

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

**AGENDA**

**VISION STATEMENT**

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

*NOTE: The City is utilizing Governor Little's Stage 3 Rebound Idaho guidance for its public meeting. As such, we are abiding by the social distancing standard of 6' within the physical meeting room. 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](mailto: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)*

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.

**November 3, 2020: 6:00 p.m.**

**A. CALL TO ORDER/ROLL CALL**

**B. INVOCATION:** Pastor Mike Maksimowicz with Ignite the World Ministries

**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 October 20, 2020 and October 26, 2020 Council Meetings.
2. Approval of General Services/Public Works Subcommittee Minutes for the October 26 2020.
3. Approval of Bills as Submitted.
4. Setting of a Public Hearing on November 17, 2020 for V-20-03 – Vacation of a portion of Atlas Road right-of-way adjoining the westerly boundary of Tax #25317

**As Recommended by the City Engineer**

5. **Resolution No. 20-060** -
  - a. Approval of S-1-18- Coeur d’Alene Place 32nd Addition: Final Plat Approval, Acceptance of Improvements, Maintenance/Warranty Agreement and Security Approval.

**As Recommended by the City Engineer**

**H. GENERAL SERVICES/PUBLIC WORKS:**

1. Authorization of the use of Impact Fees to improve the Police Department Records and Investigations facilities.

**Staff Report by: Police Chief Lee White**

**I. OTHER BUSINESS:**

1. **Resolution No. 20-061** - Approval of a Professional Services Agreement with Welch Comer for the design of Lacrosse Avenue.

**Staff Report by: Chris Bosley, City Engineer**

2. **Council Bill 20-1019** - Amendment to Municipal Code Section 1.01.010 to remove the reference to Sterling Codifiers, and allow for the codification company to be named via Resolution.

**Staff Report by: Randy Adams, Chief Civil Deputy City Attorney**

3. **Resolution No. 20-062** - Approval of American Legal Publishing to be the current codification company of the City.

**Staff Report by: Randy Adams, Chief Deputy City Attorney**

**J. PUBLIC HEARINGS:**

1. Quasi-judicial - ZC-2-20 - A proposed zone change from R-12 to C-17; at 217 W. Cardwell Drive- Applicant: Thomas Fischer

**Staff Report by: Tami Stroud, Associate Planner**

- a. **Council Bill No. 20-1020** – Approving ZC-2-20, changing the zoning of property located at 217 W. Cardwell Drive from R-12 to C-17.
2. Legislative - V-20-04, Vacation of a Portion of 4th Street Right-of-Way Adjoining the Westerly Boundary of Lots 9-14 of the Simms Addition to the City of Coeur d Alene

**Staff Report by: Dennis Grant, Engineering Project Manager**

- a. **Council Bill No. 20-1021** – Approving the Vacation a Portion of 4th Street Right-of-Way Adjoining the Westerly Boundary of Lots 9-14 of the Simms Addition in the City of Coeur d’Alene.

**ADJOURNMENT**

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



# Coeur d'Alene

## CITY COUNCIL MEETING

*November 3, 2020*

---

**MEMBERS OF THE CITY COUNCIL:**

**Steve Widmyer, Mayor**

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

# ANNOUNCEMENTS

# 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

October 20, 2020

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 October 20, 2020 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

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

**INVOCATION:** Pastor Mike Slothower with River of Life Friends provided the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Widmyer noted that October 11 was International Day of the Girl. Cassidy Crookham and Charlotte Crookham from Girl Scout Troop 6017 led the Pledge of Allegiance.

Mayor Widmyer asked Councilmember Wood to read the following Council comment:  
The Coeur d'Alene Mayor and City Council join our voices with those of elected leaders and community members throughout our state and nation to condemn acts of violence, inhumanity, and racism. In 2013, the City of Coeur d'Alene was one of the first leaders in the state to pass an anti-discrimination ordinance. We strongly encourage other cities in Idaho to adopt similar ordinances that protect the rights of all individuals. We condemn white supremacy and any groups who promote it. Racism causes persistent discrimination and disparate outcomes in many areas of life, including housing, education, employment, and criminal justice. We have deep empathy to the nationwide anger and fear that racism instills if unchecked. We value the diversity of our community and the inclusion of all voices. It is important for us all to have the courage to stand together, unite and understand that our differences make us stronger. We issue a strong statement of commitment to ensuring fair and impartial treatment of all residents of our City regardless of their ethnicity, race, sexual orientation, religion, age, or socioeconomic class. We implore citizens to treat all in our community with dignity and respect.

## **PUBLIC COMMENTS:**

Kathy Evian, Coeur d'Alene, noted that she began the "Keep Coeur d'Alene Neighborhoods First" campaign, which opposes vacation rentals. She requested a moratorium of Municipal Code 17.08 that allows short term vacation rentals (STR). She believes the impact has been overwhelming by the amount concentrated in the downtown neighborhoods as it creates excess noise and safety concerns. Additionally, she felt the number of guests allowed should be capped. She requested a moratorium for six months while the ordinance is being reviewed.

Mayor Widmyer noted it is good to review codes occasionally, and will bring together the planners and City Administrator to discuss.

Betsy Cook, Coeur d'Alene, said that currently there over 150 rentals listed on Air B&B in the city. There are many more on other websites and she noted that it is hard to nail down the exact amount. Within the Sanders Beach area, they have 43 verified rentals. She expressed concern that a neighborhood will no longer resemble a residential neighborhood as vacation rentals become the majority. The rentals cause a lot of noise, and she believes this is the right time to address the requested moratorium. She requested the code be amended to limit the number of licensed rentals and regulate the operation.

Councilmember English agreed that the code should be looked at, especially the unintended consequences. He clarified that the state code has preempted local control on some issues, but agreed the City should look at what their limits are. Mayor Widmyer noted that the City had approximately 140 licensed units at the beginning and now has 197 licensed short-term rentals.

Linda Wagner, Kootenai County, said that while she does not live in the City limits she does have a STR (short term rental) right behind her house that is in the City. She noted that STR's do bring in revenue and give jobs, and provide a place where groups can get together for less cost than staying in a hotel; however, it is a problem for neighborhoods. She said that a neighborhood is an area with friends and those you know, and when homes are rented out unknown people come into the neighborhood and vehicles park along the street. She expressed concern about overwhelming septic systems and support of the moratorium.

Evan Koch said that he is the Chairman for the Kootenai County Democratic Central Committee (KCDCC). He clarified that he was not there to point fingers or support any one candidate. He noted the resolution adopted by the Committee regarding the fight against racism. He also said that the City has fought against racism for many years and thanked the Council for that; however, he has witnessed a resurgence of racist activity over the past few months. He asked for a combined and coordinated effort with civil rights groups within the County to work together to listen to the black citizens within Kootenai County and address concrete ways to make the City a more inviting place to visit. He expressed a goal of improving life for all people living in Kootenai County. Mayor Widmyer noted that fighting racism is a nonpartisan issue and said that he appreciated their leadership and confirmed that the City is committed to fighting it.

