

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room at **6:00 P.M.**
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.

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 F - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

March 5, 2024

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Bryan Stuart with Trinity 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. [Action Item.](#)

E. PRESENTATION:

1. Proclamation – Red Cross

**Accepted by: Chet Roshetko, Board Member and Kymber Baker Community
Volunteer Leader with Greater Inland Northwest Chapter of the American Red
Cross**

2. 2024 Downtown Bike and Bar Teams Update

Presented by Captain Jeff Walther

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 for those items listed on the agenda.)

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

G. ANNOUNCEMENTS

1. City Council
2. Mayor – Appointment of Douglas Harro to the Historic Preservation 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 20, 2024 Council Meeting.
2. Setting of General Services/Public Works Committee Meeting for Monday, March 11, 2024, at 12:00 noon.
3. Approval of Bills as Submitted
4. Approval of Financial Report

I. OTHER BUSINESS:

1. Appeal by Alpine Contractors Group of the City’s Conclusion that Alpine Contractors Group Statement of Qualifications does not appear to satisfy the evaluation criteria for the Wastewater 2024 Collection System Project.

Staff Report by: Mike Anderson, Wastewater Superintendent

2. **Resolution No. 24-017** - Approval of an agreement with the Coeur d’Alene Downtown Association, Inc. for the St. Patrick’s Day Parade.

Staff Report by: Renata McLeod, City Clerk

3. **Council Bill 24-1002** - Amendments to Municipal Code Chapter 10.80 entitled Additional Prohibited Conduct to be retitled to Noise and Exhaust; to add new sections 10.80.005, 10.80.015, and 10.80.030; and to recodify section 10.80.10 as 10.80.020, and section 10.80.020 as 10.80.040, and to provide for regulation regarding excessive fumes, smoke, or exhaust and excessive noise from motor vehicles.

Staff Report by: Randy Adams, City Attorney

J. ADJOURNMENT

This meeting is aired live on CDA TV Spectrum Cable Channel 1301, TDS Channel 5, and on Facebook live through the City’s Facebook page.



Coeur d'Alene CITY COUNCIL MEETING

March 05, 2024

MEMBERS OF THE CITY COUNCIL:

Jim Hammond, Mayor

Council Members McEvers, English, Evans, Gookin, Miller, Wood

PRESENTATIONS

PROCLAMATION

WHEREAS, during American Red Cross Month in March, we celebrate the humanitarian spirit of Coeur d' Alene and reaffirm our commitment to help ensure no one faces a crisis alone; and

WHEREAS, caring for one another is at the heart of our community and exemplified by the people of Coeur d' Alene, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments – continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering; and

WHEREAS, every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need – whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; supporting military members and veterans, along with their families and caregivers, through the unique challenges of service; using vital skills like first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world; and

WHEREAS, their support, volunteerism and generous donations are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.

NOW, THEREFORE, I James Hammond, Mayor of the City of Coeur d'Alene, Idaho, do hereby proclaim the month of March, 2024 as

"RED CROSS MONTH"

I encourage all citizens of the City of Coeur d'Alene to reach out and support its humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of Coeur d'Alene to be affixed this March 5th, 2024.



James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

2024 Downtown Bike and Bar Teams Keeping our Parks and Downtown Corridor Safe



Historic Issues

- **Alcohol related issues:**
 - Fights
 - Property Damage
- **Vehicle noise**
- **Thefts**
- **Gang Activity**
- **Juvenile Problems**



2023 Response

- **Dedicated team downtown**
- **1 Sergeant and 4 Officers**
- **Primarily Wednesday through Saturday**
- **Proactive Meetings with Bars / Businesses**



2024 Mission

- **Apply resources 7 days a week**
- **Mid Day to Evening Bike Team**
- **Night Time Bar Team**
- **Community Outreach**



E-Bike Grant

- Justice Assistance Grant
- 6 E-Bikes and related equipment
- Grant Total: \$31,770
- First in the Country to use Fed Dollars for an E-Bike Program.



ANNOUNCEMENTS

MEMO TO COUNCIL

DATE: MARCH 5, 2024

RE: APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

The following is presented for your consideration for the March 5, 2024, Council Meeting:

HISTORIC PRESERVATION COMMISSION

DOUGLAS HARRO

A copy of the data sheet has been placed in front of your mailboxes,

Sincerely,

Renata McLeod
City Clerk

CONSENT CALENDAR

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

February 20, 2024

The Mayor and Council of the City of Coeur d' Alene met in a regular session of said Council at the Coeur d' Alene City Library Community Room on February 20, 2024, at 6:00 p.m., there being present the following members:

James Hammond, Mayor

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

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

INVOCATION: Jason Nye with CDAIDE led the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember English led the pledge of allegiance.

PUBLIC COMMENTS:

Bill Brizee, Hayden, believes that the traffic congestion in I-95 and Government Way is because there is no single entity that has full control of the traffic light synchronization. He explained that the Idaho Transportation Department (ITD) controls the synchronization and timing of certain traffic signals while CDA controls the traffic signals on Northwest Blvd. He added that on Government Way in CDA and Hayden, the ITD controls the traffic signals in the East/West direction while CDA controls the North/South. He submitted a draft Resolution for the ITD to release control of the traffic lights to the local authority in Kootenai County. He also proposed a proactive way of controlling traffic by putting up a sign on the least travelled road midway between light that says "if you're travelling this speed, you will hit the next green light." He also suggested getting rid of the flashing yellow lights.

Tom Torgeson, Fernan, talked about the sale of dirt and the eventual transfer of the Atlas waste product back to city owned property. He noted that the city should sell the dirt at market value, hence, it must be sold at \$13 or \$14 per cubic yard. He also said that the city should not take contaminated soil and place it on city property. He questioned the city's move to giving the soil to ignite cda and stressed that it needs to go through bidding and sold to CDA residents.

MAYOR AND COUNCIL COMMENTS:

Councilmember Wood inquired about what will happen to the resolution submitted by Mr. Brizee. Mayor Hammond replied that he will look into it.

Mayor Hammond requested the appointment of Mike Becker as Trustee for the City of Coeur d’Alene Employee Benefits Trust.

MOTION: Motion by Evans, seconded by McEvers, to appoint Mike Becker as a Trustee for the City of Coeur d’Alene Employee Benefits Trust.

Motion carried.

CONSENT CALENDAR:

1. Approval of Council Minutes for the February 6, 2024 Council Meeting.
2. Setting of General Services/ Public Works Committee Meeting for Monday, February 26, 2024, at 12:00 noon.
3. Approval of SS-22-12 Lake City Marketplace: Final Plat

MOTION: Motion by McEvers, seconded by Evans to approve the Consent Calendar as presented.

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

Motion carried.

RESOLUTION NO. 24-016

A RESOLUTION OF THE CITY OF COEUR D’ ALENE, KOOTENAI COUNTY, IDAHO, APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH DARDAN ENTERPRISES, INC. FOR THE TREATMENT OPERATIONS BUILDING REMODEL IN THE AMOUNT OF \$94,320.28

STAFF REPORT: Capital Programs Manager Mike Becker explained that the City entered a Contract with Dardan Enterprises, Inc. for the Treatment Operations Building Remodel on March 21, 2023. He requested approval of Change Order #1 in the amount of \$94,320.28 to provide for unforeseen work including modification of security fence and concrete slab, replacement of carpet and LVT flooring, modification of kitchen and locker rooms, relocation of conference room wall, electrical modifications and wall deletion, modification of mechanical room, miscellaneous electrical work, and repair in the men’s bathroom.

DISCUSSION:

Councilmember McEvers asked for clarification if the requested additional work was overlooked in the original design. Mr. Becker explained that these are after thoughts and were caught as he was also the construction manager on the project. He added that their target move into the building is the first week of March and they will be presenting the last two remaining change order proposals to the Council as well. Councilmember English asked about the Collections Department,

to which Mr. Becker clarified that this is now the Treatment Operations Department that operates the switches. Councilmember Wood asked for more detail about the locker capacity, with Mr. Becker noting that the two sets of lockers are for personal gear and clothing while the other is for storage of safety equipment, located in a separate location.

MOTION: Motion by McEvers, seconded by Gookin to approve **Resolution No. 24-016**, Approval of Change Order #1 in the amount of \$94,320.28 to the Contract with Dardan Enterprises, Inc. for the Treatment Operations Building Remodel Project.

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

RESOLUTION NO. 24-017

A RESOLUTION OF THE CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE TRANSFER OF STRUCTURAL FILL MATERIAL FROM CITY PROPERTY ON ATLAS ROAD NORTH OF AND ADJACENT TO INTERSTATE 90 TO IGNITE CDA IN EXCHANGE FOR UNSUITABLE SOILS FROM THE ATLAS MILL SITE ("MT. HINK") FOR THE PURPOSE OF FACILITATING CONSTRUCTION ACTIVITIES AT THE ATLAS MILL SITE AND THE CONSTRUCTION OF A SWALE AS PART OF THE IDAHO TRANSPORTATION DEPARTMENT 1-90 EXPANSION PROJECT.

STAFF REPORT: City Administrator Troy Tymesen explained that the Idaho Transportation Department ("ITD") previously transferred a parcel of property on Atlas Road north of and adjacent to Interstate 90 (the "property") to the City for a possible well site for the City's Water Department. After a test well was drilled, the Water Department determined that the property was not viable for a groundwater well. ITD recently approached the City and requested that the City transfer the property back to the State for use as a stormwater swale as part of its future I-90 expansion project. After discussion between ignite cda, ITD, and the City, ignite cda requested to use approximately 75,000 cubic yards of structural fill from the Property for filling the Atlas Phase 3 excavation which resulted from the hauling of unsuitable "Mt. Hink" material to the Ramsey Road pit. In exchange for the structural fill, ignite cda will back haul approximately 60,000 cubic yards of structurally unsuitable "Mt. Hink" soils to the property. The "Mt. Hink" soil is suitable for a stormwater swale and ignite will contract to have the finish grade of the swale site to ITD's desired configuration. The City will then transfer the property back to ITD. The City Streets and Engineering Department has determined that the construction of the swale will not impact on the future Atlas Road expansion. He further stressed that this proposal will be at no cost impact on the city.

