

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room

AGENDA

VISION STATEMENT

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

NOTE: The City is utilizing Governor Little's Stage 3 Rebound Idaho guidance for its public meeting. As such, we are abiding by the social distancing standard of 6' within the physical meeting room, and limiting seating to approximately 15 seats, seating will be first come first serve. Therefore, we are still encouraging the public to participate electronically. While participating electronically the public comments will be taken during that section of the meeting by indicating a raised hand through the Zoom meeting application. Public comments will not be acknowledged during any other time in the meeting. Additionally, you may provide written public comments to the City Clerk at renata@cdaid.org any time prior to 4:00 p.m. the day of the meeting.

*The meeting will be aired on Zoom meeting network with the following options:
<https://zoom.us/j/94769910634> Password: 522103 or Dial: US: +1 346 248 7799 or +1 646 518 9805 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)*

Live viewing options include Facebook Live and YouTube, and is rebroadcast on Spectrum Cable channel 1301 and on YouTube through a link on the city's website (www.cdaid.org).

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item E - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

March 2, 2021: 6:00 p.m.

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor Jon Anderson with Peace Lutheran Church

C. PLEDGE OF ALLEGIANCE:

D. AMENDMENTS TO THE AGENDA: Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time.

E. PRESENTATIONS:

1. Museum of North Idaho Update

Presentation by: Britt Thurman, Executive Director

F. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action this evening for those items listed on the agenda.)

*****ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS**

G. ANNOUNCEMENTS:

1. **City Council**
2. **Mayor Appointments** – Mike Ward to the Planning Commission and Tom Messina to the Design Review Commission.

H. CONSENT CALENDAR: Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the February 8 and February 16, 2021 Council Meetings.
2. Approval of General Services/Public Works Committee Minutes for the February 22, 2021 Meeting.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, March 8, 2021 at 12:00 noon.
5. **Resolution No. 21-012** -
 - a. Approval of a Contract with La Riviere, Inc., for the 2021 Open Trench Project including add alternate (Schedule C).

As Recommend by the General Services/Public Works Committee

I. OTHER BUSINESS:

1. Update of Alcohol Violations, Priorities, and Options

Staff Report by: Police Chief White

2. **Resolution No. 21-013-** Approve an Agreement with DG&S Company for installation of a manhole and storm line for the US-95/NW Boulevard Swale Project

Staff Report by: Chris Bosley, City Engineer

3. **Council Bill No. 21-1003** - Approval of Amendments to Municipal Code Sections 13.20.2.2, 13.20.3.13 and 13.20.4.6 to reflect language required by Idaho Department of Environmental Quality.

Staff Report by: Mike Anderson, Wastewater Director

4. Approval of staff to enter into contract negotiations for CDBG Agreements with North Idaho College, TESH, Lake City Center, and Habitat for Humanity for Plan Year 2020, and CDBG-CV Agreements with Idaho Youth Ranch, United Way, Love Inc., and Lake City Center.

Staff Report by: Chelsea Nesbitt, CDBG Specialist

5. **Council Bill No. 21-1001** - Approval of Amendments to Municipal Code Titles 16 and 17 to make minor technical changes for consistency and clarification.

Staff Report by: Hilary Anderson, Community Planning Director

J. EXECUTIVE SESSION: Pursuant to Idaho Code 74-206 (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

K. ADJOURNMENT



Coeur d'Alene

CITY COUNCIL MEETING

March 2, 2021

MEMBERS OF THE CITY COUNCIL:
Steve Widmyer, Mayor
Council Members McEvers, English, Evans, Gookin, Miller, Wood

PRESENTATIONS

Britt Thurman
Executive Director



MNI MUSEUM *of*
NI NORTH IDAHO

INSPIRE
PRESERVE
SHARE



A new vision, a new energy for a Premier Regional Museum

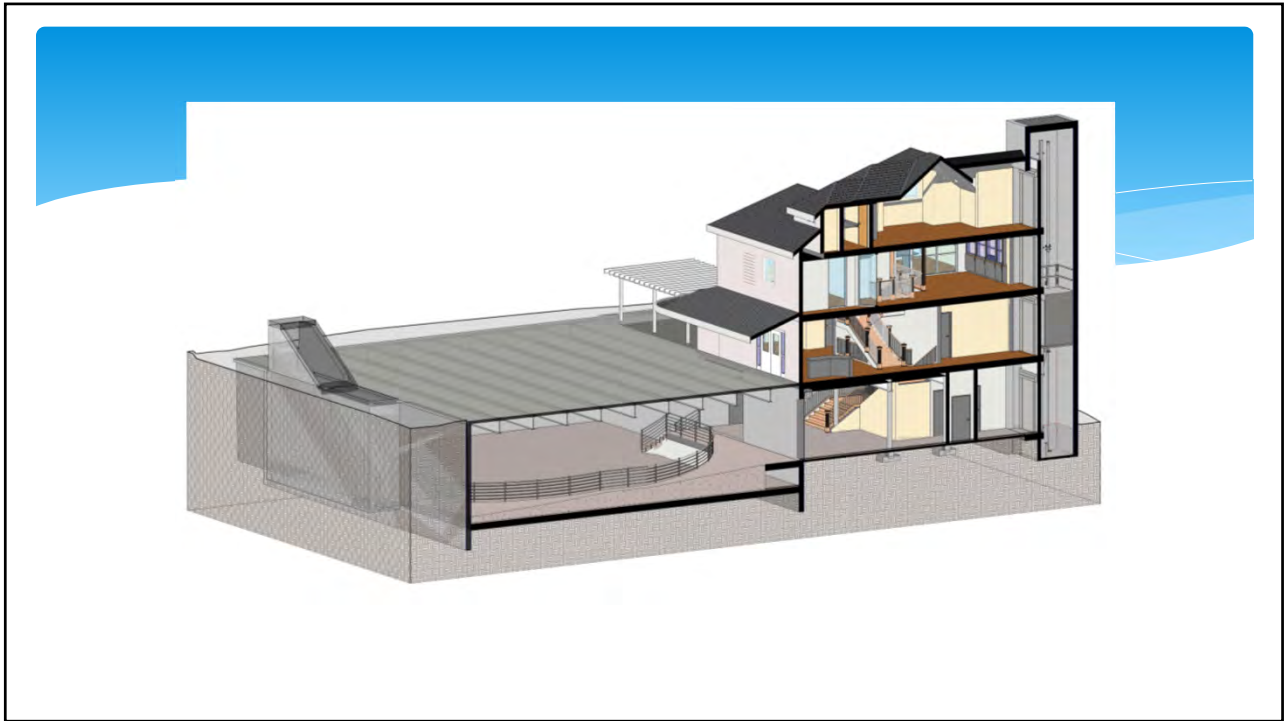


- A dynamic public gathering space
- State-of-the art exhibit technology
- Interactive educational experiences
- Inspiring programs for all

East Lower Level

A PREMIER REGIONAL MUSEUM





LEVEL 2

Research Library and Conference Room

THE WHITE HOUSE, SECOND FLOOR INTERIOR

Third Floor

Administrative Office Suite
Office space with elevator access.

Breakroom The 3rd floor has the only breakroom for all staff and volunteers.

- Existing space will be re-finished and re-purposed as flexible open office space, suitable for a variety of museum staff uses.
- Existing restroom will be re-purposed into a small break room for staff.
- Elevator access provides accessibility for all patrons and enables virtually any use of this space. A previously unused dome is transformed to connect circulation to the new elevator.
- Views both north and south are available, and are especially good from a seated position, making staff workstations appropriate on this level.

LEVEL 0 Exhibit Gallery and Archives

MUSEUM of NORTH IDAHO FLOOR PLAN | Exhibit Level - 6,389 sf

Outdoor Plaza

3914 sq. ft. of outdoor gathering space

5

Tubbs Hill Entrance

The entry point into the museum from the parking lot, which includes field trip bus drop off and pick up.



Site Plan

Site Development includes ADA grading to the site, paving of the parking lot, landscaping with local flora/fauna and the placement of the Big Hank Cabin.

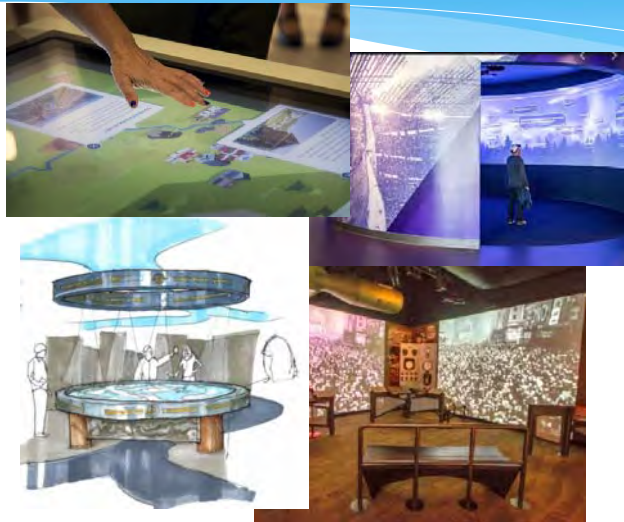


WATER



A system of lakes, rivers and aquifer define the past, present and future history of our region

A multi-sensory experience inspires learning



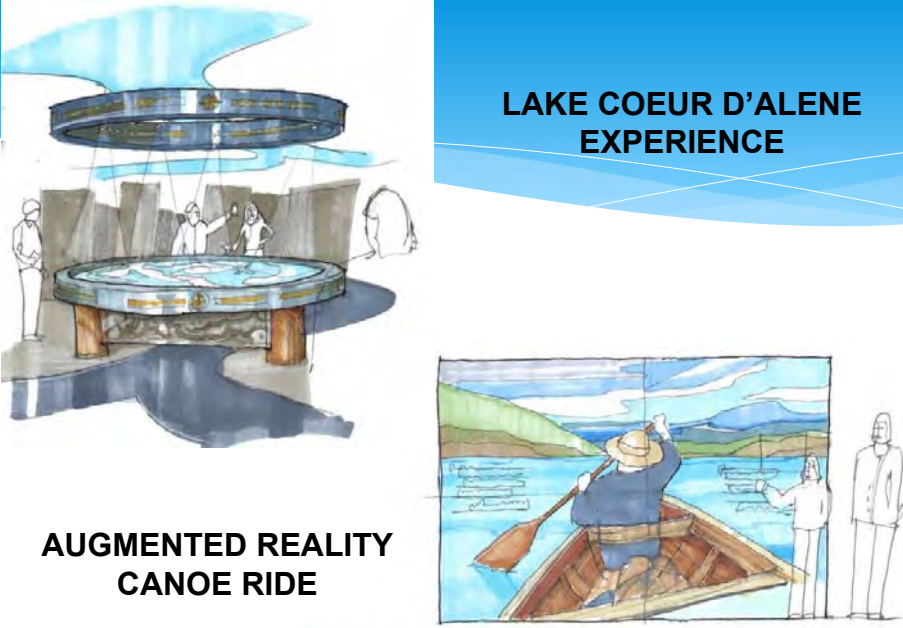
INTERACTIVE

INCLUSIVE

INFORMATIVE

ENGAGING

FUN

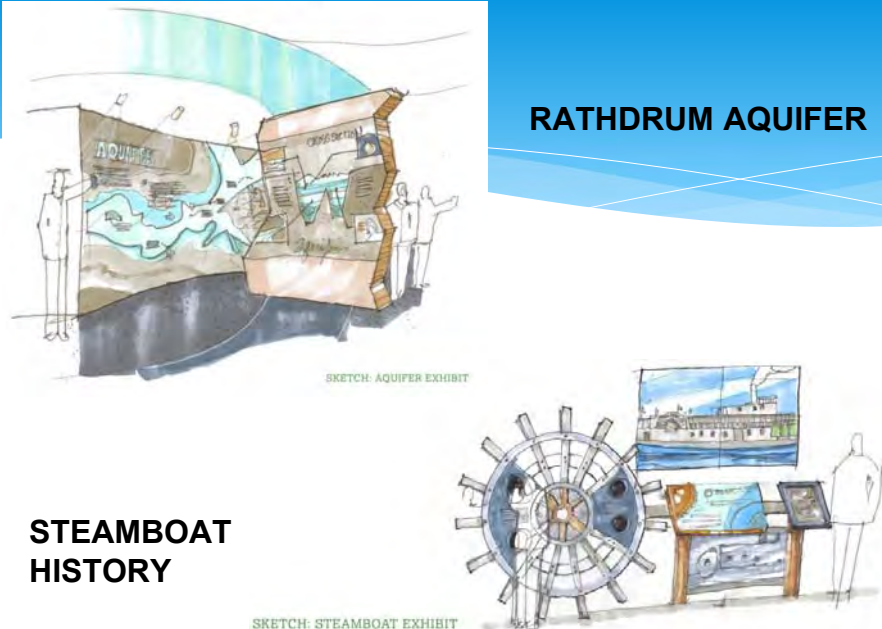


LAKE COEUR D'ALENE EXPERIENCE

AUGMENTED REALITY CANOE RIDE

SKETCH: NATIVE AMERICAN EXHIBIT

This sketch illustrates an augmented reality exhibit. On the left, a circular display table is shown with a virtual canoe scene overlaid on it. A person is standing next to the table, and another person is shown in a virtual canoe on the water. On the right, a larger sketch shows a person in a canoe on a lake, with a person standing on the shore looking at the scene. The background is a blue sky and water.



RATHDRUM AQUIFER

STEAMBOAT HISTORY

SKETCH: AQUIFER EXHIBIT

SKETCH: STEAMBOAT EXHIBIT

This sketch shows a steamboat history exhibit. On the left, a large ship's wheel is displayed. To its right, there are several informational panels and a screen showing a steamboat. A person is standing next to the exhibit. The background is a blue sky and water.



Timeline

Phase 1

- Site Development
- Build the East Wing and the elevator
- Finish the interior of the White House

Phase 2

- Finish the interior of the basement level
- Design, fabricate and install new exhibits

2023 Grand Opening

2021 Feature Exhibition



APRIL 1ST – OCTOBER 30TH

Contact Us

- * Britt Thurman, Executive Director
- * www.museumni.org
- * 208.664.3448
- * bthurman@museumni.org
- * 115 Northwest Blvd. – Coeur d'Alene

ANNOUNCEMENTS

Memo to Council

DATE: February 22, 2021

RE: Appointments to Boards/Commissions/Committees

The following reappointments are presented for your consideration for the March 2, 2021, Council Meeting:

MIKE WARD

Planning Commission (Reappointment)

TOM MESSINA

Design Review Commission (Reappointment)

A copy of the data sheets has been placed by your mailboxes.

Sincerely,

Sherrie Badertscher
Executive Assistant

cc: Renata McLeod, Municipal Services Director
Hilary Anderson, Community Planning Director

CONSENT CALENDAR

MINUTES OF A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
HELD IN THE LIBRARY COMMUNITY ROOM
ON FEBRUARY 8, 2021 AT 5:30 P.M.

The City Council of the City of Coeur d'Alene met in continued session in the Library Community Room held at 5:30 P.M. on February 8, 2021, there being present upon roll call a quorum.

Steve Widmyer, Mayor

Woody McEvers) Members of Council Present
Dan Gookin)
Dan English)
Kiki Miller)
Amy Evans)
Christie Wood)

STAFF PRESENT: Mike Gridley, City Attorney; Renata McLeod, City Clerk; Sherrie Badertscher, Executive Administrative Assistant; Hilary Anderson, Community Planning Director; Sean Holm, Senior Planner.

CALL TO ORDER: Mayor Widmyer called the meeting to order and noted that the purpose of the meeting was to receive an update on progress; overview of the Envision CDA Plan: overview of place types, land use scenarios for future growth, and the purpose and use of a future land use map to be integrated into the draft Comprehensive Plan.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

Senior Planner Sean Holm noted staff's desire to receive direction and action regarding the incorporation of draft Place Types into the comprehensive plan update, target one (1) or more Land Use Scenarios to be used as the basis to generate a draft future Land Use Map for the Envision Coeur d'Alene project (Comprehensive Plan Update), and preliminary traffic study findings. He noted the Planning Commission reviewed Place Types and the three (3) Scenarios on December 8, and are recommending the Compact and District scenarios for City Council consideration.

Mr. Holm noted they have been collecting public opinion since their kickoff meeting in September 2019, and have held several community workshop meetings, conducted surveys, and gathered input on how the community should grow in next 20 years. He stated in conjunction with this effort the consultant and staff have worked on generating existing conditions reports; targeting transportation and our local and regional economy. Phase 3 consisted of gathering all the data, processing, refining, and creating maps with the goal of bringing them to Planning Commission and then Council for review. He stated the purpose of today's workshop was to review Phase 4 of the project. He noted staff was checking in with Council to make sure staff were trending in the right direction. He explained existing City code was the driver, and they are

seeking direction on the proposed scenarios, or a hybrid of, to use to generate the Comprehensive Plan Land Use Map.

Mr. Holm introduced Alex Dupey with MIG, Inc., who is the consultant presenting the information today. Mr. Dupey presented an overview of the items used for the scenario planning portion of the workshop which included: alternatives evaluated, public engagement results, and the preliminary traffic analysis results. The Draft Land Use Map portion of the workshop included discussion on the draft Land Use Map and its purpose, and the Place Types in relation to zoning. Mr. Dupey noted that the next steps include tonight's land use scenario workshop, followed by several Planning Commission meetings to discuss the land use maps. Thereafter, the maps will be presented for Council input, then a final plan to move forward to Council in May/June.

Mr. Dupey explained they have been working toward refining the draft Land Use Map to include the Compact and District scenarios based on the Planning Commission's discussion and input from the community.

Mr. Dupey explained that scenario planning tests various development options and possible tradeoffs, and is not a Land Use Map. The Land Use Map implements vision and growth-related policies, identifies land use classifications within the ACI (Area of City Impact), Place Types, and provides guidance regarding future growth.

Place Types: Mr. Holm gave an overview of Place Types, and explained they provide guidance on future land uses, implement vision and guiding principles, and are implemented through the City's Development Code. They are designed to show the potential that exists and provide guidance to hearing bodies when considering land use requests such as annexations and requests for zone changes. Each Place Type has key characteristics of transportation and zoning, and are a bridge between land uses. Place Types are a new concept added to the plan and are specific to the City. Each Place Type will have key characteristics, anticipated uses, building types, and transportation aspects listed, and are general in nature.

DISCUSSION: Councilmember Gookin inquired into the differences in the proposed changes versus the current Comprehensive Plan, and if there will be a Place Types map in addition to the Zoning map. Mr. Holm noted Place Types are a new section and do not currently exist in zoning. He stated there will not be Place Types but it will work in conjunction with the future Land Use Map. Shown was an illustrative example of what existing zoning is and what may be seen in the next 20 years. Councilmember McEvers inquired if the City has an existing mixed-use district, as illustrated on the Place Types examples 4 and 4A of the slide presentation, with Mr. Holm noting the City does have a mixed-use district that is C17 and C17L.

Land Use Scenarios and Community Priorities: Mr. Dupey stated existing land use was examined to identify current development patterns within Coeur d'Alene. They looked to identify vacant land within the ACI and land suitable for development. Most vacant land identified was outside the City limits, on steep slopes, or in forested areas. They looked for areas that over time might be redeveloped into a new use. He stated the Corridor scenario focuses on future growth along major highway and road corridors. The Compact scenario envisions

increasing jobs and housing primarily in the central portion of the City, primarily through infill development. The District scenario is a mix of the two which locates jobs and housing in concentrated areas (e.g., Districts) around the City to provide a mix of uses, including housing and retail. He stated there are existing examples throughout Coeur d'Alene of mixed-use designs, and walkable districts were desired by the community. Mr. Dupey stated the public survey overwhelmingly brought back a desire for jobs, housing, walkability, and access to services where people live.

DISCUSSION: Mayor Widmyer asked if parking spaces were being redistributed in a mixed-use design or would it equate to fewer parking spaces. Mr. Dupey noted parking could be redesigned to on street, behind the building, and/or tuck-in parking to support mixed-use design. Mr. Holm noted parking stalls can be shared between commercial and residential needs. Councilmember Wood asked about the District scenario and stated she hoped it would not allow storage units or restaurants to be built a block or two from residential. Mr. Dupey stated these scenarios are not specific enough to say, and zoning would address those transitions. Councilmember Gookin asked about the proposed increase of jobs, and are they minimum wage or full-time career jobs. Mr. Dupey stated they did not look at that criteria, only that within a land use type employment would include office or industrial type. Councilmember McEvers asked in regards to the map of jobs, if population comes into the discussion in developing the plan. Mr. Dupey stated all scenarios meet the proposed growth over time.

Preliminary Traffic Analysis: Mr. Dupey reviewed the preliminary traffic analysis and noted there were concerns over the current traffic congestion in Coeur d'Alene. He stated growth patterns have an impact on future traffic and the daily vehicle miles traveled (VMT) compared in the various scenarios, with miles traveled staying the same. He said the differences are how much population, housing, and employment could be accommodated within each of the scenarios while keeping traffic impacts the same. He stated the Compact scenario could accommodate a higher population than the City currently has, and the Corridor scenario could accommodate some additional population growth. Land use does have an impact on traffic in the city, with the most efficient being the Compact and District scenarios. The models show that depending on the different types of land use, people may drive less to get to work or school.

DISCUSSION: Councilmember Gookin asked if vehicle miles traveled were compared city to city. Mr. Dupey stated they looked at the Kootenai Metropolitan Planning Organization's (KMPO) regional model. Mr. Holm said it looks at both city and county levels, where we are now, growth trends, and where we would expect to be in 2040. Mr. Dupey stated based on the City of Coeur d'Alene's potential growth estimate of 85,000 population, they expect this type of traffic distribution, although it does not get down to the individual house level. He stated each parcel has a trip generation rate and KMPO information, they downloaded each and combined with KMPO to look at potential changes and trips. He said they are looking at broader strokes, and what some of the travel changes they would see. He stated multimodal travel is best supported with the Compact and District scenario uses.

Mr. Dupey stated as Coeur Housing continues to move forward within the city, they are using a transact principle which identifies where potential/infill development may occur. Community Planning Director Hilary Anderson explained how they are integrating Coeur Housing, and

stated it is a similar land use pattern as the Compact and District scenarios. Councilmember Miller said she has had conversations with residents regarding Coeur Housing and how it affects their neighborhoods. She explained that Coeur Housing is what is replacing the pocket housing code, and the maps will guide the growth. Ms. Anderson confirmed the two are related, there is additional work to be done, and they will be providing another update soon. She said there are some action items tied to Coeur Housing, but they would be adopted in the zoning code. She said neighborhood compatibility is important when discussing infill housing. Mayor Widmyer asked Ms. Anderson to define what Coeur Housing means. She stated it is intended to be infill housing that is house scale, individual lots, limited in height, and with setbacks similar to single family homes. Mayor Widmyer stated it is Council's desire to preserve the character and theme of existing neighborhoods.