David Lyons, Coeur d'Alene, expressed concern that the Rivers Edge annexation was not led well by the City and that the Annexation agreement was not appropriate. Mayor Widmyer asked



him to not pick on one City employee. Mr. Lyons noted that it is protected under the First Amendment to criticize a public official. The Mayor said that he is not going to allow employees to be picked on.

Jeanette Laster, Coeur d'Alene, expressed appreciation for the Council's support of fighting racism. She commented that tomorrow is National Unity Day, which is associated with National Anti-Bullying Day. She hopes to bring community members together to state that bullying is not acceptable and asked for the community to wear orange tomorrow to show support for the prevention of bullying and acceptance of inclusion.

Jonathan Jordan, Coeur d'Alene, said that he attended an event in downtown and witnessed people with guns. He does not believe parading around town with guns promotes peace. He noted that he felt threatened because he was wearing a black shirt. He requested the Council revisit the Idaho Codes regarding militias.

Ashlie Unruh said that she is a member of the newly created Kootenai County NAACP and is in support of the anti-racism resolution.

**Presentation to Officer Knisley in honor of Pecco's retirement** – Mayor Widmyer said that Pecco, K-9 for the City, has served 6 years and is now retiring. Chief White presented highlights from Pecco's career. In honor of his retirement the Mayor provided a certificate of service to Officer Knisley and a bag of dog food, as he eats all his toys. Mayor and Council expressed thanks for Pecco's service. Sgt. Cantrell presented a shadow box of memories to Officer Knisley.

**PROCLAMATION: Safe Sleep Awareness Month – October 2020** -- Mayor Widmyer proclaimed the month of October as Safe Sleep Awareness month. Liz Montgomery, Executive Director of Northwest Infant Survival and SIDS Alliance, accepted the proclamation and noted that North Idaho remains as having the second highest SIDS death rate in the United States. Ninety percent of deaths are preventable with safe sleep environments. Ms. Montgomery reminded the community that the safest sleep environment for babies is to be placed in a crib alone, on their backs with no pillows or blankets, and in a smoke free environment. She noted that they are the only non-profit in the Coeur d'Alene area providing safe sleep awareness and bereavement support in the City. She thanked the City for their support and rules and regulations for licensed childcare centers.

**Coeur Housing Code Update** - Associate Planner Mike Behary noted that the mission of the Coeur Housing plan is to create a new infill housing code that will allow additional housing units that are quality in design, in areas of the City that are appropriate. He noted that it is their hope that the code provides 15 years of guidance through a population expansion up to 75,000. Mr. Behary noted that the "Missing Middle" study was the basis for the code development. He explained that the forum held at NIC resulted in the desire for livability and walkability. He provided highlights that included areas suitable for infill housing and its relationship to downtown, walkability, as well as housing types. He reviewed eight housing types included in Coeur Housing. He also noted several more public workshops and the desire to have a completed code to present to the Council in March 2021.

Councilmember Miller asked how the code would overlap with the draft Comprehensive Plan. Mr. Behary explained that they are working together with the consultant and assured that it will be incorporated into the final draft plan. Councilmember Gookin asked if they are reviewing and identifying locations of where infill will apply. Mr. Behary noted that they are reviewing options and noted within the infill area it may include several lots combined, not just small lots. Councilmember McEvers clarified that Coeur Housing is not affordable housing but, rather, a separate category.

#### **COUNCIL COMMENTS:**

Councilmember Evans noted that the Panhandle Health District posted that there were 141 positive COVID-19 cases today. Additionally, Kootenai Health shared some facts regarding the effect of COVID on our community. The hospital noted that there are seven people requiring critical care, and they are within level “purple,” which is the highest level of response that the hospital can handle. The average percentage of positive cases over seven days is 13.4%, which is the highest rolling average so far during the pandemic. She urged everyone to do their part by washing hands, social distancing, staying home when sick, and wearing a mask when social distancing is not an option. Mayor Widmyer said that he monitors the daily numbers as well, and noted that in July they had 323 cases in one week, and the first two days of this week they had 170 cases, so based on the numbers they are not doing something right. He said that he understands that people are tired of the COVID talk and protocols; however, during the summer they had 24 hospitalizations and were talking about a field hospital at the fairgrounds. We have higher counts now, so we need to protect ourselves and others. Councilmember Miller said that she has been working on the “Wear a Mask Campaign” funded by CARES Act funding, and it is important to note that the Idaho Commerce statistics which came out demonstrated that it kept numbers down. She hopes that during this next phase there will be groups that get the message out, keep schools open, and keep hospitals at peak performance.

Councilmember McEvers said that he is on the board for the Lake City Center and noted that the Meals on Wheels program needs drivers for three days a week, a couple hours per shift. He asked that citizens call 208-667-4628 to sign up to volunteer for the program.

Councilmember Wood noted that the Council meetings are a business meeting held in public and appreciated that a personnel complaint not be taken during public comments. She requested the Clerk to reach out to Mr. Lyons and request it in writing.

Mayor Widmyer requested confirmation of the appointment of several student representatives to the City’s Committee, Commissions, and Boards.

**MOTION:** Motion by Evans, seconded by McEvers, to appoint Zoey Hart, Student Representative, and Sienna Hepworth, Alternate Student Representative, Arts Commission; Alison Cranney, Student Representative, and Eleanor Walsh, Alternate Student Representative, Library Board; Joseph Morrison, Student Representative, and Zoe Gephart, Alternate Student Representative, CDA TV Committee; Madeline Heaton, Student Representative, and Emma Keith, Alternate Student Representative, Childcare Commission; Max Bazler, Student

Representative, and Owen Hughes, Alternate Student Representative, Pedestrian & Bicycle Advisory Committee; Eleanor Tenbrink, Student Representative, and Theodore Schultz, Alternate Student Representative, Parks & Recreation Commission. **Motion carried.**

**CONSENT CALENDAR:**

1. Approval of Council Minutes for the October 6, 2020 Council Meeting and October 7, 2020 Continued Council Meeting.
2. Approval of General Services/Public Works Committee Minutes for October 12, 2020 Meeting.
3. Approval of Bills as Submitted.
4. Approval of Financial Report.
5. Setting of General Services/Public Works Committee meeting for Monday, October 26, 2020 at 12:00 noon.
6. Setting of public hearings for November 3, 2020
  - a. Quasi-judicial - ZC-2-20 - A proposed zone change from R-12 to C-17; at 217 W. Cardwell Drive- Applicant: Thomas Fisher
7. Setting of public hearings for November 17, 2020
  - a. Quasi-judicial – A-1-20 - A proposed 7.69-acre annexation from County Agricultural to City R-8; at 7278 Atlas Road - Applicant: Harmony Homes, LLC
  - b. Legislative – V-20-04 - Vacation of a portion of 4th Street right-of-way adjoining the westerly boundary of Lots 9-14 of the Simms Addition to the City of Coeur d’Alene.
8. Approval of final plats:
  - a. SS-9-09 Gilbert Townhome Condominium
  - b. S-3-19 Atlas Waterfront First Addition
9. **Resolution No. 20-056** -A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE FOLLOWING: A QUIT CLAIM DEED FROM THE IDOT; WAIVER OF COVERED LOAD REGULATIONS; A PUBLIC TRANSPORTATION LETTER OF AGREEMENT WITH KOOTENAI COUNTY; AND A PROFESSIONAL SERVICES AGREEMENT WITH J-U-B ENGINEERS

