by the city council. The commission membership shall be made up of:

1. Two (2) members of the planning commission;
2. One resident and/or merchant and/or professional businessperson located in the [C-34 DC](#) zoning district;
3. One member of the Downtown Merchants and Professional Association;
4. Two (2) licensed architects or licensed landscape architects;
5. One citizen;
6. One member shall be a high school student, who attends school within the boundary of School District 271, between the ages of fourteen (14) and eighteen (18) years old and shall serve in an advisory capacity only and may not vote.

The term of office for each voting member shall be for four (4) years or until his successor is appointed and qualified; except for the high school student whose term shall be one year; provided, however, that the voting members of the design review commission theretofore appointed shall continue to serve as members for the term for which they were originally appointed. The terms shall be staggered so that no more than three (3) terms shall expire on May 1, every two (2) years.

**SECTION 3.** *That Coeur d'Alene Municipal Code Section 12.28.190, is hereby amended to read as follows:*

**12.28.190: CURBING, CURBS AND GUTTERS; MATERIALS; DIMENSIONS:**

All curbing shall be constructed of Portland cement concrete. The maximum aggregate size shall be three-fourths inch (3/4") minus. Concrete shall be a minimum of five and one-half (5 1/2) sack concrete mixture of well graded aggregate and poured and placed in a workmanlike manner. The curbing shape shall conform to the City Engineer's standards. The standards in general shall require a six inch (6") top, a ten inch (10") bottom and sixteen inches (16") in height, with the front section having a sloping front side except curbs in the [central business district DC zoning district](#) shall have such standards as may be designed as part of a local improvement district. Upon written approval of the City Engineer, a curb and gutter section constructed to the standards of section 2 of the Curbs and Gutters of the Standards Plans, State of Idaho, Division of Highways, shall be allowed.

**SECTION 4.** *That Coeur d'Alene Municipal Code Section 12.28.210, is hereby amended to read as follows:*

**12.28.210: SIDEWALKS; REQUIREMENTS FOR NEW CONSTRUCTION AND IMPROVEMENT:**

E. Sidewalk Width: Sidewalk width shall be as set forth below:

1. In the [C-34 DC](#) Zoning District, subject to subsection E4 of this Section, the required sidewalk width excluding curbs shall be a minimum of eight feet (8').

2. In all other commercial zoning districts, sidewalk width shall be a minimum of five feet (5') with an additional three foot (3') setback between the curb and sidewalk or, if no setback, a minimum of eight feet (8').

a. Whenever a bridge is constructed over an interstate highway the standard for sidewalk width shall be a minimum of four feet (4'), with no setback from curb requirements.

3. In all other zoning districts, sidewalk width shall be a minimum of five feet (5') subject to subsection E4 of this Section.

4. When the public right of way behind the curb is four and one-half feet (4 1/2') and a five foot (5') sidewalk is required, or seven and one-half feet (7 1/2') and an eight foot (8') sidewalk is required, the six inch (6") curb width may be included to achieve the required width.

*[The remainder of this Section shall remain the same]*

**SECTION 5.** *That Coeur d'Alene Municipal Code Section 12.28.230, is hereby amended to read as follows:*

**12.28.230: SIDEWALKS; WIDTH; INSPECTION:**

Sidewalks in residential areas shall have a minimum width of five feet (5'). Sidewalks in commercial areas other than the "~~Central Business District~~" DC zoning district as defined in subsection 17.02.040B of this Code, shall have a minimum width of eight feet (8'). Sidewalks in the ~~Central Business District~~ DC zoning district shall have a minimum width of eight feet (8') except when designed otherwise as part of a local improvement district in which case sidewalks in the ~~Central Business District~~ DC zoning district may not be less than six feet (6') in width. No part of the width of the adjoining curb may be considered as part of the sidewalk in determining the width thereof except where the width of the right of way between the curb and the property line is less than the width of the required sidewalk. These minimums shall be met even though part or all of the sidewalk is on private property. All driveway approaches shall be constructed with the expansion joint along the property line. All sidewalk or driveway approaches shall be inspected and shall meet with the approval of the City Engineer, or his duly authorized agent.

**SECTION 6.** *That Coeur d'Alene Municipal Code Section 17.01.025, is hereby amended to read as follows:*

**17.01.025: ZONING DISTRICTS:**

A. Zoning Districts Named: The city of Coeur d'Alene is divided into the following named zoning districts as shown on the official zoning maps:

1. Residential district, R-1
2. Residential district, R-3
3. Residential district, R-5
4. Residential district, R-8
5. Residential district, R-12
6. Residential district, R-17
7. Residential district, R-34
8. Mobile home district, MH-8
9. Commercial district, C-17
10. Commercial limited district, C-17L
11. [Commercial district, C-34-Downtown Core, DC](#)
12. Manufacturing, light district, LM
13. Manufacturing district, M
14. Navigable water district, NW

**SECTION 7.** *That Coeur d'Alene Municipal Code Section 17.02.040, is hereby amended to read as follows:*

**17.02.040: DEFINITIONS V:**

A. "Carport" means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter or storage.

~~B. "Central business district" (CBD) means the downtown area of the city, hereby referenced to the area indicated on the official adopted city zoning map.~~

**CB.** "College" means an educational institution offering advanced instruction in an academic or business field, beyond the secondary level, including trade schools or business colleges, except those whose function is primarily commercial in nature with the training or schooling an incidental activity. This includes all accessory uses, such as dormitories, parking lots, etc.

**DC.** "Commercial coach" means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and including a trailer coach.

**EE.** "Commercial zoning district" means a zoning district that permits service, retail and wholesale commercial activities.



**FE.** Construction, Start Of: "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

**GF.** "Contiguous" means the same as "abut".

**HG.** "Corner cut off area" means an area provided and maintained for adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys and private driveways.

**IH.** "Commission" means the Coeur d'Alene city planning commission.

**IJ.** "Comprehensive plan" means that plan adopted by the city council as the comprehensive plan for the city.

**SECTION 8.** *That Coeur d'Alene Municipal Code Section 17.05.330, is hereby amended to read as follows:*

**17.05.330: GENERALLY:**

A. The R-34 District is intended as a high density residential district, permitting thirty four (34) units per gross acre that the City has the option of granting, through the special use permit procedure, to any property zoned R-17, C-17, C-17L or ML. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or ML designation meet the following requirements:

1. Be in close proximity to an arterial, as defined in the Coeur d'Alene Transportation Plan, sufficient to handle the amount of traffic generated by the request in addition to that of the surrounding neighborhood; and the project and accessing street must be designed in such a way so as to minimize vehicular traffic through adjacent residential neighborhoods.
2. Be in close proximity to shopping, schools and park areas (if it is an adult only apartment complex proximity to schools and parks is not required).

