

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

AGENDA

VISION STATEMENT

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

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

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

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

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

June 1, 2021: 6:00 p.m.

A. CALL TO ORDER/ROLL CALL

B. INVOCATION: Pastor J.O. Owens with Heart of the City Church

C. PLEDGE OF ALLEGIANCE:

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

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

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

F. ANNOUNCEMENTS:

1. **City Council**
2. **Mayor**

G. 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 May 18, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the May 24, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Setting of General Services/Public Works Committee meeting for Monday, June 7, 2021, at 12:00 noon.
5. Setting of a Public Hearings for June 15, 2021:
 - a. V-20-06 - Vacation of a portion of Seltice Way right-of-way adjoining the northeasterly boundary of Lot 4, Block 1, Glacier Northwest-Seltice Subdivision
 - b. V-21-02 - Vacation of a Portion of Wilbur Avenue Right-of-Way
As Recommend by the General Services/Public Works Committee
6. Approval of an outdoor seating permit for the Bier Haus, Benjamin Widmyer, 515 E. Sherman Avenue.
7. Approval of Ten (10) Fireworks Stand Permits for the 2021 Season
As Recommended by the City Clerk
8. **Resolution No. 21-033:**
 - a. Approving a Change Order with R.B. Wilbur Co. Inc., for a Complete Hot Water Boiler Replacement System in the Amount of \$95,482.00.
As Recommend by the General Services/Public Works Committee

H. OTHER BUSINESS:

1. **Resolution No. 21-034** – Approve an agreement with Welch Comer for Construction Phase Services for the Lacrosse Ave Improvements.

Staff Report by: Chris Bosley, City Engineer

2. **Resolution No. 21-035** – Approving a Contract to LaRiviere, Inc. for construction of the Lacrosse Ave Improvements.

Staff Report by: Chris Bosley, City Engineer

3. **Resolution No. 21-036** – Approval of a Lease of City-Controlled Parking Spaces to the Chamber of Commerce on the 3rd and 4th of July to Generate Revenue to help pay for the cost of the Community Fireworks Display.

Staff Report by: Troy Tymesen, City Administrator

4. **Resolution No. 21-037** – Approval of an amendment to the Agreement with St. Vincent De Paul of North Idaho for emergency homeless sheltering to extend the Agreement and reduce the dollar amount, and enter into a new agreement using a portion of the remaining funds for an entry door project, through CDBG-CV funds.

Staff Report by: Chelsea Nesbit, CDBG Community Development Specialist

I. PUBLIC HEARINGS:

1. Quasi-Judicial - ZC-2-21 -A proposed zone change from R-12 to R-17; located at 3135 Fruitland; Applicant: George Hughes

Staff Report by: Mike Behary, Associate Planner

- a. **Council Bill No. 21-1013** – Approving - ZC-2-21 -A proposed zone change from R-12 to R-17; located at 3135 Fruitland.
2. Legislative – To hear public comments regarding a Substantial Amendment to the Annual Action Plan for the use of Community Development Block Grant (CDBG) funds for the Plan Year 2020 to include the funding of Affordable for Sale Housing and Economic Development Activities.

Staff Report by: Chelsea Nesbit, CDBG Community Development Specialist

J. ADJOURNMENT



Coeur d'Alene CITY COUNCIL MEETING

June 1, 2021

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

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

May 18, 2021

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room May 18, 2021, at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

Dan English) Members of Council absent

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

INVOCATION: The invocation was given by Steve Findley of the Church of Christ of Coeur d'Alene.

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

PROCLAMATION OF THE WEEK OF MAY 22-28, 2021, AS NATIONAL SAFE BOATING WEEK- Mayor Widmyer proclaimed the week of May 22, 2021, as National Safe Boating Week in support of the goals of the North American Safe Boating Campaign. Immediate Past District Commodore of the USCG Auxiliary Kathleen Goodwin accepted the proclamation and thanked the City for their support. She said this Friday was wear your life jacket to work day with the spotlight on recreational boating safety. This year's message was "wear your life jackets-life jackets save lives."

COUNCIL COMMENTS: Councilmember Miller thanked everyone for their kind wishes and said her son was recovering well. She stated she gave a presentation at the Joint Government North Idaho Building Contractors Association Meeting on behalf of the Regional Housing and Growth Issues Partnership and reminded everyone that all information of the meetings were being hosted on Kootenai Metropolitan Planning Organization's (KMPO) website. She stated the Library Trustees were reviewing satellite library opportunities that were available and would be discussing the feasibility of the project. She mentioned one part of the Housing & Growth Issues that came up was in relation to the vacation rental ordinance and how it was affecting housing growth. She stated she would like a report brought back to Council on the short-term rental ordinance based on rental data to include the number of permits, code enforcement issues, and needed code updates. Mayor Widmyer stated the trend was down this year as the City has

issued 190 permits in each of the previous two years, with a decline to 172 permits this year. Councilmember Miller inquired if the numbers represented non-permitted rentals as well, with Mayor Widmyer stating it did not include non-permitted numbers. The Mayor concurred that there should be an update on the vacation rentals.

Mayor Widmyer asked for the confirmation of the following appointments: Brad Jordan and Don Walters to the Parking Commission.

MOTION: Motion by Gookin, seconded by Evans, to appoint Brad Jordan and Don Walters to the Parking Commission.

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

CONSENT CALENDAR:

1. Approval of Council Minutes for the May 4, 2021, Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for the May 10, 2021, Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee Meeting for Monday, May 24, 2021, at 12:00 noon.
6. Approval SS-21-02, Neider Conference Center First Addition to CD'A: Final Plat.
7. **Resolution No. 21-031** -A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FOLLOWING: APPROVAL OF A FILM PRODUCTION PERMIT AND HOLD HARMLESS AGREEMENT WITH HENRY WOLSTEN DBA NETSLOW PRODUCTIONS; A SOLE SOURCE CONTRACT WITH WESTERN SYSTEMS OF EVERETT, WASHINGTON, AND BLANKENSHIP & ASSOCIATES OF SPOKANE, WASHINGTON, TRAFFIC SIGNAL DETECTION CAMERAS AND ASSOCIATED EQUIPMENT AND SIEMENS – TRAFFIC SIGNAL CONTROLLER AND ASSOCIATED EQUIPMENT AND VALMONT – TRAFFIC SIGNAL POLES AND ASSOCIATED EQUIPMENT

MOTION: Motion by McEvers, seconded by Gookin, to approve the Consent Calendar as presented, including **Resolution No. 21-031**.

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

APPROVING AMENDMENTS TO THE MUNICIPAL CODE SECTION 5.08.170 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY A NON-PROFIT THEATER AND TO REMOVE THE RESTRICTION RELATED TO PROXIMITY TO A PARK.

COUNCIL BILL NO. 21-1010

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 5.08.170 OF THE COEUR D'ALENE MUNICIPAL CODE RELATED TO BEER; LIMITS ON AREAS OF SALE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

STAFF REPORT: Municipal Services Director/City Clerk Renata McLeod stated that Municipal Code § 5.08.170 establishes proximity limits on the sale of beer to be consumed on the premises. Currently, such sale is prohibited within three hundred feet (300') of any park, school or church, and within six hundred feet (600') of any R-1, R-3, R-5, R-8 or R-12 zone, nursing home or hospital. Establishments within the prescribed areas are exempt only if such sale is incidental to the operation of an eating establishment. Ms. McLeod said Lake City Playhouse had contacted the City with a request to amend the code to allow for their non-profit to do fundraising through the sale of beer and wine during events. She stated non-profit theaters provide a benefit to the community both in terms of tourism and culture. As a practical matter, theaters are, and may be located, within the prescribed distance from parks, schools, churches, residential areas, nursing homes, and/or hospitals. The sale of alcoholic beverages provides an important source of revenue for non-profit theaters. It was the opinion of staff that the sale of beer for consumption on the premises of a theater will not create enforcement issues or disturb the surrounding areas. In addition, the City's restriction on such sales within three hundred (300') of a park was not found in the corresponding state law. In fact, alcohol was now permitted in City parks for certain special events with a permit. Increasingly, businesses are being established within the restricted area and the service of beer for consumption within those businesses would violate the unique City ordinance. For these reasons, the proximity restriction related to parks was believed to be inconsistent with current circumstances and practices.

The Police Department noted that they would support the theater use, while it is incidental to the operation of the non-profit theater, as proposed; however, they were not in support of the removal of the 300' from a park rule.

DISCUSSION: Councilmember Gookin asked about the code language which specifically references that no sales of beer is allowed and if wine was implied, and did this remove the restriction around any park. Ms. McLeod stated it does include wine, as the code requires the sale of beer with wine and alcohol, so this section applies to all licenses. There would still be restrictions in relation to commercial business having to be in a commercial zone, and keeps the 600' buffer from a residential zone. Police Chief White stated a bar next to a playground didn't sound like a good idea, yet he didn't have any objection to the current non-profit theater request. Councilmember Wood stated they would like to clean-up some of the code language to be more consistent with current permits and practices. Councilmember McEvers asked if the code

restriction language was remaining which stated 300' from a school or church, with Ms. McLeod stating it would remain as the language came from state code.

MOTION: Motion by McEvers, seconded by Miller, to dispense with the rule and read **Council Bill No. 21-1010** once by title only.

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

MOTION: Motion by McEvers, seconded by Miller, to adopt **Council Bill No. 21-1010**.

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

APPROVAL OF AN AGREEMENT WITH NORTH IDAHO COLLEGE FOR DAYTIME USE RV PARKING ON CAMPUS LOT.

RESOLUTION NO. 21-032

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PARKING LOT LEASE AGREEMENT WITH NORTH IDAHO COLLEGE FOR USE OF A NIC OWNED PARKING LOT, KNOWN AS PARKING LOT "A," LOCATED ON HUBBARD AVENUE, FOR DAYTIME USE PARKING.

STAFF REPORT: City Administrator Troy Tymesen stated North Idaho College (NIC) owns Parking Lot A located east of 781 W. Hubbard Avenue, across from the City of Coeur d'Alene's (City) Wastewater Treatment Plant, and would like to partner with the City in an effort to help with the increased demand for oversized large vehicle (i.e., RVs) parking during the summer months between Memorial Day and Labor Day. Mr. Tymesen said currently, the upper parking lot at City Hall was the only location that provided free day-use for oversized parking, and the upper parking lot at City Hall was intended for boat and trailer parking. He mentioned it is not convenient for large RVs and fills up quickly. He said the City of Coeur d'Alene would pay NIC \$1.00 dollar per season, with payment made prior to the start of the season. The City's Streets and Engineering Department would post adequate signage and sweep and stripe Parking Lot A upon approval of the agreement. The City would also provide and maintain a garbage receptacle at the location. No overnight parking would be permitted, and all vehicles would have to be removed by 10:00 P.M. He said the City would enforce the 10:00 P.M. lot closure. NIC would reserve the full rights of Parking Lot A for special events such as Ironman and Art on the Green.

DISCUSSION: Councilmember Wood asked who would enforce the lot closure at 10:00 p.m., with Mr. Tymesen stating a security person would patrol the lot and if needed CDA Police would enforce the 10:00 p.m. closure. Councilmember Miller asked how the public would know parking was available at the lot, with Mr. Tymesen responding the Downtown Association would help get the word out and signage would be posted in multiple locations including the upper parking lot at City Hall.

MOTION: Motion by Gookin, seconded by McEvers to approve **Resolution No. 21-032**, Approving an Agreement with North Idaho College for daytime use RV Parking on the campus lot.

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

QUASI-JUDICIAL HEARING-ZC-1-21- A PROPOSED ZONE CHANGE FROM R-12 TO R-17; LOCATED AT 2ND STREET, SOUTH OF NEIDER AVENUE, HICKMAN PLACE LOT 2, BLOCK 1; APPLICANT: HABITAT FOR HUMANITY OF NORTH IDAHO.

COUNCIL BILL NO. 21-2011

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 1.52 ACRES OFF OF 2ND STREET SOUTH OF NEIDER AVENUE, LEGALLY DESCRIBED AS HICKMAN PLACE, LOT 2, BLOCK 1; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

STAFF REPORT: Community Planning Director Hilary Anderson gave an overview of the zone change requested by Habitat for Humanity of North Idaho. The 1.52-acre property is located off of 2nd Street south of Neider Avenue and has a small connection east to 4th Street. Habitat for Humanity of North Idaho purchased the property in 2019 with the intent to build for-sale affordable housing units. The property previously included the home to the east. That was split off through a short plat in October 2019 resulting in a 2-lot residential subdivision, Hickam Place (SS-19-08). The infrastructure had been previously installed and accepted by the appropriate departments. The property is largely vacant, other than an abandoned structure, and suitable for development.

The project will result in affordable for-sale townhouses that will be available for low-to-moderate income persons in Coeur d'Alene. The goal is to provide 24-25 units if possible. The City Council recently approved a \$120,000 Community Opportunity Grant for Habitat for Humanity of North Idaho using CDBG (Community Development Block Grant) funds, which will be used will be utilized for Phase 1 Project Planning which consists of Sight Design, Design Development, Code Analysis, Schematic Design and Construction Documentation for the project. The project will help the City meet the Affordable Housing Goal in the 5-year CDBG Consolidated Plan and meet the National Objective to serve low-to-moderate income persons by building the affordable homes for low- and moderate-income families. The requested zone change is necessary to build the multi-family townhouse project. R-12 zoning does not permit multi-family residential. The zone change also allows for a few additional units, helping make the project work financially.

Habitat for Humanity will be creating a land trust as part of the project. The housing units will be built on property that is part of a land trust. Families will own their homes, but not the land itself. The underlying land will be owned by Habitat for Humanity of North Idaho and will be permanently reserved to create a long-term affordable housing stock. Recently, through research and discovery, Habitat for Humanity of North Idaho has shifted their home building model from building one (1) house at a time to building multi-family condo style units built on a land trust.

Ms. Anderson discussed the four (4) findings that must be met in order to approve a zone change. Finding #B8, the proposal is in conformance with the Comprehensive Plan, Finding #B9, the proposal has adequate public facilities for proposed use, Finding #B10, the proposal meets the physical characteristics suitable for the lot, and Finding #B11, the proposal would not adversely affect the surrounding neighborhood with regard to traffic, character, or existing land uses.

DISCUSSION: Councilmember McEvers asked what the main purpose of the zone change was, with Ms. Anderson responding to allow the type of use (townhomes) and to add a few additional units. Councilmember Gookin commented he appreciated the police report as part of the presentation and asked if the schools had responded. Ms. Anderson said the schools inquired on the project but did not supply any comments.

Mayor Widmyer opened the public testimony portion of the meeting.

APPLICANT: Executive Assistant Sherrie Badertscher swore in the applicant James Casper, Executive Director of Habitat for Humanity of North Idaho. Mr. Casper spoke to the project explaining there would be four (4) buildings with a total of 21 units. Councilmember Wood asked about the affordability of the proposed housing, with Mr. Casper replying the affordable housing program require applicants to have a consistent work history, decent credit score, and as an example, Habitat for Humanity prioritizes those who earn less than 60% median income for a family of four, which was \$39,788 as of April 2021. By retaining ownership through the land trust, the property would be better managed in partnership through the Condo Owners Association. The finished construction cost for the Fruitland Lane project would be approximately \$600,000, and the average cost to homeowners for a three bedroom unit would be on average \$700 month. Councilmember McEvers asked if Habitat for Humanity were still building single family home projects, with Mr. Casper stating it had become too expensive. Councilmember McEvers asked if they would wait for building material costs to come down, with Mr. Casper stating they would not as it was difficult to time the market fluctuations. Councilmember Miller asked if the condo model still includes sweat equity, with Mr. Casper stating 250 hours per adult were still required. Councilmember Miller asked if it was the same with single family homes, with Mr. Casper responding it was the same. Councilmember Miller asked how long the waiting list was, with Mr. Casper stating they do not have a waiting list and choose roughly 10 applicants for each project. Mayor Widmyer stated the land use trust was a good option as the affordability issues in housing were growing and he commended Mr. Casper and Habitat for Humanity for the work they were doing in the City.

Mayor Widmyer closed the public testimony portion of the hearing.

MOTION: Motion by McEvers, seconded by Evans, to dispense with the rule and read **Council Bill No. 21-1011** once by title only.

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

MOTION: Motion by McEvers, seconded by Evans, to adopt **Council Bill No. 21-1011.**

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

QUASI-JUDICIAL HEARING- ZC-4-21- A PROPOSED ZONE CHANGE FROM R-1 TO R-3; LOCATED AT 3395 E. FERNAN HILL ROAD; APPLICANT: JANET DAILY.

COUNCIL BILL NO. 21-2012

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-1 TO R-3, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 1.57 ACRE PARCEL LOCATED AT 3395 E FERNAN HILL ROAD, LEGALLY DESCRIBED AS LOT 3, BLOCK 1, SCHWARTZ ADDITION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Councilmember Miller recused herself from the discussion and vote, noting that she does not have a financial interest in the project; however, this is a neighbor's request.

STAFF REPORT: Associate Planner Mike Behary gave an overview of the zone change request. Mr. Behary said the property is located off of Fernan Hill Road approximately 180 feet east of Frosty Pine Trail. The property was annexed into the City in 1990 in item A-2-90. At that time the property was brought into the city with an R-1 zoning designation. The applicant indicated that they intend to build a multi-generational house on the parcel for the mother and daughter to live in. The applicant indicated that this type of home would allow her mom to age in her home and maintain some independence while having her (daughter) nearby for assistance. Multigenerational homes are specifically designed to provide space for multiple generations to live under one roof. Multigenerational homes are also financed as a single-family home. The communities that do allow them under the single-family definition, include a clear definition in their zoning codes about multiple generations living together as a family unit, they have parking requirements to ensure there is adequate parking based on the total number of bedrooms, and they require a deed restriction so that the house functions as a single-family unit. Deed restrictions may also be imposed regarding the use of the unit as a short-term rental. Coeur d'Alene does not have such a definition in the Zoning Code. As such, they look at each unit to determine if it meets the definition of a residence with separate sleeping, eating/cooking, sanitation, and living spaces or if it falls under a single-family with an accessory dwelling unit

(ADU) or a duplex definition. Coeur d'Alene's Zoning Code defines a " Dwelling Unit" as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The Zoning Code defines a "Duplex" as a two-family dwelling, each with a private exterior entrance, sharing common supporting structural elements. In this case, the request fits under two single-family dwelling units because Coeur d'Alene hasn't yet addressed multigenerational housing in the code. Staff plans to bring forward an amendment to the Zoning Code to allow multigenerational housing later this year if time permits. R-1 and R-3 lots allow for a maximum of two houses to be built it so long it has the minimum lot area for each house, which is 34,500 SF for the R-1. This lot is 68,345 SF and is short by 655 SF in order to be allowed to build a second residence on this parcel. The R-3 require a minimum lot area of 11,500 SF for each home. The proposed rezone to R-3 would allow the applicants to build a multi-generational home on the subject parcel because it would allow for two single-family homes to be constructed and meet the minimum lot area per home. It was noted that this lot could not be split into more lots in either the R-1 or the R-3 due to the minimum lot frontage requirement of 75 feet. The lot has 68 feet of frontage and was approved in Schwartz Addition Subdivision in 1992.