**MOTION:** Motion by McEvers, seconded by Miller, to approve the Consent Calendar as presented, including **Resolution No. 20-056.**

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

**RESOLUTION NO. 20-057**

**A RESOLUTION OF THE CITY OF COEUR D’ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH HARRISON DOCK BUILDERS FOR THE THIRD STREET BOAT LAUNCH REPLACEMENT PROJECT.**

**STAFF REPORT:** Parks and Recreation Director Bill Greenwood noted that, for 45 years, the 3rd Street Boat Launch ramps have been one of the highest used recreational access areas for boaters in the State. For each of the last three boating seasons, it has seen about 7,000 launches,

making the facility a premier boating destination on Coeur d'Alene Lake. It accommodates all classes of registered and/or licensed boats (Class A, 1, 2, and 3), and is also the best emergency waterfront access point for both the City and the Lake. Services nearby include a no-cost marine pump-out, a mooring area where boaters may tie up, 50 boat-trailer parking stalls, a trailhead to Tubbs Hill, and access to McEuen Park, the Centennial Trail, and downtown shopping. Finally, the launch ramps serve as a complement to the Coeur d'Alene Resort and to all of the businesses in the area. The docks haven't been replaced since 2001 and have gone past the point where they can be repaired. The City has paid close to \$4,000 in repairs to the docks over the past 3 years and, if they aren't replaced, the repair costs will continue to grow. Specifically, the timber floats are rotted and won't allow purchase for the bolts necessary to keep the docks from separating and becoming a public hazard. The pilings have been hit and dinged to the point that they will break off and fall if they aren't replaced. The largest portion of the funds for the boat dock and piling purchase will come from a state-funded WIF grant, with the Coeur d'Alene Parks Department providing the grant match dollars. The grant match funds will come from the City's Waterfront Improvement Fund, paid for by boat launch user fees. Funds are budgeted as follows; City Waterfront Improvement Fund (funds from user fees) in the amount of \$29,664 and State Waterfront Improvement Fund Grant (state gas tax) in the amount of \$124,007, totaling \$153,671. Only one bid was received, from Harrison Dock Builders, and staff recommends acceptance of that bid.

**DISCUSSION:** Councilmember Wood concurred that the need is there and staff did great work on getting the grant. Mayor Widmyer asked if the installation was planned for the spring. Mr. Greenwood said that it would depend on the water level in the spring. Councilmember McEvers asked if the docks will remain when the water is down. Mr. Greenwood explained that the docks will lay on the ground if the water is that low, similar to the ones along the seawall.

**MOTION:** Motion by McEvers, seconded by Evans to approve **Resolution No. 20-057**, approving a Contract with Harrison Dock Builders for the Third Street Boat Launch Replacement Project.

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

#### **RESOLUTION NO. 20-058**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A CONTRACT WITH SIMCO DEVELOPMENT GROUP, LLC, FOR CONSTRUCTION OF THE LAKEVIEW HEIGHTS WATER MAIN EXTENSION.

**STAFF REPORT:** Assistant Water Superintendent Kyle Marine noted that as part of the 2012 Water Department Comprehensive Plan Update to keep up with the City's growth and infrastructure replacement, the Water Department needs to update the Blackwell Booster Station, which is outdated and has become costly to maintain. The transmission line running uphill from the station to Fairmont Loop is unserviceable by the City Water Department due to its location and steep grade. The booster station, as it currently stands, does not supply the required amount of fire flow to their customers. The Water Department has made multiple repairs and upgrades

to the site to keep it running, including installation of a temporary pump outside of the building to keep up with demand until a leak could be located and repaired. Responsive bids were received from two contractors: Simco Development Group in the amount of \$100,240.00, and S & L Underground, Inc., in the amount of \$168,796.00. Funding for the proposed project is included in the 2019 -20 Fiscal Year budget which, inclusive of other transmission main projects, totals \$3,900,000. The project is part of their Water Comprehensive Plan. Staff is also requesting that a forty percent (40%) contingency be approved to account for extra expenses that may be incurred during the project due to unknown subsurface conditions, such as rock. The lowest responsive bid submitted by Simco Development Group was for \$100,240.00.

**DISCUSSION:** Councilmember McEvers asked if, in the future, the Water Department is planning on expanding to the existing system in this area. Mr. Marine noted that the City inherited the system and is required to serve the customers, and the booster station does not currently meet fire flow. Additionally, the transmission line is beginning to fail. Councilmember English asked if annexation would be the next logical step. Mr. Marine explained that if a developer wanted to expand, they would have to pay for upgrades to the system.

**MOTION:** Motion by Evans, seconded by Miller, to approve **Resolution No. 20-058**, approving a Contract with Simco Development Group, LLC, for construction of the Lakeview Heights Water Main Extension.

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

**GRANT AWARD RECOMMENDATION AND REQUEST FOR APPROVAL TO ENTER INTO CONTRACT NEGOTIATIONS WITH CDAIDE FOR THE SUBSISTENCE PAYMENTS PROGRAM USING CDBG-CV FUNDS AND TO DIRECT STAFF TO CREATE A CITY UTILITY SUBSISTENCE PAYMENT PROGRAM USING CDBG-CV FUNDS.**

**STAFF REPORT:** CDBG Specialist Chelsea Nesbit noted that on May 5, 2020 the City accepted \$199,675 in FY20 CDBG-CV funds and on September 11, 2020, the City was notified that an additional \$247,124 will be allocated as part of the third round of CARES Act funds. HUD is allowing the CDBG-CV funds to be spent for two years to respond to COVID-19. She clarified that CDBG-CV funds can only be used to prevent, prepare for, and respond to Coronavirus, and shall prioritize the unique needs of low-to-moderate income (LMI) persons. CDAIDE supports hospitality workers within the Coeur d'Alene-area restaurants and hotels by providing resources and emergency financial assistance. Hospitality workers are one of the most income fragile groups in our community as servers, cooks, dishwashers, cleaners, receptionists, or others often struggle with limited income and assets, lack of insurance, and an absence of the resources their families need. In our area, many hospitality workers face a seasonal work cycle, with a long winter of reduced work and pay. Unexpected medical expenses, auto breakdown, or a lapsed rent payment can spell crisis, even homelessness or job loss, for them. The program would address the 2018-2022 Consolidated Plan Goal Number 6: expanding public services for low-to moderate income residents in Coeur d'Alene. Specifically, the program would provide

emergency subsistence for housing, utility and transportation expenses to individuals and families directly affected by COVID-19. With the CDBG grant, CDAIDE would be able to offer subsistence payments for hospitality workers' housing for more than a single month. Typically, CDAIDE's lifetime cap for an individual is \$1,200, or \$2,400 for a single parent. That generally provides for only one month of rent for an individual or two months for a single parent. It would also pay for a part-time Care Coordinator to manage the program and provide the required HUD reporting. During the government shutdown, because of limited resources, CDAIDE reduced their budget per client from \$1,200 to \$350/client. Going into the winter, additional funds could help meet a larger portion of acute needs that hospitality workers face. The current "care budget" to assist with housing, transportation, and medical care is \$62,400 over 12 months. With those funds, CDAIDE assists approximately 5-6 individuals per month. With the addition of CDBG funds, CDAIDE would be able to increase the number of clients served by 100%, likely an additional 6-9 individuals per month.