DISCUSSION:

Councilmember Wood raised the issue of the value of the dirt if the City were to sell it, with Mr. Phil Boyd, President of Welch Comer, responding that one can buy a GSB from Interstate for \$4.50 a cubic yard for a processed product which is not native soil. He noted that sometimes their clients will pay a royalty just to purchase the soil; the price in the rural area is \$0.50 a cubic yard while in other areas it will sell for \$1-\$2 a cubic yard for the royalty to mine it out of the hill which is not

a processed material. Mr. Tymesen added that the value of the dirt at Mt. Hink would be at \$2-\$3 a cubic yard. Mr. Boyd mentioned that they conducted several boring and huge test pits of the native soil and found out that there was no contamination. Councilmember Wood asked about the cost for the remediation of Mt. Hink, to which Mr. Tony Berns, Executive Director of ignite cda, explained that the total forecast of Phase 3 spending is \$11.245 Million, and the forecasted sale revenue will be about \$12.62 Million. Councilmember Wood mentioned that she is in support of the city's partnership with ignite cda on the Atlas project and she would want it to be successful, however, she raised concern about the legality of taking city property and not sell it through a bid process. City Attorney Adams explained that the City has power under Idaho Code §50-301 to sell and convey real and personal property. He added that Chapter 14 of Title 50 sets out how the city can sell real property but there is no corresponding statute which governs how a city may sell personal property such as the dirt. Therefore, the City can sell personal property in the best interests of the City.

Mayor Hammond asked what the benefit is to the city should the Council move forward with the proposal, with Mr. Berns explaining that this will be a win-win opportunity for the city and ignite cda. He explained that they will be able to get this fill material in a quick and timely manner and the city would benefit from getting Mt. Hink, area Phase 3, developable which would allow for residential opportunities and reimbursing the city in a timelier manner, and then ITD gets the swale that is functional. Councilmember McEvers asked for clarification on the market price of the dirt, to which Mr. Boyd responded that the numbers are conflated because of costs of royalty, transportation, and transport quantities. He said that the price that they have negotiated is \$12 a cubic yard which would include cost of movement, placement, and compacting it to a structural condition. He added that it is almost free dirt but there will be costs of moving it around. He explained that if they buy from a supplier, the cost would be doubled or closer to \$30 a cubic yard.

Councilmember Gookin asked if there is an agreement or Memorandum of Understanding (MOU) with ITD, to which Mr. Tymesen replied that there is a no formal MOU at this point regarding the swale. Councilmember Miller noted that ITD has apparently drafted the swale into their plan but since there is no MOU, she asked what would happen if they decided that they don't want the parcel of property for their swale, resulting to having 65,000 cubic yards of unsuitable soil on city property. Mr. Boyd replied that the unsuitable soil will be placed within the right-of-way and gave assurance that it will not harm the city in the future because it's in the right-of-way. Councilmember Gookin proposed that the swale should be taken off the table unless there is an MOU with ITD. He added that he is also concerned about the actual costs which for him is not a fair trade. Councilmember Evans noted that should the city move forward with the proposal, it will be of benefit to have a signed MOU or a letter of intent with ITD. Mr. Adams agreed that having an MOU will certainly identify each of the party's obligations and responsibilities.

Mayor Hammond asked the Council if they would be interested in tabling this item for the next Council meeting to get more information on the MOU or letter of intent, costs, and other details. He requested the Councilmembers to submit any questions to Mr. Tymesen.

MOTION: Motion by Gookin, seconded by Wood to table **Resolution No. 24-016**, Approval for ignite cda to remove soil from city owned property for structural fill at the Atlas Waterfront project, for further discussion at the next City Council meeting.

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

EXECUTIVE SESSION: Motion by Gookin, seconded by Wood, to enter into Executive Session as provided by 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 and 74-206 (i) To engage in communications with a representative of the public agency’s risk manager or insurance provider to discuss the adjustment of a pending claim or prevention of claim imminently likely to be filed.

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

The Council entered into Executive Session at 7:00 p.m. Those present were the Mayor, City Council, City Administrator, City Attorney, and City Clerk.

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

Council exited Executive session at 7:28p.m. Matters discussed included legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated and adjustment of a pending claim or prevention of claim imminently likely to be filed.

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

The meeting adjourned at 7:28 p.m.

James Hammond, Mayor

ATTEST:

Jo Anne Mateski
Executive Assistant


FEB 09 2024

CITY CLERK

CITY OF COEUR D'ALENE
Treasurer's Report of Cash and Investment Transactions

FUND	BALANCE 12/31/2023	RECEIPTS	DISBURSE- MENTS	BALANCE 1/31/2024
<u>General-Designated</u>	\$7,442,129	\$39,786	\$4,620	\$7,477,295
<u>General-Undesignated</u>	2,350,772	32,686,595	20,701,487	14,335,880
<u>Special Revenue:</u>				
Library	(348,757)	957,861	145,472	463,632
CDBG	(5,156)	9,579	18,233	(13,811)
Cemetery	165,754	21,494	20,569	166,678
Parks Capital Improvements	1,195,643	31,984	43,593	1,184,033
Impact Fees	6,374,356	73,723	8,630	6,439,449
Annexation Fees	562,691	2,397	-	565,088
American Recovery Plan	5,726,814	-	41,384	5,685,430
Cemetery P/C	1,144,778	14,504	5,310	1,153,972
Jewett House	89,425	381	17,410	72,396
Reforestation	23,388	100	6,265	17,223
Street Trees	148,976	6,035	1,625	153,386
Community Canopy	2,473	11	-	2,484
Public Art Fund	53,446	228	4,250	49,424
Public Art Fund - ignite	449,408	1,914	-	451,322
Public Art Fund - Maintenance	129,969	554	26	130,497
<u>Debt Service:</u>				
2015 G.O. Bonds	142,035	461,249	17,436	585,848
<u>Capital Projects:</u>				
Street Projects	1,083,884	381,072	79,724	1,385,232
Riverstone Mill Site Project				-
<u>Enterprise:</u>				
Street Lights	124,276	67,012	71,179	120,109
Water	3,976,548	432,349	927,409	3,481,488
Water Capitalization Fees	5,741,268	88,069	-	5,829,337
Wastewater	21,740,465	1,721,941	1,438,172	22,024,234
Wastewater-Equip Reserve	242,659	-	-	242,659
Wastewater-Capital Reserve	5,500,000	-	-	5,500,000
WWTP Capitalization Fees	3,494,213	212,671	-	3,706,884
WW Property Mgmt	59,973	-	-	59,973
Sanitation	1,047,073	624,374	643,554	1,027,893
Public Parking	924,505	74,713	9,561	989,657
Drainage	1,114,816	342,390	100,009	1,357,197
Wastewater Debt Service	685,014	2,918	-	687,932
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	262,943	274,702	263,056	274,589
KCEMSS Impact Fees	1,320	2,717	1,320	2,717
Police Retirement	412,338	82,051	15,696	478,693
Sales Tax	2,230	1,878	2,231	1,878
BID	408,914	7,499	-	416,413
Homeless Trust Fund	581	578	591	568
GRAND TOTAL	<u><u>\$72,471,164</u></u>	<u><u>\$38,625,327</u></u>	<u><u>\$24,588,813</u></u>	<u><u>\$86,507,677</u></u>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


 Vonnie Jensen, Comptroller, City of Coeur d'Alene, Idaho

CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 FOUR MONTHS ENDED
 January 31, 2024

RECEIVED

FEB 09 2024

CITY CLERK

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2024	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$266,305	\$79,594	30%
	Services/Supplies	10,128	3,508	35%
Administration	Personnel Services	241,168	79,298	33%
	Services/Supplies	2,590	50	2%
Finance	Personnel Services	847,769	273,928	32%
	Services/Supplies	713,940	345,604	48%
Municipal Services	Personnel Services	1,528,562	480,714	31%
	Services/Supplies	1,048,123	655,270	63%
	Capital Outlay	18,000		
Human Resources	Personnel Services	362,646	124,227	34%
	Services/Supplies	136,559	54,812	40%
Legal	Personnel Services	1,317,913	439,648	33%
	Services/Supplies	63,000	71,509	114%
Planning	Personnel Services	755,763	256,266	34%
	Services/Supplies	54,050	16,141	30%
	Capital Outlay			
Building Maintenance	Personnel Services	355,212	124,920	35%
	Services/Supplies	315,600	127,701	40%
	Capital Outlay	31,000	10,559	34%
Police	Personnel Services	17,977,696	5,950,150	33%
	Services/Supplies	1,932,595	490,429	25%
	Capital Outlay	1,929,000	496,712	26%
Fire	Personnel Services	12,637,563	4,537,909	36%
	Services/Supplies	949,774	170,480	18%
	Capital Outlay			
General Government	Services/Supplies	2,019,067	665,728	33%
	Capital Outlay			
Police Grants	Personnel Services	91,364	29,600	32%
	Services/Supplies		1,809	
	Capital Outlay		46,749	
CdA Drug Task Force	Services/Supplies			
	Capital Outlay			
Streets	Personnel Services	3,525,902	1,276,884	36%
	Services/Supplies	2,965,163	364,382	12%
	Capital Outlay	750,000	308,776	41%
Parks	Personnel Services	2,154,256	687,677	32%
	Services/Supplies	751,710	164,609	22%
	Capital Outlay	107,026	34,570	32%
Recreation	Personnel Services	669,375	218,962	33%
	Services/Supplies	159,950	19,113	12%
	Capital Outlay			

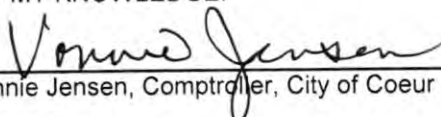
CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 FOUR MONTHS ENDED
 January 31, 2024

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2024	PERCENT EXPENDED
Building Inspection	Personnel Services	1,102,433	341,971	31%
	Services/Supplies	44,309	8,913	20%
	Capital Outlay			
Total General Fund		<u>57,835,511</u>	<u>18,959,171</u>	<u>33%</u>
Library	Personnel Services	1,648,968	541,964	33%
	Services/Supplies	220,000	68,557	31%
	Capital Outlay	190,000	43,130	23%
CDBG	Personnel Services	87,021	7,638	9%
	Services/Supplies	302,942	25,668	8%
Cemetery	Personnel Services	226,159	79,846	35%
	Services/Supplies	139,150	22,137	16%
	Capital Outlay			
Impact Fees	Services/Supplies	63,000	20,030	32%
Annexation Fees	Services/Supplies	520,000	520,000	100%
Parks Capital Improvements	Capital Outlay	710,060	78,049	11%
Cemetery Perpetual Care	Services/Supplies	4,500	1,471	33%
Jewett House	Services/Supplies	28,615	102,432	358%
Reforestation	Services/Supplies	6,500	6,265	96%
Street Trees	Services/Supplies	112,000	14,075	13%
Community Canopy	Services/Supplies	1,500		
Public Art Fund	Services/Supplies	239,500	16,812	7%
		<u>4,499,915</u>	<u>1,548,074</u>	<u>34%</u>
Debt Service Fund		<u>876,307</u>	<u>17,436</u>	<u>2%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
FOUR MONTHS ENDED
January 31, 2024