Mr. Behary explained that there are four (4) findings that must be met in order to approve a zone change. Finding #B8, the proposal is in conformance with the Comprehensive Plan, Finding #B9, the proposal has adequate public facilities for proposed use, Finding #B10, the proposal meets the physical characteristics suitable for the lot, and Finding #B11, the proposal would not adversely affect the surrounding neighborhood with regard to traffic, character, or existing land uses.

DISCUSSION: Councilmember McEvers asked what was considered a dwelling unit, with Mr. Behary responding a unit providing complete independent living facilities for one or more persons, that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Councilmember Gookin stated multigenerational housing was not defined in the code, however, the code allows a house with two (2) kitchens and two (2) bathrooms with two (2) separate living areas, with Mr. Behary explaining it would be a duplex or two (2) houses. Councilmember Gookin asked City Attorney Mike Gridley if it could be addressed in our code. Mr. Gridley stated Council could create the definition they wanted; however, they would want to be careful of unintended consequences of redefining the code. Councilmember Gookin asked if it would be in the upcoming Comprehensive Plan update, with Mr. Behary stating it would; however, in the updated Comprehensive Plan a code amendment would still be required. Councilmember Wood asked if they could build a large home with two (2) kitchens, with Mr. Behary stating the applicants were wanting to build two (2) separate units attached with a breezeway which is not allowed in the R-1 zone because of the lot size. Councilmember McEvers asked if the multigenerational unit could be rented out, with Mr. Behary responding the City does not police them unless there was a short term rental permit. Councilmember Evans asked for clarification of the definition of multigenerational housing, with Mr. Behary responding it was two complete independent living facilities for one or more persons in one building. Councilmember Gookin stated there was one (1) sewer hookup, one (1) water hookup, one (1) electrical hookup and it seemed like it would be considered one unit. Councilmember Wood commented that this wasn't a stretch to approve this project, and she was in support.

Mayor Widmyer opened the public testimony portion of the meeting.

APPLICANT: Executive Assistant Sherrie Badertscher swore in the applicant's consultant Rex Anderson, Architect of Fusion Architecture, PLLC. Mr. Anderson spoke in regard to the project. He stated the Planning Division was proactive in trying to help the applicant, Janet Daily, find a strategic way to accomplish the project. Mr. Anderson stated the reason for the zone change would be to allow for a multigenerational home on the property in order for Ms. Daily, the mother, to live close by to her daughter, while maintaining independence. He stated the house would appear as one structure, and conversion to the R-3 zone would not allow any additional units to be built on the lot. He said there were no objections from fire, police, sewer, water, or traffic.

DISCUSSION: Councilmember McEvers asked if there would be any impacts to the other nearby R-1 properties if this zone change was approved, with Mr. Anderson responding the footprint for the current proposed house is 3,000 square feet and would not be a larger dwelling than on surrounding properties. Councilmember Gookin asked about the east parcel and wanted to know if the parcel could be rezoned to R-3, with Mr. Behary responding he wasn't certain if it had enough feet of frontage on the lot to be considered for a R-3 zone, and that they look at each zone change individually.

Mayor Widmyer closed the public testimony portion of the hearing.

MOTION: Motion by Wood, seconded by Evans, to dispense with the rule and read **Council Bill No. 21-1012** once by title only.

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

MOTION: Motion by Wood, seconded by Evans, to adopt **Council Bill No. 21-1012.**

DISCUSSION: Councilmember Gookin stated he would not support this zone change and would like to have it brought back as a different option to allow the second kitchen. Councilmember McEvers stated he felt it should be allowed without the zone change. Councilmember Wood stated she felt they should encourage everyone to follow the zoning rules.

ROLL CALL: Wood Aye; Evans Aye; McEvers Nay; Gookin Nay.
Mayor Widmyer; Aye. **Motion carried.**

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

The meeting adjourned at 7:21 p.m.

Steve Widmyer, Mayor

ATTEST:

Sherrie L. Badertscher,
Executive Assistant

DRAFT

May 24, 2021
GENERAL SERVICES/PUBLIC WORKS COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

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

STAFF

Juanita Knight, Senior Legal Assistant
Mike Becker, Capital Program Manager, Wastewater Dept.
Dennis Grant, Engineering Project Manager, Streets &
Engineering Department
Troy Tymesen, City Administrator
Randy Adams, Chief Civil Deputy City Attorney
Chief Thomas Greif, Fire Department
Mike Anderson, Director, Wastewater Dept.

Item 1. Authorization to execute a Change Order with R.B. Wilbur Co., Inc. for a Complete Hot Water Boiler Replacement System in the amount of \$95,482.00.

(Consent Resolution)

Mike Becker, Capitol Program Manager, explained that the WW department uses two (2) boilers to provide heat to several WW buildings and the Plant's sludge digestion process. In accordance with the WW Facility Plan, both boilers have exceeded their useful life and are scheduled for replacement. Last winter and in conformance with our procurement policies, WW solicited bids to purchase one (1) complete boiler system. On February 2nd, Council approved replacing Boiler #702 with the lowest bidder, R.B. Wilbur, Co, Inc. The other boiler (#701) is scheduled for replacement FY 21/22; whereas, WW intended to replace Boiler #701 with an identical boiler system. Installing identical equipment provides for equipment uniformity, interchangeable parts, and standardizing in-house O&M procedures. #701 is operational but is also showing the same signs as 702 did when it failed. Mr. Becker further explained in his staff report that the City paid \$83,705 for Boiler #702 with the next lowest bid at \$148,900. Given the volatile economic situation and for FY 21/22 budgeting purposes, WW anticipates boiler costs will increase and solicited a quote from R.B. Wilbur, Co, Inc., for an identical boiler system. R.B Wilbur provided a quote of \$95,482 for another complete boiler package; but, the boiler manufacturer's will only honor that price for 45 days (July 1st). Short quote offers appears to be the new norm; however, this quote still offers a 35% savings over the next lowest bidder. Understanding that WW has capital remaining under the FY 20/21 Replacement Budget to cover \$95,482, we wanted to bring this before Council to potentially capitalize on this opportunity. Presently, Boiler #701 is scheduled and budgeted for replacement next FY. If the City sent this out to bid, the July 1 deadline would be missed; therefore, WW is presenting our request as a change order to R.B. Wilbur's original Purchase Agreement. Added benefits besides a cost savings include having both boilers installed prior to this winter's heat demands, no disruptions of service, less demand on natural gas and increased efficiencies through the utilization of burning biogas (methane). R.B. Wilbur is a local mechanical contractor that has successfully completed several previous contracts with the WW and to our satisfaction. Upon Council's approval, the WW department plans to execute a change order to lock in the \$95,482 quote. We also plan on utilizing WW's mechanical and electrical staff; however, some subcontracting for removal and placement may be required.

Councilmember McEvers asked if replacing two of the same items in the same year is normal. Mr. Becker said they have two of everything just in case one goes down; they have a backup. Of the two boilers they have now one is not functioning and the other has reached the end of its useful life.

MOTION: by Miller, seconded by Gookin, to recommend that Council authorize the execution of a Change Order with R.B. Wilbur Co., Inc., for a Complete Hot Water Boiler Replacement System in the amount of \$95,482.00. Motion Carried.

**Item 2. V-21-02, Vacation of a portion of Wilbur Avenue right-of-way.
(Consent Cal)**

Dennis Grant, Engineering Project Manager, explained that Greenstone-Kootenai II Inc., is requesting the vacation of a portion of Wilbur Avenue right-of-way that adjoins Ramsey Avenue to the west between Canfield Avenue and the new Wilbur Avenue to the north. Mr. Grant explained in his staff report that it is unknown when the requested ROW was originally dedicated to the City. The request is to vacate a 41' foot wide, dead end, strip of unimproved Wilbur Ave. that has been relocated to the north. The additional ROS can be incorporated into the development of the adjoining property. All utilizes are existing and in place, and there is no foreseeable use for the additional ROW. The vacation of the requested ROW will not have any financial impact on the City. It will add approximately 27,191.2 square feet to the county tax roll. Though minor, it will benefit the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property.

MOTION: by Gookin, seconded by Miller, to recommend that Council proceed with the vacation process as outlined in Idaho Code Section 50-1306, and set a public hearing for June 15, 2021. Motion Carried.

**Item 3. V-20-06, Vacation of a portion of Seltice Way right-of-way adjoining the northeasterly boundary of Lot 4, Block 1, Glacier Northwest-Seltice Subdivision.
(Consent Cal)**

Dennis Grant, Engineering Project Manager, explained that Glacier NW Blvd-Seltice, LLC, is requesting the vacation of a portion of right-of-way that adjoins the northeasterly boundary of their property on Seltice Way. Mr. Grant explained in his staff report that on May 4th, 2021 the City Council approved an agreement with Glacier NW Blvd-Seltice to relocate the right turn slip lane to provide for better visibility for traffic entering NWBLVD, a shared-use path and the installation of a 12" water main. Extension of the shared-use path to the NW, would be completed by Glacier NW Blvd Seltice upon development of the parcel and their adjacent parcel. The right turn slip lane would not only improve safety, it would allow additional separation for a proposed right-in / right-out driveway approach access. The 12" water main will be installed per the Water Department specifications. There is no financial impact to the City. It will add approximately 7,562 square feet to the county tax roll. Though minor, it will benefit the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property.

MOTION: by Gookin, seconded by Miller, to recommend that Council proceed with the vacation process, as outlined in Idaho Code Section 50-1306, and set a public hearing for June 15, 2021. Motion Carried.

Item 4. PRESENTATION – Fire Department

Tom Greif, Deputy Fire Chief, presented a short video that was created thanks to new AV equipment that was acquired through the CARES ACT. The equipment can be used by both Fire and Police to enhance training and public education abilities.

Deputy Fire Chief Greif also presented a PowerPoint presentation, going into greater detail, regarding the following points:

- The mission of Fire Service in general is “Save Lives and Protect Property”
- Events in our nation have forced our department to be more of an “All-Hazards” Fire Department. These are the four teams in the City’s Fire Department:
 - USA/ITRT Teams (Confine Space, High Angled Rescue, Search & Rescue, and Water Rescue)
 - Rescue Task Force Teams (Active Shooter Incidents)
 - K-9 Team
 - SWAT Paramedics
- Things they do when not responding to emergencies:
 - Health & Safety; Mandatory PT time each shift; Mandatory annual NFPA physicals; Promote Healthy In / Healthy Out Initiative; Provide the best PPE and equipment for staff to do their jobs
- Training – “Low frequency, high risk.”
 - Annual Wildland Refresher, Monthly EMS continuing education; Hazardous Materials; Water Rescue’ Technical Rescue; Vehicle Extrication; Company and Crew Trainings.
- Fire & Injury Prevention/Public Education/Community Outreach. This is the backbone of the organization. This is where the Fire Department gets to interact with the citizens in a positive, non-traumatic environment:
 - Fire safety lectures for children; Fire extinguisher training for businesses; Daycare inspections; Station tours; Annual Open House; Community events; Mask promotion at schools; Mock DUI at the high schools; Fire Wise for urban interface areas.
- Dedicated Event Standbys:
 - Spring Dash; CDA Marathon; Ironman Triathlon; Fourth of July events; Race the River Triathlon; Street Fair; UGM Open Water Swim; CDA Triathlon; and Christmas lighting ceremony.
- Why the Fire Department is so successful:
 - Our Customer Service philosophy: “Provide the citizens and valued guests with a service they don’t expect.”
 - Community Partnerships: Local 710; other city departments; neighboring fire department and law enforcement agencies; hospitals and care facilities; NIC; School Districts; Health District; and businesses.
 - The NIC and School District relationships pays dividends to the Fire Department because of these programs: Fire fighter 1 Program; EMT program; CPR/First Aid and AED training; Paramedic Internship site; and High School Cadet Program.
- Local 710 is the Fire Department and the Fire Department is Local 710:
 - Mobile Santa / Food Bank; Santa Pictures; Fill the Boot for MDA; Stair Climb for Leukemia; Coats 4 kids; Toys for Tots; Pipes & Drums; and Honor Guard.

- Exciting things going on in your Fire Department right now:
 - Finished first round of mobile COVID-19 vaccinations; staffing plans for the upcoming Ironman & Fourth of July events; there are three personnel in Paramedic school with three additional starting in September; beginning our preparation for the next G.O. Bond in 2025; ongoing boat station project; possibility of a third ambulance; and planning for Fire Station #6.

The meeting in its entirety can be seen using this link: https://youtu.be/LBStORBsw_4

The meeting adjourned at 12:47 p.m.

Respectfully submitted,

[Juanita Knight](#)

Recording Secretary

General Services/Public Works STAFF REPORT

DATE: May 24, 2021

FROM: Dennis J. Grant, Streets & Engineering Project Manager

SUBJECT: V-20-06, Vacation of a portion of Seltice Way right-of-way adjoining the northeasterly boundary of Lot 4, Block1, Glacier Northwest-Seltice Subdivision in the City of Coeur d'Alene.

DECISION POINT

The applicant, Glacier NW Blvd-Seltice, LLC, is requesting the vacation of a portion of right-of-way that adjoins the northeasterly boundary of their property on Seltice Way.

HISTORY

Approved at the May 4, 2021 Council Meeting from Chris Bosley, City Engineer, was an agreement with Glacier NW Blvd-Seltice to relocate the right turn slip lane to provide for better visibility for traffic entering Northwest Boulevard, a shared-use path and the installation of a 12" water main. Extension of the shared-use path, to the northwest, would be completed by Glacier NW Blvd Seltice upon development of the parcel and their adjacent parcel. The right turn slip lane would not only improve safety, it would allow additional separation for a proposed right-in/right-out driveway approach access. The 12" water main will be installed per the Water Departments specifications.

FINANCIAL ANALYSIS

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 7,562 Square Feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property.

PERFORMANCE ANALYSIS

The purpose of this request is to provide additional development area on the referenced parcel. It would also provide a safer intersection and improved access. All utilities are existing and in place except for the installation of the 12" water main. The Development Review Team was informed about this vacation.

RECOMMENDATION

Staff recommends that Council proceed with the vacation process as outlined in Idaho Code Section 50-1306 and recommends setting June 15, 2021, as the date for a public hearing on the item.

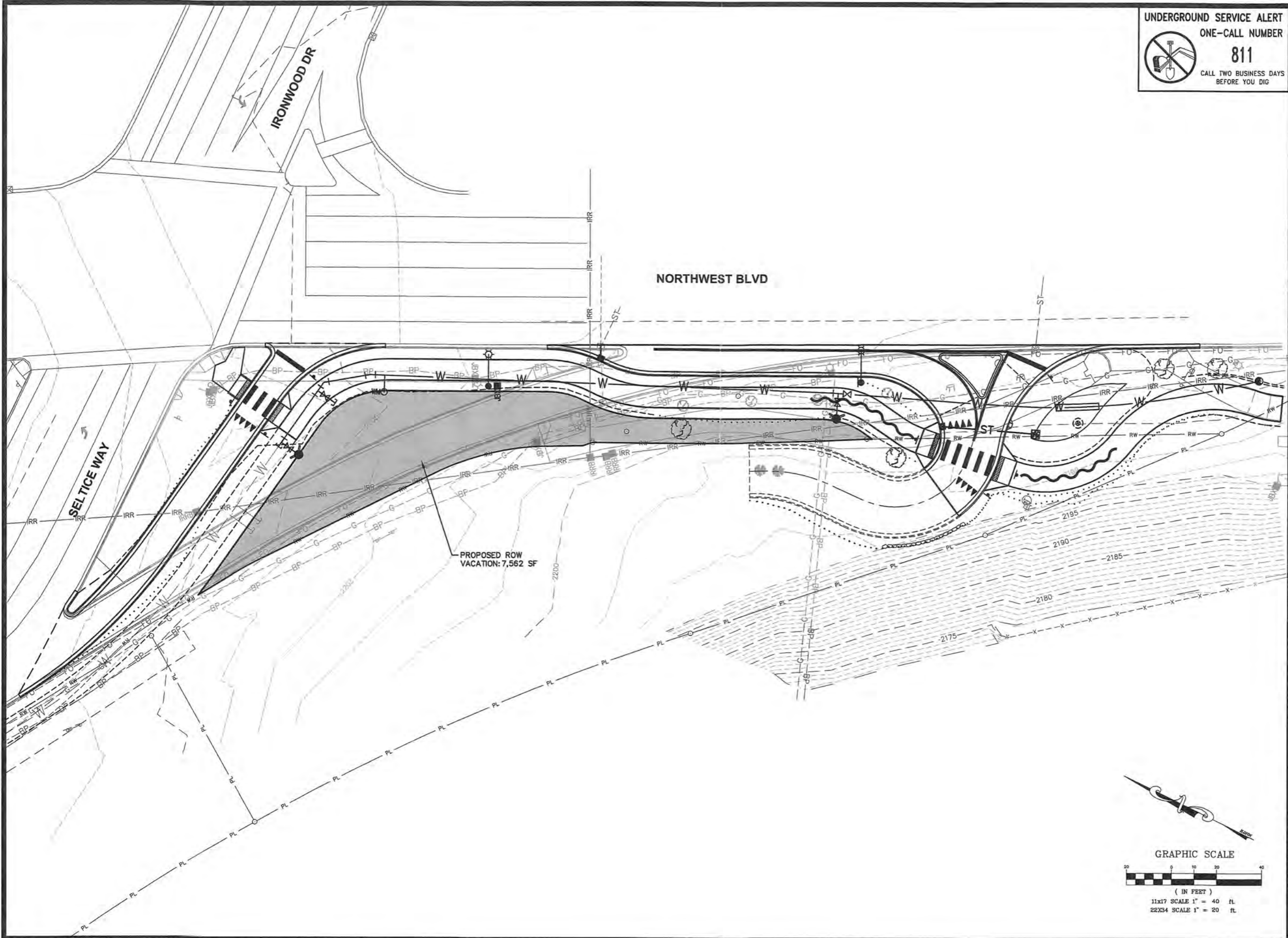
Glacier Partners

ROW Vacaton Aerial



Northwest Blvd

W Seltice Way



UNDERGROUND SERVICE ALERT
ONE-CALL NUMBER
811
 CALL TWO BUSINESS DAYS
 BEFORE YOU DIG

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WELCH-COMER
 ENGINEERS | SURVEYORS

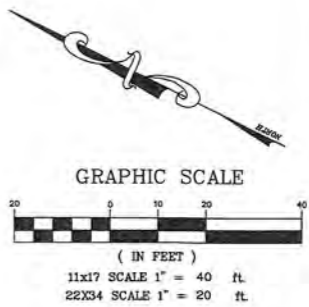
www.welchcomer.com
 330 E. Lakeside Ave, Suite 101
 Coeur d'Alene, ID 83814