Councilmember Gookin asked if there has been discussion on historical districts, and would that avenue be available. Ms. Anderson said they are currently working on historical districts through the Historic Preservation Plan. Councilmember Miller asked if there was a model type in Coeur Housing that allows the retrofit of an existing home into a duplex, which maintains the aesthetic look of the existing neighborhood, as this may be a desirable tool to update properties. Ms. Anderson said it is helpful to hear Council's feedback and that they would do more outreach. Councilmember English noted although there may be some opposing tensions moving forward, the City has a critical need for more housing options.

Councilmember McEvers asked if the Planning Commission likes the Compact and District types, if 85,000 in population growth was used as the peak, and would all the scenarios fit. Ms. Anderson stated they expect all scenarios to grow at the same rate, close to 85,000 by 2040, regardless of which is chosen, with the Compact scenario best suited to absorb the proposed growth increase. She said they need to decide what they want the land uses to be, and are looking at ways to make better use of the areas of the City. Mr. Dupey stated zoning dictates what growth can occur, and when looking at place types it's not the assumption you're going to get to 120,000 population growth. Mayor Widmyer stated all the scenarios were built to the same population growth and that one scenario will not promote more growth over another. Mr. Dupey stated it would be best to look at vehicle miles traveled, not population growth on the charts.

Draft Comprehensive Plan Map: Mr. Dupey noted the Comprehensive Plan Map implements vision and growth-related policies, identifies general land use classifications within the ACI, and provides guidance about future growth.

Planning Commission Recommendations: Mr. Dupey noted the Planning Commission recommends implementing the Compact and District scenarios into the final plan. He said they are looking for direction on developing the future Land Use Map. He asked if it make sense to look at Compact and District scenarios as a basis, or would Council want to look towards something else.

DISCUSSION: Councilmember Miller asked if the State of Idaho has specific requirements to include land use maps in the Comprehensive Plan. Ms. Anderson said the State does require a suitable Land Use Map be prepared.

Councilmember Gookin stated the concern from the public is density. Moving forward he would like to be shown where the density will be and likes zoning because it maintains consistency. He would like the Comprehensive Plan to address quality of life issues; longer lines at businesses, wear and tear on streets, and if the infrastructure will support the growth increase.

Councilmember McEvers said he was looking at it differently. He said some long-time citizens are saying they don't like apartments, condos, etc., and noted the difference in how the City once looked, compared to the projection of where we are going. He stated the City's water and wastewater infrastructure are fine, but was looking at how to control growth, and this Comprehensive Plan is how we will get there.

Mayor Widmyer stated many neighborhoods are the same as they were 50+ years ago, and that is a positive thing. He said other areas are prone to change and he desires to protect those established neighborhoods south of the freeway. Mayor Widmyer stated they would like staff to take the feedback given by Council and bring back a draft for their review at another workshop. Mr. Holm asked if Council would prefer staff build a map and bring back a draft plan for review, or if they would prefer another workshop. Councilmember Gookin stated he would like to see something where the public could provide feedback. Ms. Anderson stated there are a few dates in March that would work for a joint City Council/Planning Commission workshop to include the public. Councilmember English said he would like to see something more concrete presented. Mayor Widmyer stated the public needs the opportunity to add their comments as they get closer to the final draft plan.

Councilmember Miller stated she has heard from many people who would love to move to another area in the City, but housing is more expensive, as they would like to be able to walk to the grocery store or neighborhood park. She expressed the desire to see the maps.

MOTION: Motion by Gookin, seconded by McEvers to direct staff to consider all recommendations made by Council into the comprehensive plan update.

DISCUSSION: Councilmember Evans asked if staff has enough information to move forward, or should Council be more specific in selecting a scenario or combination of two or more. Ms. Anderson said it would be helpful if Council did select specific scenarios or parts thereof. Councilmember Wood stated she would like to follow the public's desire and use the Compact and District scenarios. Councilmember English stated he would like to use a combination of the Compact and District scenarios. Mayor Widmyer stated he doesn't believe Council has enough information to make a decision at this time. Ms. Anderson stated staff could take the best of both the Compact and District scenarios, and blend them into the draft plan.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye.
Motion carried

ADJOURN: Motion by McEvers, seconded by Gookin that there being no further business of the City Council, this meeting is adjourned. **Motion carried.**

The meeting adjourned at 7:14p.m.

Steve Widmyer, Mayor

ATTEST:

Sherrie Badertscher, Executive Administrative Assistant

Draft

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

February 16, 2021

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room February 16, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Dan Gookin) Members of Council Present
Christie Wood)
Dan English)
Kiki Miller)
Amy Evans)
Woody McEvers)

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

INVOCATION: Pastor Stuart Bryan with Trinity Church provided the invocation.

PLEDGE OF ALLEGIANCE: Councilmember McEvers led the Pledge of Allegiance.

UPDATE ON ALCOHOL VIOLATIONS- Police Chief White presented a brief video of recent downtown alcohol related incidents. He noted that there is an abundance of occupancy in each bar, which is driving over service of alcohol and resulting in disorderly behavior, violent crimes, and many DUI's over the past year. He stated that most of the problems are occurring at several downtown bars from 10:30 p.m. to 2:30 a.m. on Friday and Saturday nights. He highlighted several items such as drug sales and gang activity coming over from Spokane. He noted that manpower is an issue and noted that in one (1) night they received five (5) fight calls within 5-minutes. He noted that there have been 16 sexual crimes that occurred in the downtown area over the past year. Chief White explained that their plan to address this will include working with the downtown bars and assigning additional officers to work overtime. The Community Action Team (CAT) and traffic unit have been redeployed to focus on the bar activity which reduces staffing for the day shifts, and causes delays in response times. He noted that the continued shutdown of bars at 11:00 p.m. in Washington is having a large impact on local bar activity. He expressed worry about a possible future event.

Captain Doty from Idaho State Patrol (ISP) noted that they cover the Alcohol Beverage Control division and have authority under the Idaho Constitution for the regulation of alcohol. He noted that cities have authority under the Idaho Code and can take administrative actions against licensees. They work cases related to gambling, over-service, after-hours sales, and sales/consumption of alcohol by minors. They travel to different districts throughout the state and noted that there are two (2) detectives assigned in North Idaho. He mentioned that Nampa,

Idaho is working on a point system for responding to calls. Once a point value is reached different penalties apply, including license suspension.

Councilmember Wood asked Captain Doty what the turnaround time was for an alcohol violation. Captain Doty explained that they need to check if there are criminal charges attached to the violation, which is the part that takes the longest amount of time. Otherwise, the administrative violation process will begin right away, with a desire to wrap it up within thirty days. Councilmember Gookin asked Chief White if establishing a curfew for bars to close at 11:00 p.m. would help. Chief White stated that they would not be seeing the same issues they are currently seeing if that were the case. He explained that the restaurant crowd leaves and the turn over to the bar crowd begins around 11:00 p.m. He noted the amount of proof needed for a violation against the license is high and has to be proven to be specifically caused by that bar. Councilmember Miller asked if Chief White had data to compare with last year's same timeframe. Chief White stated that he did not and noted that violations usually come and go based on weather, but they are seeing a difference in the crowd itself compared to last year's, which was smaller and more behaved. Councilmember Miller asked if the bar owners said how they want to engage. Chief White noted that the patrol lieutenants have been talking to the owners and they acknowledge the change in the crowds. Councilmember English noted that if there were any other situations in the city where we had to use a disproportionate number of resources, we would not tolerate it and we would find ways to bring it under control. He suggested that we mandate solutions where the problem is, such as hiring their own security force at a higher level than we have. This regulation would be similar to events in the park, where we require adequate security. Chief White thinks the bar owners are trying to do their part, although the scope of the problem within the bars that has gotten out of hand is due to the people already showing up intoxicated. Mayor Widmyer knows the bars have security but they are hired to protect the businesses interests, and they are trained to get the people out the door, and then it becomes a police issue. Chief White concurred the scope of the problem is just too large. Councilmember Evans asked if the bar owners offered up any solutions. Chief White noted there were no solutions brought forward. Councilmember Wood complemented the Chief on being a good tactical officer and knows this is serious and that there is a threat to officers. She noted that this will start the conversation and hopes for solutions that work, and that this can become an action item at the next meeting as the City needs to do something until Washington opens up. Mayor Widmyer asked if ISP can do training to help with educating staff and believes the bar owners want to solve this problem. Captain Doty confirmed they have training on their website that is free. He noted that one city within Idaho requires proof of such training for servers. He could look into bringing an instructor to provide in-person training. Councilmember Wood noted that she was curious about gang identification and asked if Spokane is working with the City. Chief White confirmed that the Spokane gang unit was in attendance this past weekend. Councilmember Wood asked if the Fire Department was receiving calls for service. Chief Gabriel noted that the Fire Department routinely gets calls for service downtown, and they don't go in bars anymore without police assistance. Councilmember Miller noted that we are about 90 days away from the summer season and wondered if there is an ordinance Captain Doty could share to be brought forward as she would like to see more information and solutions before Spring. Chief White noted that Nampa's program is intense use of staff time but the Council could make alterations of the licenses and do some suspensions. Councilmember Wood would like a timeframe to bring forward action. Mayor Widmyer suggested that this be brought

forward the second week of March. Chief White noted that the City has an existing ordinance and that we already have a process in place, which can be discussed at the next council meeting.

PROCLAMATION FOR RED CROSS MONTH- Councilmember Miller read the proclamation in which the Mayor proclaimed the month of March as Red Cross Appreciation month.

ANNOUNCEMENTS:

Councilmember Gookin noted that the Legislators are in session and they are activity looking to change the property tax calculation the City uses to set budgets and fund its services. He noted that he is unhappy with the proposal, as the problem isn't the City, rather it is the value of the assessment of one's property. He thinks the City is responsible with the tax payer dollars and it is rare the City takes an increase and often has a zero percent increase. He noted that this proposal will not lower one's taxes. Mayor Widmyer concurred that the increases are caused by the assessments and can provide examples of the tax shift. For example, if the commercial property taxes go down then the burden shifts to the residential properties, noting not one bill proposed resolves this shift. The Mayor stated that they talk about local authority being responsible for items such as COVID, but they want to make tax decisions without knowing our budget needs. Councilmember Wood wondered if there was a City committee that sends letters and wondered which communication method is working. City Administrator Troy Tymesen confirmed the City has a legislative committee and have written letters in the past and worked with other cities on a video and expressed that many cities are good stewards of the tax money and we are not getting a response that solves the problem. Mayor Widmyer noted that they are looking at a few cities that take 3% every year and making a law for everyone. He noted that the voters decide who the local representatives are and depend on them to be stewards of the tax dollars.

Mayor Widmyer requested confirmation of the following appointments: Jon Ingalls to the Planning Commission, Phil Ward to the Design Review Commission, and Katherine Hoyer to the CDATV Committee.

DISCUSSION: Councilmember Gookin requested the appointment of Mr. Ingalls be voted on separately.

MOTION: Motion by Gookin, seconded by McEvers to appoint Phil Ward to the Design Review Commission, and Katherine Hoyer to the CDATV Committee. **Motion carried.**

MOTION: Motion by Evans, seconded by English to appoint Jon Ingalls to the Planning Commission.

DISCUSSION: Councilmember Gookin noted that he hears concerns regarding growth and density and comments made by Mr. Ingalls, so he can't support the appointment. Councilmember Miller asked if the concerns are items that are within his control or outside of the state code. Councilmember Gookin clarified that it was not outside of the codes, rather growth density and protection of historic neighborhoods. Councilmember Miller noted that she

believes that Mr. Ingalls is doing his due diligence to uphold the code. Councilmember Gookin stated that he doesn't believe in the Planning Commission's actions and would not vote to reappoint others to the Planning Commission in the future.

Motion carried with Gookin voting in opposition.

CONSENT CALENDAR:

1. Approval of Council Minutes for the February 1, and February 2, 2021, Council Meetings.
2. Approval of General Services/Public Works Committee Minutes for the February 8, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, February 22, 2021, at 12:00 noon.
6. Setting of a Public Hearings for March 16, 2021:
 - a. V-20-05 Vacation of Alley Right-of-Way Located in the Final Plat of Shaw's Subdivision in the City of Coeur d'Alene.
 - b. V-20-01 Vacation of a Portion of Excess Seltice Way Right-of-Way Adjoining the Southerly Boundary of the Coeur d'Alene Honda Auto Dealership & Tax # 3599 in the City of Coeur d'Alene.
 - c. A-1-21: A Proposed 21.6-acre Annexation from County Agriculture, Commercial & Light Industrial to City R-17 & C-17, Located at the Northeast Corner of Wilbur Ave and Hwy 95 Applicant: Dodge Heritage, LLC/ JB Dodge Co. LL
7. **Resolution No. 21-009** – A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN EASEMENT FOR A SANITARY SEWER LINE IN THE DELCARDO VILLAGE SUBDIVISION FROM HARMONY HOMES, LLC.

MOTION: Motion by McEvers, seconded by Gookin, to approve the Consent Calendar as presented, including **Resolution No. 21-009**.

ROLL CALL: McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye.
Motion carried.

RESOLUTION NO. 21-010

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH J.U.B. ENGINEERS, INC., IN THE AMOUNT OF \$453,449.00 FOR THE WASTEWATER DEPARTMENT'S SEWER COLLECTION SYSTEM MASTER PLAN UPDATE.

STAFF REPORT: Wastewater Superintendent Mike Anderson explained that the Sewer Collection System Master Plan (SMP) is a comprehensive study of the City's public sewerage conveyance system under existing, committed, and future flow conditions. JUB Engineers, Inc., is uniquely qualified to perform the hydraulic modeling and reporting for this SMP Update project. Subsequently, JUB was selected for this project in accordance with Idaho Statute § 67-2320(4) that allows for the City to negotiate a new professional services contract for an

associated or phased project. This project is a continuation of the last four (4) previous SMP updates where JUB has already collected, compiled, and built the hydraulic model using Info-SWMM® modeling software. He noted that the modeling assists with the City GIS system, they identify stormwater concerns and capacity issues. They help to identify budget needs and capital improvement projects. This project will take two (2) years to complete. The Department has budgeted \$200,000 within the current FY 2020/2021 financial plan and will budget the remainder of the contract price in FY 2021/2022. He noted that within the budget they allocated funding to potential future tasks. Once the modeling data has been gathered, they should have a draft plan within 6 months.

DISCUSSION: Councilmember McEvers asked if stormwater is still being slowly removed from dumping into the sewer. Mr. Anderson noted that large stormwater pipes ran through the City, which used to be needed to keep things moving. However, as the City grew the stormwater was no longer needed to keep up the flow, so they have separated stormwater from those systems and it is an ongoing project. Councilmember McEvers asked for clarity regarding who pays for growth related needs and the impact to our system. Mr. Anderson noted that growth pays for growth, and the payment is two-fold. For example, if a vacant lot already has infrastructure then CAP fees would be paid, if there is no infrastructure then the developer would be required to run the line to and through the property, and pay the CAP fee for the old infrastructure. Councilmember McEvers asked if the plan will change much after this fifth edition. Mr. Anderson noted the master plan identifies known problems and helps identify growth needs. Councilmember Miller asked if the plan would be coordinated with the growth proposed within the Comprehensive Plan update. Mr. Anderson noted that they wanted to wait for Envision CDA's Comprehensive Plan Update to be drafted in order to get some development of growth patterns before they moved forward.

MOTION: Motion by McEvers, seconded by Miller to approve **Resolution No. 21-010**, approving a Professional Services Agreement with JUB Engineers, Inc., in the amount of \$453,449.00, for the Sewer Collection System Master Plan Update.

ROLL CALL: Gookin Aye; English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye.
Motion carried.

RESOLUTION NO. 21-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO,
ADOPTING THE 2021 PARKS AND RECREATION MASTER PLAN.

STAFF REPORT: Trails Coordinator Monte McCully explained that the City adopted the current Parks and Recreation Master Plan in 2008 and has implemented many of the recommendations. There have been many changes to the City since the 2008 Plan and an update to the plan is needed. The Coeur d'Alene Parks and Recreation Department created this plan in-house as opposed to contracting it out, saving approximately \$200,000. This plan inventories park and recreation facilities, as well as provides suggested recommendations for future parks by 2040. Although the plan is projecting for growth by the year 2040, the plan will need to be updated in 10 years to make sure we are meeting the needs of the community. The Department

is seeking to develop a plan that will provide the citizens of Coeur d'Alene the facilities and programs they need for outdoor recreation now and well into the future. Mr. McCully noted that after October 2020, they reopened the Master Plan to public comment and received another 500 responses from local residents. The new responses verified all the previous findings, with the exception of a strong show of support for more pickleball facilities, natural space, bike trails, and the addition of a water trail. These items have been added to the Master Plan. He provided an update on some of the accomplishments the department has had over the years based on public input such as trails, purchase of Person Field and Bryan Park, as well as, the development of a baseball field at Ramsey, and five (5) dog parks. They have added some maintenance buildings to assist with a better flow of maintaining parks. He noted that the level of service determines what the population needs/wants, and noted that the current level of service is 4.7 acres of developed parks per 1,000 residents, which does not include natural open spaces. They would like the level of service to be 5 acres of parkland per 1,000 population which would be at a build out population of 85,000 people. This level of service would provide a park within a half mile from any resident. He reviewed the cost of developing parks and the differences between small neighborhood parks. Adopting the plan does not oblige the City to allocate funds for implementation of the plan. When a project is identified, it is either funded by applying for grants, obligating development of facilities through new annexations, or requesting it be put in the budget in the future.

DISCUSSION: Councilmember English asked for clarity regarding what a pickle ball court is and who utilizes them. Mr. McCully noted that pickle ball is one of the fastest growing sports in the country, and that it is played on a tennis type court, but smaller, with a different type paddle and ball. He noted that there is a wide age group that plays the sport, many into their 70's. Councilmember McEvers asked if the standard of service accounts for those who don't live here but use our parks. Mr. McCully noted that it is based on local resident population. Councilmember Wood appreciates that the Parks Department took on the project internally at a \$200,000 savings and noted that there are two (2) other master plans being worked on and she hopes for a future Facility Master Plan, which she would like tied together with the other plans for a strategic plan tied to a budget. Parks and Recreation Director Bill Greenwood expressed appreciation for his staff's talent, specifically noting Mike Kempton, Jeff Erickson, and Monte McCully as having have carried this plan to fruition.

Councilmember Miller noted that it was confusing about natural parks not being included in the level of service and felt they should be documented somehow in the plan, as it was noted within the public survey results as highly desired. Mr. McCully stated that he sees the value of the open space and noted that the Urban Forestry Commission has been working on a plan for many years and recently completed it. They added it as a chapter to this plan rather than an appendix and it addresses needs for street trees. Councilmember Gookin noted that the natural parks/open space are important to include in the total, the 185 acres needed for parkland at the suggested level of service is a lot and would cost approximately \$88 Million. He noted that we can ask developers to put in parks with annexation or development. Mayor Widmyer asked Community Planning Director Hilary Anderson what the requirement is for parks space in developments. Ms. Anderson explained that it depends if it is a PUD, which would be a 10% requirement at a minimum and there are opportunities to waive impact fees for the dedication of parkland. Councilmember Gookin asked if the Council could amend the PUD code to change the

percentage of required parkland space. Ms. Anderson acknowledged that the Council could change the code to require it be open to the public as well. Discussion ensued regarding the gifting of land and the ways to fund its development. Councilmember Gookin expressed concern about the type of property donated and wants developers to put in developed parks and restrooms and would like the Council to make the rules that require it. Councilmember Evans noted that it was rewarding to read through the accomplishments and felt it was a great master plan. Councilmember Miller asked if they will include the natural open space into the plan. Mr. McCully confirmed it will be identified and noted within the plan, and will research the level of service for open/natural space. Mr. McCully noted that they could identify loosely where a park should go, and show the developer at the beginning of a project. Mayor Widmyer noted that within the past 20 years, the City has done a fantastic job of adding parks space.

MOTION: Motion by Evans, seconded by English to approve **Resolution No. 21-011**, approving the adoption of the 2021 Parks and Recreation Master Plan.

ROLL CALL: English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin Aye.
Motion carried.

LEGISLATIVE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR PLAN YEAR 2021.

STAFF REPORT: Community Development Block Grant (CDBG) Specialist Chelsea Nesbit, noted that the City of Coeur d'Alene receives an annual direct allocation of CDBG funds from the U.S. Department of Housing and Urban Development (HUD). Every year the City is required to complete an Annual Action Plan (AAP), inviting the public to attend a public forum, prior to drafting the plan, to identify needs and then allowing the public four weeks to share comments on the posted draft plan. The 2021 AAP forum was held on January 14, 2020, via Zoom, followed by an online survey. Four weeks of public comment were held between January 14, 2021, and February 16, 2021, culminating in an opportunity for the public to comment at the February 16, 2021, Public Hearing. The draft 2021 AAP was advertised to the public in the following ways: Coeur d'Alene Press notice, City social media, website updates, and emails to 189 community stakeholders. The draft 2021 AAP outlines how the City intends to spend its CDBG funds and fulfill its program reporting requirements. The Plan Year 2021 allocation is estimated (based on prior year) to be \$339,375. Should there be an increase or decrease in funding by 20% a new budget will be created, made available for public comment, and brought before Mayor and Council for final approval. Ms. Nesbitt noted that the funding for projects is based on the greatest community needs identified in the 2021 AAP public forum, 2021 AAP survey, and BBC Consulting, Inc.'s 2015 Housing Needs Assessment and Housing Barriers Analysis. Funding includes an increase in the funding for the Lake City Center's Meals on Wheels program. It should also be noted that the anticipated 2021 funding does not include COVID-19 relief funds (CDBG-CV). If additional CDBG-CV funds are received, those would be handled through an amendment to the plan.