Additionally, staff proposed a separate program for the general citizens who cannot pay their city utility bill. With the loss and reduction of employment, reduction in the Lost Wage Assistance extra payments under unemployment benefits, illness, and other factors as a result of COVID-19, the City has a large number of customers who are delinquent in their utility bills. The A.L.I.C.E. (Asset Limited, Income Constrained, Employed) population comprises 41% of the City's total population, and these are often the people who don't qualify for other forms of assistance because they make too much money, but they are also struggling to make ends meet. The City is requesting \$10,000 for municipal utility bill assistance be set aside from the CDBG-CV funds to assist those who qualify under the HUD guidelines for low-to-moderate income and demonstrate a need based on being directly affected by COVID. Late fees are not eligible for payment and the City would have to agree to waive these fees or defer them. As of October 14, 2020, there are over 300 City utility customers that have delinquent payments. This equates to more than \$46,000 in payments that are past due and owed to the City, which affects the City's budget. Staff is proposing to set aside \$10,000 of the CDBG-CV funds for the City Utility Subsistence Payments Program to eligible low-to-moderate income City residents who are delinquent on their bills or who may not have the money to pay upcoming bills as a result of COVID-19. The program would address the 2018-2022 Consolidated Plan Goal Number 6: expanding public services for low- to moderate-income residents in Coeur d'Alene. Specifically, the program would provide emergency subsistence for City water and sewer expenses to individuals and families directly affected by COVID-19. HUD has expanded the allowable payments to include up to six months of subsistence payments due to COVID-19. If the program is in high demand, staff may come back to Council to request additional funds.

**DISCUSSION:** Councilmember Wood asked what the turnaround time would be for helping people. Ms. Nesbit noted that reimbursement to the organization usually takes about a month, as they have to provide evidence that they have complied with the HUD regulations. Mayor Widmyer asked how fast CDAIDE would be able to assist people. Ms. Nesbit clarified it would be a direct pay to the vendor from CDAIDE, so as fast as they can process the request. Councilmember English noted that his wife is on the CDAIDE Board as the Treasurer and commented that they are fast at providing funding to those in need. Councilmember McEvers asked for clarification regarding the new funding category. Ms. Nesbit confirmed the HUD COVID funds are to be used to prevent, prepare for, and respond to COVID in areas that benefit

the low-to-moderate income population. Councilmember McEvers noted that this is the first time CDAIDE has requested CDBG funds and noted that they could also apply for community grants. Discussion ensued regarding what other organizations may need funds and how much money is reasonable to allocate toward this need. Ms. Nesbit noted that the program will help people from becoming homeless and noted that HUD has approved the funds for use in that category for up to six months, rather than the normal program allowance of three months. Councilmember McEvers said that since the group assists hospitality workers, and have already done fundraisers, this might be a start to help more. Additionally, since there is more HUD COVID funding coming, it is reasonable to award the full amount.

Councilmember Gookin asked if the \$10,000 would be enough to cover the utility assistance program needs. Ms. Nesbit noted that the amount is unknown, as they are unsure of how many of those behind on their utilities will qualify for the program, but they felt it would be a good starting amount.

**MOTION:** Motion by Gookin, seconded by Wood, to fund CDAIDE at \$25,000, instead of \$50,000.

**DISCUSSION:** Councilmember Gookin said that he has concerns about the program running out of funding and the unknown of winter and thinks there might be other non-profits out there that will need funding. Councilmember Miller said that the money will go to bills that are already behind and would catch them and delay the inevitable that they are going to be behind again. Ms. Nesbit noted that the funds might also help going forward during the winter season gap.

**MOTION WITHDRAWN:** Councilmember Gookin withdrew his motion.

**MOTION:** Motion by Miller, seconded by Evans, to approve the Grant award recommendation and request for approval to enter into contract negotiations with CDAIDE for the subsistence payments program using CDBG-CV funds, and to direct staff to create a City Utility Subsistence Payment Program using CDBG-CV Funds. **Motion carried.**

**LEGISLATIVE PUBLIC HEARING FOR CDBG 2019 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) AND A SUBSTANTIAL AMENDMENT TO THE 2019 ANNUAL ACTION FOR THE CDBG-CV3 FUNDS IN THE AMOUNT OF \$247,124.**

**STAFF REPORT:** CDBG Specialist Chelsea Nesbit noted that the CDBG grant is to support low-to-moderate income citizens. The City first accepted CDBG funds in 2007 and has received approximately \$3.6 Million since. She noted that the HUD low-to-moderate income definition for Coeur d'Alene median income for 2019 was \$64,600. She reviewed the national objectives of the program and activities included in the Action Plan and Consolidated Plan goals. She noted that the CAPER report is the yearend report required by HUD, which confirms how the City allocated the funds throughout the year. She said that highlights from the year included funding toward Meals on Wheels, sidewalks in the Fernan Elementary School area, the Emergency Minor Home Repair Program that assisted 16 homeowners, and community grant

allocations, for a total allocation during the year of \$329,018. She noted that the City was not able to work on goals for affordable housing and economic development; however, and the City is still looking for partners to work on those goals.

The Annual Action Plan amendment includes the acceptance of the CDBG-CV3 funding in the amount of \$247,124, which would equal a total CDBG CV funding for the year of \$446,799. With the previously funded activities, there is a balance of \$262,153.28. Ms. Nesbit noted that Mr. Larry Riley, the Executive Director of St. Vincent de Paul, was the only public comment received. His comment was a requested edit to the Emergency Shelter Grant (ESG) statistics noted in the CAPER Report, which were corrected. This public hearing is required to make a substantial amendment and approval of the CAPER.

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

**MOTION:** Motion by Evans, seconded by Miller to approve the Community Development Block Grant 2019 Consolidated Annual Performance Evaluation Report (CAPER) and a substantial amendment to the 2019 Annual Action for the CDBG-CV3 funds in the amount of \$247,124. **Motion carried.**

**QUASI-JUDICIAL PUBLIC HEARING FOR ZC-4-20 - A PROPOSED ZONE CHANGE FOR 3520 N. 15TH FROM R-8 TO R-17; APPLICANT: NORTHWEST SOLUTIONS INVESTMENT GROUP.**

**STAFF REPORT:** Associate Planner Mike Behary presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. He noted that the subject property is located east of 15th Street between April Elaine Avenue and Mary Lane. He noted the property was developed under the City's prior cluster housing code. Mr. Behary noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. He reviewed the allowable uses within the R-17 zone. He noted that the services in the area are adequate to meet the request and no conditions were requested to be included by staff.