208-664-9382
 (toll free) 877-815-5672
 (fax) 208-664-5946

NO.	DATE	REVISION DESCRIPTION	BY

PARKWOOD PROPERTIES
 NORTHWEST BLVD/SELTICE WY
 ACCESS IMPROVEMENTS

PROPOSED ROW VACATION
 EXHIBIT 1



PROJ NO: 41328/41239
 DESIGNED BY: MRG/JRG
 DRAWN BY: SDS/JAL
 CHECKED BY: MRG
 DWG NAME: 41239ROW.DWG
 DATE: 9-17-20
 SHEET NO:

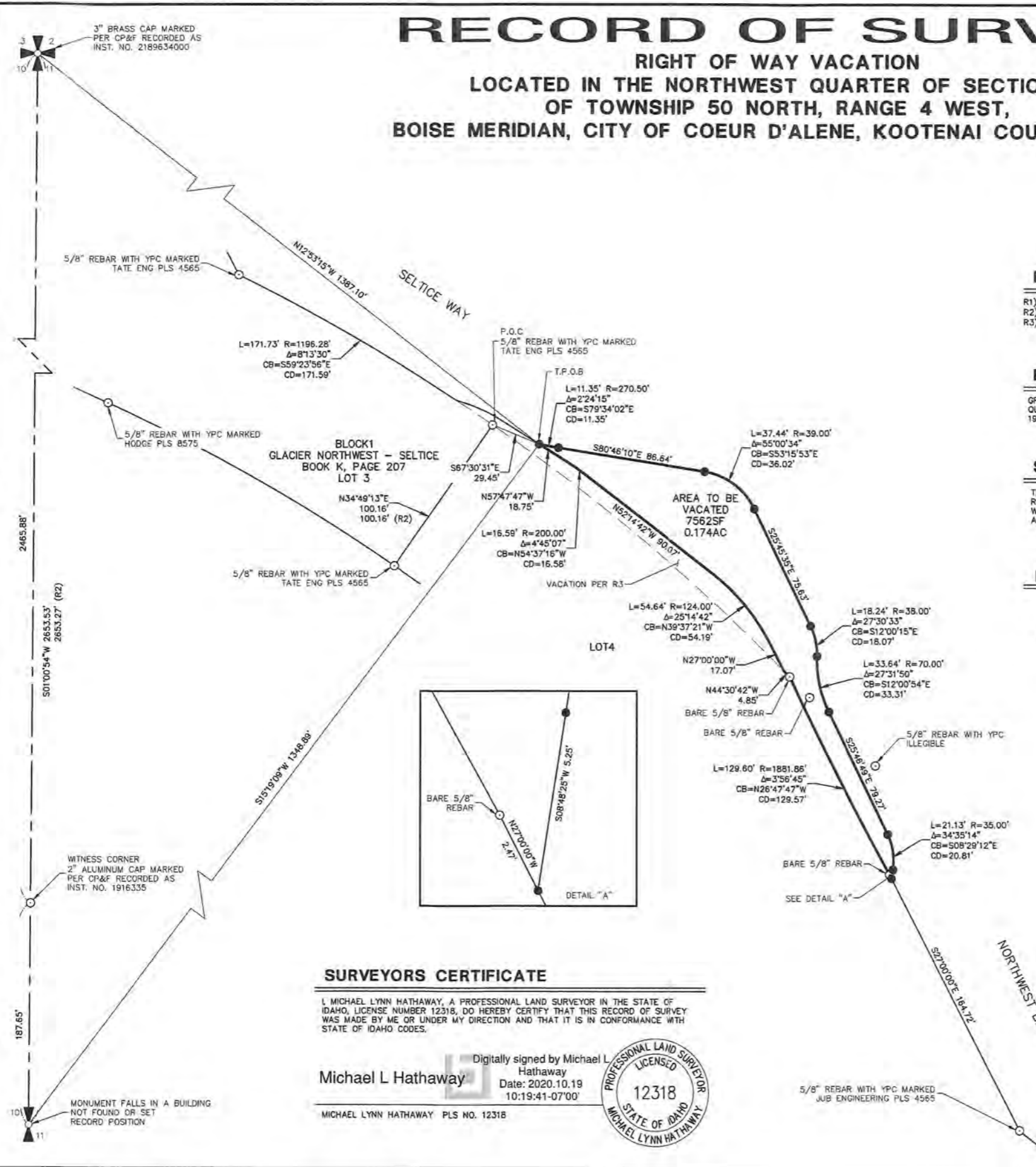
EX 1

RECORD OF SURVEY

RIGHT OF WAY VACATION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 11 OF TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

INSTRUMENT No. _____



REFERENCES: RECORDS OF KOOTENAI COUNTY

- R1) VILLAGE AT RIVERSTONE, RECORDED IN BOOK K OF PLATS, PAGE 53-53E.
- R2) GLACIER NORTHWEST-SELCTICE, RECORDED IN BOOK K OF PLATS, PAGE 207-207A.
- R3) AGREEMENT, RECORDED UNDER INSTRUMENT NO. 2615715000.

BASIS OF BEARING

GRID BEARING OF S01°00'54"W ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11. THE PROJECT IS ON IDAHO COORDINATE SYSTEM OF 1983, WEST ZONE, 2011 ADJUSTMENT.

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NEWLY VACATED ROAD RIGHT OF WAY. FOUND MONUMENTS ALONG THE NORTHEASTERN BOUNDARY OF R2 WERE HELD AS ORIGINAL. RECORDS USED DURING THE COURSE OF THIS SURVEY ARE IDENTIFIED IN REFERENCES.

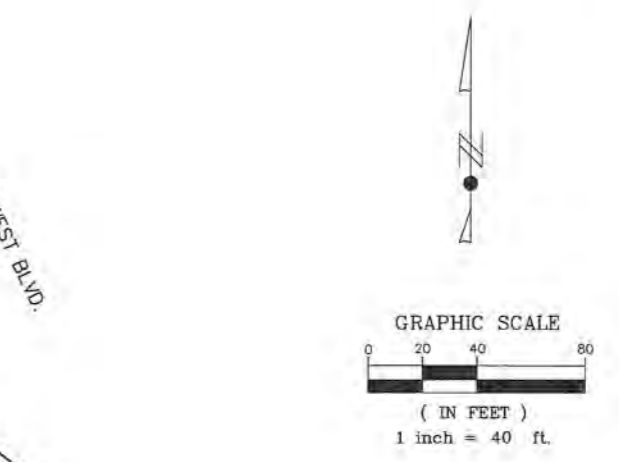
LEGEND

- FOUND MONUMENT, AS NOTED
- SET 5/8" x 30" REBAR WITH CAP MARKED "WELCH COMER PLS 1231B"

SURVEYORS CERTIFICATE

I, MICHAEL LYNN HATHAWAY, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, LICENSE NUMBER 12318, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS IN CONFORMANCE WITH STATE OF IDAHO CODES.

Digitally signed by Michael L. Hathaway
 Date: 2020.10.19 10:19:41-0700'
 MICHAEL LYNN HATHAWAY PLS NO. 12318



THIS RECORD OF SURVEY WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF KOOTENAI COUNTY, IDAHO AT THE REQUEST OF WELCH COMER & ASSOC., INC. ON THIS _____ DAY OF _____, 20____ AT _____ M., AND DULY RECORDED IN BOOK _____ AT PAGE _____ AS INST. NO. _____ KOOTENAI COUNTY CLERK. KOOTENAI COUNTY DEPUTY CLERK.

WELCH-COMER
environment • innovation

www.welchcomer.com
 300 E. Lakeside Ave., Suite 107
 Coeur d'Alene, ID 83814
 208-664-4982
 (800) 877-8155-5572
 (fax) 208-664-5946

**RECORD OF SURVEY
 RIGHT OF WAY VACATION**
 IN THE NW 1/4 OF SEC. 11,
 T.50N., R.4W., B.M.,
 KOOTENAI COUNTY, IDAHO

PROJECT NO. 41928
 DESIGNED BY: G.B.
 DRAWN BY: MLH
 CHECKED BY: MLH
 NAME: 41239R001.DWG
 DATE: OCTOBER, 2020
 SCALE: 1" = 40'
 SHEET NO:

**General Services/Public Works
STAFF REPORT**

DATE: May 24, 2021

FROM: Dennis J. Grant, Engineering Project Manager

SUBJECT: V-21-02, Vacation of a Portion of Wilbur Avenue Right-of-Way in the City of Coeur d'Alene

DECISION POINT:

The applicant, Greenstone-Kootenai II Inc., is requesting the vacation of a portion of Wilbur Avenue right-of-way that adjoins Ramsey Avenue to the west between Canfield Avenue and the new Wilbur Avenue to the north.

HISTORY:

It is unknown when the requested right-of-way was originally dedicated to the City of Coeur d'Alene.

FINANCIAL ANALYSIS:

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 27,191.2 square feet to the County tax roll. Although a minor amount, it would be a benefit to the municipality as tax revenue and to the land owner whose lot adjoins the strip of usable property.

PERFORMANCE ANALYSIS:

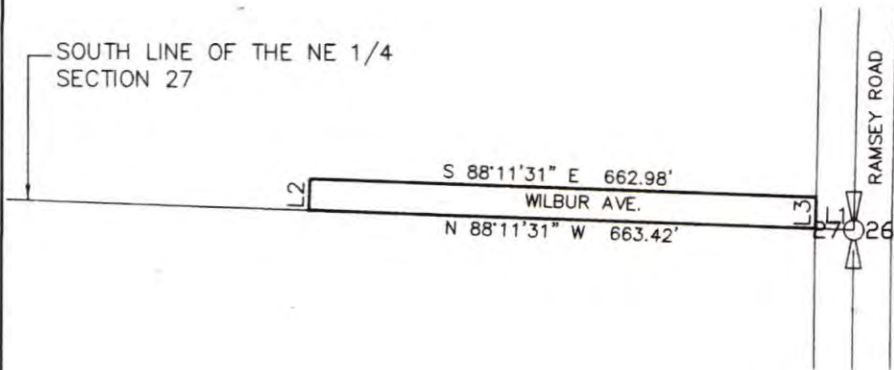
The purpose of this request is to vacate a 41' foot wide, dead end, strip of unimproved Wilbur Avenue that has been relocated to the north. The additional right-of-way can be incorporated into the development of the adjoining property. All utilities are existing and in place, and there is no foreseeable use for the additional right-of-way. The Development Review Team was informed about this vacation and has no objection.

RECOMMENDATION:

Staff recommends that Council proceed with the vacation process as outlined in Idaho Code Section 50-1306 and recommends setting June 15, 2021, as the date for a public hearing on the item.



EXHIBIT "A"
 LOCATED IN THE NE 1/4 OF SECTION 27, TOWNSHIP 51
 NORTH, RANGE 4 WEST, B.M.
 CITY OF COEUR D' ALENE, KOOTENAI COUNTY, IDAHO



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°11'31" W	50.00'
L2	N 01°48'29" E	41.00'
L3	S 01°11'35" W	41.00'



SCALE: 1 INCH = 200 FEET



RFK LAND SURVEYING INC..

1420 WEST GARLAND AVENUE
 SPOKANE, WA 99205
 TEL: (509) 324-7861
 FAX: (509) 327-7249
 E-MAIL: rudy@rfklandsurveying.com

DRAWN

MEM

DATE

10/20/20

APPROVED

MEM

DATE

10/20/20

PROJECT

20-147

SHEET

1 OF 1



OUTDOOR EATING FACILITY ENCROACHMENT APPLICATION

Valid March 17 – Nov 1 Annually

New applications or renewals with changes will be submitted to City Council for approval. The application must be received in the Customer Service Center a minimum of seven (7) days prior to a City Council meeting (first and third Tuesday of each month). Payments are due with the application.

Please mark the appropriate seating location below:

Seating on Private Property

Seating on Public Right of Way

**Encroachment Permit and additional insurance required*

Name of Eating Establishment: Bier Haus
 Applicant's Name: Benjamin Widmyer Phone Number:
 Contact Person: Ariel Lozeau Phone Number:
 Cell Phone: Email:
 Mailing Address: PO BOX 1316 City/State/Zip: CDA, ID 83816
 Physical Address: 515 E Sherman Ave City/State/Zip: CDA, ID 83814

Completed Application New Renewal
 Change in ownership or type of use? No Yes
 Please specify _____

Do you hold a current State of Idaho Kootenai County and City of CDA alcohol license? No Yes

If yes, on your State of Idaho alcohol license do you have a restaurant designation? No Yes

Is anyone under the age of 21 allowed in the area inside your establishment where alcohol is served? No Yes

What hours/days is the full menu available? Start 11:00 AM End 9:10 PM Days 7

Please supply a proposed site/seating plan, which is subject to approval and includes the following:

- Show table sizes and chair placement, distance from building (side street 24" tables maximum).
- Show distance to any tree, grate, bench, light post, bicycle rack, news rack, etc.
- What is width of sidewalk from property line to curb? 12 feet
- Please show location of refuse receptacle and disposal of cigarette remains. No Smoking
- If within the City sidewalk or City property, provide a Certificate of Liability Insurance naming the City as additional insured (\$1,000,000).
- If within the City sidewalk or City property, complete a signed encroachment application.

FEEES

Number of Seats x \$22.13 per seat (Sewer Cap Fee) 4 = \$ 88.52
***Fee required if not previously included in your original sewer rate seat count.**

If located on sidewalk or City property, the encroachment fee is \$125.00. + \$ 125.00

TOTAL DUE \$ 213.52

If this is new or a renewal of permit with any changes to site plan or ownership, submit documentation. Please include the following, if within City sidewalk or City-owned property :

- If serving alcohol, submit a site plan indicating proposed location of posts, type of barrier between posts, measurements from posts, and barriers to any obstacles including curbs, trees, grates, benches, etc.
- Mark sidewalk for placement of posts and have the City team inspect and approve markings prior to installation
- Have sidewalk cored and posts installed with caps for winter, at owners expense, after obtaining City Council approval (*see attached policy*)
- Signs installed at exits

I have read the outdoor eating policy, and agree to abide by the regulations of the City. Further, I understand that no alcohol may be served at outdoor eating tables placed on City property after 10 p.m.


Applicant Signature

5/3/21
Date

Internal Use Only

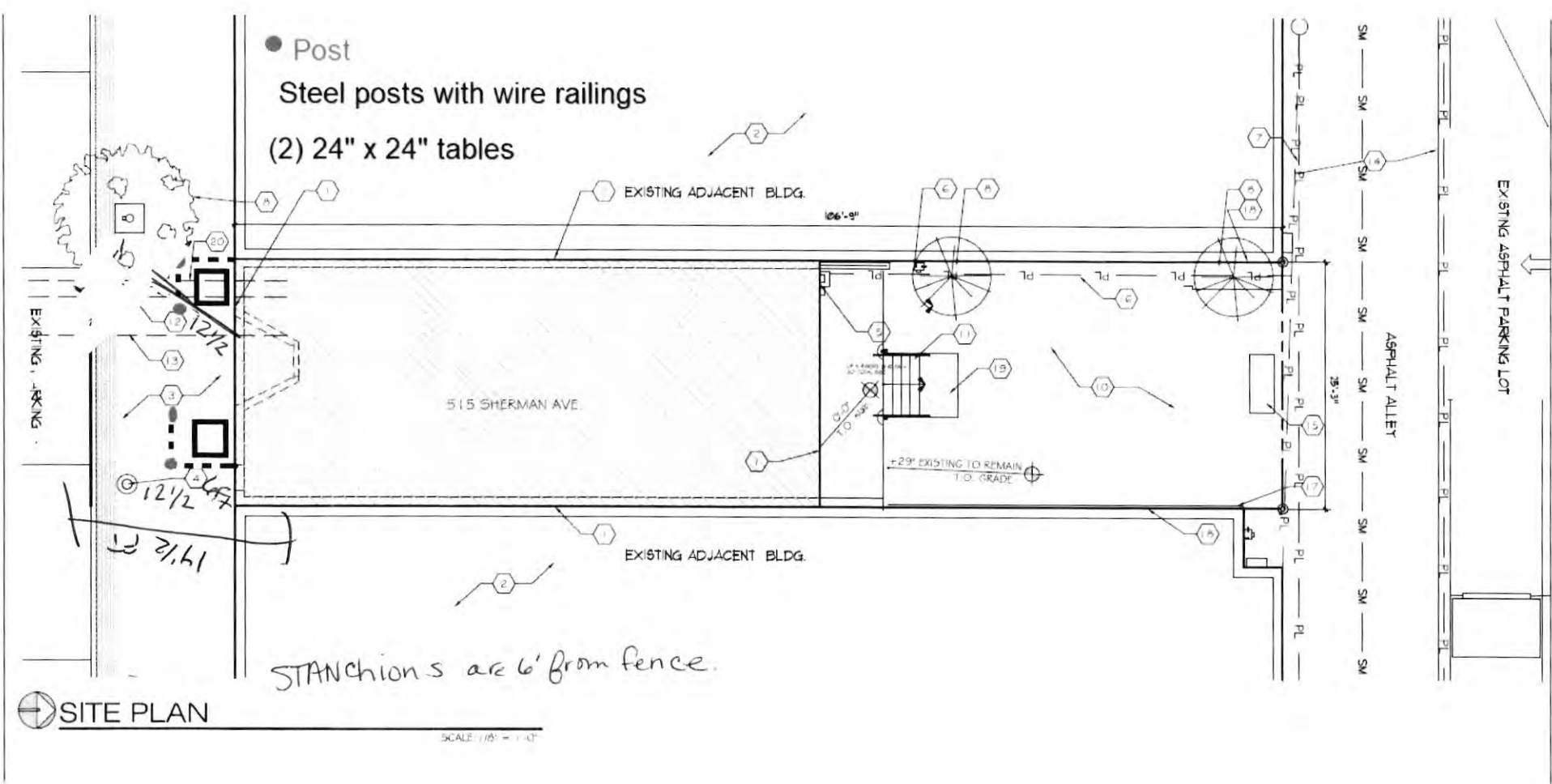
Reviewed and approved on: _____ **By:** _____

Issued By: _____ **Date:** _____

Conditions: _____

Denied due to: _____

Date: _____



- Post
- Steel posts with wire railings
- (2) 24" x 24" tables

STANCHIONS are 6' from fence.