DISCUSSION: Councilmember McEvers asked how the City could have an impact towards affordable housing. Ms. Nesbit noted that we have approved a grant request with Habitat for Humanity for planning of a development, not to fund the construction, so it can help make the

project come to fruition. She noted that rental assistance could be another option. Mayor Widmyer noted that the largest funding source would need to be at a federal level, as these dollars can't make a huge impact; however, these funds can be used to leverage other grants. Councilmember McEvers noted that the Emergency Minor Home Repair and Accessibility Program (EMRAP) program keeps people in their homes. Councilmember English noted that Habitat for Humanity has changed their model to ensure the housing stock stays affordable through time. Councilmember Wood asked if there is a known dollar amount for housing that is considered affordable. Mayor Widmyer explained that the federal level is when a person spends more than 30% of their income toward housing, they are considered housing challenged. Councilmember Miller noted that the Association of Realtors has some data regarding available inventory. She asked if the item noted as emergency housing funding was for rent subsidies. Ms. Nesbit noted that the category could be for transitional housing or for temporary shelter for those in domestic violence situations and would be managed by other organizations.

Mayor Widmyer opened public comments and, with none being heard, public testimony was closed.

MOTION: Motion by Gookin, seconded by McEvers to approve the Community Development Block Grant Annual Action plan for Plan Year 2021.
Motion carried

ADJOURNMENT: Motion by McEvers, seconded by Gookin that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 8:25 p.m.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, CMC
City Clerk

February 22, 2021
GENERAL SERVICES/PUBLIC WORKS COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

Council Member Woody McEvers, Chairperson
Council Member Kiki Miller
Council Member Dan Gookin

STAFF

Juanita Knight, Senior Legal Assistant
Chris Bosley, City Engineer
Larry Parsons, Wastewater Utility Project Manager
Mike Gridley, City Attorney
Troy Tymesen, City Administrator
Mike Anderson, Wastewater Director

Item 1. Request to Accept the Bid of and Approve the award of a Contract to DG&S Company for installation of a manhole and storm line for the US-95/NW Boulevard Swale Project in the bid amount of \$106,000.00

(Agenda)

Chris Bosley, City Engineer, is requesting Council approve a contract with DG&S Company for the installation of City stormwater infrastructure across US-95. Mr. Bosley explained in his staff report that the Drainage Utility has determined that it would be beneficial and prudent to install stormwater infrastructure beneath US-95 and has received an encroachment permit from the Idaho Transportation Department to allow for the diversion of current stormwater flows to a newly constructed swale and drywell area, effectively removing the direct injection of stormwater to the Spokane River from a drainage area of approximately 215 acres. The utility is currently constructing the swale that will accommodate the stormwater flow from the newly placed manhole and storm line. Bids were received for the pipe installation with the low bidder being DG&S Company at \$106,000.00. The budget required for work described in this agreement is in the Drainage Utility's current budget, as the Walnut Avenue Drainage Project line - \$160,000.00. Mr. Bosley anticipates the work to begin around March 15th and be completed within a few days.

Councilmember Gookin asked if there will still be drainage into the river. Mr. Bosley said the drainage will be diverted to the swell where most of the drainage will be absorbed by the swells and drywell area. If drainage makes it through all of the berms it will flow to a catch basin at the bottom of the swell and reenter the pipe system at NWBLVD for any emergency situations. This is so there won't be any catastrophic flooding.

Councilmember Miller asked if there will be ongoing testing of the water to gauge the effectiveness of this process. Mr. Bosley said they are working with IDEQ who wants to install some monitoring equipment to test the water coming out of the pipes as well as test the underground water treatment to see how much removal the process actually has.

MOTION: by Gookin, seconded by Miller, to recommend that Council accept the bid of and approve a contract with DG&S Company for installation of a manhole and storm line for the US-95 / NW Boulevard swale project in the bid amount of \$106,000.00. Motion Carried.

Item 2. Request to Accept the Bid of and Approve the award of a Contract to La Riviere, Inc., for the 2021 Open Trench Project for the base bid amount of \$368,451.00, plus the add alternate (Schedule C) of \$69,393.00, for a total Contract price of \$437,844.00

(Consent Calendar)

Mike Anderson, Wastewater Utility Director, first introduced Larry Parsons. He said Mr. Parsons has been working for the City in its collections systems for over 30 years. Mr. Parsons recently moved up to the Utility Project Manager position.

Mr. Anderson then explained that staff is requesting Council accept the bid of and award a Contract to LaRiviere, Inc., for the Wastewater Utility's 2021 Open Trench Project. It was explained in the staff report that in accordance with Idaho Code, the Wastewater Utility advertised for bids for the 2021 Open Trench Project on January 19 and 26, 2021. This project includes replacing approximately 2,016 LF of existing 6-inch sewer pipe with new 8-inch pipe via open trench excavation, surface repair, and other associated work. Sealed Bids were publicly opened on February 10, 2021, at 2:00 PM. The apparent low and responsive bid was based on Schedule A and B and was submitted by LaRiviere, Inc., with a total bid price of \$368,451.00. The Add Alternate Bid (Schedule C) was \$69,393.00. The Wastewater Utility planned for this project during the FY 2020/21 Budget and has the available funds for the project. LaRiviere, Inc., successfully completed open trench projects in 2015 and 2016 within budget and on schedule.

Councilmember Miller said there is quite a spread in the bid amounts and asked staff if they are comfortable with the low bid based on the cost of the project. Mr. Parsons said they have a good history with LaRiviere, Inc. A project they did in 2015/16 was completed on time and on budget.

Councilmember McEvers asked if this is similar, economically, to what we've done in the past. Mr. Parsons said it's coming in a little higher but very close. Councilmember McEvers asked if staff knows how old the pipes are that are being replaced. Mr. Parsons said the pipes could go back to the late 1930's. They will be replacing 6-inch concrete and/or clay pipes with 8-inch pvc with a 100-year shelf life. The replacement is being done for maintenance purposes. The new pipe decreases root intrusions, sewer backups (which often result in lawsuits), and exfiltration from broken pipes where we lose wastewater. This tightens up the system, makes it a much easier system to clean and take care of, and gives staff less to worry about. Councilmember McEvers asked if we do Open Trench every year. Mr. Parsons said no. The last few years they've only done CIPP.

MOTION: by Miller, seconded by Gookin, to recommend that Council accept the bid of and approve a contract with La Riviere, Inc., for the 2021 Open Trench Project in the base bid amount of \$368,451.00, plus additive alternate bid (Schedule C) of \$69,393.00, for a total bid price of \$437,844.00. Motion Carried.

The meeting adjourned at 12:23 p.m.

Respectfully submitted,
[Juanita Knight](#)
Recording Secretary

**GENERAL SERVICES/PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: February 22, 2021
FROM: Larry Parsons, Wastewater Utility Project Manager
SUBJECT: Bid Results for the 2021 Open Trench Project

=====

DECISION POINT:

Should Council accept the bid of and award a Contract to LaRiviere, Inc., for the City of Coeur d’Alene Wastewater Utility’s 2021 Open Trench Project?

HISTORY:

In accordance with Idaho Code, the Wastewater Utility advertised for bids for the 2021 Open Trench Project on January 19 and 26, 2021. This project includes replacing approximately 2,016 LF of existing 6-inch sewer pipe with new 8-inch pipe via open trench excavation, surface repair, and other associated work. Sealed Bids were publicly opened on February 10, 2021, at 2:00 PM.

FINANCIAL ANALYSIS:

The following is a tabulation of the contractor’s bid results:

| BIDDER | SCHEDULE A | SCHEDULE B | ADD. ALT. (SCHEDULE C) | BASE BID TOTAL (A+B) |
|---------------------------|--------------|--------------|---------------------------|-------------------------|
| LaRiviere, Inc. | \$144,316.00 | \$224,135.00 | \$69,393.00 | \$368,451.00 |
| NNAC, Inc. | \$179,452.00 | \$253,333.00 | \$59,214.00 | \$432,785.00 |
| Big Sky ID Corporation | \$180,047.00 | \$253,190.00 | \$54,320.50 | \$433,237.00 |
| J7 Contracting, Inc. | \$199,872.75 | \$265,677.25 | \$75,754.50 | \$465,550.00 |
| Steward Contracting, Inc. | \$258,300.00 | \$354,070.00 | \$112,470.00 | \$612,370.00 |
| S & L Underground, Inc. | \$245,866.00 | \$428,904.00 | \$98,379.00 | \$674,770.00 |

The apparent low and responsive bid was based on Schedule A and B and was submitted by LaRiviere, Inc., with a total bid price of \$368,451.00. The Add Alternate Bid (Schedule C) was \$69,393.00.

PERFORMANCE ANALYSIS:

The Wastewater Utility planned for this project during the FY 2020/21 Budget and has the available funds for this project. LaRiviere, Inc., successfully completed open trench projects in 2015 and 2016 within budget and on schedule.

RECOMMENDATION:

Council should accept the bid of and award the 2021 Open Trench Project contract to La Riviere, Inc., for the base bid of \$368,451.00, plus Add Alternate (Schedule C) of \$69,393.00, for a total contract price of \$437,844.00.



CITY OF COEUR D'ALENE WASTEWATER DEPARTMENT

2021 OPEN TRENCH PROJECT



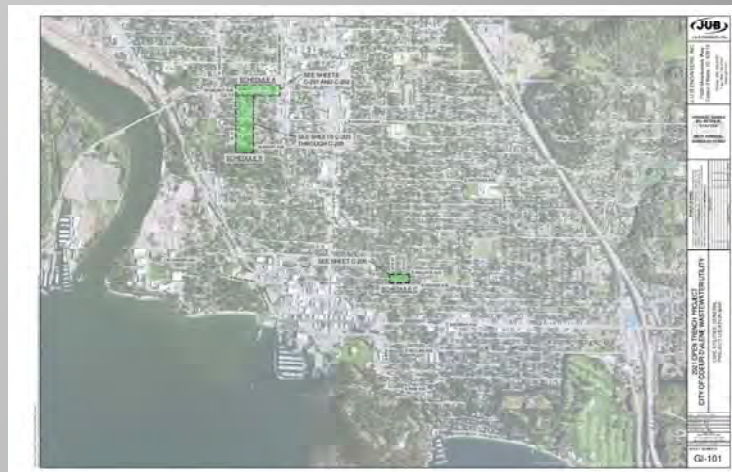
THREE SCHEDULES

- **Schedule A**
 - Walnut Ave
- **Schedule B**
 - Alley Between B and C St
- **Schedule C**
 - Alley East of 8th between Wallace and Indiana



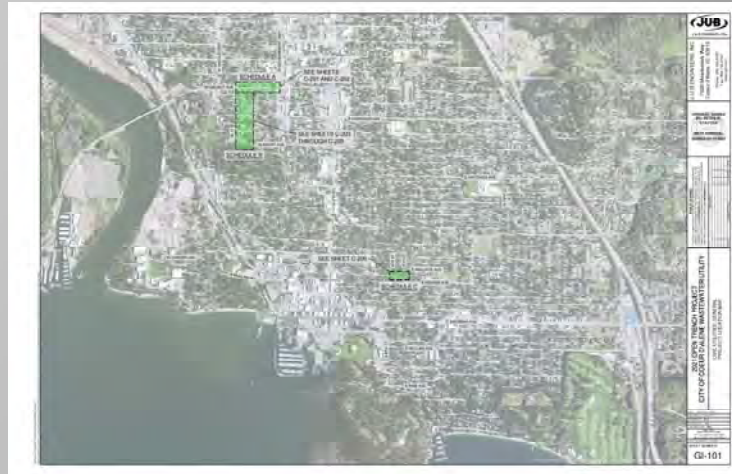
Schedule A-Walnut Ave

- Currently 6 inch pipe
- Replacing with 8 inch PVC pipe
- Walnut has been scheduled for repaving by ITD and Streets and Engineering Dept
- An extension of Schedule B



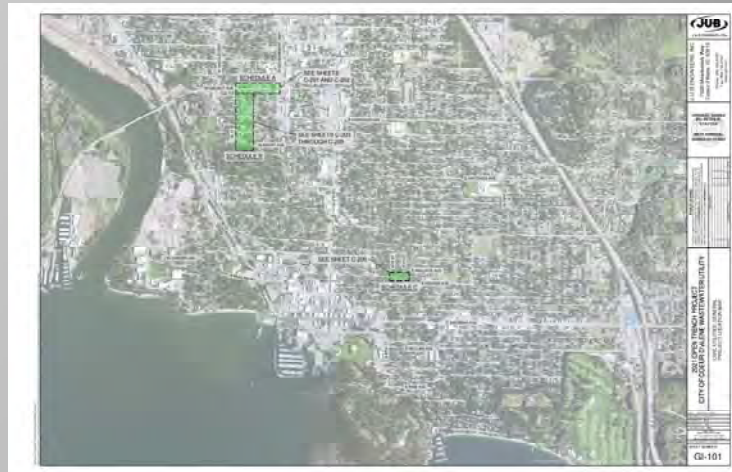
Schedule B- Alley Between B and C St

- Currently 6 inch pipe
- Replacing with 8 inch PVC pipe
- Maintenance Issues
- Under Sized Pipe



Schedule C- Alley East of 8th between Wallace and Indiana

- Currently 6 inch pipe
- Replacing with 8 inch PVC pipe
- Very Poor Condition
- Finishing Previous Project



OPEN TRENCH PROJECT GOAL



Before



After



BID RESULTS

| BIDDER | SCHEDULE A | SCHEDULE B | ADD. ALT. (SCHEDULE C) | BASE BID TOTAL (A+B) |
|---------------------------|--------------|--------------|------------------------|----------------------|
| LaRiviere, Inc. | \$144,316.00 | \$224,135.00 | \$69,393.00 | \$368,451.00 |
| NNAC, Inc. | \$179,452.00 | \$253,333.00 | \$59,214.00 | \$432,785.00 |
| Big Sky ID Corporation | \$180,047.00 | \$253,190.00 | \$54,320.50 | \$433,237.00 |
| J7 Contracting, Inc. | \$199,872.75 | \$265,677.25 | \$75,754.50 | \$465,550.00 |
| Steward Contracting, Inc. | \$258,300.00 | \$354,070.00 | \$112,470.00 | \$612,370.00 |
| S & L Underground, Inc. | \$245,866.00 | \$428,904.00 | \$98,379.00 | \$674,770.00 |



QUESTIONS?



RESOLUTION NO. 21-012

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH LARIVIERE, INC., FOR THE 2021 OPEN TRENCH PROJECT FOR THE WASTEWATER DEPARTMENT.

WHEREAS, the General Services/Public Works Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into a contract with LaRiviere, Inc., pursuant to terms and conditions set forth in a contract, 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 contract.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a contract with LaRiviere, Inc., for the 2021 Open Trench Project for the Wastewater Department, 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 contract to the extent the substantive provisions of the contract remain intact.

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

DATED this 2nd day of March, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.

**CITY OF COEUR D'ALENE WASTEWATER UTILITY
2021 OPEN TRENCH PROJECT**

CONTRACT

THIS CONTRACT is made and entered into this 2nd day of March, 2021, between the CITY OF COEUR D'ALENE (CITY), 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 "CITY", and **LARIVIERE, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of IDAHO with its principal place of business at **17564 N. DYLAN COURT RATHDRUM, ID 83858**, hereinafter referred to as the "CONTRACTOR."

WITNESSETH:

THAT, WHEREAS, the said CONTRACTOR has been awarded the contract for the 2021 Open Trench Project in Coeur d'Alene, according to plans and specifications on file in the office of the City Clerk of the CITY, which plans and specifications are entitled:

City of Coeur d'Alene – Wastewater Utility – 2021 Open Trench Project

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 the work as set forth in the said plans and specifications described above, in said city, furnishing all labor and materials therefor 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 Wastewater Superintendent or designee, and all labor performed shall be of first-class workmanship.

The CONTRACTOR shall employ appropriate means to prevent accidents and defend the CITY from all claims for injury to person or property resulting from the CONTRACTOR's actions or omissions in performance of this contract, and to that end shall maintain insurance of the type and in the amount specified in the Contract Documents, it being the intention that the minimum limits shall be those provided for under Idaho Code § 6-924. Certificates of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policy shall be filed in the office of the City Clerk.

The CONTRACTOR agrees to maintain Worker'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 Idaho Worker's Compensation 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 coverages 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, a sum not to exceed **\$437,844.00**, as provided in the Unit Price Schedule. Partial payment shall be made on the third Tuesday of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council, provided that the contractor has obtained from the Idaho State Tax Commission and submitted to the City a release of liability for taxes (Form EFO00234).

| ITEM NO. | ITEM DESCRIPTION | QTY | UNIT | UNIT PRICE | TOTAL PRICE |
|------------------------------------|--|-------|------|-------------|---------------------|
| Base Bid (SCHEDULE A AND B) | | | | | |
| SCHEDULE A: WALNUT STREET | | | | | |
| 201.4.1.D.1 | Removal of Existing Asphalt | 1,366 | SY | \$1.50 | \$2,049.00 |
| 307.4.1.D.1 | Type "C" Surface Restoration (Gravel Roadway) | 11 | SY | \$41.00 | \$451.00 |
| 307.4.1.G.1 | Type "B" Surface Restoration (Superpave HMA, Class SP-3, ½" Aggregate) | 1,366 | SY | \$27.50 | \$37,565.00 |
| 401.4.1.A.1 | Water Main - Size 8" - Type PVC AWWA C900 | 10 | LF | \$221.00 | \$2,210.00 |
| 501.4.1.B.1 | Gravity Sewer - Size 8" - Type PVC ASTM 3034 | 479 | LF | \$61.50 | \$29,458.50 |
| 502.4.1.A.1 | Sanitary Sewer Manhole – 48" Diameter | 4 | EA | \$2,672.00 | \$10,688.00 |
| 502.4.1.H.1 | Abandon Existing Sanitary Sewer Manhole | 1 | EA | \$910.00 | \$910.00 |
| 504.4.1.D.1 | Sewer Service Line - Size 4" - Type PVC ASTM 3034 | 32 | LF | \$32.50 | \$1,040.00 |
| 601.4.1.A.1 | Storm Drain Pipe - Size 8" - Type PVC ASTM D2241 | 10 | LF | \$91.50 | \$915.00 |
| 601.4.1.A.1 | Storm Drain Pipe - Size 24" - Type ASTM F2736 | 40 | LF | \$75.50 | \$3,020.00 |
| 706.4.1.F.1 | Concrete Approach | 19 | SY | \$94.50 | \$1,795.50 |
| 1103.4.1.A.1 | Construction Traffic Control | 1 | LS | \$8,282.00 | \$8,282.00 |
| 2010.4.1.A.1 | Mobilization | 1 | LS | \$35,254.00 | \$35,254.00 |
| 2770.4.1.A.1 | Tree Trimming by Certified Arborist | 1 | LS | \$1,000.00 | \$1,000.00 |
| SP-01500.4.1.A.1 | Construction Facilities and Temporary Controls | 1 | LS | \$9,678.00 | \$9,678.00 |
| SCHEDULE A TOTAL: | | | | | \$144,316.00 |

| ITEM NO. | ITEM DESCRIPTION | QTY | UNIT | UNIT PRICE | TOTAL PRICE |
|--|--|-------|------|-------------|---------------------|
| SCHEDULE B: ALLEY BETWEEN B & C STREETS | | | | | |
| 201.4.1.D.1 | Removal of Existing Asphalt | 1,287 | SY | \$1.50 | \$1,930.50 |
| 307.4.1.D.1 | Type "C" Surface Restoration (Gravel Roadway) | 744 | SY | \$8.50 | \$6,324.00 |
| 307.4.1.G.1 | Type "B" Surface Restoration (Superpave HMA, Class SP-3, ½" Aggregate) | 1,287 | SY | \$28.00 | \$36,036.00 |
| 401.4.1.A.1 | Water Main - Size 6" - Type PVC AWWA C900 | 10 | LF | \$97.00 | \$970.00 |
| 501.4.1.B.1 | Gravity Sewer - Size 8" - Type PVC ASTM 3034 | 1221 | LF | \$61.50 | \$75,091.50 |
| 501.4.1.B.1 | Gravity Sewer - Size 8" - Type PVC ASTM D2241 | 40 | LF | \$70.50 | \$2,820.00 |
| 502.4.1.A.1 | Sanitary Sewer Manhole – 48" Diameter | 3 | EA | \$2,658.00 | \$7,974.00 |
| 502.4.1.G.1 | Remove & Dispose of Existing Sanitary Sewer Manhole | 3 | EA | \$550.00 | \$1,650.00 |
| 504.4.1.D.1 | Sewer Service Line - Size 4" - Type PVC ASTM 3034 | 8 | LF | \$32.50 | \$260.00 |
| 706.4.1.F.1 | Concrete Approach | 130 | SY | \$67.00 | \$8,710.00 |
| 1103.4.1.A.1 | Construction Traffic Control | 1 | LS | \$2,349.00 | \$2,349.00 |
| 2010.4.1.A.1 | Mobilization | 1 | LS | \$65,704.00 | \$65,704.00 |
| 2770.4.1.A.1 | Tree Trimming by Certified Arborist | 1 | LS | \$1,325.00 | \$1,325.00 |
| SP-01500.4.1.A.1 | Construction Facilities and Temporary Controls | 1 | LS | \$12,991.00 | \$12,991.00 |
| SCHEDULE B TOTAL: | | | | | \$224,135.00 |
| BASE BID (SCHEDULE A & B) TOTAL: | | | | | \$368,451.00 |

| ITEM NO. | ITEM DESCRIPTION | QTY | UNIT | UNIT PRICE | TOTAL PRICE |
|--|--|-----|------|-------------|---------------------|
| ADDITIVE ALTERNATE: SCHEDULE C: ALLEY BETWEEN INDIANA & WALLACE | | | | | |
| 201.4.1.D.1 | Removal of Existing Asphalt | 125 | SY | \$2.00 | \$250.00 |
| 307.4.1.D.1 | Type "C" Surface Restoration (Gravel Roadway) | 293 | SY | \$35.50 | \$10,401.50 |
| 307.4.1.G.1 | Type "B" Surface Restoration (Superpave HMA, Class SP-3, ½" Aggregate) | 125 | SY | \$71.50 | \$8,937.50 |
| 501.4.1.B.1 | Gravity Sewer - Size 8" - Type PVC ASTM 3034 | 276 | LF | \$61.50 | \$16,974.00 |
| 502.4.1.A.1 | Sanitary Sewer Manhole – 48" Diameter | 1 | EA | \$3,112.00 | \$3,112.00 |
| 502.4.1.G.1 | Remove & Dispose of Existing Sanitary Sewer Manhole | 1 | EA | \$550.00 | \$550.00 |
| 502.4.1.I.1 | Manhole BUS7-05A1 Modifications | 1 | LS | \$3,432.00 | \$3,432.00 |
| 706.4.1.F.1 | Concrete Approach | 22 | SY | \$77.50 | \$1,705.00 |
| 1103.4.1.A.1 | Construction Traffic Control | 1 | LS | \$972.00 | \$972.00 |
| 2010.4.1.A.1 | Mobilization | 1 | LS | \$12,815.00 | \$12,815.00 |
| 2770.4.1.A.1 | Tree Trimming by Certified Arborist | 1 | LS | \$994.00 | \$994.00 |
| SP-01500.4.1.A.1 | Construction Facilities and Temporary Controls | 1 | LS | \$9,250.00 | \$9,250.00 |
| ADDITIVE ALTERNATE (SCHEDULE C) TOTAL: | | | | | \$69,393.00 |
| TOTAL (SCHEDULE A & B & C) TOTAL: | | | | | \$437,844.00 |

The Work shall be substantially complete within the calendar days listed below (for the Contract Award, as applicable) after the date when the Contract Times commence to run, as provided in Paragraph 2.03 of the General, and completed and ready for final payment in accordance with Paragraph 14.07 of the General Conditions within **thirty (30) calendar days** after the date of substantial completion.

| Contract Time | Contract Award | Calendar Time (days) |
|------------------------|------------------------------------|---|
| Substantial Completion | Base Bid (Schedule A & B) | 70 calendar days |
| Substantial Completion | Additive Alternate (Schedule C) | Additional 20 calendar days shall be added to Base Bid Contract Times |
| Final Completion | any | 30 calendar days |

The CITY and the CONTRACTOR recognize that time is of the essence and failure of the CONTRACTOR to complete the work within the time allowed shall result in damages being sustained by the CITY. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the CONTRACTOR shall fail to complete the work within the above time limit, the

CONTRACTOR shall pay to the CITY or have withheld from moneys due, liquidated damages at the rate of **\$500.00** per calendar day, which sums shall not be construed as a penalty.