**DISCUSSION:** Councilmember Gookin asked why the swale is in its current configuration. Mr. Behary noted that it must have been what was required for a swale at the time. Councilmember Gookin asked what the current allowable density is. Mr. Behary noted that it is 33 units, and that with the zone change it could go to 72 units.

Mayor Widmyer opened public comments.

**APPLICANT:** Connie Krueger noted that she is representing the applicant. She clarified that the proposal is to move the zoning to R-17, and that the current allowable density is already



above the allowable 8 units per acre. She believes that the nonconforming lot is a reason to approve the request as the owner is having difficulty getting traditional financing. She noted that it is a transitional area with a major collector road nearby, that being 15<sup>th</sup> Street. She noted several multi-family units within the vicinity. Ms. Krueger reviewed the available infrastructure in the area including stormwater. She noted that the character of the overall area is higher density residential; however, there is no immediate impact.

**DISCUSSION:** Councilmember McEvers asked if the existing residence would be torn down and something reconstructed on the site. Ms. Krueger said that there are no immediate plans, and clarified that under the current code if the structure were to burn down, the owner would not be able to rebuild what he currently has. Councilmember Gookin said that the Comprehensive Plan states that the area is stable established. Ms. Krueger noted that it is transition based on a viewing of the area, where one can see examples of transition. Councilmember Gookin asked staff if the property was rezoned, would it remove the grandfather of the current density. Mr. Behary said that it would simply make it legally conforming. Councilmember Gookin asked if a rezone would require the swale to remain. Mr. Behary said that they may be able to be reconfigure the swale by submitting a new plan to the Engineering Department. Councilmember Gookin said that he thought a recent code amendment would allow a rebuild on the foundation of a nonconforming structure. Mr. Behary clarified that code applies solely to single family homes.

**MOTION:** Motion by McEvers, seconded by Evans to approve ZC-4-20, changing the zoning of property located at 3520 N. 15th Street from R-8 to R-17, as requested by Northwest Solutions Investment Group, and to make the necessary Findings and Order.

**DISCUSSION:** Councilmember Gookin said that he would oppose the request as the increased density would add twice as many units in the future and the Comprehensive Plan notes the area as Stable Established. Councilmember McEvers said that the City is working on new Comprehensive Plan and it could create more places for people to live and he hears a lot of people can't find a place to live, especially when looking at affordable housing. Councilmember Gookin said that he likes the green space and wants to make sure the City is careful about where it puts density and feels it goes against the current Comprehensive Plan. Councilmember Miller asked where the Coeur Housing program would interact with this type of request. Mr. Behary noted that for Coeur Housing, there would be a maximum size requirement and the parcel would be too large to fit within that code. Councilmember Wood noted that it would be more in line with affordable housing and 32 units would not overburden the area, and she would support the request.

**ROLL CALL:** McEvers Aye; Gookin No; English Aye; Wood Aye; Evans Aye; Miller No.  
**Motion carried.**

### **COUNCIL BILL NO. 20-1017**

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-8 TO R-17: LOT 11, FRUITDALE SUBDIVISION,

COMMONLY KNOWN AS 3520 N. 15TH ST.; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by Evans, seconded by McEvers, to dispense with the rule and read **Council Bill No. 20-1017** once by title only.

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

**MOTION:** Motion by Evans, seconded by McEvers, to adopt **Council Bill No. 20-1017**.

**ROLL CALL:** Gookin No; English Aye; Wood Aye; Evans Aye; Miller No; McEvers Aye.  
**Motion carried.**

**QUASI-JUDICIAL PUBLIC HEARING FOR - ZC-5-20 - A PROPOSED ZONE CHANGE OF 2926 N. HOWARD STREET FROM MH-8 TO R-17; APPLICANT: HOWARD, LLC.**

**STAFF REPORT:** Associate Planner Tami Stroud presented the staff report, including a review of surrounding land use and zoning, Comprehensive Plan policies for consideration, physical characteristics, and neighborhood character. She noted that the subject property is located on the west side of US Highway 95, south of W. Neider Avenue and East of North Howard Street. The property does contain a single-family dwelling and has been used as such for many years. The applicant has indicated that they would like to demolish the current structure with no development plans at this time. Ms. Stroud noted that the following findings will need to be determined: that this proposal (is) (is not) in conformance with the Comprehensive Plan; that public facilities and utilities (are) (are not) available and adequate for the proposed use; that the physical characteristics of the site (do) (do not) make it suitable for the request at this time; that the proposal (would) (would not) adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, (and) (or) existing land uses. She reviewed the findings and noted that it is within a transitional area and that the infrastructure is adequate to meet the request. Development requirements, such as frontage improvement and site improvements, would be due at the time of development.

**DISCUSSION:** Councilmember Gookin asked for clarification regarding the lot size. Ms. Stroud said that it was a 21,780 square foot lot that would equal .58 acre. She noted that the owner intends to demolish the house. Ms. Stroud clarified that structures cannot be constructed under the high voltage transmission lines. Councilmember McEvers said that the area feels like “old school” Coeur d’Alene and has more of a County feel to it, and that it will be interesting to see what they do with the powerline.

Mayor Widmyer opened public comments.

**APPLICANT:** Connie Krueger said that she represents the applicant and reiterated the location of the property. She noted the rezones that have taken place in the area between Howard and Fruitland. She said that Howard Street is a major collector and would be the primary access. The owner does not desire to develop a manufactured home park.

**DISCUSSION:** Councilmember Gookin asked if there were no development plans yet. Ms. Krueger explained that the current property owner recently acquired the land, and reiterated that they have no desire to do a Mobile Home (MH) zoning project there. Mayor Widmyer said that it could be step one before a developer spends a bunch of money on the plans.

**MOTION:** Motion by Wood, seconded by Miller to approve ZC-5-20, changing the zoning of property located at 2926 N. Howard Street from MH-8 to R-17, as requested by Howard, LLC., and make the necessary Findings and Order.

**ROLL CALL:** English Aye; Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin No.  
**Motion carried.**

**DISCUSSION:** Councilmember Gookin expressed some concern about the request due to the powerline and the entire area. He thinks it needs attention and that mobile homes are an affordable housing option that would be removed from Coeur d'Alene.

#### **COUNCIL BILL NO. 20-1018**

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 MH-8 TO R-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY: PORTIONS OF TRACTS 43 AND 44, FRUITLANDS ADDITION, COMMONLY KNOWN AS 2926 N. HOWARD STREET, COEUR D'ALENE, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

**MOTION:** Motion by McEvers, seconded by Gookin, to dispense with the rule and read **Council Bill No. 20-1018** once by title only.