 SITE PLAN

SCALE 1/8" = 1'-0"

Re: Fireworks Stands 2021
 From: Kelley Setters, Deputy City Clerk



	Location	Operated by	Distributor	
1	Albertsons 220 Ironwood Dr	Andy Flournoy 23310 E Inlet Dr #9 Liberty Lake WA 99019	TNT Fireworks S 104 Freya White Bldg #120B Spokane WA 99202	X
2	Fred Meyer 560 W Kathleen	Linda Morgan 104 S Freya White Bldg Suite 120B Spokane WA 99202	TNT Fireworks S 104 Freya White Bldg #120B Spokane WA 99202	x
3	Safeway 101 W Neider	Pamela Kyes 104 S Freya White Bldg Suite 120B Spokane WA 99202	TNT Fireworks S 104 Freya White Bldg #120B Spokane WA 99202	X
4	Super 1 Foods 305 W Kathleen	Eric Campbell S 104 Freya White Bldg #120B Spokane WA 99202	TNT Fireworks S 104 Freya White Bldg #120B Spokane WA 99202	x
5	Walgreens 225 W Appleway	Brigette Martinez 59 E Queen Ste 200 Spokane WA 97202	TNT Fireworks 104 S Freya White Bldg #120B Spokane WA 99202	x
6	Ramsey & Appleway	Eric Campbell 4316 Saw Blade Lane #105 Coeur d Alene ID 83814	TNT Fireworks 104 S Freya White Bldg #120B Spokane WA 99202	x
7	Runges Furniture 303 E Spokane St	Eda Darwood 8505 Peach Lane Missoula MT 59801	Bee-Rad Fireworks 8505 Peach Lane Missoula MT 59801	x
8	Ramsey and Prairie 7925 Ramsey Rd	Eda Darwood 8505 Peach Lane Missoula MT 59801	Bee-Rad Fireworks 8505 Peach Lane Missoula MT 59801	X
9	Costco 355 E Neider Ave	Costco Todd Parson 355 E Neider Ave	Jake's Fireworks 114 Helton Ct Florence, AL 35630	X
10	Candle Light Christian Fellowship Church	Rolling Thunder Fireworks 5725 N Pioneer Dr CDA, ID 83815	Winco Fireworks 710 W Amidan Dr Blg 5X Ogden UT 84404	X

**PUBLIC WORKS/GENERAL SERVICES
STAFF REPORT**

DATE: May 24, 2021
FROM: Mike Becker, Capital Programs Manager
SUBJECT: Hot Water Boiler Replacement Change Order (Consent Order)

DECISION POINT:

Should City Council authorize the Wastewater Department (WW) to execute a change order with R.B. Wilbur, Co, Inc., for another complete Hot Water Boiler Replacement System in the amount of \$95,482.00?

HISTORY:

The WW department uses two (2) boilers to provide heat to several WW buildings and the Plant's sludge digestion process. In accordance with the WW Facility Plan, both boilers have exceeded their useful life and are scheduled for replacement. Last winter and in conformance with our procurement policies, WW solicited bids to purchase one (1) complete boiler system. On February 2nd, Council approved replacing Boiler #702 with the lowest bidder, R.B. Wilbur, Co, Inc. The other boiler (#701) is scheduled for replacement FY 21/22; whereas, WW intended to replace Boiler #701 with an identical boiler system. Installing identical equipment provides for equipment uniformity, interchangeable parts, and standardizing in-house O&M procedures. #701 is operational but is also showing the same signs as 702 did when it failed.

FINANCIAL ANALYSIS:

The City paid \$83,705 for Boiler #702 with the next lowest bid at \$148,900. Given the volatile economic situation and for FY 21/22 budgeting purposes, WW anticipates boiler costs will increase and solicited a quote from R.B. Wilbur, Co, Inc., for an identical boiler system.

R.B Wilbur provided a quote of \$95,482 for another complete boiler package; but, the boiler manufacturer's will only honor that price for 45 days (July 1st). Short quote offers appears to be the new norm; however, this quote still offers a 35% savings over the next lowest bidder. Understanding that WW has capital remaining under the FY 20/21 Replacement Budget (031-058-4351-7210) to cover \$95,482, we wanted to bring this before Council to potentially capitalize on this opportunity.

Presently, Boiler #701 is scheduled and budgeted for replacement next FY. If the City sent this out to bid, the July 1 deadline would be missed; therefore, WW is presenting our request as a change order to R.B. Wilbur's original Purchase Agreement. Added benefits besides a cost savings include having both boilers installed prior to this winter's heat demands, no disruptions of service, less demand on natural gas and increased efficiencies through the utilization of burning biogas (methane).

**PUBLIC WORKS/GENERAL SERVICES
STAFF REPORT**

PERFORMANCE ANALYSIS:

R.B. Wilbur is a local mechanical contractor that has successfully completed several previous contracts with the WW and to our satisfaction. Upon Council's approval, the WW department plans to execute a change order to lock in the \$95,482 quote. We also plan on utilizing WW's mechanical and electrical staff; however, some subcontracting for removal and placement may be required.

DECISION POINT/RECOMMENDATION:

City Council should authorize the Wastewater Department (WW) to execute a change order with R.B. Wilbur, Co. Inc., for another complete Hot Water Boiler Replacement System in the amount of \$95,482.

RESOLUTION NO. 21-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING CHANGE ORDER #1 TO THE NOTICE OF AWARD WITH R.B. WILBUR & CO., INC., TO PROVIDE FOR THE PURCHASE OF A SECOND HOT WATER BOILER FOR THE WASTEWATER UTILITY.

WHEREAS, the City of Coeur d'Alene, pursuant to Resolution No. 21-007, approved a Notice of Award dated the 2nd day of February, 2021, with R.B. Wilbur & Co., Inc., for the purchase of a hot water boiler pursuant to advertised bidding specifications; and

WHEREAS, it has been determined that it is fiscally responsible, given the rapidly rising prices, to replace a second boiler, which is also past its useful safe life, at this time for the Wastewater Utility Facility, and the Wastewater Department has requested that the City Council of the City of Coeur d'Alene approve Change Order #1 to the Notice of Award, at an additional cost of \$95,482.00, a copy of which change order is attached hereto marked Exhibit "1" and by reference made a part hereof, thereby increasing the total contract price to \$179,187.00; and

WHEREAS, the City Council deems it to be in the best interests of the city of Coeur d'Alene and the citizens thereof to approve such change order;

NOW, THEREFORE,

BE IT RESOLVED that the Mayor and City Council of the City of Coeur d'Alene hereby authorize the requested Change Order #1 to the Notice of Award to R.B. Wilbur & Co., Inc., as set forth above, a copy of which Change Order #1 is attached hereto as Exhibit "1" and by reference made a part hereof.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute any and all documents necessary to effect such change order on behalf of the City of Coeur d'Alene.

DATED this 1st day of June, 2021.

Steve Widmyer, 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 _____.



R. B. Wilbur & Co., Inc.
N. 3591 Huetter Rd
Coeur d'Alene, ID 83814
208-765-2311 fax 208-667-3066
rbwilbur3@yahoo.com

ESTIMATE

City of Coeur d'Alene
881 W Hubbard
Coeur d'Alene, ID 83814

May 17, 2021

Attn: Ben Martin

Estimate for 2nd matching Boiler/Burner complete unit.

For a sum of: \$95,482.00

Thank you,

Marty L. Eberle

This estimate good through July 1st, 2021

OTHER BUSINESS

**City Council
Staff Report**

DATE: June 1, 2021
FROM: Chris Bosley – City Engineer
SUBJECT: Request for approval of Amendment No. 1 to the Agreement with Welch Comer to include Construction Phase Services for the Lacrosse Avenue Improvements.

=====

DECISION POINT:

Should Council approve Amendment 1 to the Agreement with Welch Comer to add construction phase services for the Lacrosse Avenue Improvements?

HISTORY:

On November 3, 2020, City Council approved a contract with Welch Comer Engineers to design the Lacrosse Avenue Improvements with funding provided by ignite cda. After completion of the design, the project was advertised for bids and bids were received on May 25, 2021. Two bids were received with a low bid from LaRiviere, Inc. Staff would like to include in the agreement with Welch Comer construction phase services for this project, such as inspections, submittal reviews, quantity calculations, and pay requests. More details on the scope of their work are included in the attached Amendment.

FINANCIAL ANALYSIS:

\$1.8M of funding, provided by ignite cda, is available for this project. With the favorable bid from LaRiviere, Inc., the City has the necessary funding to complete this project using Welch Comer for construction phase services. This additional service will be a \$143,000.00 cost.

PERFORMANCE ANALYSIS:

Completion of Lacrosse Avenue will provide another ingress/egress to the Riverstone development, provide future park access, and reduce traffic congestion in the area. This project will help to fulfill recommendations of the Atlas Mill Site Traffic Study and the Four Corners/ BLM Corridor Master Plan. Selection of a consultant to perform construction phase services is needed to utilize ignite cda's funds in a timely manner.

DECISION POINT/RECOMMENDATION:

Council should approve Amendment 1 to the Agreement with Welch Comer to add construction phase services for the Lacrosse Ave Improvements.

Lacrosse Ave: Atlas Mill Site Traffic Study

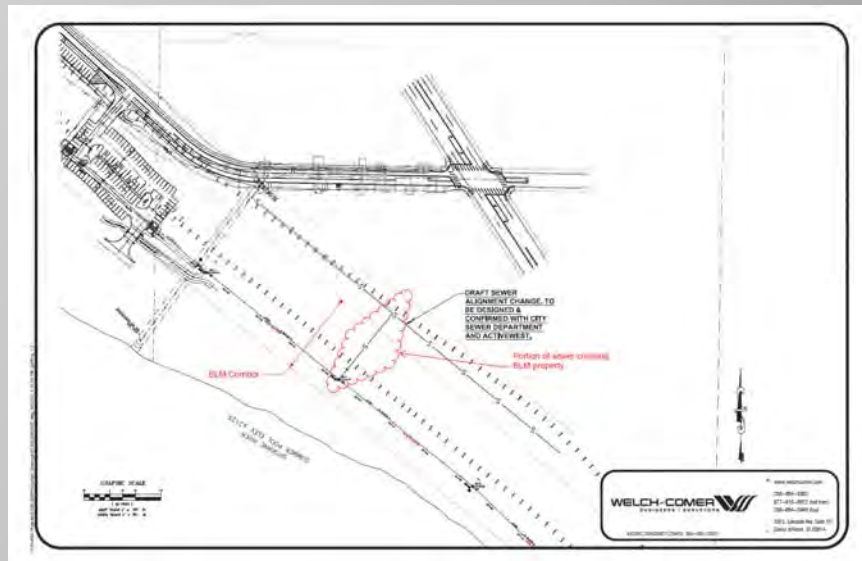
1 Signal Optimization/Modifications/Adaptive Technology
 2 Lacrosse Connection - NW to Beebe, NW/Lacrosse Signal
 3 US 95 Corridor Improvements
 4 Employer Shift Changes
 5 I-90 & US 95 Interchange Improvements
 6 Huettner Byway
 7 Health Corridor to Appleyard Connection, Ironwood Signal

10.2.2. **LACROSSE CONNECTION**
 Riverstone needs another point of entry and adding a connection at Lacrosse alleviates some of the demand on the Northwest Boulevard/Lakewood intersection. The intersection of Northwest Boulevard/Lacrosse will meet signal warrants; therefore, a signal at this proposed intersection is recommended. Another benefit to adding a signal at Lacrosse is that Winton Elementary is located on Lacrosse immediately east of the intersection and the signal will improve access to the school.

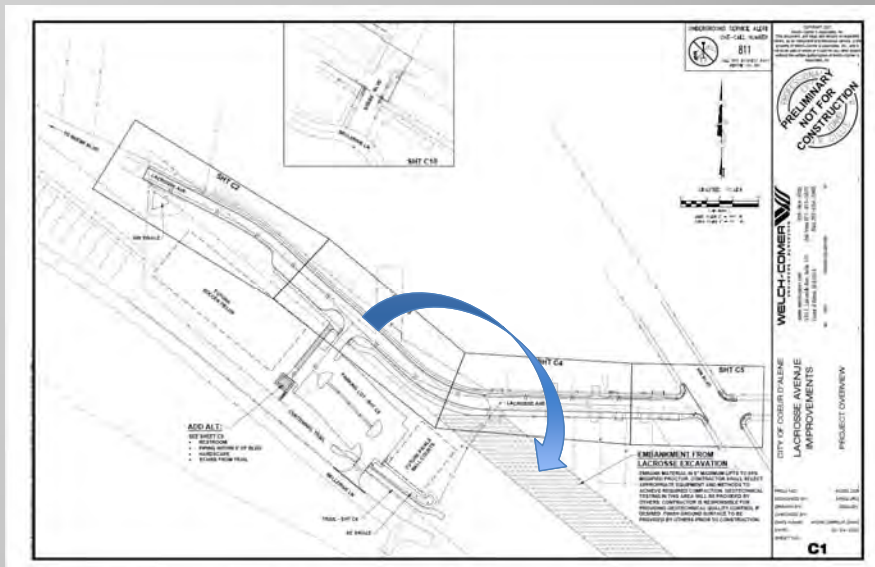
Lacrosse Ave Improvements



Lacrosse Ave Improvements



Lacrosse Ave Improvements



Lacrosse Ave Improvements: Beebe Blvd



Lacrosse Ave Improvements: Contract Award

DECISION POINT/RECOMMENDATION:

Council should award the contract to LaRiviere, Inc. for construction of the Lacrosse Ave Improvements.

Lacrosse Ave Improvements: CPS

DECISION POINT/RECOMMENDATION:

Council should approve the agreement with Welch Comer for the construction phase services for the Lacrosse Ave Improvements.

RESOLUTION NO. 21-034

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING AN AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WELCH COMER & ASSOCIATES, INC., TO INCLUDE CONSTRUCTION PHASE SERVICES ON THE LACROSSE AVENUE PROJECT.

WHEREAS, pursuant to Resolution No. 20-061 adopted the 3rd day of November, 2020, the City of Coeur d'Alene entered into a Professional Services Agreement with Welch Comer & Associates, Inc.; and

WHEREAS, the City Engineer requests an amendment as set forth in Amendment 1, Scope of Work, dated May 19, 2021, a copy of which is attached hereto as Exhibit "1" and incorporated herein by reference; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof that such amendment be authorized;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City hereby approves Amendment 1 to the Professional Services Agreement with Welch Comer & Associates, Inc., pursuant to the Scope of Services attached hereto as Exhibit "1" and by this reference incorporated herein.

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

DATED this 1st day of June, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER WOOD Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER ENGLISH Voted

_____ was absent. Motion _____.

Amendment 1

Exhibit A

Scope of Work

1. Specific Project Data

- 1.1. SUPPLEMENT: This work is a supplement to the Lacrosse Avenue Improvements – A subsequent phase to the 4 Corners/BLM Master Plan Project dated November 3rd, 2020.
- 1.2. TITLE: Lacrosse Ave - Construction Phase Services.
- 1.3. DESCRIPTION: As part of the Lacrosse improvements, the City desires to construct the improvements associated with the Design Phase.

2. Services of CONSULTANT: After receiving authorization to proceed from CITY, CONSULTANT will perform the services for each phase identified below:

2.1. Construction Phase Services

Upon successful completion of the project bidding phase and written authorization from OWNER, ENGINEER shall assist the OWNER and perform the following Construction Phase Services:

- A. General Administration of Construction Contract: Consult with OWNER and act as OWNER's Engineering representative.
- B. Pre-Construction Conference: Facilitate a Pre-Construction Conference prior to commencement of work at the site.
- C. Construction Surveying:
 1. Control: Using a combination of primary control monuments along with secondary monuments will prepare a control map and listing for use by Contractor in establishing their machine guided GPS system.
 2. Monument replacement: It is anticipated that approximately 10 monuments will be destroyed due to construction. We will replace each monument with a 5/8" rebar with a PLS Cap. Prepare and record a record of survey drawing at the courthouse.
 3. Concrete Curb, Gutter: Hub and lath will be set at an offset distance of 3 feet to top back of curb. Cut/fill will be marked on each lath. New hubs with lath will also be set on curves at a maximum interval of 12 feet in addition to every PC/PT and change in horizontal or vertical alignment. The lath at the driveway will be marked with the overall driveway width. Sidewalk will not be staked.
 4. Storm Drainage: Hub and lath will be set at a suitable offset such as 10' and 25' as required to facilitate construction and installation of storm structures such as manholes and catch basins. Invert and Rim elevations will be provided.
 5. Sewer Manholes and Drywells: Hub and lath will be set at a suitable offset such as 10' and 25' as required to facilitate construction and installation of storm structures such as manholes and catch basins. Invert and Rim elevations will be provided.
 6. Water Mains and Appurtenances/Service: Set a hub and lath reference point at tie in points, approximately 100 feet on tangents, valves, angle points, and hydrants at an offset distance necessary to facilitate construction. The lath will be marked with the plan station and offset distance to the centerline of the pipe. The station and offset distance will be written to the nearest one-tenth of a foot. Service locations will not be marked. Lath will be set at each pertinent lot corner for use in service installation in the field.

7. Power and Light Poles: Set hub and lath reference points for each pole. The actual center of the pole will be marked with a lath only. The reference points will be two points marked with horizontal and vertical offsets to the pertinent elevation.
 8. A finish grade surface of the civil engineering designed data in land xml format only will be made available for use by the contractor. The XML file is not intended to substitute the design plans. The contractor is responsible for verifying the xml file. Use of the file will be at the Contractor's risk.
 9. Contractor to provide ENGINEER a copy of their GPS site calibration report prior to use of machine grading.
 10. Contractor to notify ENGINEER of construction progress so ENGINEER can adequately conduct field checks of the roadway grading prior to the Contractor moving on to the next stage of construction.
 11. Any staking not listed above is the responsibility of the contractor.
- D. Site Visits and Construction Observation: The OWNER will provide the primary inspection services. As support, the ENGINEER will provide the following:
1. Make visits to the Site at the OWNER's request during various stages of construction. The purpose of ENGINEER's visits will be to support the OWNER's field representative.
 2. ENGINEER will visit the site and observe construction at a frequency and duration appropriate to produce the Record Drawings.
 3. Signal Timing: Work with Owner's staff to time the signals for the peak hour condition.
- E. Contract Administration
1. Contractor's Completion Documents: Receive bonds, certificates, or other evidence of insurance not previously submitted and required by the Contract, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data, and the annotated record documents which are to be assembled by Contractor in accordance with the Contract to obtain final payment. The extent of such ENGINEER's review will be limited as established in this Agreement. ENGINEER shall transmit these documents to OWNER.
 2. Review Contractor's material submittals in comparison to the contractor documents.
 3. Assist with Field Orders, Work Change Directives, and Change Orders. Any changes to the contract will be at the direction of the OWNER.
 4. Review the progress schedule, schedule of Shop Drawing and Sample submittals, and schedule of values prepared by Contractor and consult the OWNER concerning acceptability.
 5. Attend meetings with OWNER and Contractor, such as preconstruction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
 6. Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report with recommendations to OWNER.
 7. Payment Request: Review Applications for Payment with Contractor and OWNER's field representative for compliance with the established procedure for their submission and forward with recommendations to OWNER, noting particularly the relationship of the payment requested to the schedule of values, work completed, and materials and equipment delivered at the site but not incorporated in the work.
 8. Participate in a final inspection in the company of the OWNER and Contractor and prepare a final list of items to be completed or corrected.