~~B. In addition to the thirty four (34) units per gross acre density, a four (4) unit per gross acre density increase may be granted, during the special use permit proceedings, by the Planning Commission for each gross acre included in the development. Also a five (5) unit per gross acre density increase will be awarded for each gross acre of the development when proposed to be~~

~~constructed within two (2) blocks of the Central Business District (CBD), as defined in this Code (§17.02.040B).~~

~~E~~B. This District is appropriate as a transition between R-17 and Commercial/industrial.

~~D~~C. Single-family detached and duplex housing are not permitted in this District.

~~E~~D. Project review (Article IV of Chapter 17.07) is required for all subdivisions and for all residential, civic, commercial, service and industry uses except residential uses for four (4) or fewer dwellings.

**SECTION 9.** *That Coeur d'Alene Municipal Code Section 17.05.370, is hereby amended to read as follows:*

**17.05.370: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:**

Maximum height requirements in an R-34 District shall be as follows:

A. Cluster housing shall be thirty one and one-fourth feet (31 1/4'). One additional story may be permitted on hillside lots that slope down from the street (see Section 17.06.315).

B. Multiple-family and nonresidential activities ~~outside of two (2) blocks of the CBD~~ shall be sixty two and one-half feet (62 1/2').

~~C. Multiple family and nonresidential activities within two (2) blocks of CBD shall have no height limitation.~~

~~D~~C. Detached garages and carports with low or no slope roof shall be one story not to exceed fourteen feet (14').

~~E~~D. Detached garages and carports with medium to high slope roof shall be one story not to exceed eighteen feet (18').

~~F~~E. All other accessory structures when separate from main structure shall be twenty five feet (25').

~~G~~F. Accessory structure when part of main structure shall be the same as the main structure.

~~H~~G. A variance may be granted for additional height (see Section 17.06.330).

**SECTION 10.** *That Coeur d'Alene Municipal Code Section 17.05.390, is hereby amended to read as follows:*

**17.05.390: SITE PERFORMANCE STANDARDS; MINIMUM LOT:**

Minimum lot requirements in an R-34 district shall be as follows:

A. One thousand two hundred seventy five (1,275) square feet per unit for multiple-family at thirty four (34) U/A. A four (4) unit gross acre density increase may be granted for each gross acre included in the development. ~~Also, a five (5) unit per gross acre density increase will be awarded for each gross acre of the development when within two (2) blocks of the CBD.~~

B. Two thousand five hundred (2,500) square feet per acre for cluster housing at seventeen (17) U/A. A three (3) unit per gross acre density increase may be granted for each gross acre included in the development. All building lots must have seventy five feet (75') of frontage on a

public street, unless an alternative is approved by the city through the normal subdivision procedure or unless the lot is nonconforming, see section 17.06.980 of this title.

**SECTION 11.** *That Coeur d'Alene Municipal Code Section 17.05.610, is hereby amended to read as follows:*

**17.05.610: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:**

Maximum height requirements in a C-17L District shall be as follows:

- A. Residential height limitations are as specified by the R-17 District.
- B. For the remaining uses within two (2) blocks of the ~~CBD~~ [DC district](#), there shall be no height limitation.
- C. For remaining uses outside of two (2) blocks of the ~~CBD~~ [DC district](#) shall be sixty two and five-tenths feet (62.5').
- D. A variance may be granted for additional height (see Section 17.06.330 of this Title).

**SECTION 12.** *That Coeur d'Alene Municipal Code Article "XI." of Chapter 17.05, is hereby amended as follows:*

**~~XI. C-34 COMMERCIAL~~ DOWNTOWN CORE (DC)**

**SECTION 13.** *That Coeur d'Alene Municipal Code Section 17.05.650, is hereby repealed and a new Section 17.05.650 added to read as follows:*

**17.05.650: GENERALLY:**

A. Purpose:

It is the purpose of the Downtown Core District to:

1. Create a distinct, strong identity for the downtown core, preserving a civic heart for Coeur d'Alene.
2. Encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.
3. Produce a concentration and a mixture of commercial, office, retail, residential, and public uses within the downtown.
4. Develop a downtown that supports pedestrian movement and use of public transit.
5. Implement the City's Comprehensive Plan.

B. Application and Intent:

1. 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.
2. This district is centered in and around the downtown area surrounding Sherman Avenue and has density and development incentives to encourage the revitalization of the core business area.
3. Project review is required for all subdivisions and for all residential, civic, commercial, service and industry uses except residential uses for four (4) or fewer dwellings.

**SECTION 14.** *That Coeur d'Alene Municipal Code Section 17.05.660, is hereby repealed and a new Section 17.05.660 is hereby added to read as follows:*

**17.05.660: PROHIBITED USES:**

A. Generally:

All uses shall be allowed, unless prohibited below.

1. Adult Entertainment.
2. Billboards.
3. Drive-Through Businesses along Pedestrian-Oriented Streets.
4. Gasoline Sales.
5. Industrial Uses.
6. Heliports as a principal use.
7. Mini-Storage on the street level.
8. Outdoor Sales or Rental of Boats, Vehicles, or Equipment.
9. Outdoor Storage of materials and equipment (except during construction).
10. Repair of Vehicles, unless entirely within a building.
11. Sewage Treatment Plants and other Extensive Impact activities.
12. Surface Parking on Pedestrian-Oriented Streets.
13. Work Release Facilities.
14. Wrecking Yards.
15. Vehicle Washing, unless located within a building or parking structure.

B. Additional Prohibited Uses:

In addition to the uses listed in subsection A above, any other uses that the Planning Director determines is not in conformity with the purpose and intent of the district are prohibited. The decision of the Planning Director may be appealed by following the administrative appeal procedure found at Municipal Code Section 17.09.705 through 17.09.715.