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 1/31/2024	PERCENT EXPENDED
Atlas - Kathleen to Newbrook	Capital Outlay	1,010,734		
Traffic Calming	Capital Outlay	40,000	8,895	22%
Public Transit Sidewalk Accessibility	Capital Outlay	204,999	269,258	131%
Ramsey Road Rehabilitation	Capital Outlay			
15th Street	Capital Outlay	2,300,000	129,229	6%
LHTAC Pedestrian Safety	Capital Outlay	873,245		
Atlas Waterfront Project	Capital Outlay			
Wilbur / Ramsey Project	Capital Outlay	169,595	5,000	3%
Government Way	Capital Outlay		8,000	
LaCrosse Ave. Improvements	Capital Outlay		79,724	
		<u>4,598,573</u>	<u>500,106</u>	<u>11%</u>
Street Lights	Services/Supplies	760,200	192,006	25%
Water	Personnel Services	3,005,767	924,724	31%
	Services/Supplies	5,748,776	547,431	10%
	Capital Outlay	5,717,240	1,017,721	18%
Water Capitalization Fees	Services/Supplies	3,000,000		
Wastewater	Personnel Services	3,402,504	1,070,723	31%
	Services/Supplies	8,680,182	907,026	10%
	Capital Outlay	12,237,000	1,691,383	14%
	Debt Service	3,512,941		
WW Capitalization	Services/Supplies	3,499,100		
Sanitation	Services/Supplies	5,315,582	1,518,720	29%
Public Parking	Services/Supplies	1,778,929	540,365	30%
	Capital Outlay			
Drainage	Personnel Services	262,860	89,809	34%
	Services/Supplies	1,189,030	123,926	10%
	Capital Outlay	1,143,000	113,021	10%
Total Enterprise Funds		<u>59,253,111</u>	<u>8,736,855</u>	<u>15%</u>
Kootenai County Solid Waste		3,115,000	816,218	26%
KCEMSS Impact Fees			11,154	
Police Retirement		146,000	48,254	33%
Business Improvement District		176,200	61,200	35%
Homeless Trust Fund		10,000	1,868	19%
Total Fiduciary Funds		<u>3,447,200</u>	<u>938,693</u>	<u>27%</u>
TOTALS:		<u>\$130,510,617</u>	<u>\$30,700,335</u>	<u>24%</u>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Vonnice Jensen, Comptroller, City of Coeur d'Alene, Idaho

RECEIVED

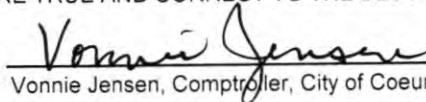
FEB 09 2024

CITY CLERK

City of Coeur d Alene
Cash and Investments
1/31/2024

Description	City's Balance
U.S. Bank	
Checking Account	3,523,587
Checking Account	70,519
Checking Account	68,583
Investment Account - Police Retirement	347,448
Investment Account - Cemetery Perpetual Care Fund	1,148,740
Idaho Central Credit Union	
Certificate of Deposit	1,039,625
Idaho State Investment Pool	
State Investment Pool Account	48,752,298
Spokane Teacher's Credit Union	
Certificate of Deposit	6,188,864
Numerica Credit Union	
Certificate of Deposit	9,765,651
Money Market	15,601,013
Cash on Hand	
Treasurer's Change Fund	1,350
Total	<u><u>86,507,677</u></u>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Vonnice Jensen, Comptroller, City of Coeur d'Alene, Idaho

OTHER BUSINESS

CITY COUNCIL STAFF REPORT

DATE: March 5, 2024
FROM: Mike Anderson, Wastewater Director
SUBJECT: Alpine Contractors Group Appeal of Prequalification Failure Determination

DECISION POINT: Should Council sustain the Wastewater Department's decision that Alpine Contractors Group failed to meet established prequalification standards?

HISTORY: The City's Wastewater Department requested Statements of Qualification ("SOQ") from licensed public works contractors for our 2024 Collection System Open Trench work. The SOQ consisted of 4 parts:

Part 1: Background Information:

Name of organization and representative. Is it a corporation, partnership, joint venture, or sole proprietorship?

Part 2: Technical Competence and Experience (*immediate disqualifier if not met*):

Is the contractor appropriately licensed and does it meet the minimum required experience in relevant projects?

Part 3: Overall Performance History (*immediate disqualifier if not met*):

Is the contractor disbarred or prohibited from working for any governmental agency or has any of its work not been accepted?

Part 4: Graded each contractor on past project experience (*grades on a scale of 0-5 points, a "zero" point score is an immediate disqualifier*):

This is a reference check performed by the City in which the contractor is graded in 4 parts including: personnel, timeliness, compliance with standards, and claims history.

FINANCIAL ANALYSIS: This year's collection system open trench work requires placement of approximately 2,000 feet of 8-inch gravity sewer pipe, including reinstatement of sewer laterals, pavement, and surface repair. The estimated cost of this project is between \$750,000 and \$1,000,000. The size and cost of the project justified the prequalification process.

PERFORMANCE ANALYSIS: Alpine Contractors Group ("Alpine") submitted an SOQ. The only two projects listed for the required Company Experience were for Viking Homes and Spokane County. When the owners of each project were contacted, both stated that the work was not performed by the contractor submitting the SOQ, Alpine. Instead, the work was performed by T. LaRiviere Construction. The lack of experience by Alpine was an automatic disqualifier. We were unable to perform reference checks in Part 4 as there were no Alpine projects referenced. In fact, neither the Idaho nor Washington Secretary of State's websites list a company named "Alpine Contractors Group" authorized to do business in Idaho.

RECOMMENDATION: The lack of qualifying projects listed on Alpine's SOQ is an immediate disqualifier for this project. The fact that individuals involved with Alpine might have performed qualifying projects is not relevant to Alpine's qualifications. The Wastewater Department recommends that Council sustain the decision that Alpine failed to meet established prequalification standards.

Attached:

State Code 67-2805

Alpine Contractors Group Statement of Qualifications

CDA Notice of Prequalification Status

Alpine Appeal Letter



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 28

PURCHASING BY POLITICAL SUBDIVISIONS

67-2805. PROCUREMENT OF PUBLIC WORKS CONSTRUCTION. (1) When a political subdivision contemplates an expenditure to procure public works construction valued at or in excess of fifty thousand dollars (\$50,000) but not to exceed two hundred thousand dollars (\$200,000), the procurement procedures of this subsection shall apply:

(a) The solicitation for bids for the public works construction to be performed shall be supplied to no fewer than three (3) owner-designated licensed public works contractors by written means, either by electronic or physical delivery. The solicitation shall describe the construction work to be completed in sufficient detail to allow an experienced public works contractor to understand the construction project the political subdivision seeks to build.

(b) The solicitation for bids shall describe the electronic or physical delivery method or methods authorized to submit a bid, the date and time by which a bid proposal must be received by the clerk, secretary or other authorized official of the political subdivision, and shall provide a reasonable time to respond to the solicitation, provided that except in the event of an emergency, such time shall not be less than three (3) business days.

(c) Written objections to specifications or bid procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least one (1) business day before the date and time upon which bids are scheduled to be received.

(d) When written bids have been received, by either physical or electronic delivery, they shall be submitted to the governing board or a designee of the governing board who shall present the lowest responsive bid to the governing board for approval or, if authorized, approve the bid. The governing board or the board's designee shall approve the responsive bid proposing the lowest procurement price or reject all bids and publish notice for bids, as before.

(e) If the political subdivision finds that it is impractical or impossible to obtain three (3) bids for the proposed public works procurement, the political subdivision may acquire the work in any manner the political subdivision deems best from a qualified public works contractor quoting the lowest price. When fewer than three (3) bids are considered, a description of the efforts undertaken to procure at least three (3) bids shall be documented by the political subdivision and such documentation shall be maintained for at least six (6) months after the procurement decision is made. If two (2) or more price quotations offered by different licensed public works contractors are the same and the lowest responsive bids, the governing

board or governing-board authorized official may accept the one (1) it chooses.

(2) When a political subdivision contemplates an expenditure to purchase public works construction valued in excess of two hundred thousand dollars (\$200,000), the procurement procedures of this subsection shall apply. The purchase of construction services shall be made pursuant to a competitive sealed bid process with the purchase to be made from the qualified public works contractor submitting the lowest bid price complying with bidding procedures and meeting the prequalifications, if any are provided, established by the bid documents. Competitive bidding for public works may proceed through either of two (2) alternative procedures as set forth below:

(a) Category A. Competitive bidding procedures shall be open to receipt of bids from any licensed public works contractor desiring to bid upon a public works project. For a category A bid, the political subdivision may only consider the amount bid, bidder compliance with administrative requirements of the bidding process, and whether the bidder holds the requisite license, and shall award the bid to the qualified bidder submitting the lowest responsive bid.

(i) The request for bids for a category A procurement shall set a date and place for the public opening of bids. Two (2) notices soliciting bids shall be published in the official newspaper of the political subdivision. The first notice shall be published at least two (2) weeks before the date for opening bids, with the second notice to be published in the succeeding week at least seven (7) days before the date that bids are scheduled to be opened. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request and payment of a reasonable plan copy fee by any interested bidder.

(ii) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened. The administrative officer or governing board supervising the bidding process shall respond to any such objection in writing and communicate such response to the objector and all other plan holders, adjusting bidding timeframes if necessary.

(iii) All bids shall be presented or otherwise delivered under sealed cover to the clerk of the political subdivision or other authorized agent of the political subdivision designated by the information provided to bidders by the political subdivision with a concise statement marked on the outside generally identifying the project to which the bid pertains.

(iv) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The

political subdivision may require that the bid security be in one (1) of the following forms:

- (A) Cash;
- (B) A cashier's check made payable to the political subdivision;
- (C) A certified check made payable to the political subdivision; or
- (D) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(v) Any bid received by the political subdivision may not be withdrawn after the date and time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public at a designated place and time, thereafter to be compiled and submitted to the governing board for award or, if a designee is authorized, for approval of the award.