9. Assist OWNER in producing "punchlist" of items yet to be completed and observe whether all items on list have been completed or corrected. Make recommendations to ENGINEER concerning acceptance and issuance of the Notice of Acceptability of the work.
- F. Clarifications and Interpretations: Issue necessary clarifications and interpretations of the Contract as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract.
- G. Substantial Completion: OWNER will determine when Substantial Completion is achieved. The ENGINEER will assist the OWNER in producing a Substantial Completion letter to the Contractor.
- H. Final Notice of Acceptability of the Work. OWNER will determine when final completion is achieved by the Contractor.
- I. Duration of Construction Phase: The scope of services and associated estimation of man-hours and expenses which established the ENGINEER's budget are based upon a construction contract period of 50 working days. The ENGINEER shall additionally participate within a one-year warranty walk through of the project and compile and issue a letter to the Contractor of any deficiencies identified as part of the warranty walk thru.

OWNER's Responsibilities

ARTICLE A.1 – Owner shall:

- A. Arrange for safe access to and make all provisions for Engineer to enter upon public and private property as required for Engineer to perform services under the Agreement.
- B. Provide reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all phases of the Project designed or specified by Engineer and such reviews, approvals, and consents from others as may be necessary for completion of each phase of the Project.
- C. Advise Engineer of the identity and scope of services of any independent consultants employed by Owner to perform or furnish services in regard to the Project, including, but not limited to, cost estimating, project peer review, value engineering, and constructability review.
- D. If Owner designates a construction manager or an individual or entity other than, or in addition to, Engineer to represent Owner at the Site, define and set forth as an attachment to this Scope of Work the duties, responsibilities, and limitations of authority of such other party and the relation thereof to the duties, responsibilities, and authority of Engineer.
- E. Inform Engineer in writing of any specific requirements of safety or security programs that are applicable to Engineer, as a visitor to the Site.
- F. Examine all alternative solutions, studies, reports, sketches, Drawings, Specifications, proposals, and other documents presented by Engineer (including obtaining advice of an attorney, risk manager, insurance counselor, financial/municipal advisor, and other advisors or consultants as Owner deems appropriate with respect to such examination) and render in writing timely decisions pertaining thereto.
- G. Inform Engineer regarding any need for assistance in evaluating the possible use of Project Strategies, Technologies, and Techniques, as defined in Services of Engineer.
- H. Advise Engineer as to whether Engineer's assistance is requested in identifying opportunities for enhancing the sustainability of the Project.
- I. Authorize Engineer to provide Additional Services, as required.

Payments to ENGINEER for Services

ARTICLE B.1 – OWNER shall pay ENGINEER as follows:

- A. Lump Sum Services: For Basic Services having a Determined Scope-Lump Sum Method of Payment. CLIENT shall pay ENGINEER for the services identified herein the following Lump Sum amount:


Task	Fee Amount	Fee Type
Construction Phase	\$143,000	Lump Sum

- 1. The Lump Sum includes appropriate amounts to account for labor, overhead, profit, and Reimbursable Expenses. Subconsultant charges, if any, are included in the above.
 - 2. The portion of the Lump Sum amount billed for ENGINEER’s services will be based upon ENGINEER’s estimate of the proportion of the total services actually completed during the billing period to the Lump Sum.
- B. Approval and Acceptance of this Amendment shall incorporate this document as part of the Agreement. CONSULTANT is authorized to begin performance upon its receipt of a copy of this Amendment signed by CITY.

CITY
CITY OF COEUR D’ALENE, IDAHO

CONSULTANT
WELCH COMER & ASSOCIATES, INC.

By: _____
Name/Title: _____
Date: _____

By:  _____
Name/Title: Matthew R. Gillis, P.E., Principal
Date: 5/19/21

**City Council
Staff Report**

DATE: June 1, 2021
FROM: Chris Bosley – City Engineer
SUBJECT: Request for Request for award of contract to LaRiviere, Inc. for construction of the Lacrosse Ave Improvements

=====

DECISION POINT:

Should Council award the contract to LaRiviere, Inc. for construction of the Lacrosse Ave Improvements?

HISTORY:

In November of 2020, City Council approved a contract with Welch Comer Engineers to design the Lacrosse Ave Improvements with funding provided by ignite cda. After completion of the design, the project was advertised for bids and bids were received on May 25, 2021. Two bids were received with a low bid from LaRiviere, Inc. Staff would like to award the contract to LaRiviere, Inc. for \$1,403,784.64 to complete the project. The bid award includes the base bid plus Add Alternates 1 and 3 (the rough grading of the soccer fields and pickleball courts).

FINANCIAL ANALYSIS:

\$1.8M of funding, provided by ignite cda, is available for this project. With the favorable bid from LaRiviere, Inc., the City has the necessary funding to complete this project.

PERFORMANCE ANALYSIS:

Completion of Lacrosse Avenue will provide another ingress/egress to the Riverstone development, provide future park access, and reduce traffic congestion in the area. This project will help to fulfill recommendations of the Atlas Mill Site Traffic Study and the Four Corners/ BLM Corridor Master Plan. Award of this contract is needed to utilize ignite cda’s funds in a timely manner.

DECISION POINT/RECOMMENDATION:

Council should award the contract to LaRiviere, Inc. for construction of the Lacrosse Ave Improvements.

RESOLUTION NO. 21-035

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH LARIVIERE, INC., FOR CONSTRUCTION OF THE LACROSSE AVENUE IMPROVEMENTS.

WHEREAS, the City Engineer of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into a contract with LaRiviere, Inc., for construction of the LaCrosse Avenue Improvements, pursuant to terms and conditions set forth in the Contract, 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 Contract;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a contract with LaRiviere, Inc., for construction of the LaCrosse Avenue Improvements, 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 Contract to the extent the substantive provisions of the Contract remain intact.

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

DATED this 1st day of June, 2021.

Steve Widmyer, 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 _____.

CONTRACT
For
LACROSSE AVENUE IMPROVEMENTS

THIS CONTRACT is made and entered into this 1st day of June, 2021, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as the "**CITY**", and **LARIVIERE, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 17425 N. Dylan Court, Rathdrum, ID 83858, hereinafter referred to as "**CONTRACTOR.**"

WITNESSETH:

WHEREAS, the said **CONTRACTOR** has been awarded the contract for the LACROSSE AVENUE IMPROVEMENTS according to contract documents on file in the office of the City Clerk of said **CITY**, which contract documents are incorporated herein by reference.

IT IS AGREED that for and in consideration of the covenants and agreements to be made and performed by the CITY OF COEUR D'ALENE, as hereinafter set forth, the **CONTRACTOR** shall complete improvements as set forth in the said contract documents described above in said **CITY**, furnishing all labor and materials therefor according to said contract documents and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said contract documents are hereby declared and accepted as parts of this contract. All material shall be of the high standard required by the said contract documents and approved by the City Engineer, and all labor performed shall be of first-class workmanship.

The **CONTRACTOR** shall furnish and install barriers and warning lights to prevent accidents. The **CONTRACTOR** shall indemnify, defend and hold the **CITY** harmless from all claims arising from the **CONTRACTOR**'s actions or omissions in performance of this contract, and to that end shall maintain liability insurance naming the **CITY** as one of the insured's in the amount of One Million Dollars (\$1,000,000.00) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants. A certificate of insurance providing at least thirty (30) days written notice to the **CITY** prior to cancellation of the policy shall be filed in the office of the City Clerk.

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

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

The **CONTRACTOR** agrees to receive and accept as full compensation for furnishing all materials, and doing all the work contemplated and embraced in the contract, an amount equal to the sum of the total for the items of work. The total for each item of work shall be calculated by determining the actual quantity of each item of work and multiplying that actual quantity by the unit price bid by the **CONTRACTOR** for that item of work. The total amount of the contract shall not exceed One Million, Four Hundred Three Thousand, Seven Hundred Eighty Four and 64/100 Dollars (\$1,403,784.64).

Monthly progress payments must be submitted by the 10th of the month for work done in the previous calendar month. Partial payment shall be made by the end of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council, provided that the **CONTRACTOR** has obtained from the Idaho State Tax Commission and submitted to the **CITY** a release of liability for taxes (Form 10-248-79). Payment shall be made by the City Finance Director.

The number of working days allowed for completion of the Contract work shall be fifty-five (55) working days. Days where the only work is traffic control, sweeping, or covering utilities do not count toward working days. The contract time shall commence no later than 10 days after the date of the Notice to Proceed issued by the **CITY**.

The **CITY** and the **CONTRACTOR** recognize that time is of the essence and failure of the **CONTRACTOR** to complete the work within the time allowed shall result in damages being sustained by the **CITY**. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the **CONTRACTOR** shall fail to complete the work within the following time limits, the **CONTRACTOR** shall pay to the **CITY** or have withheld from monies due, liquidated damages at the rate of Two Thousand Five Hundred and no/Dollars (\$2500.00) per calendar day, which sum shall not be construed as a penalty.

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

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

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this contract, whether or not the same shall be payable at the end of such term.

2. That if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same constitutes liens upon his property, to secure the same to the satisfaction of the respective officers charged with the collection thereof.
3. That in the event of his default in the payment or securing of such taxes, excises and license fees, to consent that the Department, Officer, Board or Taxing Unit entering into this contract may withhold from any payment due him hereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said **CONTRACTOR** is liable.

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

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

The term "CONTRACT DOCUMENTS" means and includes the following:

- A) Advertisement For Bids
- B) Bidding Information
- C) Bid Proposal
- D) Bid Bond
- E) Bidding Forms as Required
- F) Contract
- G) Labor and Materials Payment Bond
- H) Performance Bond
- I) Notice of Award
- J) Notice to Proceed
- K) Change Order
- L) General Conditions
- M) Technical Specifications
- N) Special Provisions
- O) Plans
- P) Addenda:
 - No. 1, dated May 22, 2021
 - No. 2, dated May 17, 2021
 - No. 3, dated May 18, 2021
 - No. 4, dated May 24, 2021

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

IN WITNESS WHEREOF, the Mayor and City Clerk of the CITY OF COEUR D'ALENE have executed this contract on behalf of said **CITY**, the City Clerk has affixed the seal of said City hereto, and the **CONTRACTOR** has caused the same to be signed by its President, and its seal to be affixed hereto, the day and year first above written.

CITY OF COEUR D'ALENE

CONTRACTOR: LARIVIERE, INC.

Steve Widmyer, Mayor

By: _____
Its: _____

ATTEST:

ATTEST:

Renata McLeod, City Clerk

Administration Department
Staff Report

DATE: June 1, 2021
FROM: Troy Tymesen, City Administrator
SUBJECT: Leasing of the City owned parking lots to the Coeur d'Alene Chamber of Commerce on the 3rd and 4th of July

DECISION POINT: Should Council approve of a lease of selected City-owned parking lots to the Chamber of Commerce on the 3rd and 4th of July to generate revenue that will be used exclusively to defray the cost of the community fireworks display?

HISTORY: In the past, the City has leased individual City-owned parking lots the Chamber of Commerce on the 4th of July. This year's proposal from the Chamber, previously recommended by the Parking Commission, would allow the Chamber to lease selected City-owned parking lots from the City for \$9.00 per space. This is the same charge as last year. However, because the 4th of July is on a Sunday this year, the Chamber would like to lease some of the lots for Saturday as well.

This lease will generate revenue for the City's parking fund. The Chamber is proposing to charge \$20.00 per car for parking on the and 3rd and 4th of July in order to generate income to assist with the cost of the fireworks display. The estimated cost of the fireworks display is \$30,000.00. The Chamber has taken on more responsibility for the traffic control expense on that day and will be paying for over 20 traffic flaggers. This will be the seventh year of this partnership. On the 3rd of July, 8:00 a.m. to 6:00 p.m., the lease would include the parking lots at Independence Point, the Museum, and Memorial Field. On the 4th of July, 12:01 a.m. to 11:59 p.m., the lease would include those lots plus the lots at McEuen Park, City Hall, and the Library, and the 5th Avenue Garage. The City would reserve space at Independence Point for the police command trailer and at the Lower City Hall for personnel staging for the Police Department.

FINANCIAL ANALYSIS: The Parking Fund, which receives no property taxes, is the recipient of parking lot fees and, with this proposal, there would be no negative impact to the revenue anticipated from use of the City-owned parking lots. 40% of the net income from the Parking Fund goes to the Parks Capital Improvement Fund, which is used to develop parks. The Chamber anticipates that the Independence Day event parking gross income should be exceed \$10,000.00, which would be used to defray the cost of the community fireworks display.

PERFORMANCE ANALYSIS: The revenue generated by the Chamber through this partnership would go to a dedicated fund for the community fireworks. The Chamber does not have a direct method to collect funds for this annual celebration.

DECISION POINT: Council should approve the lease of selected City-owned parking lots to the Chamber of Commerce on the 3rd and 4th of July to generate revenue that will be used exclusively to defray the cost of the community fireworks display.

RESOLUTION NO. 21-036

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A LEASE AGREEMENT WITH THE COEUR D'ALENE CHAMBER OF COMMERCE FOR USE OF SELECTED CITY PARKING LOTS FOR JULY 3 AND 4, 2021, FOR THE 2021 FOURTH OF JULY HOLIDAY.

WHEREAS, the Finance Director of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into a lease agreement with the Coeur d'Alene Chamber of Commerce for use of selected City parking lots on July 3 and 4, 2021, for the 2021 Fourth of July Holiday, a copy of which lease agreement is attached hereto as Exhibit "A" and incorporated herein by reference; 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 lease agreement;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a lease agreement with the Coeur d'Alene Chamber of Commerce, a copy of which lease agreement is attached hereto as Exhibit "A" and by this reference incorporated herein.

BE IT FURTHER RESOLVED that the City enter into a lease agreement with the Coeur d'Alene Chamber of Commerce in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said lease agreement to the extent the substantive provisions of the agreement remain intact.

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

DATED this 1st day of June, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

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

_____ was absent. Motion _____.



June 2, 2021

Ail Shute, Executive Director
Coeur d'Alene Chamber of Commerce
105 N. 1st Street, Ste. 100
Coeur d'Alene, ID 83814

RE: 4th of July Parking Lot Lease Agreement

Dear Ms. Shute:

Pursuant to City Council Resolution No. 21-036, approved on June 1, 2021, this letter will serve as the Lease Agreement between the City of Coeur d'Alene (lessor) and the Coeur d'Alene Chamber of Commerce (lessee) for the following listed City parking lots for July 3, 2021, from 8:00 a.m. to 6:00 p.m.:

- Memorial Field Paved lot
- Independence Point lot
- Museum lot

And for July 4, 2021, from 12:01 a.m. to 11:59 p.m.:

- | | |
|---------------------------|--------------------------------|
| -City Hall Paved lot | -5 th Avenue Garage |
| -Independence Point lot | -Coeur d'Alene Public Library |
| -Museum lot | -McEuen Park Parking Facility |
| -Memorial Field Paved lot | |

The rental amount for the lease shall be \$9.00 per space, payable to the City of Coeur d'Alene Parking Fund. Payment shall be made on or before July 31, 2021.

The lessee agrees that it will charge no more than \$20.00 per space for all parking spaces during the term of the lease.

The City shall be allowed space at the Independence Point lot for the Police Department command trailer and space at the City Hall Paved lot for Police Department staging purposes on both July 3 and July 4, 2021.

Please sign this Lease Agreement and return it to the City Clerk. Thank you for your attention to this matter.

APPROVED:

ATTEST:

By _____
Steve Widmyer, Mayor

By _____
Renata McLeod, City Clerk

Coeur d'Alene Chamber of Commerce

By _____
Its: _____
Date: _____

**CITY COUNCIL
MEMORANDUM**

DATE: June 1, 2021

FROM: CHELSEA NESBIT, CDBG COMMUNITY DEVELOPMENT SPECIALIST

RE: APPROVAL FOR STAFF TO AMEND THE OCTOBER 21, 2020 AGREEMENT WITH ST. VINCENT DE PAUL OF NORTH IDAHO FOR EMERGENCY HOMELESS SHELTERING TO EXTEND THE AGREEMENT AND REDUCE THE DOLLAR AMOUNT, AND ENTER INTO A NEW AGREEMENT USING A PORTION OF THE REMAINING FUNDS FOR AN ENTRY DOOR REPLACEMENT PROJECT WITH CDBG-CV FUNDS

DECISION POINT:

The City Council should direct staff to prepare an agreement amendment with St. Vincent De Paul of North Idaho for emergency sheltering for homeless persons using CDBG-CV funds by extending the agreement dates and reducing the allocation to \$5,000 and to enter into a new agreement for \$10,507 to support their entry door replacement project under a new agreement, using CDBG-CV funds already allocated to the organization.

HISTORY:

The City entered into an agreement with SVDP in the amount of \$24,000 to support sheltering homeless persons affected by COVID-19, pursuant to Council action on October 20, 2020. The agreement expired April 30, 2021 and to date only \$1,980 of the funds have been expended. Executive Director Larry Riley, of St. Vincent De Paul requested reducing the amount of funding for sheltering to \$5,000 as an emergency fund, and asked that we extend the date to December 31, 2021 to utilize the funds in the event of homeless persons needing shelter in response to COVID-19.

St. Vincent de Paul submitted an application during our 2020 regular CDBG application process, for funding the replacement of their entry doors to allow for controlling the flow of people who come in and out, protecting their employees and ensuring they can clean in between when needed to prevent the spread of COVID-19.

St. Vincent De Paul has received an updated bid for the project, at a total cost of \$13,385. IHFA has committed to contribute \$2,878 (21%) of their CV funds to the project, leaving a balance of \$10,507 needed to complete the project. If this project is funded with the remaining CV funds that St. Vincent de Paul hasn't used, but that were set aside for them, it would still put about \$6,500 back into the CDBG-CV funds to be used for other COVID related projects in the community.

The volunteer Ad Hoc committee was consulted regarding the amendment of the existing contract and the new agreement to fund the entry doors. The consensus was unanimous to support both.

PERFORMANCE ANALYSIS:

Authorizing the amendment to the original agreement to reduce the sheltering allocation to \$5,000 and using the remaining funds for the entry door project, would allow St. Vincent’s to keep an emergency cushion of funding for sheltering and also complete their entry door project. Additionally, as noted above, \$6,541.20 would also be returned to the \$66,000 in CARES Act funds remaining for CDBG-CV community projects, bringing the available balance up to \$72,541. The CDBG-CV funds can be used until the end of our Plan Year 2026 to prevent, prepare for, and respond to the coronavirus pandemic.

FINANCIAL ANALYSIS:

Reducing the sheltering funds and authorizing the entry door project would complete two goals for St. Vincent de Paul and also return \$6,541.20 back into the CDBG-CV funds to be used for other community projects.