**SECTION 15.** *That Coeur d'Alene Municipal Code Section 17.05.670, is hereby repealed:*

**17.05.670: PERMITTED USES; ACCESSORY:**

**SECTION 16.** *That Coeur d'Alene Municipal Code Section 17.05.680, is hereby repealed:*

**17.05.680: PERMITTED USES; SPECIAL USE PERMIT:**

**SECTION 17.** *That a new Coeur d'Alene Municipal Code Section 17.05.685, is hereby added to read as follows:*

**17.05.685: BASIC DEVELOPMENT STANDARDS; FLOOR AREA RATIO:**

A. Floor Area Ratio Defined:

1. 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. For the purposes of the DC District, floor area is measured to the inside face of exterior walls. The following shall be excluded from floor area calculation:

- a. Space below grade.
- b. Space dedicated to parking.
- c. Mechanical spaces.
- d. Elevator and stair shafts.
- e. Lobbies and common spaces, including atriums.
- f. Space used for any bonus feature allowed under subsection C of this section.

2. Parcel size, for the purposes of this section, is the total contiguous lot or lots under common ownership.

B. Basic Floor Area Ratio Allowed:

Without using the bonus features allowed under subsection C of this section, the maximum allowable FAR is 4.0.

C. Floor Area Ratio Allowed with Bonuses:

FAR may be increased to a maximum of 6.0 by using the bonus features allowed under this subsection. The additional FAR allowed for each feature is as follows:

- 1. Street Level Retail:

100 square feet of floor area shall be allowed for each lineal foot of retail frontage for uses providing goods and services, including food and drink, adjacent to, visible from, and accessible from the sidewalk.

2. Public Plaza / Courtyard:

5 square feet of floor area shall be allowed for each square foot of plaza/courtyard 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. The plaza may be located anywhere within the DC district to qualify for this bonus.

3. Canopy:

4 square feet of floor area shall be allowed for each square foot of canopy, The canopy must be 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.

4. Public Art:

10 square feet of floor area for each \$100 of valuation shall be allowed for 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.

5. Water Feature:

10 square feet of floor area shall be allowed for each \$100 of valuation for 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.

6. Parking, Structured:

0.5 square feet of floor area shall be allowed for each square foot of required parking contained within an above grade, enclosed or screened building, designed to appear like it is part of the larger building complex. The parking may be provided anywhere within the DC district to qualify for this bonus.

7. Parking, Below Grade:

1 square foot of floor area shall be allowed for each square foot of required parking provided below grade. Any portion of structure containing parking that is located below the average finished grade around a building qualifies for this bonus. The parking may be provided anywhere within the DC district to qualify for this bonus.

8. Green Roof:

2 square feet of floor area shall be allowed for each square foot of green roof designed with principles of environmental sustainability, involving the use of vegetation and storm water collection and cleaning. The roof need not be accessible.

9. Day Care:

4 square feet of floor area shall be allowed for each square foot of day care space in the building that is used for 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.

10. Health Club:

2 square feet of floor area shall be allowed for each square foot of health club uses that offers exercise and recreational activities for tenants and/or the general public, either with or without a fee.

11. Public Meeting Rooms:

5 square feet of floor area shall be allowed for each square foot of meeting room space that can be used by the general public and has 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

12. Workforce Housing:

4 square feet of floor area shall be allowed for each square foot of workforce housing provided within 1.5 miles of the project site and within the city limits. 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.

**SECTION 18.** *That Coeur d'Alene Municipal Code Section 17.05.690, is hereby amended to read as follows:*

**17.05.690: SITE PERFORMANCE STANDARDS; BASIC DEVELOPMENT STANDARDS MAXIMUM HEIGHT:**

~~Maximum height requirements in a C-34 district shall be as follows:~~

~~A. For all uses, there is no height limit except as required by building codes.~~

A. Buildings within the DC 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 200 feet.

B. Mechanical penthouses, stair/elevator overruns, and antennae may be excluded from building height calculation provided they are not more than 15 feet above the roof deck.

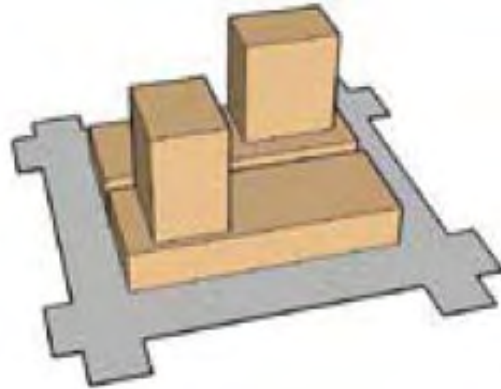
C. The building height may be increased by up to 10% ( resulting in an 83 foot base height limit and 220 foot for the maximum height with bonuses) if the top is designed as a non-habitable, architectural element.

**SECTION 19.** *That a new Coeur d'Alene Municipal Code Section 17.05.695, is hereby added to read as follows:*

**17.05.695: BASIC DEVELOPMENT STANDARDS; BUILDING BULK:**

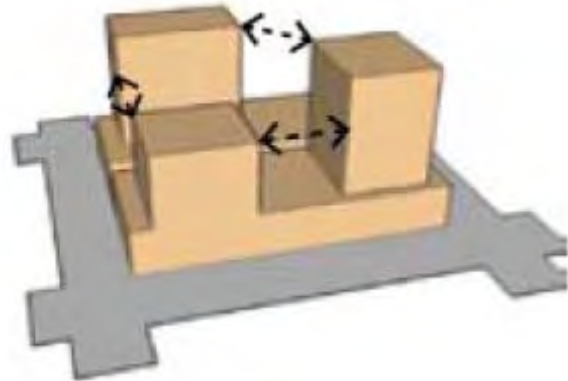
**A. Tower Floor Size:**

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



**B. 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.



**C. Upper Level Stepback:**

1. Building floors over 45 feet in height above grade shall be stepped back ten feet from the right of way on the following streets:

- a. First Street.
- b. Third Street.





- c. Fourth Street.
- d. Fifth Street.
- e. Sixth Street.
- f. Seventh Street.
- g. Sherman Avenue.
- h. Lakeside Avenue.

2. Normal projections into setbacks otherwise allowed by this zoning ordinance include:

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

D. Design Departure:

A 20% design departure from the requirements of this subsection may be granted administratively. Greater departures would require approval of the Design Review Commission. To request a departure, an applicant must follow the design departure procedures found at Municipal Code section 17.09.905 et seq. and meet the required findings contained therein.