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 for this contract fifty (50) or fewer 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 of Idaho in the performance of said work. (Idaho Code § 44-1002).

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

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 each in the amount of one hundred percent (100%) of the total amount of the bid as herein before stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The term "CONTRACT DOCUMENTS" are defined in "Standard General Conditions of the Construction Contract" ISPWC Division 100.

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, the City Clerk has affixed the seal of said city hereto, and the CONTRACTOR has caused the same to be signed by its President, and its seal to be affixed hereto, the day and year first above written.

CITY:

CITY OF COEUR D'ALENE
KOOTENAI COUNTY, IDAHO

By: _____
Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

CONTRACTOR:

LARIVIERE, INC.

By: _____

ATTEST:

Attachment 1

This Attachment is to be inserted in every contract subject to Title VI of the Civil Rights Act of 1964 and associated Regulations.

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ITD or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request ITD enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

OTHER BUSINESS

STAFF REPORT

DATE: MARCH 2, 2021

FROM: POLICE CHIEF WHITE AND RENATA MCLEOD, MUNICIPAL SERVICES DIRECTOR/CITY CLERK

RE: OPTIONS FOR ALCOHOL VIOLATIONS

DECISION POINT: To give staff direction regarding possible code amendments, levels of enforcement for liquor license violations and/or early hours of closures for alcohol service.

HISTORY: At the February 16, 2021 Council meeting, the Council was provided information regarding the over service of alcohol and its associated criminal violations. Please note that since that time the City Clerk's office has sent out notifications of outdoor seating renewals, reminding businesses of their responsibility to abide by the rules. Additionally, the City Clerk's staff has emailed the alcohol awareness training link to all licensed providers. ISP has worked with the Kootenai County Fairgrounds to secure a site for future in person training, when the COVID restrictions for gatherings has been lifted. The Police Department has worked with the downtown bar owners, who committed to closing at midnight for a couple weeks.

Municipal Services Staff and members of the Police Department will continue to hold annual bar owner meetings prior to the spring/ summer season. Additionally, the Police Department will continue strict enforcement of criminal codes associated with alcohol related crimes including over service (Idaho Code § 23-605, M.C. § 5.08.150), service of minors (Idaho Code § 23-603, M.C. § 5.08.110), minors purchasing alcohol (Idaho Code § 23-604), and DUI. The current level of enforcement requires the use of overtime, which staff is recommending to continue unless directed otherwise by Council.

Staff was asked to bring back options to assist with the problems presented at the last Council meeting. The following are items that staff has researched and/or found that other communities utilize, in staff-recommended priority order.

- Strict enforcement of any alcohol violations with suspension and/or revocation of the outdoor eating permits, progressive discipline style, starting with a written warning, then on to temporary suspensions and revocations from that point (unless there is something egregious that occurs then revocation may occur). This is already outlined in our current policy. (At a glance document attached).
- Adopt a code that would implement Boise's Public Intoxication ordinance.
- Create a City code that would prohibit bartenders and waitstaff from drinking while at work.
- Institute Server training similar to Boise Code (code attached). This program could be expanded to require the servers/bar tenders carry a card with them while on duty, that can be produced upon request, with it being a violation not to provide it upon request.

- (Explored but uncertain at this time) *Note: Our current code outlines regulations for revocation of a licenses, but it does not provide for a method of suspension.* Amendment to Municipal Code 5.08 (entitled Beer); 5.12 (entitled Wine) and 6.16 (entitled Liquor) to include suspension language and clearly defined reasons for such suspension. This program would need to clearly define the boundaries for suspension at a city level and what the administrative process would include. As with other codes, an appeal would still go to Council.
- Create a code to implement the Nampa style point system for suspension and/or revocation of City liquor licenses.
- Temporarily restrict the hours of alcohol sales in the downtown area.

PERFORMANCE ANALYSIS: The City has traditionally worked with ISP to share police reports of incidents and has left suspension/monetary penalties to that organization. The local ISP Detective has stated that they will complete administrative action within 30 days and would look for ways to keep us apprised of what action was taken. Please provide staff with any other items you would like researched and/or implemented.

DECISION POINT/RECOMMENDATION: Council should direct staff to make amendments to the Code as Council deems advisable and the express Council's desire that enforcement be a priority.

Beer/Wine/Liquor and Outdoor Eating Violations At a Glance

Beer/Wine Liquor City Licenses

No open containers on public property (with 10 exceptions, including private residence, licensed premises, forensic laboratories, law enforcement evidence, certain permitted city properties and/or special events)

Whenever the City Clerk denies an application, he or she shall specify in writing:

1. The statutes, ordinances, and standards used in evaluating the application;
2. The reason for denial; and
3. The right to appeal to the City Council, including the procedures therefor.

If the City Clerk denies a license under this chapter, the applicant may appeal the denial to the City Council. Any such appeal must be filed in writing with the City Clerk within ten (10) days after notification of the denial was sent to the applicant. The appeal must state the basis therefor. The City Council shall hear the appeal de novo and shall consider any relevant testimony or exhibits presented. The City Council shall issue its decision within five (5) days of the hearing.

License revocation may occur during the following:

- When the state terminates (automatically disqualifies them for a city license) or suspends the state issued license.
- Failure to comply with the terms of this chapter may result in the revocation of licensee's license to include sales to minor; obstruction of clear view of interior spaces from street or sidewalk; operating outside of allowed hours of operation; sales to an intoxicated person; operating without a valid license)

If the City Clerk denies or revokes a license under this chapter, the applicant may appeal the denial or revocation to the City Council.

A licensee whose license is revoked may not apply for another license for two (2) years following the revocation.

Outdoor Seating– Use of city right-of-way

Emergency Temporary Suspension: For reasons of an emergency, disaster, calamity, disorder, riot, traffic conditions, violation of this article or of any permit conditions, or undue burden on public services. The temporary suspension shall last no longer than necessary after the emergency has ended.

Written Warning: The City may issue a written notice of violation(s) to a permit holder for any violation(s) of the encroachment permit conditions or any violation of federal, state or local law.

Revocation or termination of encroachment permits: The length of a revocation or the termination of an encroachment permit will be determined by the type of violation, the frequency of violations, the severity of a violation(s), the history of violations, the history of prior sanctions, and the continuing nature of violations as set out below.

Temporary Revocation (less than 15 days): Based on repeat violations of the encroachment permit conditions and regulations from which a written warning has previously been issued; or any violation or violations listed in the criteria for encroachment permit revocations or termination section.

Short Term Revocation: (less than 30 days) Circumstances which would warrant a second "Temporary Revocation" within a three (3) month time frame; or any violation or violations listed in the criteria for encroachment permit revocations or termination section;

Long Term Revocation: (less than 120 days) Circumstances which would warrant a third or successive "temporary", or "short term" revocation within a six (6) month time frame; or any violation or violations listed in the criteria for encroachment permit revocations or termination section;

Termination of Encroachment permits: The City may revoke an encroachment permit indefinitely for: Circumstances which would warrant a second or subsequent "long term" or Short term" revocation within a six (6) month time frame; or any single incident of sufficient magnitude to warrant such termination. Appeals before the City Council.

5-2-4: Public Intoxication

Any person, who is in public and intoxicated at a level that presents a danger to others or creates a disturbance of the peace, shall be guilty of a misdemeanor. (1952 Code § 6-01-06)

ARTICLE B - Server Training

3-3B-1: Definitions

For the purposes of this chapter, the following terms, phrases, words and derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words used throughout this chapter, but not defined herein or in [chapter 1, article A](#) of this title, shall have their plain, ordinary and common meaning. Words in any gender shall apply to the feminine, masculine and neuter genders.

ALCOHOLIC BEVERAGE: Any beverage containing alcohol which is a product of distillation of any fermented liquor or synthetic ethyl alcohol, including beer, wine, spirits or any liquid containing beer, wine or spirits.

APPROVED SERVER TRAINING: A program approved by the Chief of Police as indicated in section [3-3B-2](#) of this article, which is designed to educate servers of alcohol on laws and rules regarding the sale and service of alcoholic beverages, the effects of alcohol on the human body, methods of identifying intoxicated persons and refusing to sell or serve alcohol to those persons, and methods for checking and identifying legal identification.

CHIEF OF POLICE: The Chief of the Boise City Police Department or designee.

LICENSEE: The person to whom a valid license to retail liquor by the drink or beer and wine by the drink is issued by the Idaho State Police. A club licensee is a "club" as defined in Idaho Code section 23-902(1) and possessing a club license as defined in Idaho Code section 23-903 on January 1, 2009.

SERVER OF ALCOHOL: Any person serving or selling any alcoholic beverages, including spirits, wine or beer for consumption on a licensed premises as a requirement of his or her employment, and any person managing those employees. Servers of alcohol include waiters, waitresses, bartenders and managers of waiters, waitresses and bartenders. (1952 Code § 5-07-01; amd. 2019 Code)

3-3B-2: Approved Server Training

A. All approved server training programs must include an examination component, that shall include but not be limited to, the following topics:

1. Monitoring a patron's behavior;

2. Recognizing intoxicated patrons;
3. Checking patrons' photo identifications for relevant information;
4. Recognizing false and altered photo identification;
5. Providing alternatives to alcoholic beverages;
6. Problem solving when interacting with intoxicated and belligerent patrons; and
7. Understanding and applying Idaho laws and rules pertaining to alcoholic beverages.

B. The approved server training programs are set forth on the current list maintained by the Boise Police Department and available through either the Boise Police Department or the City Clerk's Office. The Boise Police Department may change the list of approved server training programs from time to time as it deems appropriate. (Ord. 39-18, 9-25-2018)

3-3B-3: Server Training Requirements

A. Completion Of Program Required: Unless already certified, a "server of alcohol", as defined in section [3-3B-1](#) of this article, must complete an approved server training program by July 1, 2009, or within sixty (60) days of the date the alcohol server begins employment at a licensed establishment and must maintain that certification throughout his or her employment as a server of alcohol.

B. Licensee Responsibility: Licensees operating establishments where alcoholic beverages are served and consumed on the premises must ensure that each server of alcohol employed on the premises is either already certified or completes an approved server training program by July 1, 2009, or within sixty (60) days of the date the server begins employment at the establishment and that each server of alcohol maintains that certification throughout his or her employment as a server of alcohol. Club licensees are required to have no less than one server of alcohol, whether employed or a volunteer, on the premises at all times to supervise the service of alcohol to members and the guests of members. Club licensees are required to ensure that all supervising servers of alcohol have completed an approved server training program by July 1, 2009, or prior to supervision the service of alcohol to members and the guests of members.

C. Records Maintained:

1. Server: Servers of alcohol must maintain records of their training and show proof of current certification upon request to officers of the Police Department or other law enforcement officers.
2. Licensee: Licensees must maintain training verification records or proof of current certification for each server employed and must present those records upon request to officers of the Police Department or other law enforcement officers. Club licensees must maintain records of training and show proof of current certification for each supervising server of alcohol and must present those records upon request to officers of the Police Department or other law enforcement officers. (1952 Code § 5-07-03)

3-3B-4: Enforcement; Penalty

A. Misdemeanor: Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section [1-4-1](#) of this Code. (1952 Code § 5-07-04; amd. 2019 Code)

B. Club Licensee: With the exception of club licensees, it is the City intent that this article stand alone and that violations of this article not subject licensees to the administrative procedure for suspension, revocation or refusal to renew licenses outlined in Idaho Code section 23-933. Violations of any section of this article by a club licensee shall be referred to the Alcohol Beverage Control for administrative action outlined in Idaho Code section 23-933. (1952 Code § 5-07-04)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 5, CHAPTER 12, SECTION 17(B) OF THE NAMPA CITY CODE , PERTAINING TO LICENSE POINT VIOLATIONS; PROVIDING FOR SEVERABILITY; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO;

SECTION 1. That Title 5, Chapter 12, Section 5-12-17(B) of Nampa City Code be amended as follows:

B. License Point Violations: A license violation can occur on the licensed premises, in the parking lot for the premises, or in an adjacent area under the control of the licensee. License violations may result in the assessment of points against a liquor, beer, or wine license. If a single incident or occurrence would constitute multiple license violations as listed below, each license violation shall be assessed points according to the schedule below and combined into a total score for that Incident. ~~that single incident or occurrence shall only constitute a single license violation and said incident or occurrence shall be assessed with only the most serious applicable license violation.~~ License violations shall remain on a license for the remainder of the then-current license year, as well as for one subsequent license year. For the purposes of this §5-12-17, license violations and applicable points shall include the following:

1. Training: Failure of a licensee, its officers, managers, employees and agents to undergo training as may be required by this Section. 1 Point.
2. Probation Violation: A license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6). 2 Points.
3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. 1.5 Points
4. Homicides: Any homicide offense under Title 18, Chapter 40, Idaho Code. 6.5 Points.

5. Weapons: Any action or conduct which violates any provision of Title 18, Chapter 33, Idaho Code. 3 Points.
6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code. 3.5 Points.
7. Prostitution: Any action or conduct which violates any provision of Title 18, Chapter 56, Idaho Code. 6.5 Points.
8. Human Trafficking: Any action or conduct which violates any provision of Title 18, Chapter 86, Idaho Code. 6.5 Points.
9. Gambling: Any action or conduct which violates any provision of Title 18, Chapter 38, Idaho Code. 2 Points.
10. Assault and Battery: Any action or conduct which constitutes assault or battery actions and violates any provision of Title 18, Chapter 9, Idaho Code. 3.5 Points.
11. Sex Crimes: Any action or conduct which violates any provision of Title 18, Chapters 15 and 66, Idaho Code. 6.5 Points.
12. Occupancy: Exceeding Occupancy load for the premises as stated on the occupant load limit sign posted in the premises or failing to post the occupant load limit sign for the premises in a conspicuous place near the main exit or exit access doorway of the premises. 1.5 Points.
13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. 1.5 Points.
14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license. 1 Point.
15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code. 1.5 Points.
16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code. 1 Point.
17. General Violations: All other violations of law or the City Code. 1 Point.

SECTION 2: This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

SECTION 3: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

SECTION 4: All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this 1st day of February, 2021.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ____ day
of _____, 2021.

Attest:

Mayor Debbie Kling

City Clerk

CITY OF NAMPA
NAMPA POLICE DEPARTMENT

Alcohol License Violation - Incident Report

To: Alcohol Review Committee

From: Lieutenant Jamie Burns

Date: January 5th, 2021

Re: Alcoholic License Point System (ALPS) Violation Incident Report

Alcohol Review Committee,

The Nampa Police Department responded to *[Business Name and address]*, an establishment licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance No. 4503 may have occurred. The following is an incident report prepared to be reviewed by the Committee for possible city ordinance and/or license violations.

Nampa Police Incident Report Details

Alcohol License Point System (ALPS)

Chapter 5-12-17: Denials of License Applications and Revocations of Licenses

Subsection: 5-12-17(II)(B):

- 1. Training: Failure of a licensee, its officers, managers, employees and agents to undergo training as required under Subsection 5-12-17(II)(D)(3) & (6).
1 Point*
- 2. Probation Violation: An additional license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6).
2 Points*
- 3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages.
1.5 Points*
- 4. Homicides: Any homicide offense under Title 18, Chapter 40, Idaho Code.
6.5 Points*
- 5. Weapons: Any action or conduct which violates any provision of Title 18, Chapter 33, Idaho Code.
3 Points*
- 6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code.
3.5 Points*

7. *Prostitution: Any action or conduct with violates any provision of Title 18, Chapter 56, Idaho Code.*
6.5 Points
8. *Human Trafficking: Any action or conduct with violates any provision of Title 18, Chapter 86, Idaho Code.*
6.5 Points
9. *Gambling: Any action or conduct with violates any provision of Title 18, Chapter 38, Idaho Code.*
2 Points
10. *Assault and Battery: Any action or conduct with violates any provision of Title 18, Chapter 9, Idaho Code.*
3.5 Points
11. *Sex Crimes: Any action or conduct with violates any provision of Title 18, Chapter 15 and 66, Idaho Code.*
6.5 Points
12. *Occupancy: Exceeding Occupancy load for the premises as stated on the occupant load limit sign posted in the premises or failing to post the occupant load limit sign for the premises in a conspicuous place near the main exit or exit access doorway of the premises.*
1.5 Points
13. *Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage.*
1.5 Points
14. *Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license.*
1 Point
15. *Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code.*
1.5 Points
16. *Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code.*
1 Point
17. *General Violations: All other violations of law or the City Code.*
1 Point

The Nampa Police Department requests the Committee meet to review this report or other evidence and determine whether there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation.

Respectfully submitted,

Lieutenant Jamie Burns
Nampa Police Department



City Clerk's Office

Valued Nampa business,

First off, thank you for doing business in Nampa. We're going through difficult times, but we are confident in your acumen and ability to guide your business through these challenges and hope you are continuing to be met with success. In employing people, engaging in transacting goods, and providing a desirable establishment for our citizens, you help make Nampa better and contribute to the economic well-being of the community as a whole.

We want to make you aware of resources and policies that might aid your business efforts, especially with the challenges of limited capacity because of distancing guidelines. If your business is located in the Downtown District and you're interested in learning more about possible outdoor dining, contact Jay Snyder (208.468.5419) to find out about potential use of sidewalk and/or parking spots to accommodate increased capacity. If your business is outside of the Downtown District and you're interested in outdoor dining, contact the Clerk's office (208-468-5415) to find out about a catering permit for increased outdoor capacity. The City of Nampa has a variety of additional resources available at nampaready.com, under the business resources tab.

We're also reaching out to inform you about a recent, significant update to our code that will guide the renewal process for beer/wine/alcohol licenses. You'll find the ordinance adopting that code attached. Among other things, it creates a scoring system that will guide renewal applications. The purpose of this change is to additionally assure public safety and inspire confidence in our local establishments, by acknowledging and codifying the heightened responsibility that comes with serving alcohol. As we pursue safety as a goal for the community, our police department stands ready to assist with information about best practices in operations that will help you provide a safe environment in your establishment. Cpl. Travis Poore can be reached at 208-565-0278 to answer questions and help with questions about compliance.

Thanks again for doing business in Nampa. Mayor Kling supports our business community and wishes you all good health and much success in your business as we strive to be a safe and healthy community where the people prosper. If you have any questions, please reach out to the Clerk's office at 208.468.5415.

NAMPA CITY CLERK

NAMPA Proud

ORDINANCE NO. 4503

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 5, CHAPTER, 12, SECTION 5-12-1, OF THE NAMPA CITY CODE, PERTAINING TO DEFINITIONS USED IN TITLE 5, CHAPTER 12; AMENDING TITLE 5, CHAPTER 12, SECTION 5-12-2, OF THE NAMPA CITY CODE, PERTAINING TO THE REQUIREMENT THAT ANYONE SELLING LIQUOR BY THE DRINK, BEER, OR WINE OBTAIN A LICENSES THEREFORE; AMENDING TITLE 5, CHAPTER 12, SECTION 5-12-3, OF THE NAMPA CITY CODE, PERTAINING TO THE INVESTIGATION INTO APPLICANTS FOR ALCOHOL LICENSES; AMENDING TITLE 5, CHAPTER 12, SECTION 5-12-6, OF THE NAMPA CITY CODE, PERTAINING TO COUNCIL APPROVAL OF INITIAL APPLICATIONS FOR ALCOHOL LICENSES; AMENDING TITLE 5, CHAPTER 12, SECTION 5-12-8, OF THE NAMPA CITY CODE, PERTAINING TO FEES FOR ALCOHOL LICENSES; REPEALING AND REPLACING TITLE 5, CHAPTER 12, SECTION 5-12-10, OF THE NAMPA CITY CODE, WITH A NEW SECTION PERTAINING TO REVOCATION OF AN ALCOHOL LICENSE FOR FAILURE TO PLACE SAID LICENSE INTO SERVICE; AMENDING TITLE 5, CHAPTER 12, 5-12-11, OF THE NAMPA CITY CODE, PERTAINING TO LOCATION REQUIREMENTS FOR ESTABLISHMENTS SELLING LIQUOR, BEER, AND WINE BY THE DRINK; AMENDING TITLE 5-12-12, OF THE NAMPA CITY CODE, PERTAINING TO TRANSFERS OF ALCOHOL LICENSES; AMENDING TITLE 5, CHAPTER 12, SECTION 5-12-13, OF THE NAMPA CITY CODE, PERTAINING TO HOURS OF SALE; ADDING A NEW SECTION 5-12-17 TO TITLE 5, CHAPTER 12, OF THE NAMPA CITY CODE, ADDING A POINT BASED SYSTEM FOR THE POTENTIAL SUSPENSION, REVOCATION, OR DENIAL OF ALCOHOL LICENSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1. That Title 5, Chapter 12, Section 5-12-1 of the Nampa City Code, be amended as follows:

5-12-1: DEFINITIONS:

ALCOHOLIC BEVERAGE: Any liquor, wine, and/or beer as defined by ~~†~~Title 23, Idaho state eCode.