(vi) If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision at the sole discretion of the political subdivision and the proceeds shall be deposited in a designated fund out of which the expenses of procuring substitute performance are paid.

(vii) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the qualified bidder submitting the next lowest responsive bid. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security may be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security to the owner.

(viii) In its discretion, the governing board may reject all bids presented and re-bid, or the governing board may, after finding it to be a fact, pass a resolution declaring that the project sought to be accomplished by the expenditure can be performed more economically by purchasing goods and services on the open market. If identical bids are received, the governing board may choose the bidder it prefers. If no bids are received, the governing board may procure the goods or services without further competitive bidding procedures.

(ix) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

(x) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the

express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

(b) Category B. Competitive bidding procedures shall be open to licensed public works contractors only after meeting preliminary supplemental qualifications established by the political subdivision. The solicitation for bids in a category B procurement shall consist of two (2) stages, an initial stage determining supplemental prequalifications for licensed contractors, either prime or specialty contractors, followed by a stage during which bid prices will be accepted only from prequalified contractors.

(i) Notice of the prequalification stage of the category B competitive bidding process shall be given in the same manner that notice of competitive bidding is provided for a category A competitive bid request, providing a specific date and time by which qualifications statements must be received. Political subdivisions may establish prequalification standards premised upon demonstrated technical competence, experience constructing similar facilities, prior experience with the political subdivision, available nonfinancial resources, equipment and personnel as they relate to the subject project, and overall performance history based upon a contractor's entire body of work. Such request must include the standards for evaluating the qualifications of prospective bidders.

(ii) During the initial stage of the category B bidding process, licensed contractors desiring to be prequalified to bid on a project must submit a written response to a political subdivision's request for qualifications.

(iii) Written objections to prequalification procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which prequalification statements are due. The administrative officer or governing board supervising the bidding process shall respond to any such objection in writing and communicate such response to the objector and all other contractors seeking to prequalify, adjusting bidding timeframes if necessary. After a review of qualification submittals, the political subdivision may select licensed contractors that meet the prequalification standards. If any licensed contractor submits a statement of qualifications but is not selected as a qualified bidder, the political subdivision shall supply a written statement of the reason or reasons why the contractor failed to meet prequalification standards.

(iv) Any licensed contractor that fails the prequalification stage can appeal any such determination to the governing board within seven (7) days after transmittal of the prequalification results to contest the determination. If the governing board

sustains the decision that a contractor fails to meet prequalification standards, it shall state its reason or reasons for the record. A governing board decision concerning prequalification may be appealed to the public works contractors license board no more than fourteen (14) days following any decision on appeal made by the governing board. The public works contractors license board shall decide any such appeal within thirty-five (35) days of the filing of a timely appeal. The public works contractors license board shall allow participation, written or oral, by the appealing contractor and the political subdivision, either by employing a hearing officer or otherwise. The public works contractors license board shall not substitute its judgment for that of the political subdivision, limiting its review to determining whether the decision of the governing board is consistent with the announced prequalification standards, whether the prequalification standards comport with the law and whether the governing board's decision is supported by the entirety of the record. The decision of the public works contractors license board shall be written and shall state the reason or reasons for the decision. Category B prequalification procedures that are appealed shall be stayed during the pendency of the prequalification appeal until the public works contractors license board completes its review, but in no instance more than forty-nine (49) days after the appellate decision of the governing board regarding prequalification. Any licensed public works contractor affected by a decision on appeal by the public works contractors license board may, within twenty-eight (28) days of the final decision, seek judicial review as provided by chapter 52, title 67, Idaho Code.

(v) Following the conclusion of the prequalification administrative procedures, the bidding stage shall proceed by the setting of a time, date and place for the public opening of bids. In circumstances involving prequalified prime contractors, a notice soliciting bids shall be transmitted to prequalified bidders at least fourteen (14) days before the date of opening the bids. In circumstances involving prequalified specialty or subordinate contractors, the notice soliciting bids shall be published in the same manner applicable to category A bids. The notice shall succinctly describe the project to be constructed. Copies of specifications, bid forms, bidder's instructions, contract documents, and general and special instructions shall be made available upon request and payment of a reasonable plan copy fee by any eligible bidder.

(vi) Written objections to specifications or bidding procedures must be received by the clerk, secretary or other authorized official of the political subdivision at least three (3) business days before the date and time upon which bids are scheduled to be opened.

(vii) All category B bids shall be presented or otherwise delivered under sealed cover to the clerk or other authorized agent of the political subdivision designated by the instructions to bidders with a concise statement marked on the outside generally identifying the project to which the bid pertains.

(viii) If the political subdivision deems it is in the political subdivision's best interest, it may require the bidder to provide bid security in an amount equal to at least five percent (5%) of the amount bid. If required, a bid shall not be considered unless one (1) of the forms of bidder's security is enclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the political subdivision. The political subdivision may require that the bid security be in one (1) of the following forms:

(A) Cash;

(B) A cashier's check made payable to the political subdivision;

(C) A certified check made payable to the political subdivision; or

(D) A bidder's bond executed by a qualified surety company, made payable to the political subdivision.

(ix) Any category B bid received by a political subdivision may not be withdrawn after the date and time set in the notice for opening of bids. When sealed bids have been received, they shall be opened in public by the governing board or the board's designee at a designated place and time. The governing board's designee shall thereafter compile and submit to the governing board for award or, if authorized, approve the award. If identical bids are received, the governing board may choose the bidder it prefers. If the successful bidder fails to execute the contract, the amount of his bidder's security may be forfeited to the political subdivision, in the sole discretion of the political subdivision, and the proceeds shall be deposited in a designated fund out of which the expenses for procuring substitute performance are paid.

(x) The political subdivision may, on the refusal or failure of the successful bidder to execute the contract, award the contract to the qualified bidder submitting the next lowest responsive bid. If the governing board awards the contract to the next lowest qualified bidder, the amount of the lowest qualified bidder's security, if forfeited, shall be applied by the political subdivision to the difference between the lowest responsive bid and the next lowest responsive bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used, less reasonable administrative costs not to exceed twenty-five percent (25%) of the amount of the bidder's security.

(xi) In its discretion, the governing board may reject all bids presented and re-bid, or the governing board may, after finding it to be a fact, pass a resolution declaring that the project sought to be accomplished by the expenditure can be performed more economically by purchasing goods and services on the open market. If no bids are received, the governing board may make the expenditure without further competitive bidding procedures.

(xii) If the governing board of any political subdivision chooses to award a competitively bid contract involving the procurement of public works construction to a bidder other than the apparent low bidder, the political subdivision shall declare

its reason or reasons on the record and shall communicate such reason or reasons in writing to all persons who have submitted a competing bid.

(xiii) If any participating bidder objects to such award, such bidder shall respond in writing to the notice from the political subdivision within seven (7) calendar days of the date of transmittal of the notice, setting forth in such response the express reason or reasons that the award decision of the governing board is in error. Thereafter, staying performance of any procurement until after addressing the contentions raised by the objecting bidder, the governing board shall review its decision and determine whether to affirm its prior award, modify the award, or choose to re-bid, setting forth its reason or reasons therefor. After completion of the review process, the political subdivision may proceed as it deems to be in the public interest.

History:

[67-2805, added 2005, ch. 213, sec. 37, p. 669; am. 2005, ch. 295, sec. 2, p. 935; am. 2017, ch. 197, sec. 5, p. 485.]

How current is this law?

**AMENDED NOTICE OF REQUEST FOR STATEMENTS OF QUALIFICATIONS
CITY OF COEUR D'ALENE WASTEWATER UTILITY
2024 COLLECTION SYSTEM PROJECT**

The City of Coeur d'Alene, Idaho, is requesting Statements of Qualifications (SOQ) from licensed public works contractors who are interested in bidding on the **2024 Collection System Project**. The Project generally consists of open cut replacement of approximately 2,000 linear feet of 8-inch diameter sanitary sewer, including bypass pumping, reinstating sewer laterals, paving, miscellaneous surface restoration, and other related work.

Actual bid quantities may change pending the final design of the project. The estimated project cost is between \$750,000 and \$1,000,000. It is anticipated that the project will bid in March 2024 with a contract duration of approximately **sixty (60) calendar days**. Commencement of the Contract is anticipated to begin no later than **45 calendar days** from date of the Contract. The City reserves the right to cancel or postpone bidding, or award a contract for the project.

The Informational Packet contains the project description, SOQ Form and requirements, and evaluation criteria. Contractors must submit a response in the format outlined in the Request for SOQ. A response may be withdrawn prior to the scheduled time for the opening of the responses or authorized postponement thereof. The Informational Packet may be obtained at no cost from <http://www.cityofcdaplanroom.com>.

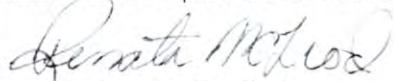
One hard copy of the response to the SOQ, with the required forms, must be received by the **City Clerk** prior to **11:00 AM PDT on February 9, 2024**. Mark the envelope with the response: **City of Coeur d'Alene Wastewater Utility, 2024 Collection System Project – Statement of Qualifications**. Responses shall be submitted to: **City of Coeur d'Alene, Attn: City Clerk, 710 Mullan Ave., Coeur d'Alene, ID 83814**.

Firms must have a valid Idaho Public Works Contractor license for the work in order to submit a response. The City will evaluate and determine which contractors are qualified to bid. If the City proceeds with bidding, all firms deemed qualified by the City will be invited to submit bids for the project as described in the Bidding Documents, which are currently under development.

The City, in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat.252, 42 U.S.C. §§ 2000d to 2000d-4) and applicable Regulations, hereby notifies all bidders that it will affirmatively ensure that all business enterprises will be afforded full and fair opportunity to submit responses to this SOQ and will not be discriminated against on the basis of race, color, national origin, or sex in consideration for qualification.

Any protest of determination of qualifications or bidding procedures will be handled in accordance with procedures delineated in IC § 67-2805.

Firms will be responsible for all costs incurred in preparing or responding to the Request for Qualifications.


Renata McLeod, City Clerk
City of Coeur d'Alene, Idaho

PUBLISH: January 26 and February 2, 2024

All SOQ's must be signed using the signature page provided.