**SECTION 20.** *That Coeur d'Alene Municipal Code Section 17.05.700, is hereby repealed:*

**17.05.700: SITE PERFORMANCE STANDARDS; IMPERVIOUS SURFACE:**

**SECTION 21.** *That Coeur d'Alene Municipal Code Section 17.05.710, is hereby amended to read as follows:*

**17.05.710: SITE PERFORMANCE STANDARDS; BASIC DEVELOPMENT STANDARDS MINIMUM LOT AND FRONTAGE:**

Minimum lot and frontage requirements in ~~a C-34~~ the DC district shall be as follows:

- A. Single-family ~~detached, duplex, and cluster housing shall be as specified by the R-17 district.~~ residential lots shall have a minimum lot size of one thousand five hundred (1,500) square feet.
- B. ~~Multiple family at seventy (70) U/A shall be six hundred twenty five (625) square feet per unit (see district column).~~

BC. All residential lots must have a minimum frontage of ~~fifty feet (50')~~ fifteen feet (15') on a public street unless alternative is approved by the city through normal subdivision procedure.

CD. For the remaining uses there are no minimum lot or frontage requirements except as required by state or federal laws.

**SECTION 22.** *That Coeur d'Alene Municipal Code Section 17.05.720, is hereby amended to read as follows:*

**17.05.720: SITE PERFORMANCE STANDARDS BASIC DEVELOPMENT STANDARDS; MINIMUM YARD:**

Minimum yard requirements in ~~a C-34~~ the DC district shall be as follows:

A. For all uses:

1. Front: The front yard requirement shall be zero feet (0').
2. Side And Rear: The side and rear yard requirements shall be zero feet (0') except as required by the currently adopted building codes and except when the side or rear yard abuts a lot in a different district that requires rear or side yards, in which case the property in this district shall have ten foot (10') setback.

**SECTION 23.** *That a new Coeur d'Alene Municipal Code Section 17.05.725, is hereby added to read as follows:*

**17.05.725: BASIC DEVELOPMENT STANDARDS; PARKING STANDARDS:**

A. Subject to the requirements of Chapter 17.44 of the Municipal Code, the parking ratios for uses in the DC district shall be as follows:

1. Retail/Restaurant Uses:  
Retail/restaurant uses in the DC district must provide at least 2 but no more than 4 parking stalls per 1000 net square feet. However, retail/restaurant uses less than 3000 square feet are exempt from this requirement.
2. Office Uses:  
Office uses in the DC district must provide at least 2 but no more than 4 parking stalls per 1000 net square feet.
3. Residential and Hotel Uses:  
Residential/hotel uses in the DC district must provide at least 0.5 but no more than 2 parking stalls per unit.

4. Senior Housing Uses:

Senior housing uses in the DC district must provide at least 0.25 but no more than 1 parking stall per unit.

5. Other Uses:

Parking requirements for uses other than those listed in this section shall be determined in accordance with Municipal Code Section 17.44.220.

B. Common Parking Facilities:

In addition to any reduction in the required number of parking stalls by entering into a shared use parking agreement as allowed by Municipal Code Section 17.44.225, uses in the DC district that share a common parking facility may reduce the required number of stalls by and additional 25%.

C. Off-Site Parking:

Notwithstanding the distance requirements of Municipal Code Section 17.44.250, 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. The agreement must run with the land and not be terminable without the prior authorization of the City Council.

**SECTION 24.** *That a new Coeur d'Alene Municipal Code Section 17.05.727, is hereby added to read as follows:*

**17.05.727: BASIC DEVELOPMENT STANDARDS; FEES IN LIEU OF PARKING:**

Instead of furnishing the off street parking spaces required for uses within the DC district, in lieu payments may be made as set forth in this subsection.

A. Fee Established:

The city council shall, after public hearing, adopt a resolution setting out the value of off street parking spaces based on acquisition and construction costs of a surfaced parking lot designed and constructed to standards then in effect in Coeur d'Alene. Such costs and value shall be reviewed at least every three (3) years by the city council.

B. Payment of Fee:

An applicant for payment of in lieu costs instead of providing parking shall pay an amount equivalent to the costs and value of one parking lot space for each space of off street parking required for the proposed use by this chapter. Such payment of fees in lieu of shall be made in conjunction with the issuance of a building permit pursuant to section 17.44.130 of this chapter. To fulfill the total parking requirement, an applicant may utilize a combination of fees in lieu of parking spaces and actual spaces, subject to resolution established by the city council.

C. Fund to be Established:

The city council shall set up a special fund for revenues received from such payment fees. Said revenues shall be used only for the purpose of providing public parking facilities reasonably related to serving the central business district by way of purchase of necessary land or improving such land for public parking purposes.

D. Refund of Fee if Unused:

If such fees have not been utilized for the stated purpose within fifteen (15) years of payment, or if a project or land acquisition negotiations have not commenced for which the fees would be spent, such fees with interest shall revert to original subdivider or its successor in interest unless the city and the developer or its successor in interest agree in writing to an alternative method to provide public parking facilities, land, or parking spaces. Interest shall accrue at the average rate of interest received by the city for funds invested in the Idaho state investment pool for the period of time the city holds the fees paid in lieu of providing parking spaces.

E. Certificate:

An applicant for payment of in lieu costs shall, with payment of fees in lieu of off street parking, receive one nontransferable certificate for each space of off street parking which would otherwise be required by the terms of this chapter.

F. Changes Requiring Parking:

Off street parking and/or fees shall only be required for:

1. Existing use: For the amount a building is expanded above and beyond one hundred twenty five percent (125%) of the existing gross floor area;
2. Vacant lot: Any new use(s);
3. Off street parking and loading: The number of off street parking spaces and loading berths shall be fifty percent (50%) of the standards specified in sections 17.44.030 through 17.44.090 and 17.44.500 through 17.44.540 of this chapter.

**SECTION 25.** *That Coeur d'Alene Municipal Code Section 17.08.250, is hereby amended to read as follows:*

**17.08.250: ALLOWABLE CONSTRUCTION:**

The provision of Section 17.08.245 shall not apply as follows:

- A. In the underlying [C-34 DC](#) zoning district.
- B. For construction which is necessary to replace or maintain existing essential public services such as streets, sidewalks, parking lots, street lights, fire hydrants and underground utilities.
- C. For other public or private construction which is necessary to replace or maintain existing shoreline protective structures, fences, hedges and walls in their present location without extension toward the shoreline.

**SECTION 26.** *That Coeur d'Alene Municipal Code Section 17.08.445, is hereby amended to read as follows:*

**17.08.445: PARKING AREA LOCATION AND DESIGN:**

This section regulates the location and design of, access for and other features of parking areas within the [CBD DC district](#).