BEER GARDEN: A particular location at a formal or social gathering, generally held at a park, but not limited to, where liquor, beer or wine can be donated or sold to the public with a catering permit if stipulated upon by the parks and recreation director and the event coordinator; and if they are in compliance with the specific regulations for the city parks.

CATERING PERMIT: Permit issued, which authorizes the permittee to serve and sell liquor, beer or wine by the drink, ~~beer or wine~~, at a party or a convention, not to exceed five (5) consecutive days in length.

CONVENTION: A formal meeting of members, representatives, or delegates, ~~as of a political party, fraternal society, profession, or industry.~~

PARTY: A social gathering including especially for pleasure or amusement and includes, but is not limited to, ~~social events such as~~ weddings, birthdays, family gatherings, and special holiday celebrations.

Section 2. That Title 5, Chapter 12, Section 5-12-2 of the Nampa City Code, be amended as follows:

5-12-2: LICENSE REQUIRED:

It is unlawful for any person to offer for sale, sell, or in any manner dispose of ~~or keep for sale~~ liquor by the drink, wine, or beer without first obtaining the appropriate license as required by this chapter and ~~†~~Title 23, Idaho Code.

Section 3. That Title 5, Chapter 12, Section 5-12-3 of the Nampa City Code, be amended as follows:

5-12-3: INVESTIGATION:

Upon receipt of an application for an alcoholic beverage license, the city shall conduct an investigation ~~shall be made by the proper city officials~~ of the statements contained in the application, the premises where the applicant proposes to do business, and ~~make~~ such other and further investigations as may be deemed necessary.

Section 4. That Title 5, Chapter 12, Section 5-12-6 of the Nampa City Code, be amended as follows:

5-12-6: COUNCIL APPROVAL:

Initial Applications for an alcoholic beverage license shall be submitted to council for approval or denial. A decision shall be made by the council within thirty (30) days of the final submission of an application[‡].

Section 5. That Title 5, Chapter 12, Section 5-12-8 of the Nampa City Code, be amended as follows:

5-12-8: FEES:

Fees are established by council resolution, pursuant to Idaho Code as complies with state code. All fees shall be submitted at the time the application is presented to the clerk ~~and such fees are refundable, however, in case of a denial of license an administrative fee shall be assessed. If an application is denied, the fee shall be refunded, at the discretion of the City Clerk and based upon actual costs incurred by the City during the application process. License revocations shall not result in any fee refund.~~ Beer and wine licenses shall be prorated by the calendar quarter.

Section 6. That Title 5, Chapter 12, Section 5-12-10 of the Nampa City Code, be amended as follows:

5-12-10: REVOCAION FOR FAILURE TO PLACE INTO SERVICE

Any license for the sale of liquor by the drink issued by the City of Nampa shall be placed into service by the licensee within six months of its issuance, which requirement shall be considered met once the premises for which the license is issued is made open to the licensee's clients or customers for at least thirty hours per week for twelve consecutive weeks. After the foregoing initial term, the premises for which the license is issued shall continue to be open an average of 30 hours per week, which average shall be calculated based upon the total hours the premises are open in each month. Failure to meet the foregoing requirements may result in a license revocation. Prior to such revocation, City Council shall hold a hearing at which the licensee may provide evidence and testimony concerning the aforementioned requirement. When the Mayor and Council revoke a license pursuant to this section, they shall specify, in writing, the statutes, ordinances and standards used in evaluating the application, the reasons for revocation, and the actions, if any, that the applicant could take to renew the license. The written statement asserting the reason for the license revocation decision by the City Council shall be delivered to the licensee within thirty (30) days of the Council decision.

REVOCATION OR DENIAL:

~~The mayor and council may revoke or deny a license application for fraud and misrepresentation in its procurement, or for a violation of the letter spirit of the laws of the city, or the laws of the state of Idaho, or United States regulating the sale of alcoholic beverages, or for a violation of any of the provisions of this chapter, or for any conduct or act of the licensee or any employees or any conduct or act permitted by him or them on the premises where such business is conducted, tending to render such business or such premises where the same is conducted as a public nuisance or a menace to the health, peace, safety or general welfare of the city.~~

~~When the council revokes or denies a license they shall specify in writing:~~

- ~~A. The statutes, ordinances and standards used in evaluating the application;~~
- ~~B. The reasons for denial; and~~
- ~~C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal.~~

Section 7. That Title 5, Chapter 12, Section 5-12-11 of the Nampa City Code, be amended as follows:

5-12-11: RESTRICTIONS:

~~Location in distance from schools and churches shall be as complies with title 23, state code.~~
No license for the sale of liquor, wine, or beer by the drink shall be issued for any premises in any neighborhood which is predominantly residential or within 300 feet of the property boundaries of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the City Council. This limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing same came therein. Additional restrictions may be placed on the any such business under the planning and zoning code of the city.

Section 8. That Title 5, Chapter 12, Section 5-12-12 of the Nampa City Code, be amended as follows:

5-12-12: TRANSFERS:

Any licensed person desiring to change his place of business from one location to another or from one person to another shall file with the city clerk an application and transfer fee. The clerk shall make investigation of the new proposed place of business and/or of the new licensee and submit the application to council for approval as a new license.

Section 9. That Title 5, Chapter 12, Section 5-12-13 of the Nampa City Code, be amended as follows:

5-12-13: HOURS AND DAYS OF SALE:

~~A~~-Liquor By The Drink: No liquor may be sold, offered for sale or given away upon any licensed premises on the following days or during the following hours:

1. Memorial Day, Thanksgiving, and Christmas from one o'clock (1:00) A.M. to ten o'clock (10:00) A.M. the following day.
2. On any other day between one o'clock (1:00) A.M. and ten o'clock (10:00) A.M.

Section 10. That Title 5, Chapter 12, be amended by the addition of a new Section 5-12-17 of the Nampa City Code, as follows:

5-12-17: DENIALS OF LICENSE APPLICATIONS AND REVOCATIONS OF LICENSES:

- I. Denial of a License Application: The Mayor and Council may deny a license application for fraud and misrepresentation in its procurement; for a violation of the laws of the United States, State of Idaho, or City of Nampa regulating the sale of alcoholic beverages; for a violation of any of the provisions of this chapter; and for any conduct or act of the licensee or any employees, or any conduct or acts permitted by him or them on the premises where such business is conducted, tending to render such business or premises as a public nuisance or a menace to the health, peace, safety or general welfare of the city.

Further, the Mayor and Council may deny a license application for a licensee having accumulated at least three (3) points against their license in the prior year. Renewal of such licenses may only be granted by the City Council after a public hearing at which the licensee or license applicant appears in person to provide testimony to demonstrate that procedures have been put in place to avoid and reduce future violations. Licenses without the assignment of at least three (3) points may be renewed by Consent Agenda through the City Council.

When the Mayor and Council deny a license, they shall specify, in writing, the statutes, ordinances and standards used in evaluating the application, the reasons for denial, and the actions, if any, that the applicant could take to obtain the license, transfer, or renewal. The foregoing shall be provided the applicant, in writing, within thirty (30) days of a decision to deny an application.

- II. Revocation of an Existing License
Notwithstanding any other provision of this Code to the contrary, any license issued under this Title 5, Chapter 12, of the Nampa City Code, may be revoked or suspended by the City of Nampa pursuant to the following Alcoholic License Point System (ALPS):
 - A. General Provisions

1. Purpose: Under ALPS, licensee misconduct and the failure to exercise proper controls over an establishment licensed to sell liquor, beer, and/or wine, by the drink may result in a revocation or suspension of said license based upon accumulated points assigned to a licensee for said misconduct and failures to exercise proper control. The provisions of ALPS provide licensees in the City of Nampa with a clear description of what circumstances will result in a point being assigned to their license, the numbers of accumulated points that will result in certain consequences for the licensee, and the procedures and process for point allocations, hearings, and appeals.
2. Licensee Responsible for Conduct of Employees. License violations which occur due to the conduct of an employee or agent of a licensee shall be imputed to the licensee. Any points assessed for a license violation by an employee or agent of a licensee shall be assessed against the licensee's liquor license.
3. Licensee Responsible for Failure to Exercise Proper Control. License violations which occur due to the failure of the licensee or its employees or agents to exercise proper control over the licensed premises shall be imputed to the licensee. Failure to exercise proper control shall mean acts or omissions which a reasonable person would believe would result in a license violation, and which result in a license violation, as defined in Section 5-12-17(II)(B).
4. Burden of Proof, Liability. Points may only be assessed against a license when the City determines, by a preponderance of the evidence, that a licensee or an employee or agent of a licensee, committed a license violation. Points may be assessed against a license even if the individual who performed the action or conduct that constituted the license violation was not convicted of committing a crime.
5. Review Committee: A committee consisting of the Chief of Police or his/her designee, City Clerk or his/her designee, Chief of Staff or his/her designee, Building Official or his/her designee, and Planning and Zoning Director or his/her designee. This committee shall constitute the Alcohol Review Committee (Committee), which Committee shall be responsible for administering the provisions of the ALPS. The Chief of Police shall be the chair of the committee and shall schedule and conduct meetings of the Committee upon notification that a license violation has occurred requiring Committee action. The Committee shall abide by the applicable provisions of the Idaho Open Meeting laws.

B. License Violations

A License violation can occur on the licensed premises, in the parking lot for the premises, or in an adjacent area under the control of the licensee. License violations may result in the assessment of points against a liquor, beer, or wine license. If a single incident or occurrence would constitute multiple license violations as listed below, that single incident or occurrence shall only constitute a single license violation, and said incident or occurrence shall be assessed with only the most serious applicable license violation. License violations shall remain on a license for the remainder of the then-current license year, as well as for one subsequent license year.

For the purposes of this Section 5-12-17, license violations and applicable points shall include the following:

1. Training: Failure of a licensee, its officers, managers, employees and agents to undergo training as required under Subsection 5-12-17(II)(D)(3) & (6). **1 Point.**
2. Probation Violation: An additional license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6). **2 Points.**
3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. **1.5 Points**
4. Homicides: Any homicide offense under Title 18, Chapter 40, Idaho Code. **6.5 Points.**
5. Weapons: Any action or conduct which violates any provision of Title 18, Chapter 33, Idaho Code. **3 Points.**
6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code. **3.5 Points.**
7. Prostitution: Any action or conduct which violates any provision of Title 18, Chapter 56, Idaho Code. **6.5 Points.**
8. Human Trafficking: Any action or conduct which violates any provision of Title 18, Chapter 86, Idaho Code. **6.5 Points.**
9. Gambling: Any action or conduct which violates any provision of Title 18, Chapter 38, Idaho Code. **2 Points.**
10. Assault and Battery: Any action or conduct which constitutes assault or battery actions and violates any provision of Title 18, Chapter 9, Idaho Code. **3.5 Points.**
11. Sex Crimes: Any action or conduct which violates any provision of Title 18, Chapters 15 and 66, Idaho Code. **6.5 Points.**
12. Occupancy: Exceeding Occupancy load for the premises as stated on the occupant load limit sign posted in the premises or failing to post the occupant load limit sign for the premises in a conspicuous place near the main exit or exit access doorway of the premises. **1.5 Points.**
13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. **1.5 Points.**
14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license. **1 Point.**
15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code. **1.5 Points.**
16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code. **1 Point.**
17. General Violations: All other violations of law or the City Code. **1 Point.**

C. Accumulated Point Classifications:

1. Minor: 1.0 to 2.5 points.
2. Significant: 3.0 to 6.0 points.
3. Major: 6.5 and above

D. License Violation Review Procedures.

Notification of the point system as stated herein, and a copy of this Section, will be provided to each licensee by the City Clerk upon the issuance of a license. Upon receipt of

an incident report or other evidence of a license violation, the Committee shall follow the procedures set forth below.

1. Within thirty (30) days of receiving an incident report or other evidence of a license violation, the Committee will meet to review the report or evidence and determine whether there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation.
2. If the Committee determines that there is not probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation, the City Clerk will notify the licensee that the Committee will take no further action with respect to that incident. Said notice shall be provided within five (5) business days of the date of the Committee determination that probable cause does not exist.
3. Notwithstanding any other provision of this Section to the contrary, if the Committee determines, by a preponderance of the evidence, that the conduct of a licensee or an employee or agent of a licensee resulted in a license violation under this Section, the Committee may order the licensee to undergo specialized liquor law enforcement training offered by the City of Nampa Police Department and/or the Idaho State Police in lieu of the assessment of points against a license. All officers, managers, employees and agents of the licensee who are regularly employed at the licensed premises at the time of the determination shall undergo such training to avoid the assessment of points against the liquor license.
4. If the Committee determines by preponderance of evidence that a licensee or an employee or agent of a licensee committed a license violation, the Committee will assess points against the license of the licensee in accordance with this Section. The City Clerk will mail a copy of the incident report to the licensee, along with a notification of the points assessed against the applicable liquor license(s) and the total of outstanding points assessed against such license(s). Said mailing shall take place within five (5) business days of the date of the Committee determination that a violation has occurred.
5. A Licensee may contest a license violation determination by submitting a written appeal to the City Clerk. Any written appeal of the assessment of points against a license must be filed with the Clerk by the licensee within fourteen (14) calendar days of the licensee's receipt of notification of the assessment of points. The appeal will be heard by the Committee, which hearing shall be conducted pursuant to the hearing procedure under Subsection 5-12-17(II)(E).
6. When points assigned to a liquor license reach the minor, significant, or major categories, the Committee will hold a hearing to determine what penalties and remedies will be assessed against a licensee. Said hearing shall be conducted pursuant to the hearing procedure under Subsection 5-12-17(II)(E). When points assigned to a liquor license reach the minor category, the Committee may require licensees and employees to complete the specialized training set forth in Subsection 5-12-17(II)(D)(3) and/or may place the licensee on probationary status for a period not to exceed six (6) months. When points assigned to a liquor license reach the significant category, the Committee may suspend the license for a period not to exceed thirty (30) days and/or place a licensee on probationary status for a period not to exceed one (1) year. When points assigned to a liquor license reach the major category, the Committee may

put forth a recommendation to City Council to suspend or revoke the license. The City Council shall only elect to suspend or revoke a liquor license after conducting a hearing pursuant to Subsection 5-12-17(II)(E). In making a determination as to the appropriate level of penalty or remedy to be imposed on a licensee, the Committee or Council shall take into consideration all circumstances related to the underlying license violations. Any action or decision of the Committee shall be effective immediately upon receipt of notice of said action or decision by the licensee, but shall be tolled by and during the duration of any timely appeal.

7. A Licensee may contest and appeal any final license violation determination and any penalty/remedy determination made by the Committee by submitting a written appeal to the City Clerk. Any written appeal must be filed with the Clerk by the licensee within fourteen (14) calendar days of the licensee's receipt of notification of the final Committee decision. The appeal will be heard by the Council, which hearing shall be conducted pursuant to the hearing procedure under Subsection 5-12-17(II)(E).

E. Hearing Procedures.

These hearing procedures shall apply to all hearings conducted by the Committee and Council. For the purpose of the following procedures, "Council" shall be inclusive of both the Committee and the Council.

1. The Council, upon receiving a written appeal for a license violation determination, penalty/remedy determination, or suspension/revocation recommendation, shall conduct an evidentiary administrative hearing. Said hearing shall be scheduled to take place at the next possible regularly scheduled meeting of the City Council. The notice of the hearing date and time shall be served upon the licensee by leaving a copy at the licensed premises or by mailing the notice by certified mail to the licensee at the licensed premises.
2. The licensee shall appear in person, and may appear with legal counsel, to present evidence, to produce witnesses, to examine witnesses, cross examine, and impeach witnesses. Before any witness shall testify, the witness shall be sworn to testify under oath by the City Clerk or deputy clerk of the City of Nampa. The hearing shall be transcribed by a court reporter or stenographer, or, alternatively, a video and audio recording shall be made of the hearing. The technical rules of evidence shall not apply, except the Council may exclude evidence which is irrelevant or repetitious. Each party is entitled to present oral arguments or written briefs at or within ten (10) days after the hearing.
3. The Council shall make written findings of fact and conclusions of law within sixty (60) calendar days of the hearing. Such findings shall be based upon competent and substantial evidence contained in the hearing record as a whole. A copy of the Council decision, findings of fact, and conclusions of law shall be delivered to the City Clerk and to the licensee. Any revocation/suspension imposed by said written finding of facts and conclusion of law shall be effective upon delivery of the same to the licensee, unless tolled during the pendency of a lawful and timely appeal.

Section 11. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

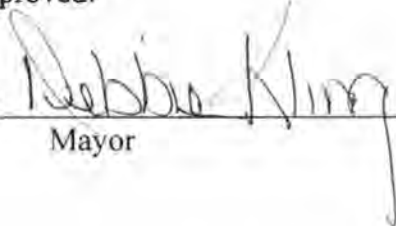
Section 12. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 13. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 18TH DAY OF MAY, 2020.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 18TH DAY OF MAY, 2020.

Approved:

By  _____
Mayor

Attest:

By  _____
City Clerk

**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: February 22, 2021

FROM: Chris Bosley – City Engineer

SUBJECT: Approval of Contract Agreement with DG&S Company for the installation of a manhole and storm line for the US-95/NW Blvd Swale Project (formerly Walnut Avenue Drainage Project)

DECISION POINT:

Should Council approve a contract with DG&S Company for the installation of City stormwater infrastructure across US-95?

HISTORY:

The Drainage Utility has determined that it would be beneficial and prudent to install stormwater infrastructure beneath US-95 and has received an encroachment permit from the Idaho Transportation Department (ITD Permit #1-20-172) to allow for the diversion of current stormwater flows to a newly constructed swale and drywell area, effectively removing the direct injection of stormwater to the Spokane River from a drainage area of approximately 215 acres. The utility is currently constructing the swale that will accommodate the stormwater flow from the newly placed manhole and storm line. Bids were received for the pipe installation with the low bidder being DG&S Company at \$106,000.00.

FINANCIAL ANALYSIS:

The budget required for work described in this agreement is in the Drainage Utility's current budget, as the Walnut Avenue Drainage Project line - \$160,000.00.

PERFORMANCE ANALYSIS:

Approval of this agreement will allow for the treatment of stormwater flows that currently enter the surface waters of the Spokane River untreated.

DECISION POINT/RECOMMENDATION:

Council should approve a contract with DG&S Company for the US-95/NW Blvd Swale Project in the amount of \$106,000.00.

*Northwest Boulevard & US-95
Stormwater Design Project*



February 22, 2021

*Northwest Boulevard & US-95
Stormwater Design Project*



*Northwest Boulevard & US-95
Stormwater Design Project*



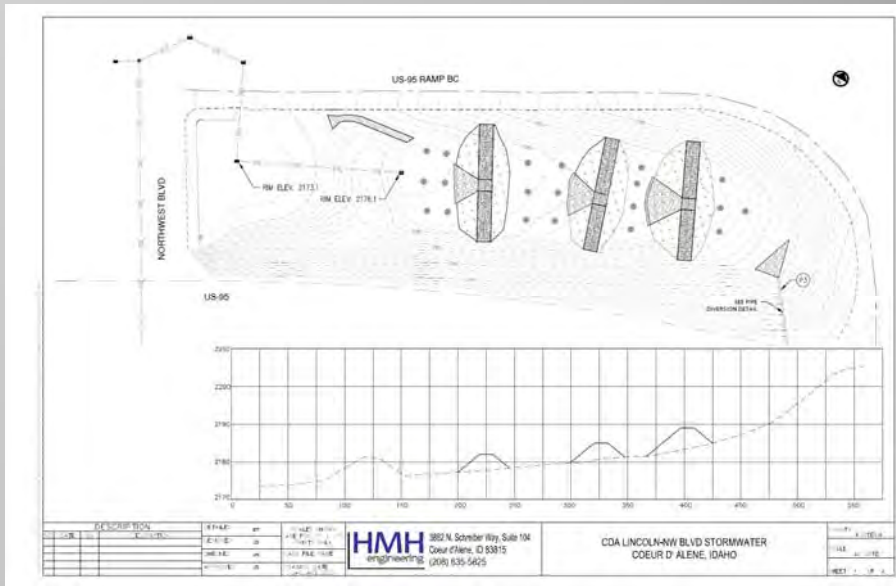
*Northwest Boulevard & US-95
Stormwater Design Project*



Northwest Boulevard & US-95 Stormwater Design Project



Northwest Boulevard & US-95 Stormwater Design Project



*Northwest Boulevard & US-95
Stormwater Design Project*



RESOLUTION NO. 21-013

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH DG&S COMPANY FOR THE US-95/NORTHWEST BOULEVARD SWALE PROJECT FOR THE STREETS AND ENGINEERING DEPARTMENT.

WHEREAS, the General Services/Public Works Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into a contract with DG&S Company, pursuant to terms and conditions set forth in a contract, 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 a contract with DG&S Company for the US-95/Northwest Boulevard Swale project for the Streets and Engineering Department, 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 contract to the extent the substantive provisions of the contract remain intact.

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

DATED this 2nd day of March, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER WOOD Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER ENGLISH Voted

_____ was absent. Motion _____.

CONTRACT
for
US 95/NW Blvd Swale Project
(formerly Walnut Avenue Drainage Project)

THIS CONTRACT is made and entered into this 2nd day of March, 2021, 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 **DG&S COMPANY**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 599 French Gulch Rd., Kingston, Idaho, hereinafter referred to as "**CONTRACTOR**."

WITNESSETH:

WHEREAS, the said **CONTRACTOR** has been awarded the contract for US-95 / Northwest Boulevard swale project crossing and manhole installation according to contract documents on file in the office of the City Clerk of said **CITY**, which contract documents 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 complete improvements as set forth in the said contract documents described above in said **CITY**, furnishing all labor and materials therefor according to said contract documents and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said contract documents are hereby declared and accepted as parts of this contract. All materials shall be of the high standard required by the said contract documents and approved by the City Engineer, and all labor performed shall be of first-class workmanship.

The **CONTRACTOR** shall indemnify, defend and hold the **CITY** harmless from all claims arising from the **CONTRACTOR**'s actions or omissions in the performance of this contract and, to that end, shall maintain liability insurance naming the **CITY** as an additional insured in the amount of at least Five Hundred Thousand Dollars (\$500,000) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants, it being the intention that the minimum limits shall be those provided for under Idaho Code § 6-924. A certificate of insurance providing at least thirty (30) days' written notice to the **CITY** prior to cancellation of the policy shall be filed in the office of the City Clerk.