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

**MOTION:** Motion by McEvers, seconded by Miller, to adopt **Council Bill 20-1018**.

**ROLL CALL:** Wood Aye; Evans Aye; Miller Aye; McEvers Aye; Gookin No; English Aye.  
**Motion carried.**

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

The meeting adjourned at 8:52 p.m.

\_\_\_\_\_  
Steve Widmyer, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, CMC  
City Clerk

Draft

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

October 26, 2020

The Mayor and Council of the City of Coeur d'Alene met in a special session of said Council at the Coeur d'Alene City Library Community Room October 26, 2020 at 1:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

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

**CALL TO ORDER:** Mayor Widmyer called the meeting to order. He noted that that pursuant to Idaho Code § 74-204, subsection 2, the special meeting of the City Council of the City of Coeur d'Alene was being called because of an emergency involving injury or loss of life to the citizens of and visitors to the City; that emergency being the COVID-19 pandemic. The normal notice requirements of Idaho law are impracticable to take the action proposed and would increase the likelihood or severity of the injury or loss of life.

**PRESENTATION:** Jon Ness, Chief Executive Officer for Kootenai Health, noted that he was disappointed that it has fallen upon the City for decision-making today, as there is a separate system for health and it is very complex. He noted the letter from the Board of Trustees supporting mandatory masking and 280 physicians signed off on a letter of support. He said that within the past 30 days their situation at the hospital has become significantly worse, noting increased positive cases, increased critical care cases and employee fatigue. He said that they have current staff shortages, no vaccine is available, schools have opened and flu season is upon us. Therefore, they are looking for help to deal with this on a public health concern level. He outlined the chronology of events to help explain the current situation. On March 11, there was a worldwide alert of the virus. On March 13, Governor Little declared a state of emergency for Idaho. On April 23, Governor Little released his stage 4 reopening plan. From May through June the state quickly moved through the reopening stages. Late June and mid-July cases spiked within the County. On July 23, the Panhandle Health Board met and decided for mandatory masks. They saw a decrease in cases and on September 24, the board met and reaffirmed mandate. Several days later 11 North Idaho Legislators sent a letter to reconsider the mandate and make it a recommendation. On October 21, the hospital maxed out its inpatient capacity. On October 22, the Panhandle Health Board changed the status to red and rescinded the masking mandate. Those who voted to rescind the mandate do not live in Kootenai County. Today, October 26, the Governor is holding a press conference and might announce the return to Stage 3. The issue is not just in Coeur d'Alene and Kootenai County but within the state.

Dr. Karen Cabell, said that she is the Chief Physician Executive at Kootenai Health and has practiced for 20 years. She reviewed the numbers of beds and capacity as the hospital has grown over the past 20 years. In the last week they added 31 beds to the surgical area but it is not staffed. She noted that they serve over 50,000 patients. She reviewed the timeline of COVID cases and how it migrated into the United States. Locally, they were able to get testing up at the beginning of March. She noted that on March 16 was the first community positive in the County, which was a person that traveled here from out of the country, and on March 22 was the first hospitalization. They spent a lot of time planning from March through May, then saw the first spike in July. Today they have 35 patients at the hospital and they range from age 20 through 90, with 11 in critical care, who have ages ranging from 40-70. The older age group is represented in the death numbers. She explained how COVID is different than the flu, as it causes respiratory and gastral illnesses. SARS and MERS in the past were different as they were very deadly. COVID is different in its minimum number of symptoms at the onset and its maximum contagiousness. With COVID you are contagious right before symptoms or very early on. Individuals that need to go to the hospital won't realize it until about a week into the illness. Many people have no symptom or no illness, which is causing the undetected spread, and 80% are asymptomatic and 20% get very ill. 5% of those infected will end up in the hospital and 2% will need critical care. Locally, Panhandle Health numbers demonstrate a 1.5% mortality rate. Early on, Kootenai Health felt testing was a priority and opened the drive through testing. Dr. Cabell reviewed their surge plan for the treatment of COVID and noted they have transitioned part of the new tower for COVID patients and changed rooms to double occupancy. In these units the staff have PPE on all day long. They have tracked supply and equipment, and are constantly monitored. The supply for PPE has not improved and noted when the east coast had a surge Kootenai Health's supply chain was diminished. She said that they have had a hard time getting cleaning supplies, just like the rest of the community. They are working on personnel issues as well.

Jeremy Evans, Operations Vice President, reiterated the importance of a test unit. He explained that the hospital is experiencing a critical care need surge along with the current numbers climbing. The hospital has a 331-bed capacity with 200 beds for general medical patients. During the month of October, specifically last week, they had occupancy of 99% of beds filled. The hospital serves as the main critical care facility for almost all of the northern counties. He noted that they have over 3,500 employees and have had 132 employees that have tested positive. 85% have traced their exposure to community transmission and about 10% from exposure to co-workers, and less than 5% from patients, which speaks to their systems working. They are experiencing higher absenteeism from family members being sick, and are experiencing a shortage of nurses, which is a nationwide issue. They have opened 50-60 new positions for traveling nurses, and have only been able to fill about half. He thanked all staff at the hospital for their service. The hospital is open 24/7, 365 days a year, and today they will see hundreds of patients and 1,000's in outpatient settings. They are on a case-by-case basis, and last week had to deny transfers from other areas and deferred a number of necessary procedures. Working together is necessary to slow the spread, and masking, social distancing, and hand washing are integral to the slowing of the spread of this virus.

**DISCUSSION:** Councilmember McEvers asked if, when the hospital was down to one bed, was it due to more than just COVID. Mr. Ness explained that they have 330 beds, a large portion for children and women services, and some for behavioral health that cannot be used for COVID, 200 that are medical surgical beds that can be available for COVID, and so the one bed is in reference to the medical surgical beds available. He noted that they also have a designated unit within. Councilmember McEvers asked if there were 316 hospitalizations from COVID. Mr. Ness confirmed that they have had 315 from COVID to date. Councilmember Gookin asked if there have been studies as to why it affects one person more than another. Dr. Cabell noted that it might be a long time before that will be known, and said that it might be related to the dose of virus a person is exposed to. Councilmember McEvers noted that with SARS there was a mortality rate of 15% and questioned where we are with COVID. Dr. Cabell said that COVID currently has a 1-3% death rate. Councilmember Gookin asked if anyone is admitted to the hospital, for any reason, are they tested. Dr. Cabell confirmed that they are tested upon admittance. Councilmember Miller noted that it appears that the beds are specific to COVID, PPE, and ventilators, etc. for those patients, and you just can't just move them. Dr. Cabell confirmed that is correct and for every 6 critical care beds it takes 25 nurses to care for those patients. Mayor Widmyer noted the definition of COVID includes cold and flu, and some people believe that the increase in positive COVID-19 tests are due to it being cold and flu season and wondered if that could be clarified. Mr. Evans explained that they use a P.C.R. test. Dr. Cabell further explained that the test is very precise and it can look for every type of influence and you can piece out each specific strain, particularly COVID-19. She noted that they have only seen two positive flu results so far this season and she doesn't expect to see more flu until November.