Original St. Vincent’s CV Grant Amount	\$24,000
Sheltering Expenses to Date	\$1951.80
Entry Door project	\$10,507
Sheltering Funds to remain for use by St. Vincent’s	\$5,000
Total Adjusted Grant Amount	\$17,458.80
Funds remaining to be returned to the CV funds	\$6541.20

DECISION POINT:

The City Council should direct staff to prepare an agreement amendment with St. Vincent De Paul of North Idaho to allocate \$5,000 for homeless sheltering through December 31, 2021 and to enter into a new agreement for \$10,507 to support the entry door project using CDBG-CV funds.

**CDBG-CV FUNDING REQUESTS FOR ST. VINCENT
DE PAUL – REQUESTED AGREEMENT AMENDMENT
FOR EMERGENCY SHELTER AND NEW AGREEMENT
FOR ENTRY DOOR PROJECT**

City Council Meeting – June 1, 2021

Chelsea Nesbit, CDBG Specialist



DECISION POINT

Should City Council direct staff to prepare an agreement amendment with St. Vincent De Paul of North Idaho for emergency sheltering for homeless persons using CDBG-CV funds by extending the agreement dates and reducing the allocation to \$5,000 and to enter into a new agreement for \$10,507 to support their entry door replacement project under a new agreement, using CDBG-CV funds already allocated to the organization?

History - Agreement Amendment

- The City entered into an agreement with SVDP in the amount of \$24,000 to support sheltering homeless persons affected by COVID-19, pursuant to Council action on October 20, 2020
- Agreement expired April 30, 2021
- \$1,980 of the funds have been expended to date
- SVDP's Executive Director has requested \$5,000 for emergency sheltering through December 31, 2021 and funding the entry door project in the amount of \$10,507.

History - Entry Door Project

During our 2020 regular CDBG Community Opportunity Fund grant application process, SVDP applied for funding to replace their entry doors:

- Magnetic locking doors would allow for controlling the flow of traffic
- Ensure social distancing protocols can be met
- Ensuring proper cleaning to prevent the spread of COVID-19

Entry Door Project

- Total cost of project bid at \$13,385
- IHFA will contribute \$2,878 of their CV funds = 21% of project cost
- A balance of \$10,507 is needed to complete the project

PERFORMANCE ANALYSIS CDBG-CV Funding Requests for SVDP

Original St. Vincent's CV Grant Amount	\$24,000
Sheltering Expenses to Date	\$1,951.80
Entry Door project (new request)	\$10,507.00
Sheltering Funds to remain for use by St. Vincent's (proposed amendment)	\$5,000.00
Total Adjusted Grant Amount (if approved)	\$17,458.80
Funds remaining to be returned to the CV funds	\$6,541.20

PERFORMANCE ANALYSIS

- Approving these requests will extend the agreement with SVDP through December 2021 with a reduced allocation of \$5,000 for emergency sheltering and partially fund the entry door project.
- \$6,541.20 would be returned to the CARES Act funds, bringing the CDBG-CV available balance to \$72,541.
- Both funding requests fall under the CDBG National Objective **Benefit to low- and moderate- income (LMI) persons and meet the requirements for the CDBG-CV funds to prepare, prevent or respond to the Coronavirus.**

DECISION POINT / RECOMMENDATIONS

The City Council should direct staff to prepare an agreement amendment with St. Vincent De Paul of North Idaho to allocate \$5,000 for homeless sheltering through December 31, 2021 and to enter into a new agreement for \$10,507 to support the entry door project using CDBG-CV funds.

RESOLUTION NO. 21-037

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING AN AMENDMENT TO THE AGREEMENT WITH ST. VINCENT DE PAUL OF NORTH IDAHO FOR EMERGENCY HOMELESS SHELTERING TO EXTEND THE AGREEMENT AND REDUCE THE DOLLAR AMOUNT PROVIDED, AND ENTER INTO A NEW AGREEMENT USING A PORTION OF THE REMAINING FUNDS FOR AN ENTRY DOOR PROJECT, USING CDBG-CV FUNDS.

WHEREAS, the CDBG Community Development Specialist of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene approve an amendment to the agreement with St. Vincent DePaul of North Idaho for Emergency Homeless sheltering to extend the Agreement and reduce the dollar amount provided, and enter into a new Agreement using a portion of the remaining funds for an entry door project, using CDBG-CV funds; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreement;

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City amend the Agreement with St. Vincent DePaul of North Idaho for Emergency Homeless sheltering to extend the Agreement and reduce the dollar amount provided, and enter into a new Agreement using a portion of the remaining funds for an entry door project, using CDBG-CV funds, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

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

DATED this 1st day of June, 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.

PUBLIC HEARINGS

CITY COUNCIL STAFF REPORT

FROM: MIKE BEHARY, ASSOCIATE PLANNER

DATE: JUNE 1, 2021

SUBJECT: ZC-2-21 ZONE CHANGE FROM R-12 TO R-17

LOCATION: +/- 0.346 ACRE A PARCEL LOCATED AT 3135 N FRUITLAND LANE

APPLICANT/OWNER:

George Hughes
P.O. Box 1075
Post Falls, ID 83877

ENGINEER:

Dobler Engineering
P.O. Box 3181
Hayden, ID 83835

DECISION POINT:

The applicant is requesting approval of a zone change from the R-12 to the R-17 zoning district.

PLANNING COMMISSION INFORMATION:

At their regular monthly meeting on April 13, 2021, the Planning Commission held a public hearing on this item and recommended approval for this zone change request.

BACKGROUND INFORMATION:

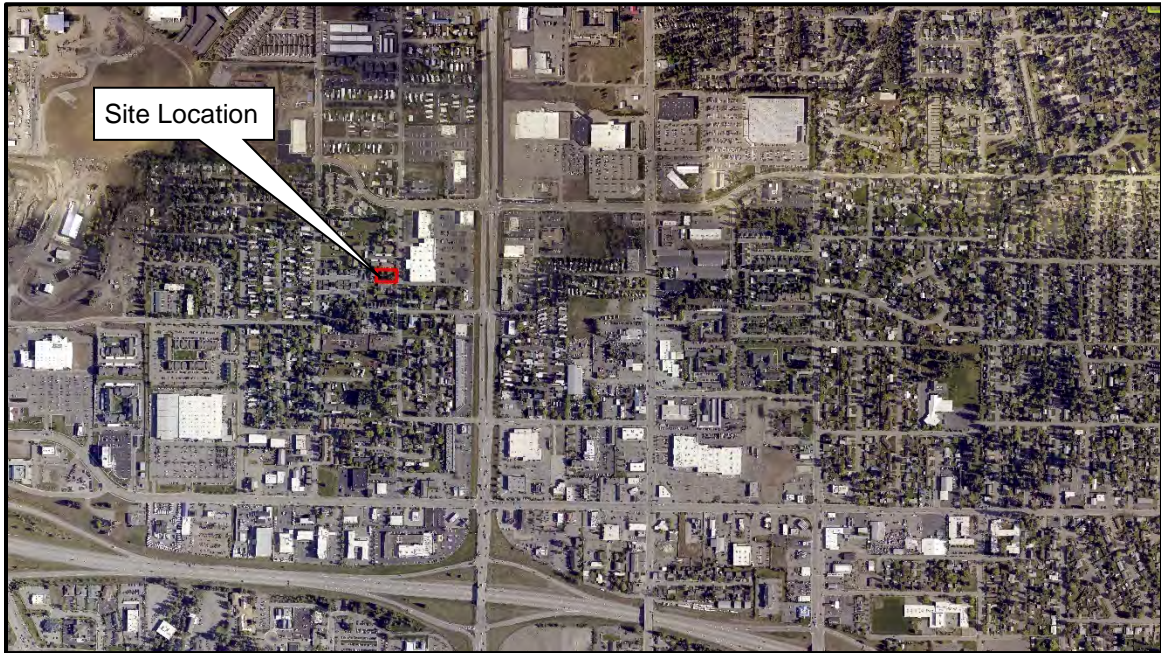
The subject property is located on the west side of US Highway 95, south of Neider Avenue, west of Fruitland Lane and approximately 250 feet north of Cherry Lane. The subject property is currently vacant and prior to 2005, there was one single-family dwelling located on it. The property is relatively flat and contains a few mature trees.

The property abuts a multi-family housing development located to the north of the subject site which is located in the R-17 zoning district. The property to the west is a mobile home park that is in the MH-8 zoning district. The property to the south of the subject site is a multi-family condo development that is located in the R-12 zoning district. To the east across the street is a commercial shopping plaza that is located in the C-17 commercial zoning district. (see land use map and zoning map on page 13)

There is a pocket housing development located several parcels to the south and there is also another apartment complex located on property several parcels north of the subject site. The applicant has not indicated a specific site plan or use for the property at this time. The size of the parcel would allow up to six units to be built on this site.

If the subject site is approved to be changed to the R-17 residential district, then all permitted uses in the R-17 residential district would be allowed on this site. (see R-17 zoning district information on pages 14-15)

LOCATION MAP:



AERIAL PHOTO:

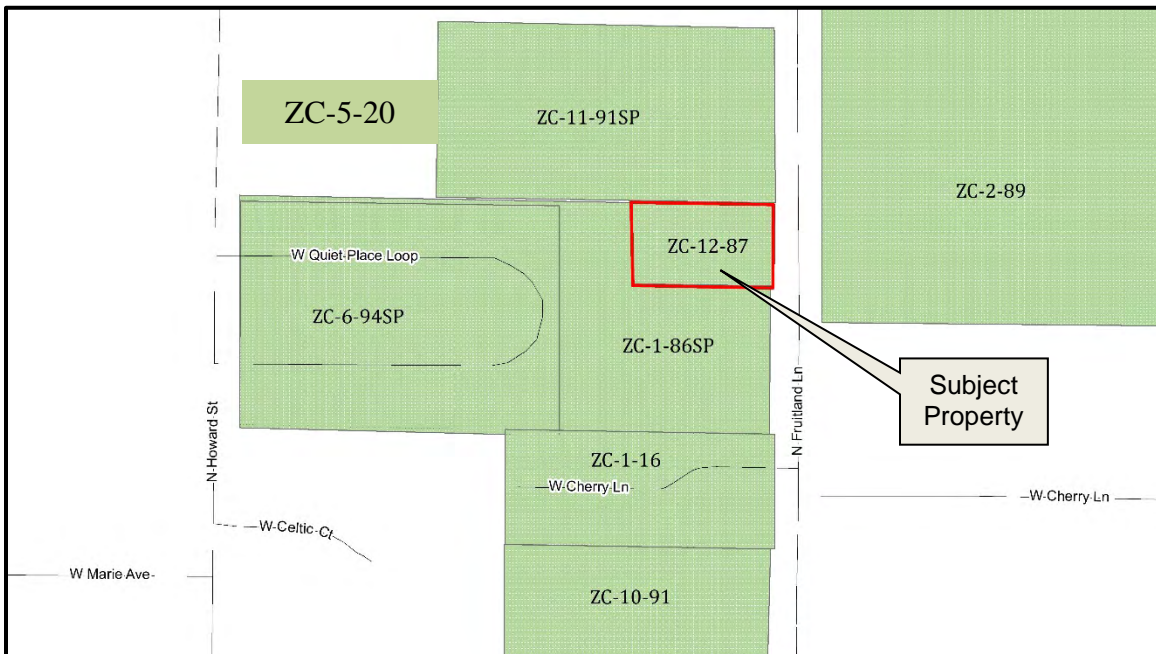


BIRDS EYE AERIAL PHOTO - 1:



PRIOR LAND USE ACTONS:

The City Council approved a zone change request (ZC-11-91SP) north of the subject property from MH-8 to R-17 in 1991. A zone change from MH-8 to R-12 was approved on the property to the west of the subject property (ZC-6-94SP) in 1994. Another zone change from MH-8 to R-17 was approved on the property to the northwest of the subject property (ZC-5-20) in 2020. As seen in the map provided below, the area is in transition with a multitude of approved zone changes and special use permits in the vicinity of the subject property.



Zone Changes:

ZC-186SP	MH-8 to R-12 (SP-Retirement Home)	Approved
ZC-12-87	R-8 to R-12	Approved
ZC-2-89	R-12 & R-17 to C-17	Approved
ZC-10-91	MH-8 to R-12	Approved
ZC-11-91SP	MH-8 to R-17 (SP – Density Increase)	Approved
ZC-6-94SP	MH-8 to R-12 (SP-Mobile Home Park)	Approved
ZC-1-16	MH-8 to R-12	Approved
ZC-5-20	MH-8 to R-17	Approved

REQUIRED FINDINGS:

- A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.

2007 COMPREHENSIVE PLAN- LAND USE CATEGORY:

- The subject property is within the existing city limits.
- The City Comprehensive Plan Map designates this area as Fruitland-Transition:



Transition:

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.

Fruitland Tomorrow

Generally, this area is envisioned as a commercial corridor with adjacent multi-family uses and will maintain a mix of the housing types that currently exist. Commercial and manufacturing will continue to expand and care must be used for sensitive land use transition. A traffic study for US 95 is underway which may affect future development in this area.

The characteristics of Fruitland neighborhoods will be:

- That overall density will approach eight residential units per acre (8:1).
- That single and multi-family housing should be located adjacent to compatible uses.
- Pedestrian and bicycle connections are encouraged.
- Uses that strengthen neighborhoods are encouraged.

The characteristics of Fruitland commercial areas will be:

- Commercial buildings will remain lower in scale than in the downtown core.
- Native variety trees will be encouraged along commercial corridors.

COMPREHENSIVE PLAN GOALS & OBJECTIVES:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.12

Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

Objective 1.14

Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.16

Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks and trail systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and encourages economic growth.

Objective 2.05

Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01

Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05

Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.07

Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 3.10

Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management in city government.

Objective 4.06

Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision-making process.

Evaluation: *The City Council must determine, based on the information before them, whether the Comprehensive Plan policies do or do not support the request. Specific ways in which the policy is or is not supported by this request should be stated in the finding.*

B. **Finding #B9:** **That public facilities and utilities (are) (are not) available and adequate for the proposed use.**

STORMWATER:

City Code requires that all stormwater remain on the property and for a stormwater management plan to be submitted and approved prior to any construction activity on the site. The applicant will be required to include a stormwater management plan with any building permit submittal for the subject property.

- Submitted by Chris Bosley, City Engineering

STREETS:

The subject property is bordered by Fruitland Lane to the east. Curb and sidewalk will be required along Fruitland Lane at the time of construction.

- Submitted by Chris Bosley, City Engineering

WATER:

There is adequate capacity in the public water system to support domestic, irrigation for the proposed zone change for 3135 Fruitland. There is an existing 12" water main in N Fruitland Ln with a 3/4" service stubbed into the proposed lot. Any additional main extensions and/or fire hydrants and services will be the responsibility of the developer at their expense. Any additional service will have cap fees due at building permitting. The Water Department has no objections to the zone change as proposed.

-Submitted by Kyle Marine, Assistant Water Superintendent

SEWER:

This property has sewer available within Fruitland Lane. This property falls under the Wastewater Policy #716 – One Parcel, One Lateral. Any new construction must connect to existing sewer that serves the subject site. The Wastewater Department has no objections to the zone change as proposed.

-Submitted by Larry Parsons, Wastewater Utility Project Manager

FIRE:

The Fire Department works with the Engineering, Water, and Building Departments to ensure the design of any proposal meets mandated safety requirements for the city and its residents.

Fire department access to the site (road widths, surfacing, maximum grade, and turning radiuses), in addition to, fire protection (size of water main, fire hydrant amount and placement, and any fire line(s) for buildings requiring a fire sprinkler system) will be reviewed prior to final plat recordation or during the Site Development and Building Permit, utilizing the currently adopted International Fire Code (IFC) for compliance. The City of Coeur d’Alene Fire Department can address all concerns at site and building permit submittals. The Fire Department has no objection to the zone change as proposed.

-Submitted by Bobby Gonder, Fire Inspector

POLICE:

The Police Department reviewed the proposed zone change and has no concerns.

-Submitted by Lee White, Police Chief

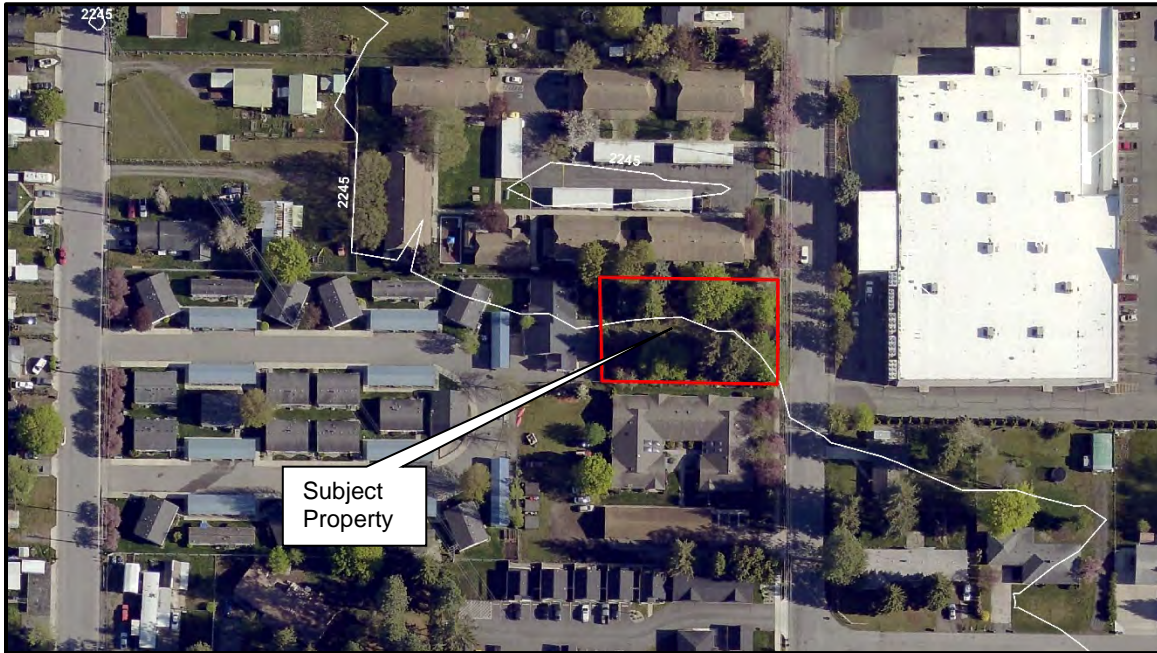
Evaluation: *The City Council must determine, based on the information before them, whether or not the public facilities and utilities are adequate for the request.*

- C. **Finding #B10:** **That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.**

PHYSICAL CHARACTERISTICS:

The site is generally flat with a slight drop in elevation towards the east part of the property. There are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from R-12 to R-17.

TOPOGRAPHIC MAP:



SITE PHOTO 1: Across the street on Fruitland Lane looking southwest.



SITE PHOTO 2: Southeast corner of property looking north



SITE PHOTO 3: Northeast corner of property looking west.