The **CONTRACTOR** agrees to maintain Worker's Compensation coverage on all employees, including employees of subcontractors, during the term of this contract as required by Idaho Code §§ 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 coverages required herein, which certificates must be approved by the City Attorney.

The **CONTRACTOR** agrees to receive and accept, as full compensation for furnishing all materials and doing all the work contemplated and embraced in the contract, an amount equal to the sum of the total price bid by the **CONTRACTOR** for the work. The total amount of the contract shall not exceed One-hundred Six Thousand and 00/100 Dollars (\$106,000.00).

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).

The work shall commence no later than ten (10) days after the date of the Notice to Proceed issued by the **CITY**. Work on the project shall not commence until all required materials have been delivered to the project site and approval of all shop drawings, traffic control plans and submittals have been granted. In any event, work shall begin no earlier than March 15, 2021, and no later than May 24, 2021. **CONTRACTOR** shall complete all work impacting traffic within 3 Calendar Days. The Contractor shall achieve substantial completion within 5 calendar days after commencement of work. Substantial completion is defined as completing all the culvert, manhole, and road repair work. **CONTRACTOR** must **notify Chris Bosley, PE, at the City of Coeur d'Alene (208-769-2235) and the Idaho Transportation Department (ITD) Maintenance Foreman as listed in the ITD permit 1-20-172 five calendar days before work begins.**

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 limits, the **CONTRACTOR** shall pay to the **CITY** or have withheld from monies due, liquidated damages at the rate of Five Hundred and No/100 Dollars (\$500) 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 fewer 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 of Idaho in the performance of said work.

The **CONTRACTOR** further agrees that, in consideration of securing the business of the construction of the works to be constructed under this contract, and 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:

1. To pay promptly when due all taxes (other than on real property), excise, 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, excise, and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same constitutes a lien upon his property, to secure the same to the satisfaction of the respective officers charged with the collection thereof; and
3. That in the event of his default in the payment or securing of such taxes, excise, 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.

The **CONTRACTOR** further agrees, in consideration for securing this contract, to comply will all the requirements of **Attachment 1**, which by this reference is incorporated herein.

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

For the faithful performance of this contract in accordance with the contract documents and payment for all labor and materials, the **CONTRACTOR** shall execute a 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" means and includes the following:

- A) Advertisement For Bids
- B) Information For Bidders
- C) Bid Proposal
- D) Bid Bond
- E) Bidding Forms as Required
- F) Contract
- G) Labor and Materials Payment Bond
- H) Performance Bond
- I) Notice of Award
- J) Notice to Proceed
- K) Change Order
- L) General Conditions

- M) Technical Specifications
- N) Special Provisions
- O) Plans
- P) Addenda

No. _____, dated _____, _____

THIS contract, with all of its forms, specifications, and stipulations, shall be binding upon the parties hereto, their successors and assigns. However, CONTRACTOR shall not assign this contract, or any part thereof, without the prior written consent of the CITY.

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,
KOOTENAI COUNTY, IDAHO**

**CONTRACTOR:
DG&S Company**

Steve Widmyer, Mayor

By: _____

Its: _____

ATTEST:

Renata McLeod, City Clerk

Attachment 1

This Attachment is to be inserted in every contract subject to Title VI of the Civil Rights Act of 1964 and associated Regulations.

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ITD or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor’s non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part.

Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request ITD enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

**CITY COUNCIL
STAFF REPORT**

DATE: March 2, 2021
FROM: Mike Anderson, Wastewater Superintendent
SUBJECT: Wastewater Municipal Code Amendments

DECISION POINT: The Wastewater Department recommends amendments specified in *Attachment 1* to update and clarify sections in chapter 13.20 of the City's Municipal Code.

HISTORY: An inspection of the City's Wastewater Pretreatment Program in 2020 by the Idaho Department of Environmental Quality indicated some changes are required to our Sewer Use Ordinance to align with industrial user permits.

- 13.20.2.2 – Additional language to this section allowing concentration limits (mg/L) or mass limits (lbs).
- 13.20.3.13 – Deletion of language which extends a wastewater permit beyond its expiration date.
- 13.20.4.6 – Additional language requires a 5-day notification to the City of any discharge that could cause a problem to the POTW. Also requires Significant Industrial Users to notify the City of any changes to their process which could produce a slug discharge.

FINANCIAL ANALYSIS: There is no financial impact to the City in making these updates.

PERFORMANCE ANALYSIS: The Wastewater Department strives to maintain clarity and transparency to the public. These changes will align the specified Municipal Codes with Wastewater Discharge Permits that are issued to certain industrial dischargers.

DECISION POINT/RECOMMENDATION: Council should approve amending the Municipal Code as described in the attachment.

Attachments:
Code Emendation Ordinance

ORDINANCE NO. _____
COUNCIL BILL NO. 21-1003

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 13.20.2.2, 13.20.3.13, AND 13.20.4.6 ADDING LANGUAGE REQUIRED BY IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

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

SECTION 1. *That section 13.20.2.2 of the Coeur d'Alene Municipal Code be amended as follows:*

The national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471 are hereby incorporated and are enforceable under this Code.

- A. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users. (Line 638 in EPA Model SUO, 2.2B)

SECTION 2. *That section 13.20.3.13 of the Coeur d'Alene Municipal Code be amended as follows:*

A user, required to have a wastewater discharge permit, must apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with section 13.20.3.4 of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. ~~A user, whose existing wastewater discharge permit has expired and has submitted its reapplication in the time period specified herein, will be deemed to have an effective wastewater discharge permit until the city issues the new wastewater discharge permit.~~ A user, whose existing wastewater discharge permit has expired and who failed to submit its reapplication in the time period specified herein, will be deemed to be discharging without a wastewater discharge permit.

SECTION 3. *That section 13.20.4.6 of the Coeur d'Alene Municipal Code be amended as follows:*

- A. All users must notify the city immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in section 13.20.1.3 of this chapter. The

notification must include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Within five (5) days following such discharge, the User shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Any user who discharges a "slug" (or slugs) of prohibited materials shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city under state or federal law.

B. Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge. (Line 1773 in EPA Model SUO, 6.6D)

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

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.

SECTION 6. After its passage and adoption, a summary of this Ordinance, pursuant to 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 this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on March 2, 2021

APPROVED, ADOPTED and SIGNED this 2nd day of March, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Sections 13.20.2.2, 13.20.3.13, and 13.20.4.6 of the City Code

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 13.20.2.2, 13.20.3.13, AND 13.20.4.6 ADDING LANGUAGE REQUIRED BY IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. 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.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending sections 13.20.2.2, 13.20.3.13, and 13.20.4.6 of the Coeur d'Alene Municipal 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 2nd day of March, 2021.

Randall R. Adams, Chief Deputy City Attorney

**CITY COUNCIL
STAFF REPORT**

DATE: March 2, 2021

FROM: Chelsea Nesbit, CDBG Specialist

SUBJECT: Approval of staff to enter into contract negotiations for CDBG Agreements with North Idaho College, TESH, Lake City Center, and Habitat for Humanity. for Plan Year 2020, and CDBG-CV Agreements with Idaho Youth Ranch, United Way, Love INC, and Lake City Center

DECISION POINTS:

1. Should City Council authorize staff to proceed with agreements using 2020 CDBG funds to fund NIC, TESH, Inc., Habitat for Humanity and Lake City Center for their projects supporting economic development, public facilities improvements, affordable for sale housing, expanding the Meals on Wheels annual grant and adding an AED device to the Lake City Center Facility?
2. Should City Council authorize staff to proceed with agreements to fund Idaho Youth Ranch, LOVE, Inc., and United Way for projects to provide support and services for LMI families in Coeur d'Alene with CDBG-CV funds in response to COVID-19?

Staff Report Overview:

Because this staff report covers funding requests using regular CDBG funds from the 2020 Plan Year for the Community Opportunity Grant and CDBG-CV funds, the information is split out in the analysis below.

CDBG COMMUNITY OPPORTUNITY GRANT FUNDING

CDBG HISTORY: The City receives an annual allocation from the Housing and Urban Development Agency (HUD). With roughly half this funding, the City manages an annual Community Opportunity Grant accepting proposals for projects benefitting low to moderate income Coeur d'Alene residents and neighborhoods.

Based on the 2020 Annual Action Plan, \$206,500 was budgeted for the Community Opportunity Grants. Of the total funding available, a maximum of \$41,300 could be allocated to public service type grants. The minimum grant request was specified at \$35,000 to reduce staffing time required to manage each awarded grant recipient.

On December 23, 2020, the City advertised the request for proposals. Additionally, the funding availability notice was posted to the City webpage, City Facebook, CDA TV, and shared via direct phone calls, flyers and group emails to all 189 on the stakeholders list, which includes many service organizations and interested parties that specifically provided services to low to moderate income citizens. An Educational Workshop was held on January 6, 2021 via Zoom. These workshops were publicly advertised and provided information on CDBG eligibility overview

and technical assistance; there were in attendance a total of seven people representing a variety of organizations. The grant cycle was open from December 23, 2020 to January 22, 2021.

The Volunteer Ad Hoc Grant Review team met on February 23, 2021 to review and rate the applications. The group included the following participants: Council Member Woody McEvers, Pamela Bates (Volunteer Senior Service Coordinator), Jon Ingalls (Planning and Design Review Commission member), Maggie Lyons (Charity Reimagined) and Nicole Kahler (CDA's 2030 Executive Director).

FINANCIAL:

The 2020 total allocation from HUD was \$339,375. Of that amount, \$206,500 was allocated to the Community Opportunity Grant in the 2020 Annual Action Plan. Funding requests for the 2020 grant cycle totaled \$330,000.

The public service maximum for the 2020 fund year can only be 15% of the annual allocation; therefore, the community grant allocation amount was capped at \$31,300, as there is already a \$5,000 public service allocation to the Lake City Center for the Meals on Wheels program, and the committee voted to increase that allocation to \$10,000 with council approval. The total amount of funds to be allocated if the grant recommendations are approved would be \$205,000. The remaining amount if the recommended projects are funded would be \$1,500. This amount could be moved into the EMRAP program, through a minor amendment. It could not be added to the Public Services category, unless it was for a COVID-19-related effort.

The Volunteer Ad Hoc Grant Review team recommends the following allocations.

NIC: \$30,000

This proposal enables North Idaho College to pilot the North Idaho College Venture Fund Microgrant as a new financial resource for regional entrepreneurs to utilize in their efforts to launch and expand their venture. This fund will focus on supporting low-to-moderate income entrepreneurs living in Coeur d'Alene who formerly or currently receive education, coaching, or access to equipment at the NIC Venture Network, which typically serves over 1,000 student or community entrepreneurs each year. About 200 will face barriers to business success in the next 12 months which could be overcome with a small infusion of cash from a NIC Venture Fund Microgrant.

Venture Fund microgrants could cover non-labor business costs identified by the entrepreneur as tangible barriers to the business's success (such as capital, inventory, technical assistance, legal services, securing childcare for parent-entrepreneurs so they have time to work on their business, etc.). Each application must be preapproved by the associated Venture Network program for consideration. Qualifying participants will receive one or more microgrants in amounts not to exceed \$5,000 per recipient.

Tesh: \$42,500

Tesh's mission is to offer choices and opportunities to people with disabilities of all ages seeking greater independence, self-sufficiency and participation in their community.

Tesh applied for grant funding for bathroom and kitchen remodel. Six bathrooms need remodeling for ADA compliance – 4 in the main building and 2 in the annex building (totaling \$100,000) – as well as the client kitchen (\$21,000).

The Volunteer Ad Hoc Grant Review team recommends funding half (42,500) from 2020 and considering funding half from 2021 funds.

Lake City Center Meals on Wheels: \$10,000

Lake City Center's Meals on Wheels annual CDBG allocation is \$5,000. Due to increased need in the community, the Volunteer Ad Hoc Grant Review team recommends increasing this amount to \$10,000.

Lake City Center AED: \$2,500

The Lake City Center has requested the purchase and placement of an Automatic External Defibrillator (AED). The CDA Fire Department will provide training.

The CDA Fire Department recognizes that the community served by the Lake City Senior Center (LCSC) is primarily an "at-risk" population. Citizens over the age of 65 and many with underlying health and medical conditions have an increased risk of contracting COVID-19 with grave consequence. Further we recognize that COVID-19 attacks and effects the lung function of its victims. Increased respiratory strain can and does result, often times, in increased exertion of cardiac function. Increases in fatigue of the heart and cardiac muscles can result in sudden cardiac arrest.

Habitat for Humanity: \$120,000

Phase 1: Project Planning - 2nd Street Development, Coeur D Alene, Idaho 83814

The 2nd Street complex is expected to consist of **twenty affordable homes** for low-and moderate-income families in Kootenai County, Idaho. The funds they are requesting from the CDBG Grant will be utilized for Phase 1 Project Planning which consists of Site Design, Design Development, Code Analysis, Schematic Design and Construction Documentation.

PERFORMANCE ANALYSIS: Authorizing these grant awards will allow NIC, TESH, Lake City Center and Habitat for Humanity to move forward with their projects. All Committee funding suggestions support projects for at-risk members of Coeur d'Alene's low-to-moderate income community and meet HUD project and activity standards. In particular, the NIC and Habitat for Humanity would meet the City's unmet goals related to economic development and affordable

housing. The unallocated funds in the amount of \$1,500 could be moved to the EMRAP program, prior to the end of the program year, unless another Council priority meeting CDBG eligibility and not falling under public service was identified.

CDBG-CV GRANT FUNDING

CDBG-CV HISTORY:

On March 19, 2020, the U.S. Senate introduced the Coronavirus Aid, Relief and Economic Security (CARES) Act Bill to provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic. The City of Coeur d'Alene was notified on April 2, 2020 that we will be receiving \$199,675 in FY20 CDBG-CV funding, which was accepted by the City Council at its May 5, 2020 meeting. September 11, 2020, the City was notified that an additional \$247,124 will be allocated as part of the third round of CARES Act funds. HUD is allowing the CDBG-CV funds to be spent for two years to respond to COVID-19.

CDBG-CV funds can only be used to prevent, prepare for, and respond to coronavirus, and shall prioritize the unique needs of low- and moderate-income persons. The City Council directed staff to prioritize housing and food for the use of the CDBG-CV funds. So far, funds have been allocated to St. Vincent de Paul for homeless sheltering and support services, Family Promise to shelter homeless families, Lake City Center for the expanded Meals on Wheels program, Boys & Girls Club of North Idaho for their food pantry, Safe Passage for domestic violence victim support, including sheltering and counseling, United Way of North Idaho for child care scholarships, CDAIDE for their subsistence payment program for hospitality workers, the City's utility assistance program, and CDBG staff administration. With the adjusted school schedules implemented to accommodate social distancing, childcare and academic support are a high priority need for students.

FINANCIAL ANALYSIS:

The City received \$199,675 in the first allocation of CDBG-CV funds and an additional \$247,124 in CDBG-CV3 funds, bringing the total CV funds allocation to \$446,799. A total of \$59,60 has been set aside for admin expenses, leaving a total of \$387,439 for Community Opportunity Grants. The total dollar amount of approved grants so far is \$221,053.

The Volunteer Ad Hoc Grant Review team is recommending funding for Love INC in the amount of \$20,000 for the **Rental and Utility Assistance Program**, Idaho Youth Ranch in the amount of \$28,000 for their **Case Manager Position**, and United Way of North Idaho in the amount of \$52,000 for the **Childcare Scholarship Program Extension**. These projects total \$100,000.

There is currently \$166,386 in CARES Act funds to spend on COVID-19-related needs that meet the HUD requirements for funding, and if this grant is awarded, \$66,386 will remain.

Idaho Youth Ranch Case Manager Position: \$25,000

The Idaho Youth Ranch (IYR) has been helping vulnerable youth and their families since 1953. Their mission and focus is to provide healing, support, skills and opportunity to at-risk young people in Idaho, giving them the chance for a promising future. They provide services from "cradle to career" including adoptions services, emergency shelter, out-patient counseling for youth and their families, job readiness training, and an alumni program that provides a forever lifeline to youth who have received services from any IYR program. Services are available regardless of a youth's/family's ability to pay. In 1990, Anchor House, a residential treatment home for boys in Coeur d'Alene, merged with the Idaho Youth Ranch to strengthen services to youth in the Coeur d'Alene area. In 2015, based on a community survey of needs, Anchor House shifted its focus to out-patient therapeutic services to help more young people.

This project will provide case management services to the families experiencing increased stress and difficulty related to COVID-19. These are the families of at-risk and vulnerable youth who are receiving needed mental health services due to various kinds of trauma. This is a new service and has not been available to families until now.

LOVE INC Rental and Utility Assistance Program: \$20,000

Love In the Name of Christ, Kootenai County (Love INC), exists to mobilize and engage churches in transforming the lives of those in crisis and chronic poverty. By helping people discover their potential through relationships and increased capacity rather than dependency, they offer a hand-up, not a hand-out. Through their compassionate intake process, volunteers take the time to listen to our clients as they share their concerns, their fears, and their stories. They then validate the need, rally community resources, and create relationships between clients and the community to help build lasting transformation.

Love INC is uniquely poised to help those in need of rental and/or utility assistance given their specific and intentional intake process. Volunteers at their Connection Center are trained to listen to those referred by churches and other benevolence organizations who are in need. For many in our community, the inability to pay rent and/or utility bills makes them vulnerable to difficult situations. Love INC addresses specific needs and strives to engage and build relationships. Relationships built on trust often provide opportunities to support people who want to make healthy changes in their lives. Incentives like rent and/or utility assistance can be a great catalyst for motivating a person to want to invest in their personal growth to reach their potential.

Rental and/or utility assistance will be used to incentivize clients to invest in their personal growth through courses and other community resources.

United Way North of Idaho Childcare Scholarship Program Extension: \$52,000

The COVID Crisis Child Care Scholarship Program would address the 2018-2022 Consolidated Plan **Goal Number 6: expanding public services for low- to moderate-income residents in Coeur d'Alene**. Specifically, this program would reduce education opportunity gaps for children and increase adult workforce participation by providing financial support to families to access and maintain child care. It falls under the CDBG National Objective **Benefit to low- and moderate-income (LMI) persons** and Activity Code **05L Child Care Services**.

The COVID Crisis Child Care Scholarship Program Extension proposed by United Way of North Idaho will assist families experiencing hardship as a result of COVID-19 in accessing and maintaining child care. It will also help support working parents by providing vouchers for school-age children to have day care on the days children have remote learning. Parents would apply for funds and scholarships are awarded directly to the licensed care provider as a monthly supplement based on need and funds available not to exceed \$1500 per family. Applications would be reviewed monthly (or possibly twice a month) and families will be selected based on identified need. Award amounts are scaled according to family size and number of children enrolled in care. It would also help expand United Way's existing ALICE Child Care Scholarship Program by directing those funds to families outside of Coeur d'Alene and focusing the CDBG-CV funds on families who reside in Coeur d'Alene. This effectively will double the amount of scholarships available in the greater Coeur d'Alene area. CDBG-CV funds will create COVID Crisis child care scholarships for Coeur d'Alene families whose income is at or below 80% of Area Median Income. Scholarships would be awarded as a monthly supplement paid directly to recipient's child care provider.

Reliable child care allows adult household members to stay productive and engaged in the workforce or to pursue further education. Child care providers receive timely reimbursement of tuition. Scholarship applications require evidence of income, employment status, and COVID-related hardship, ensuring we reach the target population. It also includes verification that children remain enrolled in child care for the duration of the scholarship award. United Way will provide financial, demographic and outcome reports when all funds are expended.

PERFORMANCE ANALYSIS:

The CDBG-CV funds can only be used to prevent, prepare for, and respond to coronavirus, and shall prioritize the unique needs of low- and moderate-income persons. HUD provided some initial guidance for the use of the funds including eligible activities. That list has been provided in previous staff reports and is posted on the CDBG webpage. It is also attached to this staff report for reference. In addition to the list of activities, the funds must be used to meet a National Objective: 1) benefit to low- and moderate-income (LMI) persons; 2) aid in the prevention or elimination of slums or blight; or 3) meet a need having a particular urgency (referred to as urgent need)). Funding requests must also fall under one of the eligible activities in the HUD matrix, which is based on federal regulations 570.201-570.207. There are also reporting requirements and proof of LMI benefit that must be achieved.

DECISION POINTS/RECOMMENDATIONS:

1. The Council should authorize staff to enter into contract negotiations for the 2020 CDBG Community Opportunity Grants with the following organizations:
 - NIC for Economic Development Entrepreneurial Scholarships for \$30,000; and
 - Lake City Center for their annual Meals on Wheels program, expanded to \$10,000; and
 - Lake City Center for the purchase and installation of an AED device for \$25,000; and
 - TESH, for the remodel of two bathrooms to ADA compliance for \$42,500; and
 - Habitat for Humanity for their Affordable for Sale Housing project planning for \$120,000.