Questions / Clarifications

Please address questions regarding this Request for Statement of Qualifications or questions on how to submit a response to:

Jessica Nathan-Waller, P.E.
J-U-B ENGINEERS, Inc.
7825 Meadowlark Way
Coeur d'Alene, ID 83815
(208) 762-8787 phone
E-mail: jwaller@jub.com

Public Information

Qualification responses may be considered a public record and, except as noted below, will be available for inspection and copying by any person after the approval of qualified applicants. The City will take reasonable efforts to protect any information marked "confidential" to the extent allowed by Idaho Public Records Law. Confidential information may be submitted in a separate envelope, sealed and marked "Confidential Information" and will be returned to the Applicant upon request. It is understood, however, that the City will have no liability for disclosure of such information. Any proprietary or otherwise sensitive information contained in or accompanying any response should also be marked as such, but is subject to potential disclosure.

Clarification and/or Protest of SOQ Requirements, Standards, Specifications, or Process

Any protest of the requirements, standards, specifications, or process outlined in this Request for Statement of Qualifications shall be handled in strict accordance with procedures outlined in Idaho Code § 67-2805(2)(b). The City reserves the right to reject any and all responses and to waive any irregularities in the responses received.

Anticipated Schedule

The anticipated milestones of the pre-qualification process and bidding are listed below. This schedule is subject to change.

Request for SOQ Advertisement	see Notice of Request for SOQ
SOQs Due	see Notice of Request for SOQ
Selection of Qualified Bidders	February 2024
Estimated Bid Opening Date	March 2024

Evaluation Criteria and Process

The proposing firm must complete the attached Statement of Qualification Form, sign it, and submit by the due date and time in accordance with the Request for Statement of Qualifications specification. The criteria listed in the form will be the criteria the City will use in determining if a firm is qualified to bid on the project. Formal bids from pre-qualified bidders will be solicited in accordance with I.C. § 67-2805 and the Bidding Documents, which are currently under development. The contract, if awarded, will be awarded to the lowest responsive bidder who was pre-qualified to bid.

**CITY OF COEUR D'ALENE – 2024 COLLECTION SYSTEM PROJECT
STATEMENT OF QUALIFICATIONS FORM**

Part 1: Background Information

SUBMITTED BY: Alpine Contractors Group
(Print or Type Name)

Name of Organization:

Alpine Contractors Group
(Print or Type Name)

Name of Representative

Individual: Ronald Sanders

Title: CEO

Business Address: 3448 N Huetter Rd.

Coeur d'Alene, ID 83814

Telephone No.: 208-968-7506

Fax No.: None

Email Address: estimating@alpinecontractorsgroup.com

Check if:

Corporation Partnership Joint Venture Sole Proprietorship

If Corporation:

A. Date and State of Incorporation:

01/26/2011

Idaho

B. List of Executive Officers:

Name	Title
<u>Ronald Sanders</u>	<u>CEO</u>
<u>Thomas LaRiviere</u>	<u>Shareholder</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If Partnership:

A. Date and State of Organization:

B. Names of Current General Partners:

C. Type of Partnership

- General Publicly Traded
- Limited Other (described):

If Joint Venture:

A. Date and State of Organization:

B. Name, Address, and Form of Organization of Joint Venture Partners (Indicate managing partner by an asterisk *):

If Sole Proprietorship:

A. Date and State of Organization:

B. Name and Address of Owner or Owners:

To be prequalified as a bidder for this project, you must be able to answer “yes” to all “yes or no” questions from Part 2 of the Qualification Criteria, section below. If you answer “no” to any question, you may not submit a response to this SOQ.

Part 2: Technical Competence and Experience

A. Idaho Public Works Contractor License

1. Does your company have a currently valid Idaho Public Works Contractor license?

Yes No

2. If “Yes”, provide documentation of a currently valid Idaho Public Works Contractor license, type, category and corresponding expiration dates.

Idaho Public Works Contractor’s License Number: 073720 expiration date: 02/28/2025

Specialty Construction Categories: 1, 2, 3 expiration date: 02/28/2025

B. Company Experience

1. Has your company served as the General Contractor and Installer on open cut installation projects with a total combined minimum footage of 20,000 lineal feet for pipe, diameters 8-inch and larger, within the last five (5) years?

Yes No

2. If “Yes”, provide a list of projects totaling a combined minimum of 20,000 lineal feet for pipe diameters 8-inch and larger. Include the following information for each project: 1) Project Name, 2) Owner Name, 3) Contact Name, 4) Contact Phone Number, 5) Installed Footage, 6) Range of Pipe Diameters, and 7) Year Completed. This information must be provided for each project for it to be considered. Reference the attached sample form for an example format.

To be prequalified as a bidder for this project, you must be able to answer “no” to all “yes or no” questions from Part 3 of the Qualification Criteria, sections below. If you answer “yes” to any question, you may not submit a response to this SOQ.

Part 3: Overall Performance History

A. Debarment or Suspension

1. Is the applying organization currently debarred or suspended as a contractor or subcontractor by any municipality or agency in any state?

Yes ___ No X

2. Has the applying organizations contractor license been revoked or suspended at any time in the last five years in any state?

Yes ___ No X

B. Prior Performance with the City of Coeur d’Alene

1. Has any work previously completed for the City of Coeur d’Alene not been accepted (i.e. work did not meet or exceeded City Standards) from the applying organization?

Yes ___ No X

Part 4 - The City of Coeur d'Alene will grade each contractor based on past project experience. The City of Coeur d'Alene may interview any or all references provided in Part 2.

Below is a list of the questions each contractor will be graded on, if applicable. The scoring system is rated from 1-5, with 1 being the lowest possible score and 5 the highest possible score.

For Part 4, the contractor must score a 3 or higher on all questions to be considered prequalified.

1. Did the contractor provide adequate personnel for the project?

Lack of available, qualified personnel, led to contractual cost and/or schedule impacts to the project. (0 point)

Consistent issues with personnel availability or abilities led to increased engineering or other expenses to the City. (0 points)

Periodic issues with staffing or skills of personnel led to minor issues on the project which were eventually resolved. (3 points)

Personnel were available and qualified for the work required to complete the project as outlined in the contract. (4 points)

Highly qualified personnel were available for the project and added value to the project through their expertise. (5 points)

2. Did the contractor complete the entirety of the project scope within a timely manner?

Project was not completed in its entirety. City used internal staff and/or other contractor to complete work. (0 point)

Project was completed but significant delays in contract completion led to increased engineering or other expenses to the City. (0 points)

Project was completed with minor or insignificant delays in schedule. No increase in engineering or other expenses to the City. (3 points)

Project was completed in its entirety, no delays in schedule. No increase in engineering or other expenses to the City. (4 points)

Project was completed in its entirety, ahead of original project schedule. No increase in engineering or other expenses to the City. (5 points)

3. Did the contractor comply with the Contract Documents and City Standards?

Contractor did not comply with the Contract Documents and City Standards. Deviations were not resolved promptly, which led to increased engineering or other expenses to the City. (0 point)

Contractor had significant deviations from the Contract Documents and City Standards. Deviations were not resolved promptly, which led to increased engineering or other expenses to the City. (0 points)

Contractor had minor or insignificant deviations from the Contract Documents and City Standards, which were resolved promptly. No increase in engineering or other expenses to the City. (3 points)

Contractor met the minimum requirements of the Contract Documents. No increase in engineering or other expenses to the City. (4 points)

Contractor met or exceeded the Contract Document requirements. No increase in engineering or other expenses to the City. (5 points)

4. Does the contractor have any past or pending claims with the City?

Contractor has a pending claim(s) which will most likely be resolved by other dispute resolution proceedings or will most likely be resolved in a court of competent jurisdiction or did not follow the claim process and time frames as outlined in the contract and agreement. (0 point)

Contractor has a past claim(s) with the City which were resolved by other dispute resolution proceedings or will most likely be resolved in a court of competent jurisdiction or did not follow the claim process and time frames as outlined in the contract and agreement. (0 points)

Contractor has a past or on-going claim(s) with the City and is following or followed the claim and dispute resolution process and time frames outlined in the contract and agreement. (3 points)

Contractor has a past claim(s) with the City and was promptly settled by negotiation. (4 points)

Contractor does not have any pending claims and has not had a claim with the City. (5 points)

Part 5: Acknowledgments

The undersigned certifies under oath the truth and accuracy of all statements and of all answers to questions made herein.

Dated at Coeur d'Alene, ID, this 9th day of February 2024.

Organization: Alpine Contractors Group
(Print or Type Name)

By: [Signature]

Title: Ronald Sanders, Principal & CEO

(Seal, if corporation)

Sworn to before me this 9th day of February, 24, in the
County of Kootenai, State of Idaho.

[Signature]
(Notary Public)

My commission expires 11/19/2026

(Seal)



Company Experience

<u>Project Name</u>	<u>Owner Name</u>	<u>Contact Name</u>	<u>Contact Phone Number</u>	<u>Installed Footage</u>	<u>Range of Pipe Diameters</u>	<u>Year Completed</u>
Carrington Meadows Lift Station & Force Main	Viking Homes LLC	Scott Krajack	208-619-1900	7,993 LF	8" Water Main, 12" Water Main Extension, 8" Sanitary Sewer, 12" Sanitary Sewer, 15" Sanitary Sewer	2019
Mead-Mt. Spokane Sewer Extension Package 1 Project No. 225C	Spokane County	Kevin Cooke	509-477-3604	17,540 LF	8" Gravity Sewer Pipe, 12" Gravity Sewer Pipe, 8" C900 Gravity Sewer Pipe	2020

Total: 25,533 LF



February 16, 2024

Ronald Sanders
Alpine Contractors Group
3448 N. Huetter Rd
Coeur d'Alene, Id 83814

RE: **City of Coeur d'Alene, ID – 2024 Collection System Project – Notice of Prequalification Status**

Dear Mr. Sanders:

Thank you for your response to the Request for Statements of Qualifications (SOQ) for the referenced project. The City of Coeur d'Alene has reviewed your SOQ relative to the qualification criteria and determined your organization is not prequalified to submit a bid for this project for the following reasons:

- **Qualification Part 2 (Technical Competence and Experience):** Based on the information submitted, your organization does not satisfy the minimum requirement for Section B.1 and 2.
 - Discussion: - Alpine Contractors Group affirmative marked “yes” for Part 2B.1 and provided references per Part 2B.2.
 - Review of L&Is website and per discussions with Rick Garcia at Spokane County, the General Contractor for project “Mead- Mt. Spokane Sewer Extension Package 1 Project No. 225C” was T LaRiviere not Alpine Contractors Group.
 - Per discussions with Harold at Viking Homes on 2/15/24, the General Contractor for “Carrington Meadows Lift Station and Force Main” Project was LaRiviere.
 - Conclusion: Alpine Contractors Group SOQ does not appear to satisfy the evaluation criteria.