SITE PHOTO 4: Central part of property looking west.



SITE PHOTO 5: Central part of property looking northwest.



Evaluation: *The City Council must determine, based on the information before them, whether or not the physical characteristics of the site make it suitable for the request at this time.*

- D. **Finding #B11:** **That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.**

TRAFFIC:

The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. The applicant states that the zone change will allow for up to a six-unit residential structure to be constructed on the subject property. The maximum increase in traffic anticipated from this proposed use would be negligible, adding only 3 to 4 peak hour trips. The Streets & Engineering Department has no objection to the zone change as proposed.

-Submitted by Chris Bosley, City Engineering

NEIGHBORHOOD CHARACTER:

From 2007 Comprehensive Plan: Fruitland Today

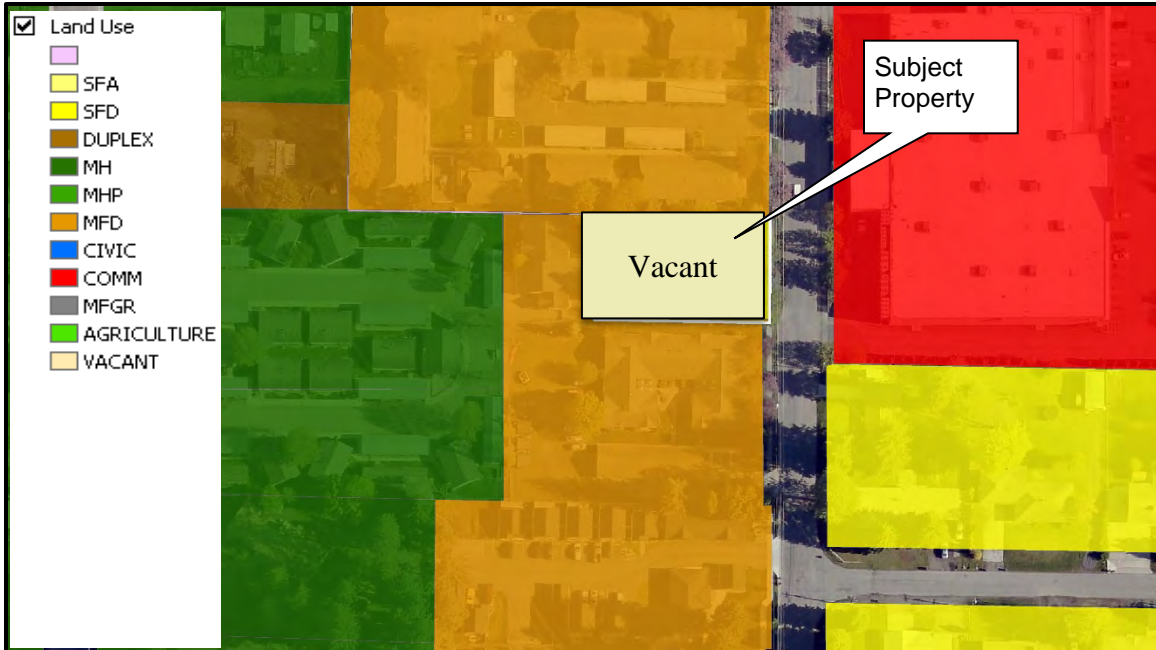
Fruitland is generally known as the area bordered by commercial uses along US 95, Kathleen Avenue to the north, commercial uses on Appleway Avenue south, and the area separated by manufacturing and residential along the west.

The Fruitland area is home to diverse land uses. Commercial uses are common near major corridors transitioning to single-family housing with pockets of multi-family housing and mobile home parks. Manufactured homes are prevalent in areas removed from the US 95 corridor, and continued growth provides affordable housing for residents. Fruitland has the largest concentration of mobile home zoned property within city limits.

SURROUNDING LAND USES:

The property to the north of the subject site is a residential land use with a multi-family apartment complex located on it. The property to the east is a commercial land use with a shopping center located on it. The property to the west of the subject site is a residential land use with a mobile home park located on it. The property to the south is also a residential land use with a multi-family condo facility located on it. *See Land Use Map below on page 9.*

GENERALIZED LAND USE PATTERN:



ZONING MAP:



Approval of the zone change request would allow the uses by right to change from R-12 uses to R-17 uses (as listed below).

Existing R-12 Zoning District:

The R-12 district is intended as a residential area that permits a mix of housing types at a density not greater of twelve (12) units per gross acre.

17.05.180: PERMITTED USES; PRINCIPAL:

Principal permitted uses in an R-12 district shall be as follows:

- Administrative Office
- Duplex housing
- Essential service
- Home occupation
- Neighborhood recreation
- Public recreation
- Single-family detached housing

17.05.190: PERMITTED USES; ACCESSORY:

Accessory permitted uses in an R-12 district shall be as follows:

- Accessory dwelling unit.
- Garage or carport (attached or detached).
- Private recreation facility (enclosed or unenclosed).

17.05.200: PERMITTED USES; SPECIAL USE PERMIT:

Permitted uses by special use permit in an R-12 district shall be as follows:

- Boarding house
- Childcare facility
- Commercial film production
- Commercial recreation
- Community assembly
- Community education
- Community organization
- Convenience sales
- Essential service
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders facility
- Noncommercial kennel
- Religious assembly
- Restriction to single-family only
- Two (2) unit per gross acre density increase

17.05.240: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for residential activities in an R-12 District shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten-foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty-five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

17.05.245: NONRESIDENTIAL SITE PERFORMANCE STANDARDS; MINIMUM YARD:

Minimum yard requirements for nonresidential activities in an R-12 district shall be as follows:

- A. Front: The front yard requirement shall be twenty feet (20').
- B. Side, Interior: The interior side yard requirement shall be twenty five feet (25').
- C. Side, Street: The street side yard requirement shall be twenty five feet (25').
- D. Rear: The rear yard requirement shall be twenty five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space.

Proposed R-17 Zoning District:

The R-17 district is intended as a medium/high density residential district that permits a mix of housing types at a density not greater than seventeen (17) units per gross acre. This district is appropriate for those areas of the city that are developed at this density or are preferably developed at this density because of factors such as vehicular access, topography, flood hazard, and landside hazard areas.

Principal permitted uses in an R-17 district shall be as follows:

- Administrative
- Childcare facility
- Community education
- Duplex housing
- Essential service
- Home occupation
- Multiple-family
- Neighborhood recreation
- Pocket residential development
- Public recreation
- Single-family detached housing as specified by the R-8 district

Permitted uses by special use permit in an R-17 district shall be as follows:

- Automobile parking when the lot is adjoining at least one point of, intervening streets and alleys excluded, the establishment which it is to serve; this is not to be used for the parking of commercial vehicles
- Boarding house
- Commercial film production
- Commercial recreation
- Community assembly
- Community organization
- Convenience sales
- Group dwelling - detached housing
- Handicapped or minimal care facility
- Juvenile offenders' facility
- Ministorage facilities
- Mobile home manufactured in accordance with section 17.02.085 of this title
- Noncommercial kennel
- Nursing/convalescent/rest homes for the aged
- Rehabilitative facility.
- Religious assembly
- Residential density of the R-34 district as specified
- Three (3) unit per gross acre density increase
- Religious assembly
- Retail gasoline sales
- Single-family detached housing (as specified by the R-8 district)
- Specialty retail sales
- Veterinary office

17.05.290: SITE PERFORMANCE STANDARDS; MAXIMUM HEIGHT:

Maximum height requirements in an R-17 District shall be as follows:

Structure Type	Structure Location	
	In Buildable Area for Principal Facilities	In Rear Yard
Single-family and duplex structure	32 feet	n/a
Multiple-family structure	45 feet	n/a
For public recreation, community education or religious assembly activities	45 feet	n/a
Detached accessory building including garages and carports	32 feet	With low or no slope roof: 14 feet With medium to high slope roof: 18 feet

17.05.320: SITE PERFORMANCE STANDARDS; MINIMUM YARD:

A. Minimum yard requirements for single family and duplex residential activities in an R-17 District shall be as follows:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be five feet (5'). If there is no alley or other legal access behind a lot, each lot shall have at least one side yard of ten-foot (10') minimum.
3. Side, Street: The street side yard requirement shall be ten feet (10').
4. Rear: The rear yard requirement shall be twenty-five feet (25'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

C. Multiple-family housing at seventeen (17) units per acre:

1. Front: The front yard requirement shall be twenty feet (20').
2. Side, Interior: The interior side yard requirement shall be ten feet (10').
3. Side, Street: The street side yard requirement shall be twenty feet (20').
4. Rear: The rear yard requirement shall be twenty feet (20'). However, the required rear yard will be reduced by one-half (1/2) when adjacent to public open space

17.44.030: RESIDENTIAL USES:

Unless otherwise allowed by the relevant zoning or overlay district, the following off-street parking

D.	Multiple-family housing:	
	1. Studio units	1 space per unit
	2. 1 bedroom units	1.5 spaces per unit
	3. 2 bedroom units	2 spaces per unit
	4. 3 bedroom units	2 spaces per unit
	5. More than 3 bedrooms	2 spaces per unit

Evaluation: *The City Council must determine, based on the information before them, whether or not the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and)/(or) existing land uses.*

APPLICABLE CODES AND POLICIES:

UTILITIES:

1. All proposed utilities within the project shall be installed underground.
2. All water and sewer facilities shall be designed and constructed to the requirements of the City of Coeur d'Alene. Improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

STREETS:

4. Street improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
5. All required street improvements shall be constructed prior to issuance of, or, in conjunction with, building permits.
6. An encroachment permit is required to be obtained prior to any work being performed in the existing right-of-way.

STORMWATER:

7. A stormwater management plan shall be submitted and approved prior to start of any construction. The plan shall conform to all requirements of the City.

PROPOSED CONDITIONS:

None

ORDINANCES & STANDARDS USED FOR EVALUATION:

2007 Comprehensive Plan
Transportation Plan
Municipal Code
Idaho Code
Wastewater Treatment Facility Plan
Water and Sewer Service Policies
Urban Forestry Standards
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices
2017 Trails & Bikeways Master Plan

ACTION ALTERNATIVES:

The City Council must consider this request and make findings to approve, deny or deny without prejudice. The findings worksheet is attached.

Attachment: Applicant's Narrative



ZONE CHANGE NARRATIVE

FOR

HUGHES PROPERTY 3135 N Fruitland Lane

PROJECT DESCRIPTION

Dobler Engineering is requesting a re-zone of the subject parcel. The parcel is approximately 0.346 acres, located on the west side Fruitland Lane approximately 250' north of Cherry Lane. The parcel is currently undeveloped and zoned R-12. We are requesting an R-17 zoning in order to make the use more compatible with the neighborhood land use.

The property fronts Fruitland Lane, is generally level, and contains a few mature trees. Fruitland Lane is fully developed in this area except for curb and sidewalk along the frontage of this property. All utilities are available in Fruitland for development of the property.

EXISTING ZONING AND LAND USE

The surrounding zoning consists of R-12, R-17, C-17, and MH-8. The abutting property on the north is zoned R-17 and the current land use is a 21 unit apartment complex. The property on the south is zoned R-12 and is an eight unit condominium complex. The property on the west is zoned MH-8 and is a 21 space mobile home park. Directly across the street is the commercial shopping center which is zoned C-17. The properties on the east side of Fruitland, south of the shopping center, are zoned R-12 and developed as single family residences.

The current zoning of R-12 would allow for the development of one, possibly two, duplexes on the property. The proposed R-17 would allow for up to six units, which could be accommodated in a single structure.

COMPREHENSIVE PLAN

This request provides for the development of the property in a manner consistent with abutting and surrounding higher density land uses. It is consistent with relevant goals in the Comprehensive plan, as outlined below.



DOBLER ENGINEERING

GOALS AND OBJECTIVES

GOAL #1: Natural Environment

Goal: *Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.*

Objective 1.14: Efficiency. Promote the efficient use of existing infrastructure , thereby reducing impacts to undeveloped areas.

Development of the property at a higher density will allow additional housing with no additional infrastructure. Fruitland Lane is fully developed, and no additional infrastructure would be required, with the exception of installation of curb and sidewalk upon development.

GOAL #2: Economic Environment

Goal: *Our Comprehensive Plan preserves the city's quality workplaces and policies and promotes opportunities for economic growth.*

Objective 2.02: Economic & Workforce Development. Plan suitable zones and mixed use areas and support local workforce development and housing to meet the needs of business and industry.

Higher density zoning will allow additional workforce housing within walking distance of numerous employment opportunities.

GOAL #3: Home Environment

Goal: *Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.*

Objective 3.01: Managed Growth: Provide for a diversity of suitable housing forms within existing neighborhoods to match the need of a changing population.

The existing neighborhood has a diversity of uses, including apartments, mobile homes, condominiums, and single family. The proposed density would continue that theme.

Objective 3.10: Affordable & Workforce Housing: Support efforts to preserve and provide affordable and workforce housing.

With the rising cost of ownership of single family dwellings, the need for a variety of more affordable housing has greatly increased. The proposed density will allow the development of more units, to meet the increasing need.



DOBLER ENGINEERING

SPECIAL AREAS

This property is not located in one of the special area identified in the comp plan.

LAND USE

Fruitland lane is in an area identified as “Transition” in the comp plan. Transition areas are described as follows.

“These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots, and general land use are expected to change greatly with the planning period.”

The property lies within the land use area identified by the comp plan as “Fruitland”. The identifies the following for this land use.

Fruitland Tomorrow

Generally, this area is envisioned as a commercial corridor with adjacent multi-family uses and will maintain a mix of the housing types that currently exist. Commercial and manufacturing will continue to expand, and care must be used for sensitive land use transition .”

The characteristics of Fruitland neighborhoods will be:

- *That overall density will approach eight residential units per acre (8:1)*
- *That single and multi-family housing should be located adjacent to compatible uses.*
- *Pedestrian and bicycle connections are encouraged.*
- *Uses that strengthen neighborhoods are encouraged.*

This proposal is consistent with the guidelines presented in this section.

CONCLUSION

Base on the evaluation outlined above, the proposed re-zone is in keeping with the goals and policies of the Comprehensive plan. It would preserve the character of the existing neighborhood land use while facilitating development of affordable workforce housing within walking distance of numerous businesses. For this reason, and those outlined above, we respectfully request approval of this request.

2. Applicant: George Hughes
Location: 3135 Fruitland
Request: A proposed zone change from R-12 to R-17
QUASI-JUDICIAL, (ZC-2-21)

Mike Behary, Associate Planner presented the staff report and stated

- The subject property is located on the west side of US Highway 95, south of Neider Avenue, west of Fruitland Lane and approximately 250 feet north of Cherry Lane.
- The subject property is currently vacant and prior to 2005, there was one single-family dwelling located on it. The property is relatively flat and contains a few mature trees.
- The property abuts a multi-family housing development located to the north of the subject site which is located in the R-17 zoning district. The property to the west is a mobile home park that is in the MH-8 zoning district.
- The property to the south of the subject site is a multi-family condo development that is located in the R-12 zoning district. To the east across the street is a commercial shopping plaza that is located in the C-17 commercial zoning district. (see land use map and zoning map on page 13)
- There is a pocket housing development located several parcels to the south and there is also another apartment complex located on property several parcels north of the subject site.
- The applicant has not indicated a specific site plan or use for the property at this time. The size of the parcel would allow up to six units to be built on this site.
- If the subject site is approved to be changed to the R-17 residential district, then all permitted uses in the R-17 residential district would be allowed on this site.
- He stated that the Comprehensive Plan designates this area as Fruitland-Transition:
- He stated if approved there are no conditions.

Mr. Behary concluded his presentation

Commission Comments:

No questions for staff.

Public testimony open.

Connie Kruger, Applicant representative provided the following statements:

- She explained that she is filling in for Mr. Dobler who was "double booked" this evening and unable to attend this hearing.
- She stated that the staff report addresses this project very well and commented recently before this commission a few months ago, presenting an application in this same neighborhood.
- She noted that there have been 10 rezones in this area are 11 different higher density neighborhoods that are either manufactured home parks or multifamily developments where a lot of change is occurring.
- She stated that Kathleen and Appleway are collector streets including Howard that is a major collector.
- She noted the lot is 90' feet wide and 160' in depth and if you try and place two duplexes facing each other will be tight.
- She explained that the applicant intends to develop this property for a 6-plex and after considering the parking requirements it may not be as large as that.

The applicant concluded her presentation.

Commission Comments:

No questions.

Public testimony closed.

Discussion:

Motion by Luttropp , seconded by Fleming , to approve Item ZC-2-21 Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Luttropp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 3 to 0 vote.

**COEUR D'ALENE PLANNING COMMISSION
FINDINGS AND ORDER**

ZC-2-21

A. INTRODUCTION

This matter having come before the Planning Commission on, April 13, 2021 , and there being present a person requesting approval of ZC-2-21 , a request for a zone change from R-12 to R-17 zoning district.

APPLICANT: GEORGE HUGHES

LOCATION: +/- 0.346 ACRE A PARCEL LOCATED AT 3135 N FRUITLAND LANE

B. FINDINGS: JUSTIFICATION FOR THE DECISION/CRITERIA, STANDARDS AND FACTS RELIED UPON

The Planning Commission adopts Items B1 to B7.

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is
- B3. That the zoning is Fruitland-Transition.
- B4. That the notice of public hearing was published on, March 27, 2021 ,which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, April 2, 2021 ,which fulfills the proper legal requirement.
- B6. That notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property.
- B7. That public testimony was heard on April 13, 2021.

B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

Goal #1: Natural Environment

Our Comprehensive Plan supports policies that preserve the beauty of our natural environment and enhance the beauty of Coeur d'Alene.

Objective 1.12 Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl

Objective 1.14 Efficiency:

Promote the efficient use of existing infrastructure, thereby reducing impacts to undeveloped areas.

Objective 1.16 Connectivity:

Promote bicycle and pedestrian connectivity and access between neighborhoods, open spaces, parks, and trails systems.

Goal #2: Economic Environment

Our Comprehensive Plan preserves the city's quality workplaces and policies, and promotes opportunities for economic growth.

Objective 2.05 Pedestrian & Bicycle Environment:

Plan for multiple choices to live, work, and recreate within comfortable walking/biking distances.

Goal #3: Home Environment

Our Comprehensive Plan preserves the qualities that make Coeur d'Alene a great place to live.

Objective 3.01 Managed Growth:

Provide for a diversity of suitable housing forms within existing neighborhoods to match the needs of a changing population.

Objective 3.05 Neighborhoods:

Protect and preserve existing neighborhoods from incompatible land uses and developments.

Objective 3.07 Neighborhoods:

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

Objective 3.10 - Affordable & Workforce Housing:

Support efforts to preserve and provide affordable and workforce housing.

Goal #4: Administrative Environment

Our Comprehensive Plan advocates efficiency and quality management.