2. The City Council should authorize staff to proceed with agreements with the following organizations using CDBG-CV Funds to provide support and services for LMI families in Coeur d'Alene to respond to COVID-19:
 - Idaho Youth Ranch for \$28,000
 - Love INC for \$20,000
 - United Way for \$52,000

Attachments:

- Community Opportunity Grant Funding Requests
- CDBG-CV Funding Requests
- Eligible Projects to Receive CDBG-CV Funds in Response To COVID-19

ATTACHMENT 1 - COMMUNITY OPPORTUNITY FUNDING REQUESTS

| Project Type | Organization | Amount Requested | Project Description | Goal | Recommended | | Notes |
|---------------------------------|------------------------|------------------------|--------------------------------------|-----------------------------|------------------------|--|--|
| | | | | | Funding | Column1 | |
| Economic Development | NIC | \$ 100,000.00 | Venture Microgrant for entrepreneurs | Economic Development | \$ 30,000.00 | | Provide economic development opportunities to at least 10 and up to 50 individuals with microgrants of up to \$5,000 for technical support for business development. |
| Public Services | Meals on Wheels | \$ 10,000.00 | MOW Annual Grant | Public Services | \$ 10,000.00 | | Increase of annual grant amount from \$5,000 |
| Public Services | Lake City Center | | AED purchase for senior center | Public Facilities | \$ 2,500.00 | | |
| Housing | Habitat For Humanity | \$ 120,000.00 | Project Planning | Affordable For Sale Housing | \$ 120,000.00 | | The 2nd Street complex is expected to consist of twenty affordable homes for low-and moderate-income families. The funds we are requesting from the CDBG Grant will be utilized for Phase 1 Project Planning which consists of site design, design development, code analysis, |
| Public Facilities | TESH | \$ 100,000.00 | Bathroom Remodel ADA | Public Facilities | \$ 42,500.00 | \$85,000 to complete four bathrooms in main building. Fund half from 2020 and half from 2021 funds? \$42,500 | 6 bathrooms need remodeling for ADA compliance. 4 in the main building (\$85,000), 2 in the annex building as well as the client kitchen (\$21,000). |
| | | \$ 21,000.00 | Client Kitchen Remodel ADA | Public Facilities | \$ - | 2nd priority after bathrooms | |
| | St Vincent | \$ 40,000.00 | Bathroom ADA Remodel | Public Facilities | | Recommend waiting on this project for 2021 funds to be available. | 2 men's and one women's bathroom to bring to ADA compliance. St. Vincent has \$10K set aside to contribute |
| | FUNDS Available | \$ 206,500.00 | | | | | |
| Total Grant Applications | | \$ 330,000.00 | | | \$ 205,000.00 | | |
| | | \$ (123,500.00) | | | | | |
| | | | | | Remaining Funds | \$ 1,500.00 | move to EMRAP possibly |

ATTACHMENT 2 - CDBG-CV FUNDING REQUESTS

| | |
|--|---------------------|
| CV-3 Funds | \$247,124.00 |
| TOTAL CV Funds | \$446,799.00 |
| General Admin- CV1 | \$9,935.00 |
| General Admin - CV3 | \$49,425 |
| TOTAL Admin | \$59,360 |
| Community Opportunity Funds Available | \$387,439 |
| PROJECTS FUNDED | |
| Lake City Center Meals on Wheels Expanded | \$3,685.92 |
| Boys and Girls Food Pantry | \$10,000.00 |
| Family Promise Sheltering | \$12,600.00 |
| Safe Passage | \$26,145.00 |
| St. Vincent's Sheltering | \$24,000.00 |
| United Way Child Care | \$15,000.00 |
| City Subsistence | \$10,000.00 |
| CDAIDE Subsistence | \$50,000.00 |
| Boys & Girls Academic Support | \$50,000.00 |
| Lake City Center | \$19,622.00 |
| TOTAL FUNDED PROJECTS | \$221,053 |
| REMAINING CV FUNDS | \$166,386 |
| Love Inc | \$20,000 |
| Idaho Youth Ranch | \$28,000 |
| United Way of North Idaho | \$52,000 |
| Total Current Requests | \$100,000 |
| Total Remaining CV Funds | \$66,386 |

ATTACHMENT 3 – ELIGIBLE PROJECTS TO RECEIVE CDBG-CV FUNDS IN RESPONSE TO COVID-19

- Buildings and Improvements, including public facilities
 - Construct a facility for testing, diagnosis, or treatment
 - Rehabilitate a community facility to establish an infectious disease treatment clinic
 - Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment
 - Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic
 - Acquire, or quickly rehabilitate (if necessary), a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery
 - Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis

- Assistance to Businesses, including Special Economic Development Assistance
 - Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease
 - Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons
 - Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine

- Public Services
 - Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community
 - Provide testing, diagnosis or other services at a fixed or mobile location
 - Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities
 - Provide equipment, supplies, and materials necessary to carry-out a public service
 - Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities

- Grants or revolving loan funds for small and medium enterprises
- Supporting community non-profits performing essential services
- Workforce development and training services for displaced workers
- Retrofitting community facilities for medical or quarantine uses
- Supporting food and other essential supply deliveries to elderly or other vulnerable populations

- Supporting various interrupted or at-risk core governmental functions (see note below)
- All other CDBG eligible activities that are exacerbated by COVID-19 (e.g., homeless shelters)
- Reimbursement costs to prevent, prepare for, and respond to coronavirus incurred by a State or locality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements.

* Funded activities and projects shall prioritize the unique needs of low- and moderate-income persons.

Plan Year 2020 CDBG and CDBG-CV Funding Recommendations

City Council Meeting – March 2, 2021

Chelsea Nesbit, CDBG Specialist



DECISION POINTS

1. Should City Council authorize staff to proceed with agreements using 2020 CDBG funds to fund NIC, TESH, Inc., Habitat for Humanity and Lake City Center for their projects supporting economic development, public facilities improvements, affordable for sale housing, expanding the Meals on Wheels annual grant and adding an AED device to the Lake City Center Facility?
2. Should City Council authorize staff to proceed with agreements to fund Idaho Youth Ranch, LOVE, Inc., and United Way for projects to provide support and services for LMI families in Coeur d'Alene with CDBG-CV funds in response to COVID-19?



CDBG-PY 2020

Community Opportunity Grant Funding Recommendations

CDBG History

The City receives an annual allocation from the Housing and Urban Development Agency (HUD). Community Opportunity Grant proposals for projects that benefit low to moderate income Coeur d'Alene residents are accepted each year.

- Based on the 2020 Annual Action Plan, \$206,500 was budgeted for the Community Opportunity Grants
- A maximum of 15% (\$41,300) of the annual allocation can be used to fund public service projects

Advertising Process

- December 23, 2020, the City advertised the request for proposals and Notice of Funding Availability was posted.
- An Educational Workshop was held on January 6, 2021 via Zoom
- The grant cycle was open from December 23, 2020 to January 22, 2021

Review Committee

The Volunteer Ad Hoc Grant Review team met February 23, 2021 to review and rate the applications.

Council Member Woody McEvers,
Pamela Bates (Volunteer Senior Service Coordinator),
Jon Ingalls (Planning and Design Review Commission member),
Maggie Lyons (Charity Reimagined) and
Nicole Kahler (CDA's 2030 Executive Director)

Projects were prioritized based on Public Survey responses for the 2021 Draft Annual Action Plan, as well as the unmet goals for the 2018-2022 Consolidated Plan.

Consolidated Plan Goals

Goal 1: Increase the supply of for-sale housing at prices affordable to the City's low and moderate income workers.

Goal 2: Increase the supply of rental housing affordable to the City's extremely low-income renters and residents with special needs, including persons who are homeless.

Goal 3: Improve the City's sidewalks to make them more accessible to persons with disabilities.

Goal 4: Continue with neighborhood revitalization efforts to improve the condition of housing in low income areas.

Goal 5: Expand higher-paying employment opportunities for the residents of Coeur d'Alene through economic development.

Goal 6: Offer Public Service Program assistance to service organizations supporting low and moderate income residents of Coeur d'Alene.

2018-2022 Unmet Consolidated Plan Goals

1. Affordable For Sale Housing
2. Affordable For Rent Housing
3. Economic Development

Public Service Grants

\$206,500 is available for Community Opportunity Grants
Funding requests received totaled \$330,000

- The public service maximum is 15% (\$41,300) of the annual allocation
- There is an existing annual public service grant of \$5,000 the Lake City Center for the Meals on Wheels program. The committee voted to increase that allocation to \$10,000
- No other Public Services requests were received.

Plan Year 2020 Funding Requests

NIC \$30,000 – Meets Unmet Goal for Economic Development

- North Idaho College Venture Fund Microgrants are a new financial resource for entrepreneurs to launch and expand their venture.

Microgrants cover non-labor business costs such as:

- technical assistance,
- legal services,
- securing childcare for parent-entrepreneurs

Qualifying participants will receive one or more microgrants in amounts not to exceed \$5,000 per recipient.

Plan Year 2020 Funding Requests

TESH \$42,500

- Tesh serves people with disabilities in the community
- 6 bathrooms for ADA compliance (\$100,000) and client kitchen (\$21,000) requested for remodeling
- Staff recommends funding half of the 4 bathrooms (\$42,500) from 2020 and considering funding half from 2021 funds for a total of \$85,000

Plan Year 2020 Funding Requests

Lake City Center Meals on Wheels \$10,000

Lake City Center's Meals on Wheels annual CDBG allocation is \$5,000. Due to increased needs in the community, staff recommends increasing this amount to \$10,000.

Lake City Center AED \$2,500

- Purchase and placement of and Automatic External Defibrillator (AED) at the Lake City Senior center
- The community served by the Lake City Senior Center (LCSC) is primarily an "at-risk" population for cardiac arrest
- The CDA Fire Department will provide training

Plan Year 2020 Funding Requests

Habitat for Humanity \$120,000 – Meets Unmet Goal for Affordable Housing

Phase 1: Project Planning - 2nd Street Development

- **Twenty affordable homes** for low-and moderate-income families
- Funds from the CDBG Grant will be utilized for Site Design and Design Development, Code Analysis, Schematic Design and Construction Documentation



CDBG-CV Grant Funding Recommendations

CDBG-CV FUNDING OVERVIEW

On March 19, 2020, the U.S. Senate introduced the Coronavirus Aid, Relief and Economic Security (CARES) Act Bill to provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic.

The City of Coeur d'Alene has received **\$199,675** in the first round of CDBG-CV funding and **\$247,124** in the third round of CDBG-CV3 funding. HUD is allowing the CDBG-CV funds to be spent for up to six years to respond to COVID-19.

CDBG-CV funds can only be used to prevent, prepare for, and respond to coronavirus, and shall prioritize the unique needs of low- and moderate-income persons.

CDBG-CV FUNDING ALLOCATIONS

- The City will receive a total of **\$446,799** in CDBG-CV Funds from HUD.
- **\$221,053** has been allocated for homeless sheltering and support, the first expanded Meals on Wheels, a food pantry, domestic violence victim support (sheltering and counseling), child care assistance, academic support, subsistence programs and CDBG staff administration.

CDBG-CV FUNDING REQUESTS

Idaho Youth Ranch Case Manager Position, \$25,000

Idaho Youth Ranch provides adoption services, emergency shelter, out-patient counseling, and job readiness training.

This project will provide case management services to at-risk and vulnerable youth and their families who are experiencing increased stress and difficulties related to COVID-19.

CDBG-CV FUNDING REQUESTS

LOVE, Inc. Rental and Utility Assistance Program, \$20,000

This program will help those in need of rental and/or utility assistance due to COVID-19.

- Volunteers at the Connection Center address specific needs
- Rental and/or utility assistance will be provided to those affected by COVID-19
- Courses and other community resources are also available

CDBG-CV FUNDING REQUESTS

United Way North of Idaho Childcare Scholarship Program Extension \$52,000

The COVID Crisis Child Care Scholarship Program Extension will assist families experiencing hardship as a result of COVID-19 in accessing and maintaining child care.

- Supports working parents
- Scholarships are awarded directly to the licensed care provider not to exceed \$1500 per family
- Award amounts are scaled according to family size and number of children

CDBG-CV PROJECTS

| | |
|---|---------------------|
| St. Vincent De Paul North Idaho | \$24,000.00 |
| Family Promise | \$12,600.00 |
| Boys and Girls Club | \$10,000.00 |
| Lake City Center | \$ 3,686.00 |
| Safe Passage | \$26,145.00 |
| United Way | \$15,000.00 |
| CDAIDE | \$50,000.00 |
| City Utility Assistance Program | \$10,000.00 |
| Boys and Girls Club Academic Support | \$50,000.00 |
| Lake City Center | \$19,622.00 |
| Total CV Projects Funded to Date | \$221,053.00 |

CDBG-CV FUNDING ALLOCATIONS

TOTAL CDBG-CV FUNDS \$446,799

| | | | |
|---------------------------------|------------------|--|------------------|
| CDBG-CV1 Admin | \$ 9,935 | Total CDBG-CV1 Community Opportunity Funds Remaining | \$0 |
| CDBG-CV3 Admin | \$ 49,224 | CDBG-CV3 Community Opportunity Grants | \$186,208 |
| Total Admin | \$ 59,160 | TOTAL Remaining CV Funds | \$166,386 |
| Projects Funded To Date* | \$221,053 | | |

TOTAL AVAILABLE CV FUNDS REMAINING IF ALL REQUESTS ARE FUNDED
\$66,386

PERFORMANCE ANALYSIS

These projects fall under the CDBG National Objective **Benefit to low- and moderate- income (LMI) persons and meet the requirements for the CDBG-CV funds to prepare, prevent or respond to the Coronavirus.**



QUESTIONS??

DECISION POINT / RECOMMENDATIONS

The Council should authorize staff to enter into contract negotiations for the 2020 CBDG Community Opportunity Grants with the following organizations:

- NIC for Economic Development Entrepreneurial Scholarships; and
- Lake City Center for their annual Meals on Wheels program, expanded to \$10,000; and
- Lake City Center for the purchase and installation of an AED device for \$25,000; and
- TESH, for the remodel of two bathrooms to ADA compliance for \$42,500; and
- Habitat for Humanity for their Affordable for Sale Housing project planning for \$120,000.

DECISION POINT / RECOMMENDATIONS

The Council should authorize staff to enter into contract negotiations for the 2020 CBDG Community Opportunity Grants with the following organizations:

- Idaho Youth Ranch for their Case Manager Position for \$28,000; and
- Love, Inc., for their Rental and Utility Assistance Program for \$20,000; and
- United Way of North Idaho for their Childcare Scholarship Program for \$52,000.

FY 2020 Income Limits Summary

Selecting any of the buttons labeled "Explanation" will display detailed calculation steps for each of the various parameters.

| FY 2020 Income Limit Area | Median Family Income Explanation | FY 2020 Income Limit Category | Persons in Family | | | | | | | |
|---------------------------|---|--|-------------------|--------|--------|---------------|--------|--------|--------|--------|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Coeur d'Alene, ID MSA | \$70,400 | Very Low (50%) Income Limits (\$) Explanation | 24,400 | 27,900 | 31,400 | 34,850 | 37,650 | 40,450 | 43,250 | 46,050 |
| | | Extremely Low Income Limits (\$)* Explanation | 14,650 | 17,240 | 21,720 | 26,200 | 30,680 | 35,160 | 39,640 | 44,120 |
| | | Low (80%) Income Limits (\$) Explanation | 39,050 | 44,600 | 50,200 | 55,750 | 60,250 | 64,700 | 69,150 | 73,600 |

The Coeur d'Alene, ID MSA contains the following areas: Kootenai County, ID;

**CITY COUNCIL
STAFF REPORT**

DATE: March 2, 2021

FROM: Hilary Anderson, Community Planning Director

SUBJECT: Proposed Housekeeping Amendments to Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Municipal Code to make minor technical changes for consistency and clarification

DECISION POINT:

Should City Council approve the housekeeping amendments to Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Municipal Code for minor technical changes for consistency and clarification?

BACKGROUND:

The City's Subdivision and Zoning Ordinances need regular review and updates to ensure consistency. The proposed edits to Title 16 and Title 17 are housekeeping edits that will clean up inconsistencies with the notice of decision and timeframe for appeals, clean up old references to a male planning director, and proposed amendments to clarify performance standards in some of the zoning districts.

The City Council heard this item on January 19, 2021 when the proposed amendments also would have clarified the appeals process and definition of an aggrieved or affected party. Council directed staff to remove changes related to the aggrieved or affected party definition in the Zoning Code, and also requested that staff modify the notice of decision and the clock for appeals in Titles 16 and 17 to make the timing and process more defined with a date of appeal to begin on the date of the decision by the Planning Commission and end within 15 days. This code amendment addresses Council direction on these items. The January item also included a minor change to the Commercial Design Guidelines. Council did approve the changes to the Commercial Design Guidelines at the January meeting. As such, this item only addresses the revised housekeeping amendments to Titles 16 and 17.

Additionally, it should be noted that the proposed clarifications to the R-34 designation is still included in the code amendment. Staff believes it is still necessary to make this clarification in the language since there have been several questions over the past few years about the designation, what it allows, and if it is a zoning district or a special use permit. The R-34 designation is only allowed as a special use permit. It is not also a zoning district. It allows the increased density of 34 units per acre and the increased height of 63 feet. The R-34 designation and the process for special use permits dates back to the City's 1982 Zoning Code. The clarifications being made to the R-34 designation language with this proposed housekeeping amendment are consistent with the original code language dating back to 1982 when R-34 and the special use permit process were added to the City Code, as well as all subsequent amendments to this section of the Code. At that time and through all subsequent amendments (Ord. 3268 §8, 2006; Ord. 2570 §1, 1993; Ord. 1691 §1(part), 1982), the R-34 designation was only ever done

through a special use permit approved by the Planning Commission and it increased the allowable density to 34 units per acre and increased the allowable height to 62.5-63 feet. If City Council would like to make any changes to the R-34 designation, such as making it a zoning district versus a special use permit, or modifying the requirements and findings for granting R-34 density special use permit, the maximum height limit, or other significant changes, it would require a more significant code amendment and another public hearing with the Planning Commission, with a final decision to amend the code by the City Council.

The City Council is being asked to consider the requested minor technical changes/clarifications and make findings to approve the revised housekeeping amendments to Title 16 and Title 17.

PROPOSED AMENDMENTS:

Title 16 Amendments:

- Appeal timing will be based on the date of the Planning Commission decision.

Title 17 Amendments:

- Clarifying the maximum height for a single-family home built in an MH-8 zoning district. (note: they are already allowed, but the height was not defined).
- Clarifying site performance standards for C-17 regarding side and rear setbacks to ensure no eaves cross over a property line or result in offsite stormwater impacts and allowing for horizontal mixed use projects to have setbacks associated with the various uses.
- Cleaning up carryover language from when there was a male planning director and making the language gender neutral.
- Clarifying that an ADU can be as tall as 24 feet if over a garage. A stand-alone ADU in the rear yard would have a maximum height of 18 feet.
- Clarifying bufferyard regulations so that they would apply if next to a residential use or zone. (Note: this is the section that also affects the Commercial Design Guidelines and the need for amendments to both documents).
- Revisions to Planning Director, City Engineer and City Attorney references for consistency and to use proper titles, and adding in missing references to "or designee."
- Clarifying the appeal process timing and referring to an amended 17.09.125B for consistency.
- Clarifying the R-34 zoning district to make it clear that it is only available through the special use permit process and that it does provide the increased height in addition to the increased density; clarifying that the referenced Coeur d'Alene transportation plan is KMPO's current Metropolitan Transportation Plan; and clarifying that schools are not relevant if it is an adult only apartment complex, but park proximity would be a consideration.

DECISION POINT/RECOMMENDATION:

Approve the housekeeping amendments to Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Municipal Code.

City Council Meeting



March 2, 2021

Proposed Housekeeping Amendments
Titles 16 (Subdivision Code) & 17 (Zoning Code)



Title 16 (Subdivision Ordinance)

- Appeal timing changed to reflect 15 days from date of Planning Commission decision



Title 17 (Zoning Ordinance)

- MH-8 maximum height of SFR
- C-17 site performance standards regarding side and rear setbacks – stormwater and horizontal mixed use project
- Cleaned up old language, used property titles, and added designee
- Clarified ADU height if over garage
- Bufferyard regulations – residential use or zone
- *Clarified appeal process and timing*
- *Clarification to R-34 special use permit*



Change to Appeal Timing

- All references in Title 17 are being changed
- Appeal clock would be 15 days from the date of the Planning Commission decision – not based on date of mailing or publication
- Refers to Appeals process in 17.09.125B with minor clarifications



R-34 Clarifications

- Only changes are to clarify the original intent dating back to 1982
- R-34 is only allowed through a special use permit (SUP)
- The 63-foot height maximum is automatically allowed with the R-34 SUP
- Clarifying transportation plan as KMPO's current plan for CDA
- Clarifying proximity to park



DECISION POINT/RECOMMENDATION:

Approve the housekeeping amendments to Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) of the Municipal Code.



ORDINANCE NO. _____
COUNCIL BILL NO. 21-1001

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO: 16.05.050, 16.25.050(A), 17.05.330(A), 17.05.455, 17.05.560(C), 17.06.015, 17.06.660, 17.06.830, 17.07.320, 17.07.810, 17.07.945(A), 17.08.945(B), 17.08.955, 17.09.120(D), 17.09.125, 17.09.215(C), 17.09.235, 17.09.340(A), 17.09.472, 17.09.615(A), 17.09.710, 17.44.050, 17.44.090, 17.44.170, 17.44.220, AND 17.44.225, TO CLARIFY THE APPEALS PROCESS, AND TO MAKE VARIOUS TECHNICAL CHANGES FOR CONSISTENCY AND CLARIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearing on the hereinafter provided amendments before the Planning Commission, and after recommendation by the Community Planning Director, 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 16.05.050(B) is amended as follows:*

B. The decision of the ~~p~~Planning ~~e~~Commission is final unless an aggrieved person files a notice of appeal to the ~~e~~City ~~e~~Council with the ~~city clerk~~Planning Director within ~~ten~~fifteen (15) days ~~of~~ after the date of the ~~planning commission~~ decision. The appeal, which must be accompanied by the required fee, must be in writing and state the basis for the appeal. Upon receiving notice of appeal, the ~~council~~City Clerk will set a date for a review of the matter, which will be held within thirty (30) days of the date of the appeal. In its review, the ~~e~~City ~~e~~Council will review all relevant records and may take such additional evidence and argument as it deems relevant. The ~~City~~ ~~e~~Council may overrule or alter the decision of the ~~p~~Planning ~~e~~Commission, provided, however, that the ~~City~~ ~~e~~Council must interpret the provisions of this title in such a way as to carry out the purposes and intent of this title.

SECTION 2. *That Coeur d'Alene Municipal Code Section 16.25.050(A) is amended as follows:*

A. An affected person may request an appeal of the Planning Commission's decision by filing a written request for appeal with the Planning Director within ~~ten~~fifteen (15) days after ~~written notice~~ of the decision by the Planning Commission has been published. The appeal must be accompanied by the fee established by the City Council. The appeal shall state the file number of the item and shall state specifically the basis for the appeal, including all objections to the decision or alleged abuse of discretion, or in what ways a decision is not supported by the evidence in the record. The

appeal shall be accompanied by such information as may be necessary to facilitate a full and complete review, and by the fee as referenced in the fee schedule. Upon receipt of an appeal, the Planning Director will notify the City Clerk, so that a time and place may be set for a public hearing by the City Council.

SECTION 3. *That Coeur d’Alene Municipal Code Section 17.05.330(A) is amended as follows:*

A. The R-34 District is intended as a high-density residential district, permitting thirty-four (34) units per gross acre and increased height, 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 LM. This designation is only allowed through the special use permit and is not a stand-alone zoning district. To warrant consideration, the property must in addition to having the R-17, C-17, C-17L or LM designation meet the following requirements:

1. Be in close proximity to an arterial, as defined in the Coeur d’Alene transportation plan (KMPO’s current Metropolitan 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).