The City appreciates your interest in this project.

Sincerely,

City of Coeur d'Alene

Larry Parsons
Utility Project Manager, Wastewater Utility Department
765 W. Hubbard Ave
Coeur d'Alene ID 83814



February 21, 2024

Larry Parsons, Utility Project Manager
City of Coeur d'Alene Wastewater Utility Department
765 W. Hubbard Ave.
Coeur d Alene Idaho 83814

Jessica Nathan-Waller, P.E.
J-U-B Engineers
7825 Meadowlark Way
Coeur d'Alene, ID 83815

**Re: Notice of Prequalification Status – City of Coeur d'Alene, ID –
2024 Collection System Project**

Dear Mr. Parson,

This letter shall serve notice of Alpine Northwest LLC dba Alpine Contractors Group appeal of your Notice of Prequalification Status. We feel that you are in error as to the determination as to your determination as stated in your letter dated February 16th, 2024 “Conclusion: Alpine Contractors Group SOQ does not appear to satisfy the evaluation criteria.” Therefore, under Idaho Code 67-2805 (b)(vi) Alpine Contractors Group gives its Notice of Appeal to the governing board of the City of Coeur d Alene (We assume the City Counsel) based upon the following:

Alpine Northwest LLC DBA Alpine Contractors Group LLC derives its experience through its key employees. In this case, Thomas LaRiviere is a key employee of Alpine Contractors Group and Mr. LaRiviere, in his role with LaRiviere, Inc, successfully completed many projects which are of similar size and scope as required by this project. Furthermore, Alpine Contractors Group will, on this project, utilize the staff resources, to include Project Managers, Project Coordinators and Project Superintendents that were used on past projects completed by Lariviere Inc. Alpine Contractors Group has the necessary bonding, surety, and liability insurance as well as financial guarantees that remain the same. Alpine Contractors Group has the equipment resources necessary to complete the job as well. Furthermore, Ronald Sanders, CEO and Owner of Alpine Contractors Group, has over 20+ years' experience in his field, including his experience as COO of LaRiviere, Inc.

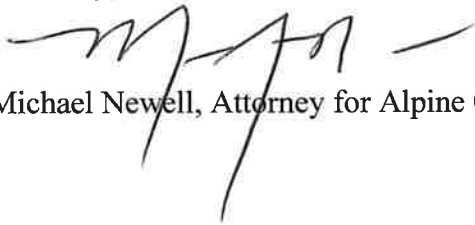
The company name does not complete the work, its key personnel do. For example, if a company owner decides to change the company name, the company does not lose all its project experience it gained while operating under the previous company name. Alpine Northwest LLC received its State of Idaho Public Works License effective February 8, 2024, however LaRiviere, Inc. has had

its Public Works License in force since August 20, 2008. Thomas LaRiviere completed all the required documentation and testing applicable to receive and maintain the State of Idaho Public Works License. Furthermore, Thomas LaRiviere provided all necessary documentation, testing, and met all criteria for Alpine Contractors Group to receive its Idaho Public Works License. It is the same work horse in all aspects, except the name.

With this experience at the helm of Alpine Contractors Group, the owners have demonstrated the requirements of the statutes and regulations concerning this project carried over from the projects that they have completed or are currently employed. Again, the name of the company does not demonstrate the ability to successfully complete this project, but the people and their job experience behind the name are what guarantees completion.

Alpine Contractors Group respectfully request a review of the people behind the name of the company in determining the ability to perform on this prospective project and not just the name of the company as the criteria to allowing bidding on this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Newell', with a horizontal line extending to the right.

Michael Newell, Attorney for Alpine Contractors Group

**CITY COUNCIL
STAFF REPORT**

DATE: MARCH 5, 2024

FROM: RENATA MCLEOD, MUNICIPAL SERVICES DIRECTOR/CITY CLERK

SUBJECT: APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE DOWNTOWN ASSOCIATION (DTA) FOR THE ST. PATRICK'S DAY PARADE TO BE HELD MARCH 16, 2024

DECISION POINT: Should the City Council approve the proposed Memorandum of Understanding with the Downtown Association (DTA) for the St. Patrick's Day Parade?

HISTORY: At the July 19, 2022, Council meeting, Council requested staff to begin looking at options of entering into agreements for some of the large special events held in the City. Agreements allow the City to negotiate with the sponsor to take on additional responsibilities such as providing volunteers to man non-emergency intersections, placement of no-parking signs, use of certified flaggers, and payment in addition to the general fees. Last year we presented agreements for all events, with the intent to create one master agreement that encompasses all the large parades. However, due to the timing with the St. Patrick's Day Parade, more time is needed to finalize the master Memorandum of Understanding that encompasses Car d' Lane, Street Fair, and the Lighting Parade. The St. Patrick's Day is rated a low impact event and has traditionally been a fast event to set up and take down.

The Streets and Engineering Department has crafted the traffic safety plan, attached as Exhibit "A" to the MOU, which satisfies the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

FINANCIAL ANALYSIS: The fee included under the MOU is \$150.00, with a \$100.00 security deposit, in compliance with the currently approved fee resolution.

DECISION POINT/RECOMMENDATION: Staff recommends the approval of the proposed Memorandum of Understanding with the Downtown Association for the St. Patrick's Day Parade being held March 16, 2024.

Manifest

- 109 x R11-2 ROAD CLOSED
- 17 x Cone
- 12 x flagger flagger
- 9 x SC9 (FWY) DETOUR with Arrow
- 2 x CW20-101F CW20-101F
- 2 x SC5 SPECIAL EVENT AHEAD
- 1 x W4-2R Lane Ends

Date: 3/18/2023 Author: Mike Cummings Project: St Patrick's Day Parade

Comments:

- Prior to event- Approximately 1:00 pm
- All road closed barricades and detour signage to be put out per TCP Plan.
- 1. Zip tie signs from 2nd to 8th six per block.(To be put out 2 to 3 days before event)
- 2. Tri-pod signs from 8th to 11th eight per block.
- 3. Special Event sign installed on BLVD at River heading south.

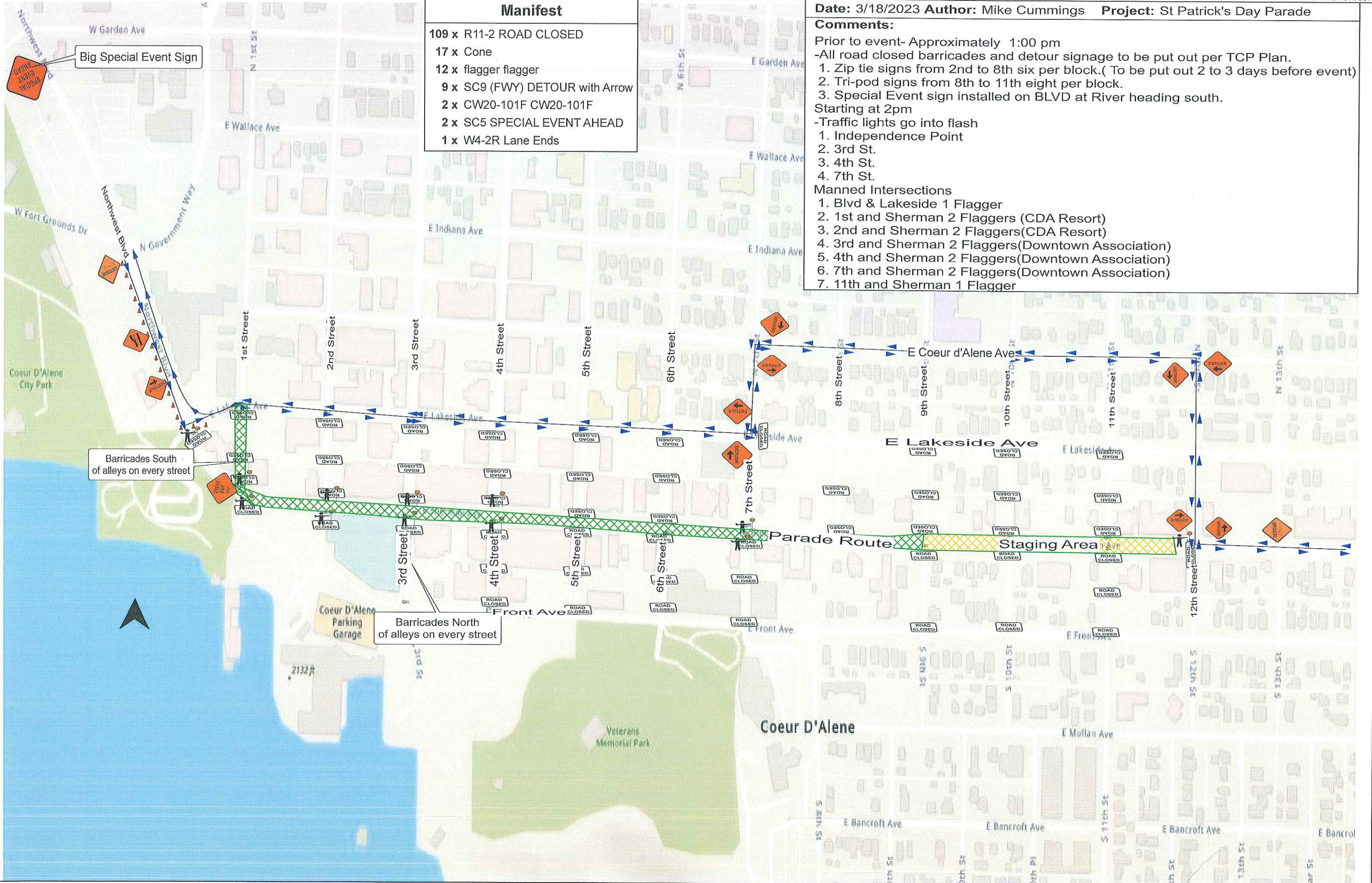
Starting at 2pm

-Traffic lights go into flash

- 1. Independence Point
- 2. 3rd St.
- 3. 4th St.
- 4. 7th St.

Manned Intersections

- 1. Blvd & Lakeside 1 Flagger
- 2. 1st and Sherman 2 Flaggers (CDA Resort)
- 3. 2nd and Sherman 2 Flaggers(CDA Resort)
- 4. 3rd and Sherman 2 Flaggers(Downtown Association)
- 5. 4th and Sherman 2 Flaggers(Downtown Association)
- 6. 7th and Sherman 2 Flaggers(Downtown Association)
- 7. 11th and Sherman 1 Flagger



Big Special Event Sign

Barricades South of alleys on every street

Barricades North of alleys on every street

Parade Route Staging Area

RESOLUTION NO. 24-017

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COEUR D'ALENE DOWNTOWN ASSOCIATION FOR THE ST. PATRICK'S DAY PARADE TO BE HELD ON MARCH 16, 2024.