Mayor Widmyer noted that Panhandle Health representatives were in the audience if the Council had more questions. Councilmember Gookin asked why they would mandate only masks, as the health experts said that hand washing and social distancing are also important parts of slowing the spread of the virus. Councilmember Evans noted that, nationally, the most effective means is a combination of efforts. Councilmember Gookin said that in prior virus outbreaks such as MERS, SARS, and SWINE Flu, they did not push masks, and questioned why. Dr. Cabell explained that the country has not encounter a pandemic since 1918. COVID-19 has an ability to spread the infection to a high number of people and keeps the transmission going. Councilmember Miller asked for clarification regarding the other small hospitals sending their critical care to Kootenai Health. Dr. Cabell confirmed that only a couple area hospitals have critical care, such as Bonner General, but if they need a higher level of crucial care, they come to Kootenai Health or Spokane. Councilmember Miller noted that they mentioned that their request for traveling nurses was unable to be filled. Mr. Evans confirmed they were only able to fill half the requested positions and are still looking. Councilmember McEvers asked how much elective surgery is still on-going. Mr. Evans explained that it varies but since they shut it down in March they are monitoring if a delay could make conditions worse. He explained that they are now conducting dual operations, as COVID patients are in isolation and they maintain other services. Dr. Cabell noted that they had eight surgeries delayed or cancelled, which included heart, abdominal, and neurological procedures. Councilmember Gookin said that H1N1 had 60 million cases but no masks were required. Dr. Cabell explained that the virus did not reach the status of worldwide pandemic that COVID is and they came out with a vaccine.

Councilmember Gookin expressed concern that medical personnel don't understand the virus. Dr. Cabell said that masking has been used to prevent the spread of infection diseases for a long time, and it is a normal practice in hospitals. She noted that the Centers for Disease Control (CDC) have studied the data and state that it helps reduce the amount of transmission through universal masking. Councilmember Gookin said that he has heard comments from the public that human immunity would eventually fight the disease and that there is bacterial harm to wear a mask and that it lowers oxygen levels. Dr. Cabell said that there is no evidence to bacteria or oxygen level but wearing masks may cause a rash. She noted that the percent positive rate is 17%, which denotes that there is a high percent of people walking around without knowing they have it.

Mr. Jeff Lee, Epidemiologist for Panhandle Health, said that he was deployed to Washington in 2019 for a measles outbreak and they used community-wide masking. He noted that they had 74 cases of measles in Clark County and they did require those coming in to medical facilities to mask. He noted that it is the large amount of people that COVID spreads to compared to influenza, and COVID may be asymptomatic the entire time. The world is still learning about COVID. Mr. Lee explained that the intent of the mask is to catch the droplets, and the reason a person should change out masks is when they are saturated. He recommended everyone wear a dry mask. He did confirm that COVID can be passed through the eyes, as the virus likes to attach itself to membranes. He noted that temperature is not as a reliable marker of the disease. Councilmember Wood suggested the hospital hold a virtual forum for the whole community. Mr. Ness noted that the while the hospital is a partner with Panhandle Health District, the Health District members are appointed by County Commissioners and it is their responsibility for public education. Councilmember Wood noted that the stories are great to have as the community information. Mr. Ness noted that Governor Little just announced today that he is rolling Idaho back to Stage 3 of his reopening plan.

Panhandle Health Regional Director, Lora Whalen, said that they would be willing to do a forum to educate the public. She said that she understands the community is divided on the mask issue, but it is an important non-pharmaceutical intervention that can be done. Contact tracing is another important function and she asked the community to answer their calls and inform people if they have been exposed. Councilmember Gookin asked if the end game is a vaccine. Ms. Whalen confirmed they are hopeful for a vaccine and noted it will create some herd immunity. Councilmember Gookin asked if there has ever been a vaccine for a CORONA virus. Ms. Whalen said that there has not been one for the common cold, nor SARS or MERS, and this is a new virus and it will take time to learn what works. Councilmember McEvers questioned the structure of the Health District as the Board said no to masks but Ms. Whalen says yes. Ms. Whalen said that it is the CDC's recommendation to wear masks and the Health District Board encourages it. The reason that one of the Board members voted no was that there is no enforcement and they felt it should be more of a community effort. Councilmember McEvers asked if they would be asking other cities to pass a mask mandate. Ms. Whalen said that she would be happy to work with other cities and felt that if Coeur d'Alene passes an order, other cities may follow.

Mayor Widmyer said that there was a downward trend the third week of July which he attributes to the mask campaign, and noted that the community had a lot of tourists in the City at that time.



He noted that the community then had an increase in cases the first part of October and the latest number is that over the past week there were 700 cases, over 100 a day, more than doubled from July. Mrs. Whalen agreed the increase in cases may include schools opening and fatigue, and weather turning cold pushing more inside activities. She noted that she felt it was important to keep schools open. Physicians are now telling the community they need support by way of a mask mandate, and they are the subject matter experts. Protecting the hospital capacity is why they are asking for the action. Mayor Widmyer noted that in a lot of ways they let their guard down. Councilmember Miller asked what the masking requirements are in the Idaho Stage 3 plan. Ms. Whalen said that there have not been any masking requirements in past Stage 3 orders but, rather, it pertains more to regulations of large gatherings. Councilmember Wood said that when she was in law enforcement, she upheld many City ordinances, with the desire of a code to create a change in behavior. The regulation would be a temporary regulation, and her proposal would be to do it to help the community.

Chief White noted that enforcement, in the previous mandate, was an education campaign, with no citations issued. During that initial mandate the Police Department received over 200 calls to the dispatch center, but no citations were issued. This is a different situation as people have their minds made up, so it would be the will of the Council to do enforcement by citation or just to have officers provide education. He requested clear direction. Mayor Widmyer noted that he favors the education piece; to look to businesses to have employees wear the masks and look to egregious offenders being cited. He noted that there are two states on either side of Idaho that have existing statewide mandates. The people that are used to a mask mandate will continue to wear their mask. Councilmember Wood said that the Police Department will always prioritize calls such as responses to illegal fireworks that they respond to when they can. Chief White noted that the difficulty is the bars that are packed with people, and they will get the calls, so he asked if it was the Council's intent for them to give tickets. Councilmember Wood said that they possibly would, as you would get compliance. Councilmember Gookin noted that enforcement is political, not science, and suggested it would then be mandatory enforcement above barking dogs and seatbelts. Chief White said that there are going to be priority calls, and they encounter those without masks, so he would like direction from Council on if they should issue those citations or not. Councilmember Gookin asked how many calls has the Police Department gotten regarding mask violations. Chief White noted that upon the original mandate they received 200 calls but it died off. When they contacted those not wearing masks, they would say they had a health issue. He expressed concern with officers having to ask for proof of a medical condition. Councilmember Gookin said that in order for the Resolution to be effective, enforcement would have to be hard. City Attorney Mike Gridley explained that the resolution includes a penalty of an infraction, so no one will be arrested, and it carries a \$100 fine. Mayor Widmyer noted that the Council could amend the language regarding the medical clause. He said that he believes if someone gives a reason they should not have to give further proof. Chief White said that the officers would not ask for further proof. Councilmember Miller said she would not want medical validation to fall to the officers, and that the officer's enforcement of City ordinances would be up to their discretion. Chief White said that typically they ask for compliance of the code and if there is a refusal they may issue a ticket. Councilmember Miller asked about the bars and their patrons and if they can ticket all of them. Chief White said that could be a possibility and the bars have had an increase of people from the west. They have encountered hard core gangsters causing trouble locally because the bars to the west close around