SECTION 4. *That a new Section 17.05.455 is added to the Coeur d’Alene Municipal Code as follows:*

Maximum height requirements in an MH-8 District for single family detached housing and associated accessory structures shall be as follows:

MAXIMUM HEIGHT

| Structure Type | Structure Location | |
|--|--|--|
| | In Buildable Area For Principal Facilities | In Rear Yard |
| Principal structure | 32 feet ¹ | n/a |
| Detached accessory building including garages and carports | 32 feet ¹ | With Low or no slope: 14 feet With Medium to high slope roof: 18 feet |

Note:

1. Unless otherwise specified; an additional story may be permitted on hillside lots that slope down from the street.

SECTION 5. *That Coeur d'Alene Municipal Code Section 17.05.560(C) is amended as follows:*

Minimum yard requirements in a C-17 district shall be as follows:

- A. Single-family and duplex structures must meet the minimum yard requirements for a single-family structure established by the R-3 district.
- B. For multiple-family housing, see the R-17 district.
- C. For remaining uses:
 - 1. Front: The front yard requirement shall be ten feet (10') except where a majority of the property of the same block is already developed to the property line, in which case the front yard setback is zero feet (0').
 - 2. Side And Rear: The side and rear yard requirements shall be zero feet (0') except as required by life safety or uniform building codes and except when the side or rear abuts a lot in a different district that requires rear or side yards in which case the property in this district shall have setbacks as specified in section 17.06.475 of this title. In no circumstance shall an eave extend over a property line or result in stormwater impacts offsite. The building shall be set back five feet (5') minimum from the eave to the property line where the roof slopes towards the property line. If a metal roof is being used, the setback or installation of snow brakes shall be determined by the Building Department.
- D. For horizontal mixed use projects with both multiple-family housing and commercial uses, the setbacks shall be those which are applicable to the individual use in that portion of the project.
- ~~E.~~ There will be no permanent structures constructed within the corner cutoff.

SECTION 6. *That Coeur d'Alene Municipal Code Section 17.06.015 is amended as follows:*

All applications required by this title shall be notarized and filed with the Planning Director or ~~his~~ designee unless otherwise indicated. Application may be made by any owner of property as defined in this chapter. Properly completed applications will be formally accepted by the Planning Director or designee within ten (10) days of filing.

SECTION 7. *That Coeur d'Alene Municipal Code Section 17.06.660 is amended as follows:*

- A. Maximum Building Height: Maximum building heights for ADUs are:
 - 1. Thirty-two feet (32') when built within the building envelope for the principal structure.
 - 2. One story ADU structure: Eighteen feet (18') when built in the rear yard.

3. ADU above a detached garage: Twenty-four feet (24') when built in the rear yard over a garage and must meet the second story step back requirement as provided in subsection M of this section.

4. Railing, parapets, equipment, and other similar structures/fixtures/architectural elements are included in the maximum height.

SECTION 8. *That Coeur d'Alene Municipal Code Section 17.06.830 is amended as follows:*

A. Definition: A "buffer yard" is a landscape area which serves to physically and/or visually separate land uses having incompatible facilities, activities, or differing intensities of use. For the purposes of buffer yard regulations, a display lot as defined in section 17.44.020 of this title shall not be construed to be a parking lot.

B. Applicability: A buffer yard is required as follows:

1. When a commercial, civic, or manufacturing use abuts a residential use or a residential zone.

2. Between a parking lot not associated with a residential activity, and a residential activity or a residential zone.

3. Where a parking lot abuts a public street right of way.

4. To conceal outdoor storage areas, trash receptacles, and exposed machinery associated with any commercial activity when adjacent to a residential activity or a public street right of way.

5. As established in subsection 17.44.250D of this title for loading berth adjacent to residential activity or a residential zone.

6. For planting screen easements required by section 16.15.180 of this code.

SECTION 9. *That Coeur d'Alene Municipal Code Section 17.07.320 is amended as follows:*

Pursuant to section 17.09.525 of this title, before a building permit may be issued for any building or structure under project review, the Planning d~~Director of planning~~ Director or ~~his~~ designee shall make all the following findings:

A. Conformity With Site Plan: The proposed building is in conformity with the development plan, applicable regulations and/or conditions of approval.

B. Dedications Obtained: All of the required dedications have been obtained.

SECTION 10. *That Coeur d'Alene Municipal Code Section 17.07.810 is amended as follows:*

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 planning commission may, after notice and hearing, revoke any commercial business park planned unit development. The determination of the planning commission shall become final ~~ten~~fifteen (15) days after the ~~date of written notice of the Planning Commission's decision has been published in the official newspaper,~~ unless appealed to the city council pursuant to subsection 17.09.125B of this title.

Removal of a majority of significant trees from the commercial business park may result in revocation procedures.

SECTION 11. *That Coeur d'Alene Municipal Code Section 17.07.945(A) is amended as follows:*

A. Timing Of Appeal: An appeal may be taken to the design review commission by an aggrieved party from a determination of the planning director made pursuant to subsection 17.07.920B, section 17.07.935 or 17.07.940 of this chapter. Such appeal must be filed ~~in writing with the planning director within ten (10) days following the mailing date of the official written notice of the decision as provided by Municipal Code § 17.09.125B. The appeal shall state specifically the objections to the decision or abuse of discretion or otherwise state how the decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review, and by the appeal fee set by resolution of the city council.~~

SECTION 12. *That Coeur d'Alene Municipal Code Section 17.08.945(B) is amended as follows:*

B. Substantial Deviations: Substantial deviations may be granted by the ~~p~~Planning ~~e~~Commission to the conditions and limitations of the hillside development regulations, after public notice and hearing. This decision may be appealed to the ~~e~~City ~~e~~Council ~~for approval or denial as provided by Municipal Code § 17.09.125B.~~ Substantial deviations may only be granted if all of the following circumstances are found to exist:

1. The deviation is the minimum necessary to alleviate the difficulty;
2. The deviation will result in equal or greater protection of the resources protected under this article;
3. The requested modification was not specifically appealed during the public hearing process;
4. The requested modification will not cause adverse physical impacts on adjacent properties; and

5. The deviation does not conflict with Idaho Code, the city of Coeur d'Alene comprehensive plan and zoning ordinance and, in the case of the Fernan Lake planning area, the Fernan watershed management plan.

SECTION 13. *That Coeur d'Alene Municipal Code Section 17.08.955 is amended as follows:*

If any violation of this article occurs, the Planning Director or ~~his~~ designee may revoke the permit or order the work stopped by notice, in writing, served on any persons engaged in doing or causing such work to be done. Such person shall stop all site work until authorized by the Planning Director ~~or designee~~ to proceed. The Planning Director, or ~~his~~ designee, may also withhold further issuance of permits. Stop work orders may be appealed in the same manner as other appeals.

Violations of this article may be considered a criminal misdemeanor and shall be punishable as provided in section 1.28.010 of this Code. Each day of violation shall constitute a separate offense. The City may also take civil action to compel performance and completion of, or maintenance of, improvements installed pursuant to this article.

SECTION 14. *That Coeur d'Alene Municipal Code Section 17.09.120(D) is amended as follows:*

Forwarding Of Recommendation: In the case of approval, the commission shall automatically forward its recommendation to the City Council for appropriate action. In case of denial of a private party application, the decision of the commission shall become final ~~ten-fifteen~~ (150) days after the date ~~of the decision, is mailed to the applicant~~ unless appealed to the City Council pursuant to subsection 17.09.125B of this chapter.

SECTION 15. *That Coeur d'Alene Municipal Code Section 17.09.125 is amended as follows:*

A. Action On Recommendation Of Approval: Upon recommendation of approval by the Planning Commission, a time shall be set for a hearing before the City Council.

B. Appeal: Within ~~ten-fifteen~~ (150) days after ~~written notice of~~ the decision by the Planning Commission on a private party application ~~has been published~~, an appeal of the decision may be ~~submitted to the Planning Director~~ taken to the City Council by an affected person. The appeal shall be in the form of a ~~letter written to the Mayor and City Council~~ completed Appeal Application and shall be filed with the Planning Director or ~~his~~ designee. The appeal shall state the file number of the item and shall state specifically the basis for the appeal, including all objections to the decision or alleged abuse of discretion, or in what ways a decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be necessary to facilitate a full and complete review and by the fee as referenced in the fee schedule. It is the responsibility of the appellant to provide all information needed to support the appeal. A failure to provide such information may result in a denial of the appeal. Upon receipt of an complete application and payment of the fee-appeal, the Planning Director ~~or designee~~ shall notify the City Clerk, ~~so that the time and place may be who will~~ set for a public hearing by before the City Council.

C. City Council Action: The City Council shall, after notice of the public hearing (as prescribed in subsection 17.09.120B of this chapter), hold said public hearing on the proposal. The City Council may approve, conditionally approve, refer back to the Planning Commission, deny or deny without prejudice. If the proposal is approved by the City Council, the City Attorney or designee will prepare the documents to enact the zone change or text change ordinance. The City Council also may defer action upon the consent of the applicant. A copy of the decision shall be mailed to the applicant at the address on the application. The decision shall be made within fifteen (15) days of the hearing. If the proposed amendment is referred back to the commission, the commission shall hold a public hearing as prescribed in section 17.09.120 of this chapter, and shall render a report to the City Council within forty (40) days of such referral and the City Council shall then hold a public hearing as prescribed in this section.

SECTION 16. *That Coeur d'Alene Municipal Code Section 17.09.215(C) is amended as follows:*

C. Planning Commission Action: The Planning Commission shall determine whether the proposal conforms to the special use permit criteria and may grant or deny the application for the proposed special use permit or require such changes or impose such reasonable conditions of approval as are in their judgment necessary to ensure conformity of the criteria. They shall make specific written findings to support their decisions. A copy of the Planning Commission decision shall be mailed to the applicant and the Director shall make the commission's decision available for public inspection. The determination of the Planning Commission shall be made within forty (40) days after the hearing. It shall become final tenfifteen (150) days after the date of ~~written notice of the decision, has been mailed to the applicant~~ unless appealed to the City Council pursuant to subsection 17.09.125B of this chapter.

SECTION 17. *That Coeur d'Alene Municipal Code Section 17.09.235 is amended as follows:*

In the event of a violation of any of the provisions of this title, or in the event of a failure to comply with any prescribed condition of approval, the Planning Commission may, after notice and hearing, revoke any special use permit. The determination of the Planning Commission shall become final tenfifteen (150) days after the date of ~~written notice of the decision has been published in the official newspaper~~, unless appealed to the City Council pursuant to subsection 17.09.125B of this chapter.

SECTION 18. *That Coeur d'Alene Municipal Code Section 17.09.340(A) is amended as follows:*

A. Perfecting Appeal: A final decision of the Commission may be appealed to the Council. The appeal shall be as provided by Municipal Code § 17.09.125B~~in the form of a written Notice of Appeal filed with the Director within ten (10) days after the decision has been mailed to the applicant. The appeal shall be accompanied by the appeal fee established by resolution of the Council. Upon receipt of an appeal, the Director shall notify the City Clerk, who shall set an appeal hearing before the City Council.~~

SECTION 19. *That Coeur d'Alene Municipal Code Section 17.09.472 is amended as follows:*

Action taken by the ~~p~~Planning ~~e~~Commission on a submitted development plan may be any one of the following:

- A. Approval;
- B. Conditional approval, wherein certain changes are required, or certain conditions of approval have been imposed, as deemed necessary and desirable in the judgment of the Planning Commission to ensure conformity to applicable criteria and standards;
- C. Denial, when the Planning Commission finds that the proposed development does not meet applicable criteria and standards. Any denial will state the reasons for denial and specify deficiencies of the proposal;
- D. Denial without prejudice.
- E. A copy of the Planning Commission decision shall be mailed to the applicant and the Director shall make the commission's decision available for public inspection. Approval or denial of a development plan shall become effective ~~ten-fifteen~~ (15) days after ~~written notice of~~ the decision ~~by the Planning Commission has been published in the official newspaper~~, unless an appeal has been made by any affected party, including the applicant, to the City Council pursuant to subsection 17.09.125B of this chapter.

SECTION 20. *That Coeur d'Alene Municipal Code Section 17.09.615(B) is amended as follows:*

- B. 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 Planning Commission shall hold a public hearing on the variance request between ~~twenty-one~~ (21) and sixty (60) days after the completed application is accepted by the Planning Director. The Planning Commission shall determine whether the conditions required in section 17.09.620 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 this title. A copy of the Planning Commission decision shall be mailed to the applicant and the Director shall make the commission's decision available for public inspection. A determination of the Planning Commission shall become final ~~tenfifteen~~ (15) days after ~~written notice of~~ the date of the decision, ~~has been mailed to the applicant~~ unless it is appealed to the City Council pursuant to subsection 17.09.125B of this chapter.

SECTION 21. *That Coeur d’Alene Municipal Code Section 17.09.710 is amended as follows:*

An appeal may be taken to the ~~e~~City ~~e~~Council by an aggrieved party, from any administrative determination or interpretation made by the ~~p~~Planning ~~e~~Commission, ~~e~~City ~~e~~Engineer or the ~~Planning~~ ~~d~~Director ~~of planning~~, or their designees, under the zoning ordinance, except where provided by the zoning ordinance that a decision by the ~~p~~Planning ~~e~~Commission is final. Such written appeal shall be filed with the ~~p~~Planning ~~d~~Director or designee within ~~ten~~fifteen (15) days following the date of ~~mailing of written notice of the~~ Planning Commission decision. The appeal shall state specifically the basis for the appeal, including all objections to the decision or alleged abuse of discretion, or wherein what ways a decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required~~necessary~~ to facilitate a full and complete review, and by the fee as referenced in the fee schedule. It is the responsibility of the appellant to provide all information needed to support the appeal. A failure to provide such information may result in a denial of the appeal.

SECTION 22. *That Coeur d’Alene Municipal Code Section 17.44.050 is amended as follows:*

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

| | Civic Uses | Requirement |
|----|---|---|
| A. | Administrative | 1 space for each 330 square feet of floor area |
| B. | Community organization | 1 space for each 330 square feet of floor area |
| C. | Community assembly: | |
| | 1. Enclosed spaces: | |
| | a. Public meeting halls | 1 space for each 330 square feet of floor area |
| | b. Museum, art galleries, observatories | 1 space per 1,000 square feet of floor area |
| | c. Libraries | 1 space per 330 square feet of floor area |
| D. | Community education: | |
| | 1. Childcare facility | 1 space for each 6 beds |
| | 2. Juvenile offenders facility | 1 space for each 6 beds |
| | 3. Daycare facilities, nursery schools | Where the number of occupants (children plus employees) is less than 13, 2 off street parking spaces shall be provided. Where the number of occupants is equal to or greater than 13, 1 off street parking space for each 5 persons or fraction thereof shall be provided |
| | 4. Elementary schools, junior high schools, intermediate schools ^{1,2,3,4} | 2 spaces for each classroom or teaching station, plus 1 space for every 8 seats in the largest assembly or meeting room |

| | | |
|----|--|--|
| | 5. High schools ^{1,2,3,4} | 5 spaces per teaching station; plus 1 space for every 8 seats in largest assembly hall |
| | 6. Colleges, universities, and vocational schools ⁴ | As determined by the planning director pursuant to section 17.44.220 of this chapter |
| E. | Hospitals/healthcare: | |
| | 1. Outpatient clinics | 1 space for each 330 square feet of floor area |
| | 2. Hospitals | 3.25 spaces per bed. Alternative parking arrangements may be acceptable as determined by the planning director pursuant to section 17.44.220 of this chapter |
| F. | Nursing/convalescent, rest homes and aged | 1 space for every 4 beds; plus 0.50 space per dwelling unit when applicable |
| G. | Rehabilitative facilities (greater than 2 persons) | 1 space for every bed |
| H. | Criminal transitional facility (greater than 2 persons) | 1 space for each 4 beds |
| I. | Handicapped or minimal care facility (greater than 8) | 1 space for every 6 beds |
| J. | Religious assembly | 1 space for each 10 seats |
| K. | Neighborhood recreation | None required |
| L. | Public recreation | As determined by the p Planning d Director <u>or designee</u> pursuant to section 17.44.220 of this chapter |
| M. | Essential services | None required |
| N. | Extensive impact | As determined by the p Planning d Director <u>or designee</u> pursuant to section 17.44.220 of this chapter |
| O. | Courthouse | 1 space for every 330 square feet of floor area and 1 space for each 4 seats in the courtrooms |

Exceptions:

1. Off street parking for portable classrooms will not be required if: a) the school is either a tax supported school accredited by the Idaho ~~d~~Department of ~~e~~Education or is a nonprofit; and b) the added area in the portable classroom facilities do not exceed 12 percent of the gross area of the permanent school buildings (elementary schools may add an additional 3 classrooms or teaching stations above the 12 percent threshold); and c) the portable classrooms or other like facilities are temporary (remaining at the school for 5 years or less).
2. Alternative parking arrangements proposed by the specific school may be acceptable as determined by the ~~p~~Planning ~~d~~Director ~~or director's~~ designee pursuant to section 17.44.220 of this chapter.

3. Existing permanent structures may be expanded without providing additional off street parking provided the expansion does not exceed 125 percent of the existing floor area.
4. Required off street parking for permanent school buildings must meet the requirements of this code, unless the school enters into an agreement with the city to install the improvements. The agreement shall provide that the improvements will be installed within 5 years of the ~~e~~City ~~e~~Council approval of the agreement, and the school shall secure the agreement by a performance bond or other sufficient security acceptable to the ~~e~~City ~~a~~Attorney or designee. Such bonding or security shall be for 150 percent of the estimated costs of the improvements as determined by the ~~e~~City ~~e~~Engineer or designee. The educational institution may provide additional temporary unpaved parking spaces in excess of the minimum requirements that are not subject to the mandatory design standards contained in this chapter for up to 5 years. The temporary parking spaces must be maintained with a dustless surface, approved by the city, capable of preventing tracking of mud or dirt onto public streets.

SECTION 23. *That Coeur d'Alene Municipal Code Section 17.44.090 is amended as follows:*

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

| | Industry Activities | Requirement |
|----|----------------------------|--|
| A. | Custom manufacture | 1 space for each 1,000 square feet of floor area |
| B. | Light manufacture | 1 space for each 1,000 square feet of floor area or 1 for each 2,000 square feet of floor area if more than 50 percent of the production floor space is occupied automated machinery |
| C. | Heavy manufacture | 1 space for every 2,000 square feet of floor area |
| D. | Extractive manufacture | As determined by the planning commission in conjunction with a recommendation from the p Planning d Director or director's designee |

SECTION 24. *That Coeur d'Alene Municipal Code Section 17.44.170 is amended as follows:*

On any lot containing three (3) or more off_street parking spaces, a vehicle shall not have to cross another parking space, or a loading berth, to gain access to a required parking or loading space. Exception:

A. Tandem parking may be permitted for nonresidential uses if it is determined by the ~~p~~Planning ~~d~~Director or ~~director's~~ designee that a full time parking attendant will supervise the parking arrangements at all times during normal operation hours.

B. This requirement shall not apply to parking areas serving single-family or duplex dwelling units.

SECTION 25. *That Coeur d'Alene Municipal Code Section 17.44.220 is amended as follows:*

In the case of activities for which the ~~p~~Planning ~~d~~Director or ~~director's~~ designee is required to prescribe a number of parking spaces or loading berths, the director's determination shall be based ~~his determination~~ on the following:

- A. Traffic generation;
- B. Location and hours of operation of the activities;
- C. Extent and frequency of loading operations thereof; and
- D. Such other factors as affect the need for off_street parking and loading.

Any such determination shall be subject to appeal pursuant to the administrative appeal procedure commencing at section 17.09.705 of this title.

SECTION 26. *That Coeur d'Alene Municipal Code Section 17.44.225 is amended as follows:*

A. The planning department may, upon written request by the owner or lessee of any property, authorize the shared use of parking facilities under the conditions specified herein:

1. Up to fifty percent (50%) of the parking facilities required by this section for a use considered to be primarily a daytime use as shown in the examples in table A of this section may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa, provided, that the shared parking area shall be subject to the conditions set forth in subsections A4 through A6 of this section.
2. Up to one hundred percent (100%) of the Sunday and/or nighttime parking facilities required by this section for a church or auditorium incidental to a public or parochial school may be supplied by parking facilities required for the school use, provided, that the shared parking area shall be subject to the conditions set forth in subsections A4 through A6 of this section.
3. The distances between the required off street parking spaces and the use it serves shall be as set forth in section 17.44.250 of this chapter.

4. The applicant shall demonstrate to the satisfaction of the ~~p~~Planning ~~e~~Director or ~~director's~~ designee that there is no substantial conflict in the principal operating hours of the buildings or uses for which the shared use of the parking facility is proposed.
5. Parties jointly using off street parking facilities, as provided for herein, shall execute a legal easement regarding their shared use agreement. The agreement shall run with the land and not be terminable without authorization being given by the ~~e~~City ~~e~~Council, based upon changed conditions.
6. Changes of use require reevaluation of shared use parking. Any subsequent change in land uses within a mixed use development will require proof that sufficient parking will be available.

B. For the purposes of this chapter, the following table provides examples of shared use parking that will be permitted between the uses or activities listed below as having primarily daytime or evening hours of operation:

| TABLE A | |
|--|--------------------------------|
| Uses With Daytime Hours | Uses With Evening Hours |
| Banks | Auditoriums |
| Business offices | Bars |
| Churches | Bowling alleys |
| Grade schools/high schools and daycare centers | Dance halls |
| Manufacture/wholesale (with limited hours) | Hotels/motels |
| Medical clinics | Meeting halls |
| Professional offices | Nightclubs |
| Retail stores (with limited hours) | Restaurants |
| Service stores | Theaters |

SECTION 27. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 28. 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.

SECTION 29. 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.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on March 2, 2021.

APPROVED, ADOPTED and SIGNED this 2nd day of March, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amendments to Municipal Code Titles 16 & 17

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO: 16.05.050, 16.25.050(A), 17.05.330(A), 17.05.455, 17.05.560(C), 17.06.015, 17.06.660, 17.06.830, 17.07.320, 17.07.810, 17.07.945(A), 17.08.945(B), 17.08.955, 17.09.120(D), 17.09.125, 17.09.215(C), 17.09.235, 17.09.340(A), 17.09.472, 17.09.615(A), 17.09.710, 17.44.050, 17.44.090, 17.44.170, 17.44.220, AND 17.44.225, TO CLARIFY THE APPEALS PROCESS, AND TO MAKE VARIOUS TECHNICAL CHANGES FOR CONSISTENCY AND CLARIFICATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE. 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.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amendments to Municipal Code Titles 16 & 17, 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 2nd day of March, 2021.

Randall R. Adams, Chief Deputy City Attorney