Objective 4.06 – Public Participation:

Strive for community involvement that is broad-based and inclusive, encouraging public participation in the decision making process.

B9. That public facilities and utilities are available and adequate for the proposed use. This is based on the staff report

B10. That the physical characteristics of the site do make it suitable for the request at this time.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and or existing land uses.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of GEORGE HUGHES for a zone change, as described in the application should be approved.

Special conditions applied are as follows:

Motion by Luttropp, seconded by Fleming, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Fleming	Voted Yes
Commissioner Luttropp	Voted Yes
Commissioner Ward	Voted Yes

Commissioners Messina, Rumpler and Mandel were absent.

Motion to approve carried by a 3 to 0 vote.



VICE CHAIR JON INGALLS

City Council Meeting



June 1, 2021

ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

APPLICANT:

George Hughes
P.O. Box 1075
Post Falls, ID 83877

ENGINEER:

Dobler Engineering
P.O. Box 3181
Hayden, ID 83835

REQUEST:

Zone change from the R-12 to the R-17 zoning district.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

LOCATION:

Property is located at 3135 N Fruitland Lane

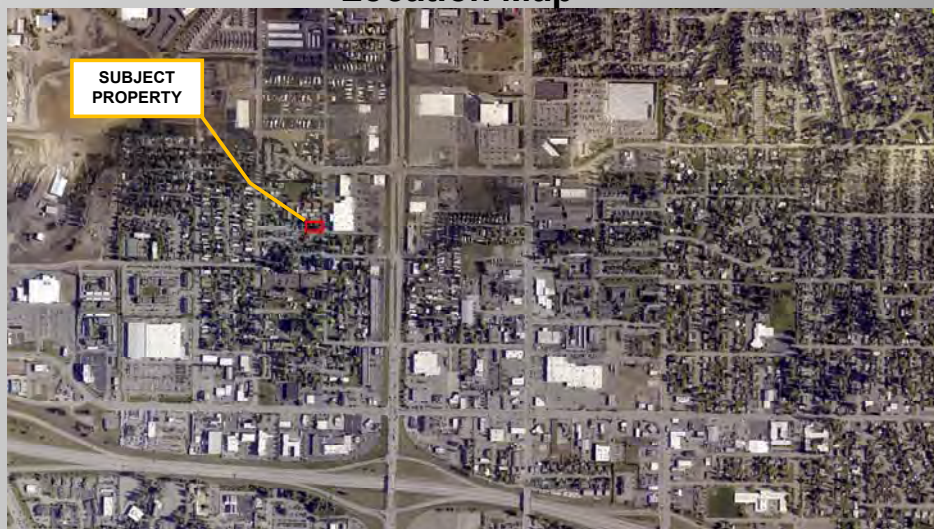
LEGAL NOTICE:

Published in the CDA Press on May 15, 2021



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Location Map



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Finding #B8:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.

Finding #B9:

That public facilities and utilities (are) (are not) available and adequate for the proposed use.

Finding #B10:

That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

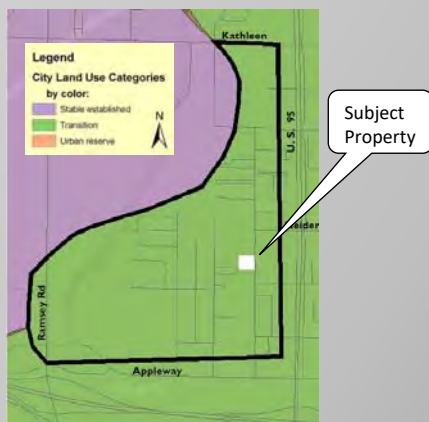
Finding #B11:

That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Finding #B8:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.



2007 Comprehensive Plan:
Fruitland

Transition Areas:

These areas are where the character of neighborhoods is in transition and should be developed with care. The street network, the number of building lots and general land use are expected to change greatly within the planning period.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Finding #B8:

That this proposal (is) (is not) in conformance with the Comprehensive Plan.



2007 Comprehensive Plan:

The characteristics of Fruitland neighborhoods will be:

- Generally, this area is envisioned as a commercial corridor with adjacent multi-family uses and will maintain a mix of the housing types that currently exist.
- Single and multi-family housing should be located adjacent to compatible uses.
- Pedestrian and bicycle connections are encouraged.
- Uses that strengthen neighborhoods are encouraged.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

COMPREHENSIVE PLAN: GOALS & OBJECTIVES:

- Goal #1 Natural Environment**
 - 1.12 Community Design
 - 1.14 Efficiency
- Goal #3 Home Environment**
 - 3.05 Neighborhoods
 - 3.16 Capital Improvements
- Goal #4 Administrative Environment**
 - 4.01 City Services
 - 4.06 Public Participation



See pages 5 and 6 of the staff report for the full list of Comp Plan Goals and Objectives

ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Finding #B9:

That public facilities and utilities (are) (are not) available and adequate for the proposed use.

- City staff from Engineering, Streets, Water, Fire, Police, Parks, and Wastewater Departments have reviewed the application request in regards to public utilities and public facilities.
- Each department has indicated that there are adequate public facilities and public utilities available to serve the proposed request.
- No objection to this zone change request as proposed.

See pages 6 and 7 of the staff report for departmental comments.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Finding #B10:

That the physical characteristics of the site (do) (do not) make it suitable for the request at this time.

PHYSICAL CHARACTERISTICS:

The site is generally flat with a slight drop in elevation towards the east part of the property. There are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from R-12 to R-17.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Topographic Map



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Site Photo - 1



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Site Photo - 2



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Site Photo - 3



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Site Photo - 4



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Site Photo - 5



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Finding #B11:

That the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses.

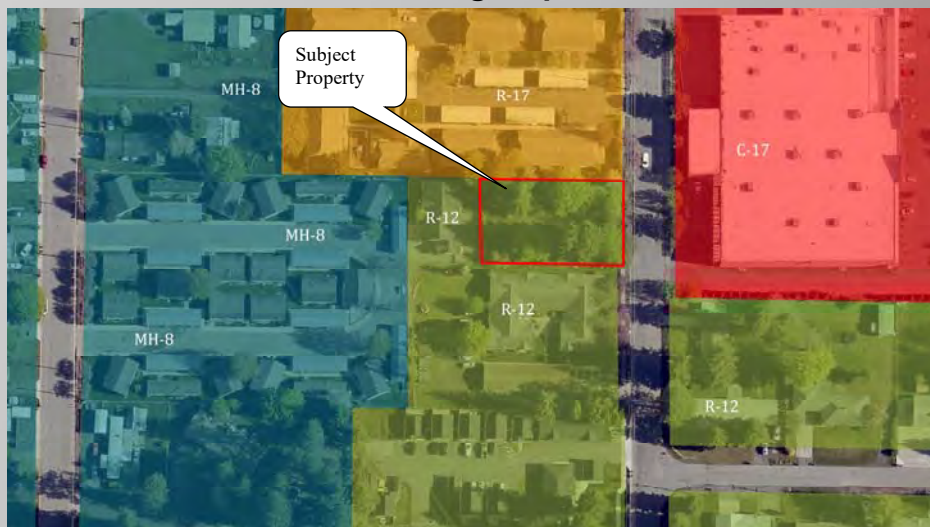
Traffic:

The proposed zone change itself would not adversely affect the surrounding area with regard to traffic, as no traffic is generated from a zone change alone. The applicant states that the zone change will allow for up to a six-unit residential structure to be constructed on the subject property. The maximum increase in traffic anticipated from this proposed use would be negligible, adding only 3 to 4 peak hour trips. The Streets & Engineering Department has no objection to the zone change as proposed.

-Submitted by Chris Bosley, City Engineer

ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Zoning Map



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Proposed R-17 Zoning District:

- Intended as a medium/high density residential district that permits a mix of housing types.
- Permits single-family, duplex, and multi-family housing.
- This district is for establishment in those areas that are not suitable for lower density residential due to proximity to more intense types of land use.
- Appropriate as a transition between low density residential and commercial districts, or as a buffer between arterial streets and low-density residential districts.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

The following is a list of the Principal uses that are permitted in the R-17 district:

- Single Family Housing.
- Duplex Housing.
- Child Care Facility.
- Community Education.
- Home Occupations
- Essential Services.
- Civic Administrative Offices.
- *Multi-Family Housing.*
- Neighborhood Recreation.
- Public Recreation.

See R-17 District information on pages 14 & 15 of the staff report



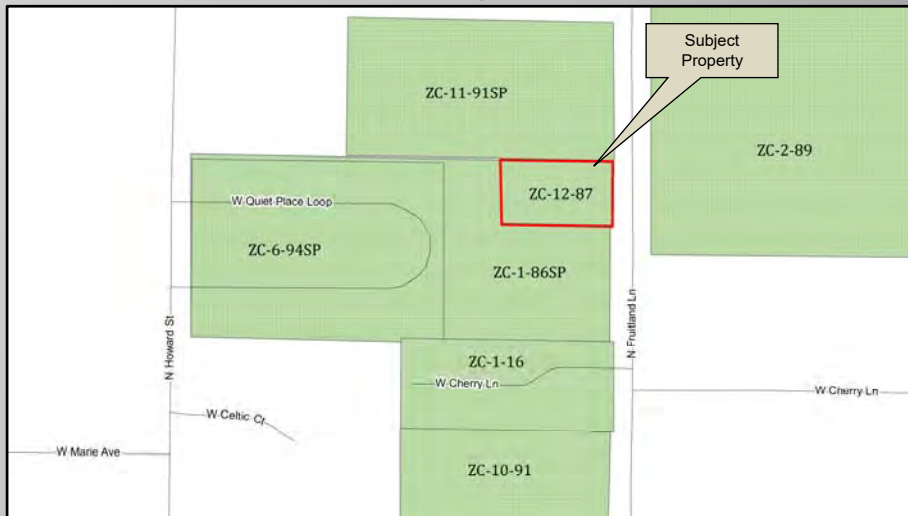
ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Land Use Map



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

Zone Changes - Map



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

DECISION POINT: Zone Change

Provide a decision regarding the proposed zone change from R-12 to R-17 on approximately 0.346 acres.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres

ACTION ALTERNATIVES:

The City Council will need to consider this request and make appropriate findings to:

- Approve
- Deny
- Deny without prejudice.



ZC-2-21 Zone change from R-12 to R-17
3135 N Fruitland Lane +/- 0.346 Acres



ORDINANCE NO. _____
COUNCIL BILL NO. 21-1013

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 0.346 ACRE PARCEL LOCATED AT 3135 N FRUITLAND LANE, ALSO KNOWN AS A PORTION OF TRACT 42 OF FRUITLANDS ADDITION TO COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

NOW, THEREFORE,

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

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

The subject property is located at 3135 Fruitland and legally described as: A portion of Tract 42 of FRUITLANDS ADDITION to CDA in Kootenai County, Idaho, according to the plat recorded in Book "C" of Plats, page 12.

is hereby changed and rezoned from R-12 (Residential at 12 units/acre) to R-17 (Residential at 17 units/acre).

SECTION 2. That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

SECTION 3. That the Planning Director is hereby instructed to make such change and amendment on the official Zoning Map of the City of Coeur d'Alene, and shall make an electronic copy available on the City's website.

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

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

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 June 1, 2021.

APPROVED this 1st day of June 2021.

Steve Widmyer, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Zone Change – ZC-2-21
at 3135 N. Fruitland Lane

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- 0.346 ACRE PARCEL LOCATED AT 3135 N FRUITLAND LANE, ALSO KNOWN AS A PORTION OF TRACT 42 OF FRUITLANDS ADDITION TO COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Zone Change – ZC-2-21 at 3135 N. Fruitland Lane, 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 1st day of June, 2021.

Randall R. Adams, Chief Civil Deputy City Attorney

**CITY COUNCIL
MEMORANDUM**

DATE: JUNE 1, 2021

FROM: CHELSEA NESBIT, CDBG COMMUNITY DEVELOPMENT SPECIALIST

RE: APPROVING HUD SUBMITTAL OF THE AMENDED CDBG 2020 ANNUAL ACTION PLAN TO INCLUDE PROJECTS WITH HABITAT FOR HUMANITY FOR THEIR FOR-SALE AFFORDABLE HOUSING PROJECT AND NIC FOR ECONOMIC DEVELOPMENT PROJECT

DECISION POINT:

The City Council should hold a public hearing on the amended CDBG 2020 Annual Action Plan (AAP) incorporating Habitat for Humanity's project for their For-Sale Affordable Housing project and North Idaho College's Economic Development project, and approve the amended plan for submittal to HUD.

PUBLIC HEARING AND SUBSTANTIAL AMENDMENT TO THE CDBG 2020 ANNUAL ACTION PLAN

HISTORY:

The City of Coeur d'Alene receives an annual direct allocation of HUD Community Development Block Grant (CDBG) funds. Every year the City is required to complete an Annual Action Plan (AAP), inviting the public to attend a public forum to provide input prior to drafting the plan to help identify needs and then allowing the public four weeks to review and comment on the posted draft plan. The 2020 AAP was approved by the City Council on February 4, 2020 and submitted to and approved by HUD.

Per discussions with the City's HUD representative, it was determined that because funding has been approved under the "Housing" and "Economic Development" goals for plan year 2020 and the submitted 2020 Annual Action Plan does not identify these two goals or allocate funds for plan year 2020, that a substantial amendment to the 2020 AAP is required. The 2020 Annual Action Plan has been amended and was posted on the City's website for public review and comment on May 26, 2021. The 139-person stakeholder list was notified of the amended plan and opportunities to comment, and legal notice of the public comment period and public hearing on June 1, 2021 was published on May 26, 2021 in the Coeur d'Alene Press. Information was also shared on social media and the City's website.

HUD issued Waivers 8 and 9 in 2020 in response to the pandemic. The waivers allow for the 15 and 30-day minimums for typical public comment period to be waived and allows for no less than five days of public comment during the emergency period if amendments are being made to the 2020 Annual Action Plan. Coeur d'Alene's 2020 AAP falls within these waivers. Per guidance from HUD, staff is utilizing these HUD waivers to reduce the public comment period for this substantial amendment in order to meet HUD's deadlines. Additionally, the waivers are warranted because the public has already been notified of grant funding for Habitat for Humanity and North Idaho College and the City Council awarded grant funds for the two projects at its March 2, 2021 Meeting. Amending the 2020 Annual Action Plan is a housekeeping item to ensure there is consistency with the documents and to allow the funding allocations to the awarded projects. HUD is in support of the amendments to the 2020 AAP and is pleased that the City of Coeur d'Alene will be meeting the affordable housing and economic development goals identified in the 5-year CDBG Consolidated Plan.

As of the date of this staff report, no public comments have been received on either document.

PERFORMANCE ANALYSIS:

Authorizing this item will allow staff to submit the amended 2020 CDBG Annual Action Plan to HUD for official review.

The substantial amendments to the 2019 CDBG AAP are summarized below and can be viewed [online](#).

- The approved 2020 AAP has been amended to reflect projects for For-Sale Affordable Housing in the amount of \$120,000 and Economic Development in the amount of \$30,000.
- The tables in the amended 2020 AAP reflect the projects and goals that have been updated.
- The proposed amendments to the document are indicated with underlined text. Specific updates are noted below by section and page number.
 - **AP-05 Executive Summary:** the summary of Citizen Participation was updated (See page 4 of the amended 2020 AAP).
 - **AP-10 Consultation:** text was added about contacting the stakeholder list about CDBG-CV funds and information about the public hearing on June 1, 2021. (See Pages 8, 9, 15 and 16 of the amended 2019 AAP)
 - **AP-12 Participation:** a note was added about following HUD’s guidance for the 2020 AAP amendment, and item 6 Public Hearing was added to Table 4 regarding the hearing on June 1, 2021 (See pages 17 and 23 of the amended 2020 AAP)
 - **AP-35 Projects:** For Sale Affordable Housing in the amount of \$120,000 and Economic Development in the amount of \$30,000. (See pages 38 and 39 of the amended 2020 AAP)
 - **AP-38 Project Summary:** the information and timelines were updated to reflect the **AP-35 Projects:** For Sale Affordable Housing in the amount of \$120,000 and Economic Development in the amount of \$30,000. (See pages 38 and 39 of the amended 2020 AAP)

FINANCIAL ANALYSIS:

The 2020 Annual Action plan has been amended to reflect the projects that align with our For-Sale Affordable Housing goal in the amount of \$120,000 and our Economic Development goal in the amount of \$30,000. There is no financial change to the annual allocation received from HUD.

DECISION POINT:

The City Council should approve the submittal of the amended 2020 AAP Plan to HUD for official review.

Read the [2020 CDBG Annual Action Plan \(AAP\)](#) here.

2020 CDBG Annual Action Plan Substantial Amendment

City Council Meeting – June 1, 2021

Chelsea Nesbit, CDBG Specialist



DECISION POINT

Should the City Council approve the amended CDBG 2020 Annual Action Plan (AAP) to incorporate Habitat For Humanity's project for their For-Sale Affordable Housing project and North Idaho College's Economic Development project, and direct staff to submit the amended plan to HUD?

CDBG AAP History

- The City receives an annual direct allocation of HUD Community Development Block Grant (CDBG) funds
- The City is required to complete an Annual Action Plan (AAP) each year
- The City has met all public noticing and participation requirements
- The 2020 AAP was approved by the City Council on February 4, 2020 and submitted to HUD

CDBG AAP Amendment History

Per discussions with HUD, it was determined that a substantial amendment to the 2020 AAP is required to align funding allocations and goals for Housing and Economic Development due to recently approved agreements with Habitat for Humanity and North Idaho College, pursuant to Council action on March 2, 2021.

HUD is in support of the amendments to the 2020 AAP and is pleased that the City will be meeting the Affordable Housing and Economic Development goals identified in the 5-year CDBG Consolidated Plan.

CDBG AAP Amendment History

- The 2020 Annual Action Plan has been amended and was posted on the City's website for public review and comment on May 26, 2021
- The 139-person stakeholder list was notified of the amended plan and opportunities to comment
- Legal notice of the public comment period and public hearing on June 1, 2021 was published on May 26, 2021 in the Coeur d'Alene Press

CDBG AAP Amendment History

- HUD issued Waivers 8 and 9 in 2020 in response to the pandemic
- Waivers allow for the required public comment period to be waived and no less than **five days** of public comment if amendments are being made to the 2020 Annual Action Plan
- The City Council awarded grant funds for the two projects, pursuant to action on March 2, 2021

PERFORMANCE & FINANCIAL ANALYSIS

- Authorizing this item will allow staff to submit the amended 2020 Annual Action Plan to HUD for official review
- The 2020 AAP has been amended to include the For-Sale Affordable Housing project in the amount of \$120,000 and the Economic Development Goal in the amount of \$30,000
- There is no financial change to the annual allocation received from HUD

DECISION POINT / RECOMMENDATIONS

The City Council should approve the submittal of the amended 2020 AAP Plan to HUD for official review.