*[The remainder of this Section shall remain the same]*

**SECTION 27.** *That Coeur d'Alene Municipal Code Section 17.08.450, is hereby amended to read as follows:*

**17.08.450: SCALE:**

A. Techniques To Moderate Bulk And Mass:

1. General: This section establishes required techniques to be used in the design and construction of building facades in specific areas of the [CBD DC district](#). The applicant shall comply with the techniques listed below in order to reduce the perceived bulk and mass of large structures by dividing the building mass into smaller scale components. As an alternative, the applicant may propose and the city design review commission may approve other techniques, elements, or methods if consistent with the following criteria:

a. The alternative is generally consistent with the Coeur d'Alene downtown design guidelines; and

b. The alternative clearly provides superior moderation of the architectural bulk and mass than would result from strict application of the required techniques.

2. Vertical Definition: The applicant shall comply with the following requirements to moderate the horizontal scale of buildings:

a. Any facade that exceeds one hundred twenty five feet (125') along the right of way shall comply with the following requirements:

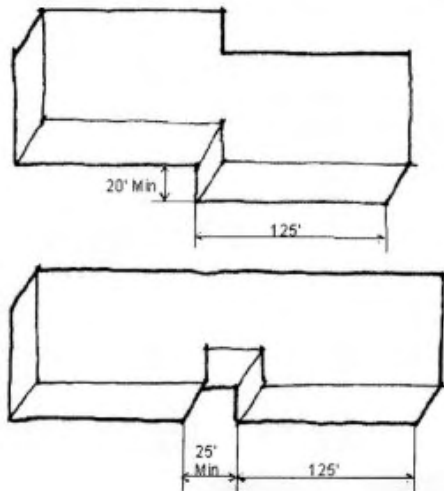
(1) Shall be divided by a twenty five foot (25') wide modulation of the exterior wall so the maximum length of the facade is one hundred twenty five feet (125') without this modulation.

(2) The modulation shall be twenty feet (20') in depth and shall start at finished grade and extend through all floors.

(3) Decks and roof overhangs may encroach up to three feet (3') (per side) into the modulation. See figure 17.08.450A of this section.

Figure 17.08.450A

Vertical Definition



3. Horizontal Definition: The applicant shall comply with the following requirements to moderate the vertical scale of buildings. All buildings in the design review district shall include design techniques that clearly define the building's top, middle, and bottom (see figure 17.08.450B of this section). The following techniques are suggested methods of achieving vertical articulation:

a. Top: Sloped roofs (designed for winter conditions), strong eave lines, cornice treatments, horizontal trellises, or sunshades, etc.

b. Middle: Windows, balconies, material changes, railings, and similar treatments that unify the building design.

c. Bottom: Pedestrian oriented storefronts, pedestrian scale building details, awnings, arcades, "natural" materials such as concrete, stone, masonry, etc.

Figure 17.08.450B

### Horizontal Definition: Articulation Of

### Building Top, Middle, And Bottom



## B. Achieving Human Scale:

### 1. General:

a. Except as provided in subsections A1a and A1b of this section, the applicant shall use at least two (2) of the elements or techniques listed in subsection B2 of this section in the design and construction of each facade of a building facing a street or public park.

b. The applicant shall use at least three (3) of the elements or techniques listed in subsection B2 of this section in the design and construction of any facade of a building facing a street or public park, if:

- (1) The facade has a height of three (3) or more stories; or
- (2) The facade is more than one hundred feet (100') long.

2. Techniques To Achieve Human Scale: The techniques to be used in the design and construction of building facades under subsections A1 and A2 of this section are listed below. As an alternative, the applicant may propose and the design review commission may approve other techniques, element or methods which provide human scale to the building and are consistent with the applicable design principles in the Coeur d'Alene downtown design guidelines.

- a. On each story above the ground floor, provide at least one balcony or deck, at least six feet (6') wide and six feet (6') deep.
- b. On each story above the ground floor, provide at least one bay window that extends out at least one foot (1'), measured horizontally, from each facade of the building.
- c. Provide at least one hundred fifty (150) square feet of pedestrian oriented space that meets the criteria of section 17.08.425 of this chapter in front of each facade.
- d. Provide a hipped or gable roof, which covers at least one-half (1/2) of the building footprint and has a slope equal to or greater than three feet (3') vertical to twelve feet (12') horizontal.
- e. If the main entrance of the building is on the facade of the building facing a street or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under section 17.08.415 of this chapter may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least fifteen feet (15') long by fifteen feet (15') wide and is available for outdoor display or outdoor vendors or contains pedestrian oriented improvements or amenities beyond what is otherwise required.
- f. Provide one or more stories above the ground floor setback at least six feet (6') from the ground floor facade facing the street or public park.

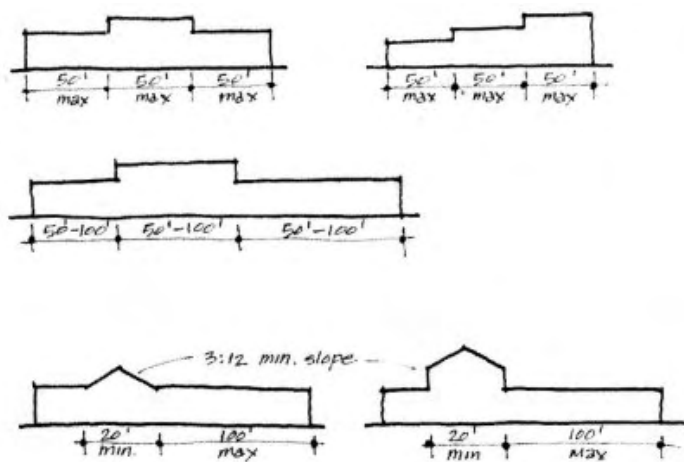
C. Techniques To Achieve Architectural Scale: The applicant shall use at least two (2) of the following elements and features in the design and construction of all buildings in the [CBD DC district](#) that are three (3) or more stories or have a building footprint of more than ten thousand (10,000) square feet. As an alternative, the applicant may propose variations from the required dimensions noted in the following techniques, or other methods to comply with the requirements of this subsection. The design review commission may approve the proposal if it is consistent with the Coeur d'Alene downtown design guidelines.