WHEREAS, the City's Municipal Services Director has recommended that the City of Coeur d'Alene enter into a Memorandum of Understanding with the Coeur d'Alene Downtown Association for the St. Patrick's Day parade to be held on March 16, 2024, pursuant to terms and conditions set forth in the Memorandum of Understanding, a copy of which is attached hereto as Exhibit "1" 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 Memorandum of Understanding;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a Memorandum of Understanding with the Coeur d'Alene Downtown Association, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said Memorandum of Understanding to the extent the substantive provisions of the Memorandum of Understanding remain intact.

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

DATED this 5th day of March, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER GOOKIN	Voted
COUNCIL MEMBER ENGLISH	Voted
COUNCIL MEMBER MCEVERS	Voted
COUNCIL MEMBER WOOD	Voted

_____ was absent. Motion _____.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF COEUR D’ALENE
AND THE COEUR D’ALENE DOWNTOWN ASSOCIATION, INC.
FOR
THE ST. PATRICK’S DAY PARADE**

I. PURPOSE:

This Memorandum of Understanding (MOU) is between the City of Coeur d’Alene (“CDA”) and the Coeur d’Alene Downtown Association, Inc., (“DTA”), and is intended to document the parties’ understanding of, and agreement to cooperate on, the St. Patrick’s Day Parade (“Parade”).

II. RECITALS:

WHEREAS, CDA is a municipal corporation organized and existing under the laws of the State of Idaho; and

WHEREAS, DTA is a non-profit corporation organized and existing under the laws of the State of Idaho; and

WHEREAS, DTA annually sponsors the Parade in downtown Coeur d’Alene on Sherman Avenue; and

WHEREAS, CDA and DTA recognize the need for and efficiency of a Memorandum of Understanding (“MOU”) in establishing each party’s expectations, as well as the roles and responsibilities of each party, for the Parade; and

WHEREAS, it is the mutual desire of CDA and DTA to memorialize their understanding and agreement with respect to their cooperation on the Parade; and

WHEREAS, this MOU creates a mutually beneficial solution for the parties involved.

NOW, THEREFORE, it is hereby agreed as follows:

III. AGREEMENT:

A. DTA hereby agrees:

Parade and Fees:

1. To sponsor, organize, and manage the Parade on March 16, 2024, in Coeur d’Alene, Idaho;

2. To pay CDA a fee of one hundred fifty and no/100 dollars (\$150.00) and a refundable damage deposit of one hundred and no/100 dollars (\$100.00). This fee and deposit have been paid;
3. To be solely responsible for the organization and operation of the Parade, except as set out in paragraph III(B) of this MOU;
4. That the Parade route shall be on E. Sherman Avenue from 8th Street to 1st Street, with an assembly area on E. Sherman Avenue from 11th Street to 8th Street;
5. That DTA may begin staging for the Parade no earlier than 1:00 p.m., on the day of the Parade;
6. That the Parade shall start at 3:00 p.m. and be completed by 4:00 p.m.;

Traffic Control:

7. To meet with CDA at least fourteen (14) days prior to the date of the Parade, or as soon as possible after CDA completes the traffic control plan, whichever is later, to review the traffic control plan;
8. To provide qualified adults (“Monitors”) to monitor and oversee the traffic control devices used for the Parade, in the number and locations as determined by the traffic control plan prepared by CDA. A qualified adult is a responsible person over the age of eighteen (18) who has received adequate instruction/training from DTA regarding the proper methods of traffic control for parades;
9. To arrange with the City for the training of the Monitors, which training shall take place at least two (2) weeks prior to the Event;
10. To supervise the Monitors in a reasonable and professional manner, and to provide and require said Monitors to wear a safety vest at all time when on duty, and to carry identification showing that they are authorized to control the traffic control devices on behalf of DTA;
11. To assure that the traffic control devices supplied by CDA remain in their proper positions, in accordance with the traffic control plan to ensure that traffic from side streets do not enter the parade/event route until the Parade is completed;
12. That the Monitors are not employees, volunteers, or agents of CDA, but act entirely under the authority and responsibility of DTA;
13. That it will notify the Streets & Engineering Department at least two (2) days in advance that it will pick up the required “No Parking” signs, or in the alternative, if DTA desires the Streets & Engineering Department to deliver the “No Parking” signs, DTA will notify the Streets & Engineering Department at least seven (7) before the desired delivery date;

14. That no more than three (3) days and no less than two (2) days prior to the date of each Parade, DTA will place “No Parking” signs, approved and supplied by CDA, as indicated in the applicable traffic control plan. DTA is responsible for inserting the appropriate information on the “No Parking” signs, and for removing the information and returning the cleaned signs to CDA within twenty-four (24) hours after the Parade, unless otherwise noted. DTA is responsible for ensuring that the signs remain in their proper positions until DTA removes them. DTA shall contact the Coeur d’Alene Police Department for the towing of vehicles parked in violation of the signs;

Miscellaneous:

15. To provide sufficient fixed street trash disposal containers and green cans capable of holding all trash generated by each Parade, placed at convenient locations. The containers shall be emptied periodically as necessary in order to ensure, at all times, public access to and use of the containers;
16. To maintain general liability insurance with limits of at least \$500,000, proof of which shall be provided to the City, naming CDA as an additional insured;
17. To hold harmless, and indemnify CDA, its officers, agents, and employees, from and against any and all damages or liability to the extent such arises out of the DTA’s negligent acts, errors, or omissions, including costs and expenses for or on account of any and all legal actions or claims of any character resulting from injuries or damages sustained by persons or property;
18. Neither party shall be liable to the other for indirect, consequential, or incidental damages that may result from this Agreement or related projects. Each party shall be liable for any and all claims, damages, or suits arising from the acts, omission or negligence of its officers, agents and employees;

Post Event:

19. That it will begin cleaning the Parade route and removing any DTA property that was placed for the Parade at the conclusion of the Parade.
20. To complete clean-up no later than 6:00 p.m. on the day after the Parade; and
21. That it will participate in a debriefing session with CDA within one (1) week of the conclusion of the Parade, or such other time as agreed by CDA.

B. CDA hereby agrees:

1. To provide an agreed upon traffic control plan for the Parade, attached as Exhibit “A”;
2. To meet with DTA at least fourteen (14) days prior to the date of the Parade, or as soon as possible after CDA completes the traffic control plan, whichever is later, to review the traffic control plan;
3. To provide DTA with “No Parking” signs sufficient to comply with the traffic control plan at least three (3) days before the Parade;
4. That the Coeur d’Alene Police Department will coordinate towing of vehicles parked in violation of the “No Parking” signs with DTA;
5. To provide and set up traffic control devices needed to comply with the traffic control plan. Set up shall begin at least two (2) hours prior to the Parade; and
6. To remove the traffic control devices following the conclusion of the Parade.

C. It is further agreed by all parties:

1. That lines of communication shall be kept open in order to discuss any concerns arising from the terms of this MOU and to reach mutually agreeable solutions in a timely manner.
2. That this MOU may be modified only by mutual written agreement.
3. Each party shall be liable for any and all claims, damages or suits arising from the acts, omissions or negligence of its officers, agents and employees.

Dated this 5th day of March, 2024.

CITY OF COEUR D’ALENE

ATTEST:

James Hammond, Mayor

Renata McLeod, City Clerk

**COEUR D’ALENE DOWNTOWN
ASSOCIATION**

Emily C. Boyd, Executive Director



Vehicle Noise Ordinance Amendments

Municipal Code Chapter 10.80



History

Municipal Code § 10.80.010 currently provides:

A. The following are prohibited within the City limits:

1. The use of unmuffled air compression brakes, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.

2. **The operation of any automobile, motorcycle, other vehicle, engine or motor of any size, device, or thing in such a manner as to create any loud, unnecessary, or unusual noise that is excessive, disruptive, and/or annoying to a person of reasonable sensitivities.**

3. **The emission of excessive or unusual noxious or odorous matter, including exhaust, smoke, and any other byproduct of engine combustion, from a vehicle.**

NOTE: Subsections 2 and 3 were added in 2017.



History, cont.

Subsection B of § 10.80.010 provides an exception:

Notwithstanding the prohibitions in subsection A of this section, the City Clerk, upon recommendation by the City Administrator or Parks Director, or their designees, **may permit an event which creates, or has the potential to create, noises, or emissions that may otherwise violate this section**, subject to such reasonable conditions as the City Administrator or Parks Director, or their designees, may deem necessary and appropriate. Participants in an event permitted hereunder shall not be in violation of this section so long as they are in compliance with the conditions of the permit.



History, cont.

Municipal Code § 10.80.020 provided the penalty for violations of § 10.80.010:

Any person who violates any provision of this chapter shall be deemed guilty of an infraction punishable by a fine of **one hundred dollars**.

Noise Complaints

“MANY neighborhoods endure people going by in their 'noisy' cars, trucks, four-wheelers, motorcycles, mopeds, gas scooters, etc. - all while speeding and revving their engines, etc. - making so much noise that we can't carry on conversations in our front yards, backyards, and even indoors!”

“In many cases the vehicle noise issue is not the ongoing noise of the motorcycle or automobile engine itself but drivers, often visitors, that take great pleasure in revving their engines to gain attention. The result can be and is extremely disruptive particularly to our local restaurants with outside seating and residents who have the audacity to want to sit in their yard or on their deck and enjoy our city.”



Idaho Code § 49-937

49-937. MUFFLERS, PREVENTION OF NOISE. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation **to prevent excessive or unusual noise and annoying smoke**, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway. When any motor vehicle was originally equipped with a noise suppressing system or when any motor vehicle is required by law or regulation of this state or the federal government to have **a noise suppressing system, that system shall be maintained in good working order**. No person shall disconnect any part of that system except temporarily in order to make repairs, replacements or adjustments, and no person shall modify or alter that system or its operation in any manner, except to conform to the manufacturer's specifications. No person shall knowingly operate and no owner shall knowingly cause or permit to be operated any motor vehicle originally equipped or required by any law or regulation of the state or the federal government to be equipped with a noise suppressing system while any part of that system is disconnected or while that system or its operation is modified or altered in any manner, except to conform to the manufacturer's specifications.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to **prevent the escape of excessive fumes or smoke**.