- 1. On all building facades, which are visible from a street or public park, provide horizontal modulation of the exterior wall consistent with all of the following standards:
  - a. The maximum allowable horizontal dimension of the facade between modulations is seventy five feet (75');
  - b. The minimum depth of each modulation, except balconies, is ten feet (10'); and
  - c. The minimum width of each modulation, except balconies, is fifteen feet (15').
- 2. On all building facades which are visible from the street or public park, provide balconies which are consistent with the following standards:



- a. Balconies must be placed on at least every other floor above the ground floor.
  - b. The maximum distance between balconies, measured horizontally, is one hundred feet (100').
  - c. The minimum amount of floor area for each balcony is one hundred (100) square feet; and
3. Provide vertical modulation of the roofline of all facades of the building adjoining a street or public park. For buildings with flat, gabled, hipped or similar roofs, the maximum length of any continuous roofline, with a slope of less than three feet (3') vertical to twelve feet (12') horizontal, is fifty feet (50') without being modulated. If modulation is necessary, at least one of the following methods must be used:
- a. The height of the visible roofline must change at least eight feet (8') if the adjacent roof segments are less than fifty feet (50') in length.
  - b. The height of the visible roofline must change at least twelve feet (12') if the adjacent roof segments are greater than fifty feet (50') in length.
  - c. The length of a sloped or gabled roofline segment must be at least twenty feet (20'). The minimum slope of the roof segment is three feet (3') vertical to twelve feet (12') horizontal. See figure 17.08.450C of this section.

Figure 17.08.450C



4. Buildings with other roof forms, such as arched, gabled, vaulted, dormered or sawtooth must have a significant change in slope or significant change in roofline at least every one hundred feet (100').

**SECTION 28.** *That Coeur d'Alene Municipal Code Article "X." of Chapter 17.09, is hereby amended as follows:*

**X. SUPPLEMENTARY ADMINISTRATIVE PROCEDURES DESIGN DEPARTURE PROCEDURES**

**SECTION 29.** *That Coeur d'Alene Municipal Code Section 17.09.905, is hereby amended to read as follows:*

**17.09.905: TITLE AND PURPOSE:**

The provisions of this article shall be known as the DESIGN DEPARTURE PROCEDURE. The purpose of this article is to prescribe the procedure for relaxing specific provisions of the zoning ordinance in order to provide greater flexibility to the applicant for creative designs while requiring a higher level of design review to insure that the underlying intent of the zoning ordinance is met even though the project may depart from the technical requirements of the ordinance. This procedure shall apply to all proposals for design departures allowed by the zoning ordinance. The provisions of this article shall be known as the SUPPLEMENTARY ADMINISTRATIVE PROCEDURES. The purpose of these provisions is to establish the fee schedule procedure, the form preparation and approval procedure and any additional procedures appropriate to the administration of the zoning ordinance.

**SECTION 30.** *That a new Coeur d'Alene Municipal Code Section 17.09.910, is hereby added to read as follows:*

**17.09.910: APPLICATION AND SUBMITTAL:**

Application for a design departure shall be made by the owner of the affected property on a form prescribed by the planning director. The application shall be notarized and accompanied by necessary information including an ownership list, site and building plans, and other data as may be required by the planning director. The ownership list shall be prepared by a title insurance company, listing the owners of property adjoining the property described in the application, using the last known name and address of such owners as shown on the latest adopted tax roll of the county. The application shall be accompanied by the fee referenced in the fee schedule.

**SECTION 31.** *That a new Coeur d'Alene Municipal Code Section 17.09.920, is hereby added to read as follows:*

**17.09.920: PROCEDURE FOR CONSIDERATION:**

An application for a design departure from a provision of the zoning ordinance, where authorized, shall be considered by the Design Review Commission or Planning Director with an appeal allowable to the City Council.

A. Planning Director Review:

The Planning Director is authorized to administratively approve, limited departures for a maximum of twenty percent (20%) of standard requirements. The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Design Review Commission or City Council in any case. An appeal by an affected person of a Planning Director decision may be taken to the Design Review Commission by requesting a hearing in writing no later than ten (10) days after the date the Planning Director's written notice of decision is mailed to the applicant.

B. Design Review Commission:

The Design Review Commission shall hear all requests for design departures that exceed the authority of the Planning Director as well as appeals of decisions of the Planning Director under this section. The Design Review Commission shall follow these procedures:

1. Hearings and Notice:

Notice of the public hearing shall contain a description of the property under consideration, a summary of the request, the time and place of the hearing, and any other pertinent information. Such notice shall be mailed to owners of property adjoining the subject property not less than fifteen (15) days prior to the date of the hearing. After notice, the Design Review Commission shall hold a public hearing on the design departure request between twenty one (21) and sixty (60) days after the completed application is accepted by the Planning Director. The Design Review Commission shall determine whether the conditions required in section 17.09.930 of this chapter are satisfied and may approve, deny, deny without prejudice or require such changes in the proposed use or impose such conditions of approval necessary to satisfy the purposes of the zoning ordinance. A copy of the Design Review Commission decision shall be mailed to the applicant and owners of property adjoining the subject property. A determination of the Design Review Commission shall become final ten (10) days after the date of written notice of the decision has been published in the official newspaper unless it is appealed to the city council pursuant to subsection 17.09.125B of this chapter.

**SECTION 32.** *That a new Coeur d'Alene Municipal Code Section 17.09.930, is hereby added to read as follows:*

**17.09.930: FINDINGS REQUIRED:**

A design departure shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing that the departure would truly provide a superior design that benefits the private and public interests. In order to grant a design departure the Planning Director or Design Review Commission must find that the applicant has met all of the following conditions:

- A. The requested departure meets the Intent statements relating to applicable development standards and design guidelines.
- B. The departure will not have a detrimental effect on nearby properties or the City as a whole.
- C. The project's building(s) exhibits a high degree of craftsmanship, building detail, architectural design, or quality of materials that are not typically found in standard construction. In order to meet this standard, an applicant must demonstrate to the DRC/Planning Director that the project's design offers a significant improvement over what otherwise could have been built under minimum standards and guidelines.
- D. The proposed departure is part of an overall, thoughtful and comprehensive approach to the design of the project as a whole.
- E. The project must be consistent with the Comprehensive Plan and any applicable plan.

**SECTION 33.** *That a new Coeur d'Alene Municipal Code Section 17.09.940, is hereby added to read as follows:*

**17.09.940: APPEAL TO CITY COUNCIL:**

An appeal by an affected person of a Design Review Commission decision may be taken to the city council in accordance with subsection 17.09.125B of this chapter. In considering the appeal, the city council shall determine whether the conditions required by section 17.09.930 of this chapter are present, and may approve, deny, deny without prejudice or require such changes in the proposed use or impose such conditions of approval necessary to satisfy the purposes of the zoning ordinance.

**SECTION 34.** *That a new Coeur d'Alene Municipal Code Section 17.09.950, is hereby added to read as follows:*

**17.09.950: TERMINATION, REVOCATION AND REAPPLICATION:**

Unless a different termination date is prescribed, the design departure shall terminate one year from the date of approval, unless actual construction, alteration or commencement of activities has begun under valid permits within such period, or is not pursued diligently to completion. However, such period of time may be extended upon written request filed with the Planning Director at any time before the period has expired, for a period not exceeding one additional year. In the event of a violation of any of the provisions of the zoning ordinance or in the event of a failure to comply with any prescribed condition of approval, the Design Review Commission may, after notice and hearing, revoke any design departure. Any revocation hearing shall comply with procedures prescribed in subsection 17.09.920 of this chapter.

**SECTION 35.** *That Coeur d'Alene Municipal Code Section 17.44.030, is hereby amended to read as follows:*

**17.44.030: RESIDENTIAL USES:**

~~The~~ Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for all residential uses:

*[The remainder of this Section shall remain the same]*

**SECTION 36.** *That Coeur d'Alene Municipal Code Section 17.44.050, is hereby amended to read as follows:*

**17.44.050: CIVIC USES:**

~~The~~ Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for the specified civic uses:

*[The remainder of this Section shall remain the same]*

**SECTION 37.** *That Coeur d'Alene Municipal Code Section 17.44.060, is hereby amended to read as follows:*

**17.44.060: COMMERCIAL USES:**

~~The~~ Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for the specified commercial uses:

*[The remainder of this Section shall remain the same]*

**SECTION 38.** *That Coeur d'Alene Municipal Code Section 17.44.070, is hereby amended to read as follows:*

**17.44.070: SERVICE USES:**

~~One~~ Unless otherwise allowed by the relevant zoning or overlay district, one space for each two hundred (200) square feet of gross floor area; plus one space for each office shall be required.

*[The remainder of this Section shall remain the same]*

**SECTION 39.** *That Coeur d'Alene Municipal Code Section 17.44.080, is hereby amended to read as follows:*

**17.44.080: WHOLESALE USES:**

~~The~~ Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for the specified wholesale uses:

*[The remainder of this Section shall remain the same]*

**SECTION 40.** *That Coeur d'Alene Municipal Code Section 17.44.090, is hereby amended to read as follows:*

**17.44.090: INDUSTRY USES:**

~~The~~ Unless otherwise allowed by the relevant zoning or overlay district, the following off street parking is required for the specified industry uses:

*[The remainder of this Section shall remain the same]*

**SECTION 41.** *That Coeur d'Alene Municipal Code Section 17.44.240, is hereby amended to read as follows:*

**17.44.240: SIZE OF SPACES:**

The sizes of off street parking spaces ~~are specified in section 17.44.360 of this chapter~~ for residential and nonresidential uses shall be as follows: , respectively.

- A. Off street parking spaces, other than parallel and compact spaces, shall be a minimum of nine feet (9') wide and twenty feet (20') deep. However, parking spaces in the Downtown Core District may be a minimum of eight feet (8') wide by eighteen feet (18') deep.
- B. Compact parking spaces as set forth in section 17.44.430 of this chapter shall be a minimum of seven and one-half feet (7 1/2') wide and fifteen feet (15') deep.
- C. Parking spaces located parallel to and adjoining private driveways shall be a minimum of eight feet (8') wide and twenty three feet (23') deep (See design specifications, section 17.44.580, figure C of this chapter.).
- D. For unenclosed parking spaces, the sides of which abut a building, fence, landscaping or other obstruction, add two feet (2') to the width of the parking space, for perpendicular (0 degrees) parking spaces, add one foot (1') to the width of angle parking spaces.

**SECTION 42.** *That Coeur d'Alene Municipal Code Section 17.44.280, is hereby amended to read as follows:*

**17.44.280: ACCESS TO STREETS:**

E. Driveways and traffic aisles providing access to garages, carports and open parking areas serving two (2) or fewer dwelling units shall be a minimum of ten feet (10') in width. For all other residential uses, driveways and traffic aisles providing access to garages, carports and open parking areas shall be a minimum of twelve feet (12') in width for one-way traffic and a minimum of twenty four feet (24') in width for two-way traffic.

*[The remainder of this Section shall remain the same]*

**SECTION 43.** *That Coeur d'Alene Municipal Code Article "V." of Chapter 17.44, is hereby repealed:*

**V. RESIDENTIAL OFF STREET PARKING**

**SECTION 44.** *That Coeur d'Alene Municipal Code Section 17.44.360, is hereby repealed:*

**17.44.360: SIZE OF PARKING SPACE:**

**SECTION 45.** *That Coeur d'Alene Municipal Code Section 17.44.370, is hereby repealed:*

**17.44.370: DRIVEWAY WIDTHS:**

**SECTION 46.** *That Coeur d'Alene Municipal Code Article "VI." of Chapter 17.44, is hereby amended as follows:*

**~~VI.~~ V. NONRESIDENTIAL OFF STREET PARKING**

**SECTION 47.** *That Coeur d'Alene Municipal Code Article "VII." of Chapter 17.44, is hereby amended as follows:*

**~~VII.~~ VI. OFF STREET LOADING**

**SECTION 48.** *That Coeur d'Alene Municipal Code Article "VIII." of Chapter 17.44, is hereby amended as follows:*

**~~VIII.~~ VII. VARIANCES AND WAIVERS**

**SECTION 49.** *That Coeur d'Alene Municipal Code Section 17.44.570, is hereby repealed:*

**17.44.570: CENTRAL BUSINESS DISTRICT DEFINED:**

**SECTION 50.** *That Coeur d'Alene Municipal Code Section 17.44.572, is hereby repealed:*

**17.44.572: IN LIEU PAYMENTS:**

**SECTION 51.** *That Coeur d'Alene Municipal Code Article "IX." of Chapter 17.44, is hereby amended as follows:*

**~~IX~~ VIII. DESIGN SPECIFICATIONS**

**SECTION 52.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 53.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

**SECTION 54.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 55.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 5<sup>th</sup> day of September, 2006.