(3) No person shall modify the exhaust system of a motor vehicle or a motorcycle in a manner which will amplify or increase the noise of the vehicle or motorcycle above that emitted by the muffler originally installed on the vehicle by the manufacturer.

Other Jurisdictions

Boise (Title 6, Chap. 17)

Caldwell (§ 7-13-03)

Meridian (§ 6-3-6)

Pocatello (§ 9.16.100)

Spokane (§ 10.70.090)

Twin Falls (§ 9-9-10)



Amendments to Coeur d'Alene's Code

- New Title - More accurately describing the Chapter - "Noise and Exhaust"
- New § 10.80.005 - Stating the Purpose of Chapter 10.80
- New § 10.80.015 - Establishing Definitions for "Excessive Fumes, Smoke, or Exhaust," "Excessive Noise," and "Motor Vehicle"
- Renumbering § 10.80.010 to § 10.80.020
- Amending § 10.80.020 - detailing regulations for mufflers, muffler bypasses, noise suppressing systems, exhaust systems, compression brakes, and the operation of motor vehicles with respect to noise and exhaust



Amendments to Coeur d'Alene's Code, cont.

- New § 10.08.030 - Providing exemptions for motor vehicle operated solely on private property, and antique and classic motor vehicles
- Renumbering § 10.80.020 to § 10.80.040
- Amending § 10.80.040 - increasing the penalty for the first violation (an infraction) to \$300.00 from \$100.00
- Amending § 10.80.040 - providing that a second or subsequent violation in a one-year period will be a misdemeanor

Questions?



CITY COUNCIL STAFF REPORT

DATE: March 5, 2024
FROM: Randy Adams, City Attorney
SUBJECT: Amendment to Ordinance Regarding Motor Vehicle Noise and Exhaust

DECISION POINT: Should Council approve amendments to Chapter 10.80 of the Coeur d'Alene Municipal Code entitled "Additional Prohibited Conduct?"

HISTORY: In 2017, the City amended Chapter 10.80 of the Coeur d'Alene Municipal Code, then entitled "Air Compression Brakes," renaming it "Additional Prohibited Conduct." In addition to prohibiting the use of air compression brakes in the City, Council added to the conduct prohibited by this Chapter the operation of motor vehicles, including motorcycles, in such a manner as to create "loud, unnecessary, or unusual noise" that is "excessive, disruptive, and/or annoying to a person of reasonable sensitivities." Council further prohibited the emission of excessive or unusual exhaust, smoke, or other byproducts of a combustion engine. A provision was made for granting an exception to the general prohibition for special events by the City Clerk, upon recommendation by the City Administrator or Parks Director.

In 2022, the Police Department issued 25 citations for noise violations under both the State statute and City ordinance. The City, however, continues to receive complaints about the noise generated by vehicular traffic from citizens who live, shop, dine, or recreate near streets. The complaints largely focus on operators of motor vehicles who rev their engines when stopped, who have altered the muffler or noise suppression system of their vehicles, or who otherwise operate vehicles which emit excessive noise and/or smoke. In 2023, Council directed staff to propose further amendments to Chapter 10.80 in order to clarify the prohibited conduct and to provide for enhanced penalties. The proposed amendments presented to Council tonight are the product of a collaborative effort between the Legal Department and the Police Department to address Council's and the public's concerns. In preparing the proposed amendments, we looked at other cities' ordinances and the applicable State statute, and have considered input from members of the public.

FINANCIAL ANALYSIS: At the present time, a violation of Chapter 10.80 is an infraction, with a penalty of \$100.00. Idaho Code § 18-113A allows a city to impose a penalty up to \$300.00 for an infraction. It is thought that the enhanced penalty might resolve some of the issues. In any event, these proposed amendments are, at the very least, revenue neutral, but may result in a small increase in fine revenue to the City.

PERFORMANCE ANALYSIS: Although the current ordinance can, and has been, used to mitigate noise issues from motor vehicles, the amendments make it more clear what conduct is prohibited and, therefore, will make enforcement more comprehensive and efficient. The Police Department has approved the amendments and is committed to addressing the issue of street noise, especially in the downtown corridor.

RECOMMENDATION: Council should approve the amendments to Chapter 10.80 of the Coeur d'Alene Municipal Code.

ORDINANCE NO. _____
COUNCIL BILL NO. 24-1002

AN ORDINANCE AMENDING CHAPTER 10.80 OF THE COEUR D'ALENE MUNICIPAL CODE, REGULATING EXCESSIVE FUMES, SMOKE, OR EXHAUST, AND EXCESSIVE NOISE FROM MOTOR VEHICLES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that amendments to Chapter 10.80 of the Coeur d'Alene Municipal Code be adopted;

NOW, THEREFORE,

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

SECTION 1. *That Chapter 10.80 of the Coeur d'Alene Municipal Code be retitled "Noise and Exhaust."*

SECTION 2. *That a new section 10.80.005 be added to the Coeur d'Alene Municipal Code as follows:*

10.08.005: Purpose:

Disturbing, excessive, or offensive motor vehicle noise, smoke, or exhaust interferes with the right to enjoy life and property, and is detrimental to public health and safety. The purpose of this Chapter is to regulate excessive motor vehicle noise, smoke, and exhaust within the limits of the City in order to promote the public health, comfort, and convenience of the City's citizens and its visitors.

SECTION 3. *That a new section 10.80.015 be added to the Coeur d'Alene Municipal Code as follows:*

10.80.015: Definitions:

For the purposes of this Chapter, the following terms shall mean:

- A. **Excessive Fumes, Smoke, or Exhaust:** The opaque discharge of fumes or smoke from within the proximity of a motor vehicle's exhaust outlet, with the volume of detectable fumes or opaque visible smoke in excess of that produced by a normally functioning vehicle operated in an ordinary manner upon public streets or highways, or which is offensive to a reasonable person.

- B. **Excessive Noise:** Any sound made by a motor vehicle at any time under any condition of speed, acceleration, or deceleration that is unreasonably loud or unusual, or offensive to a reasonable person considering the nature of the actor’s conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances.
- C. **Motor Vehicle:** Every vehicle that is self-propelled, include motorcycles and any other vehicle which can lawfully be operated on public streets. “Motor Vehicle” does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, motorized wheelchairs, and other such vehicles that are specifically exempt from titling or registration requirements under Title 49, Idaho Code.

SECTION 4. *That section 10.80.010 of the Coeur d'Alene Municipal Code be recodified as section 10.80.020 and amended as follows:*

10.80.0120: ~~Prohibited Conduct~~General Regulations:

A. The following ~~are prohibited~~regulations apply within the City limits:

1. Muffler Required: Every Motor Vehicle operated within the City limits shall at all times be equipped with a muffler in good working order and in constant operation to prevent Excessive Noise, and Excessive Fumes, Smoke, or Exhaust.
2. Muffler Bypass: No person shall engage a muffler cutout, bypass, or similar device of a Motor Vehicle while on a public street when that device is designed to divert exhaust noise away from a muffler or other noise suppressing system.
3. Noise Suppressing System: No person shall knowingly operate, and no owner shall knowingly cause or permit to be operated, any Motor Vehicle originally equipped with, or required by any law or regulation of the state or the federal government to be equipped with, a noise suppressing system while any part of that system is inoperable, disconnected, or while that system or its operation is modified or altered in any manner, except to conform to the manufacturer’s specifications.
4. Exhaust System: No person shall operate a Motor Vehicle when the exhaust system has been modified in any manner that will amplify or increase the noise of the Motor Vehicle above that emitted by the muffler originally installed on the Motor Vehicle by the manufacturer.
5. Operation: The operation of any Motor Vehicle, engine or motor of any size, or device in such a manner as to create Excessive Noise, or Excessive Fumes, Smoke, or Exhaust is prohibited. The engine and power mechanism of every Motor Vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

6. Air Compressions Brakes: The use of unmuffled air compression brakes, except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property, is prohibited.

~~3. The emission of excessive or unusual noxious or odorous matter, including exhaust, smoke, and any other byproduct of engine combustion, from a vehicle.~~

- B. Notwithstanding the prohibitions in subsection A of this section, the City Clerk, upon recommendation by the City Administrator or Parks Director, or their designees, may permit an event which creates, or has the potential to create, noises, or emissions that may otherwise violate this ~~section~~Chapter, subject to such reasonable conditions as the City Administrator or Parks Director, or their designees, may deem necessary and appropriate. Participants in an event permitted hereunder shall not be in violation of this ~~section~~Chapter so long as they are in compliance with the conditions of the permit.

SECTION 5. *That a new section 10.80.030 be added to the Coeur d'Alene Municipal Code as follows:*

10.80.030: Exemptions:

The prohibitions of this Chapter shall not apply to the following:

- A. Nonregistered Motor Vehicles on Private Property: A Motor Vehicle which is not registered with the Idaho Transportation Department because such Motor Vehicles is solely being operated on private property not open to the public.
- B. Antique and Classic Motor Vehicles: An antique Motor Vehicles which has been registered with an Idaho Old Timers license plate pursuant to Idaho Code section 49-406, and a Classic Motor Vehicle which has been registered with an Idaho Classic plate pursuant to Idaho Code section 49-406A, so long as such Motor Vehicle is operated and maintained as a collector's item for use in exhibitions, parades, club activities, and similar uses, and not used for business or commercial purposes, or as customary and usual transportation.

SECTION 6: *That section 10.80.020 of the Coeur d'Alene Municipal Code be recodified as section 10.80.040 and amended as follows:*

10.80.02~~4~~0: PENALTY:

Any person who violates any provision of this ~~e~~Chapter shall be ~~deemed~~ guilty of an infraction punishable by a fine of ~~one-three~~ hundred dollars (\$~~1~~300.00). Any person found to be in violation of this Chapter for a second or subsequent time within one (1) year shall be guilty of a misdemeanor, subject to the penalty as provided in section 1.28.010 of this Code.

SECTION 7. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. 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 9. 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 _____, 2024.

APPROVED, ADOPTED and SIGNED this ____ day of _____, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Chapter 10.80 of the Coeur d'Alene Municipal Code

AN ORDINANCE AMENDING CHAPTER 10.80 OF THE COEUR D'ALENE MUNICIPAL CODE, REGULATING EXCESSIVE FUMES, SMOKE, OR EXHAUST, AND EXCESSIVE NOISE OF MOTOR VEHICLES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR 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 the City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, amending Chapter 10.80, 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 _____ day of _____, 2024.

Randall R. Adams, City Attorney