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

ATTEST:

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



SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Various amendments to the Zoning Code

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING THE ZONING CODE OF THE CITY OF COEUR D ALENE TO RENAME THE C-34 ZONING DISTRICT AS THE DOWNTOWN CORE ("DC") DISTRICT; RENAMING THE CENTRAL BUSINESS DISTRICT AS THE DC DISTRICT; AMENDING SECTIONS 17.05.330 AND 17.05.390 TO DELETE GROSS ACRE DENSITY INCREASES FOR AREAS WITHIN AND NEAR THE CENTRAL BUSINESS DISTRICT; AMENDING SECTION 17.05.370 TO SET HEIGHT LIMITS IN THE R-34 DISTRICT; AMENDING SECTION 17.05.650 TO SET OUT THE PURPOSE AND INTENT OF THE DC DISTRICT; AMENDING SECTION 17.05.660 TO ESTABLISH PROHIBITED USES IN THE DC DISTRICT; REPEALING SECTION 17.05.670 REGARDING ACCESSORY USES; REPEALING SECTION 17.05.680 REGARDING USES ALLOWED BY SPECIAL USE PERMIT; ADOPTING A NEW SECTION 17.05.685 TO ADOPT A BASE FLOOR AREA RATIO FOR THE DC DISTRICT AND TO ALLOW FOR ADDITIONAL FLOOR AREA RATIO THROUGH THE USE OF BONUS FEATURES; AMENDING SECTION 17.05.690 TO ESTABLISH A MAXIMUM BUILDING HEIGHT WITHIN THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.695 TO REGULATE THE BULK AND SPACING OF LARGE BUILDING WITHIN THE DC DISTRICT; REPELAING SECTION 17.05.700 REGARDING IMPERVIOUS SURFACES; AMENDING SECTION 17.05.710 REGULATE MINIMUM LOT AREA AND FRONTAGE FOR RESIDENTIAL USES IN THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.725 TO ESTABLISH PARKING RATIOS FOR THE DC DISTRICT; ADOPTING A NEW SECTION 17.05.727 TO ALLOW FEES IN LIEU OF PARKING SPACES IN THE DC DISTRICT; AMEINDING ARTICLE "X" OF CHAPTER 17.09 TO ADOPT A DESIGN DEPARTURE PROCEDURE; ADOPTING A NEW SECTION 17.09.905 TO ESTABLISH THE PURPOSE FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.910 TO REGULATE THE APPLICATION AND SUBMITTAL FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.920 TO ESTABLISH PROCEDURES FOR CONSIDERATION OF A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.930 TO ESTABLISH REQUIRED FINDINGS FOR A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.940 GOVERNING APPEALS TO CITY COUNCIL FROM A DESIGN DEPARTURE; ADOPTING A NEW SECTION 17.09.950 TO REGULTATE THE TERMINATION, AND REAPPLICATION OF A DESIGN DEPARTURE; AMENDING SECTIONS 17.44.030, 17.44.050, 17.44.060, 17.44.070, 17.44.080 AND 17.44.090 TO ALLOW PARKING REQUIREMENTS FOR INDIVIDUAL USES TO BE GOVERNED BY THE RELEVANT ZONING DISTRICT; AMENDING SECTION 17.44.240 TO ALLOW EIGHT (8') FOOT BY EIGHTEEN (18') FOOT PARKING STALLS IN THE DC DISTRICT; AMENDING SECTION 17.44.280 GOVERNING THE SIZE OF DRIVEWAYS AND TRAFFIC AISLES; REPEALING ARTICLE "V" OF CHAPTER 17.44; REPEALING SECTION 17.44.360 REGARDING THE SIZE OF PARKING STALLS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Susan K. Weathers, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Various amendments to the Zoning Code, 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 September, 2006.

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Warren J. Wilson, Deputy City Attorney

# PUBLIC HEARINGS

COUNCIL BILL NO. 06-1026  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006" APPROPRIATING THE SUM OF \$60,718,150 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 \$60,718,150 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, 2006.

Section 2. That the objects and purposes for which such appropriations are made are as follows:

**GENERAL FUND EXPENDITURES:**

Mayor and Council-----	\$ 191,522
Administration-----	484,422
Finance Department-----	682,937
Municipal Services-----	1,045,727
Human Resources-----	231,978
Legal Department-----	1,082,615
Planning Department-----	521,304
Building Maintenance-----	402,815
Police Department-----	7,852,908
K.C.J.A. Task Force-----	24,140
C.O.P.S. Grant-----	154,241
Byrne Grant-----	77,303
Fire Department-----	5,209,058
General Government-----	176,631
Engineering Services-----	1,197,829
US Streets/Garage-----	2,509,592
Parks Department-----	1,415,136
Recreation Department-----	727,173
Building Inspection-----	792,578
<b>TOTAL GENERAL FUND EXPENDITURES:</b>	<b><u>\$24,779,909</u></b>

**SPECIAL REVENUE FUND EXPENDITURES:**

Library Fund-----	\$ 976,374
Impact Fee Fund-----	2,014,920
Parks Capital Improvements-----	443,259
Annexation Fee Fund-----	100,000
Insurance / Risk Management-----	295,500
Cemetery Fund-----	<u>300,482</u>
<b>TOTAL SPECIAL FUNDS:</b>	<b><u>\$ 4,130,535</u></b>

**ENTERPRISE FUND EXPENDITURES:**

Street Lighting Fund-----	\$ 505,592
Water Fund-----	7,291,068
Wastewater Fund-----	10,904,960
Water Cap Fee Fund-----	1,160,000
WWTP Cap Fees Fund-----	1,293,611
Sanitation Fund-----	2,806,353
City Parking Fund-----	160,132
Stormwater Management-----	<u>1,348,468</u>
<b>TOTAL ENTERPRISE EXPENDITURES:</b>	<b><u>\$25,470,184</u></b>

TRUST AND AGENCY FUNDS:-----	916,688
CAPITAL PROJECTS FUNDS:-----	2,883,200
DEBT SERVICE FUNDS:-----	<u>2,537,634</u>
<b>GRAND TOTAL OF ALL EXPENDITURES:</b>	<b><u>\$60,718,150</u></b>

Section 3. That a General Levy of \$11,975,428 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, 2006.

Section 4. That a Special Levy upon all taxable property within the limits of the City of Coeur d'Alene in the amount of \$2,221,881 is hereby levied for special revenue purposes for the fiscal year commencing October 1, 2006.

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 5th day of September, 2006.

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

ATTEST:

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