10:00 p.m. There could be a point that they could issue tickets to help resolve an issue. Councilmember McEvers asked if the business owner is responsible and if there is a difference between inside versus outside. Mayor Widmyer noted that either can be cited and the only difference between inside and outside is if you can socially distance by 6 feet. Councilmember English said that enforcement is an important part of the action, and agreed the Council should not pass laws they aren't going to enforce. However, this is a new virus and the biggest community area of interest, with a lot of emotions. They are learning as they go and if they pass the Resolution, education is the first line of defense with a warning. After a warning or if they are out of line, they need to be cited. It is not a criminal charge but, rather, an infraction and falls within officer discretion. Chief White noted that there is a group that will comply with the passage of the mandate; however, there are some who will not. Mr. Gridley clarified that it is an individual mask mandate and that the business is not responsible for patrons. Mayor Widmyer said that he would like to change the age exemption to 10 years old and under, and that the section B medical issue has the first line, and strike the balance of the wording. Councilmember Wood agreed with the change of the definition of face covering proposed this morning by Legal.

Deputy Chief Prosecuting Attorney Wes Somerton said the amendment to the definition of face covering was broadened to give more options to the community. Mayor Widmyer reiterated that if one can achieve a 6-foot social distancing, they are not required to wear a facemask. Councilmember Evans asked for an amendment to Section H under exception, requesting it denote indoor rather than recreational facilities. Councilmember Gookin asked about enforcement on Election Day at polling places. Mayor Widmyer said that they could add that clause. Councilmember Wood asked about section B and if the intent was to provide a tool for the prosecutors. Mr. Somerton said that it is an affirmative defense, similar with no proof of a driver's license, in that if you bring proof the ticket is dismissed. He noted that the wording as paired down would work.

Mayor Widmyer said that this is not a road the City wanted to go down, and reaffirmed the desire to give education first and if someone says it's a medical condition, police don't need to go beyond that. Councilmember Wood asked if section 7 could be amended to 90 days, as she felt they may not know its effectiveness in 30 days. Councilmember Evans agreed that 90 days would be good. Councilmember Miller said that the data is changing so rapidly, but felt that if circumstances changed they could bring it forward earlier. Councilmember English suggested 60 days as a potential compromise. Mayor Widmyer concurred that they could revisit earlier if need be. Deputy Civil City Attorney Randy Adams asked if the clarifications to section B should include that proof is not required. Mayor Widmyer concurred that would be good. Councilmember Miller said she thought that if they voluntarily demonstrated proof, they wouldn't have to get a ticket issued. She noted that law enforcement has asked for clear direction and they could have the ability to give them a ticket and provide proof later, otherwise anyone could say it and they are back where they started. Mayor Widmyer said that he does not want to have law enforcement having to make that determination or put that burden on them. Councilmember Wood said she would not want to put the burden on law enforcement and believes Mr. Somerton can handle dismissal on their end. Councilmember McEvers asked what impact this would have on schools. Mayor Widmyer clarified that the School District makes their own rules. He agreed that they are not health care experts and this should have been handled elsewhere. Councilmember Miller agreed that 10 years old or under don't need to wear

a mask, but the School District makes their own rules regarding the kids' use of masks on campus. Mr. Ness noted that it is fluid and there are lots of unknowns and he would support the 90-day period, and would encourage feedback to the Council from himself and the Health District in the middle of December for an update on medical information.

Mr. Gridley said that they should remove education facilities from the definition section. Mayor Widmyer concurred. Councilmember Evans said that she has reviewed the data and read all the public input received this weekend and appreciated all those that reached out. She further stated that there is scientific evidence for effective measures to slow transmission, which includes the wearing of masks. She noted that the community is at dangerously high levels of infections. Hospital are near capacity and the situation is crucial. The healthcare community is asking for the City's help. Schools, colleges, and universities are unable to open as normal and begging them to help. The businesses are greatly impacted by COVID-19 and can't afford any more shut downs. Everyone has been brave in the eye of the storm to this point, and they are not done. She noted that she works daily to keep the community safe and will vote yes to the Resolution.

### **RESOLUTION NO. 20-059**

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, PROVIDING THAT ALL PERSONS IN THE CITY OF COEUR D'ALENE SHALL BE REQUIRED TO WEAR A FACE COVERING, WITH CERTAIN EXCEPTIONS; PROVIDING THAT A VIOLATION OF THIS RESOLUTION SHALL CONSTITUTE AN INFRACTION; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND DURATION.

**MOTION:** Motion by Evans, seconded by Wood to approve **Resolution No. 20-059** - Requiring the use of face coverings in indoor and outdoor public places, with exceptions, to help reduce the person-to-person transmission of COVID-19.

**DISCUSSION:** Councilmember English said that he realizes it is a high impact decision and he will support the Resolution and is convinced that it is what they need to do. Councilmember Miller said that she has received a letter in support from the CDA Tribe and a letter that has 15 regional CEO's in support of the face covering mandate. Mayor Widmyer said that it is a medical issue and they rely on people they trust for their medical decisions and Kootenai Health has a letter signed by 281 Kootenai Health physicians seeking their help. They have noted that they are at a tipping point of being unable to meet the needs of the community. Mayor Widmyer said that wearing masks and social distancing will slow the spread of COVID-19. He noted that in July he was concerned; however, not in favor of a City of Coeur d'Alene mandate as he felt a countywide mandate was needed. Since that time, he has changed his opinion that it is the best they can currently do and doing nothing is not an option. He noted that situations change and this is much different three months later. He read an email from Marla Lake, the Caretaker at the Jewett House, which noted that her mom just died of COVID. Ms. Lake has been a registered nurse for over 15 years and is now a hospice nurse. She expressed the difficulty of saying good bye to someone over a computer rather than in person. She encouraged the Council to approve the resolution. Councilmember Gookin said that he would be voting against the Resolution as he believes he will protect the rights of others, and noted that there are certain risks in living in a free society. He does not think masks work, the numbers are going up, and the experts don't

know how the virus works. He feels that there will be a massive civil disobedience movement if it is passed and it will be hard for the Police Department. Councilmember Wood said that the idea of doing nothing is not acceptable, our first responders are being exposed at alarming rates, and the health care workers are looking for help. Councilmember McEvers said he does believe in the masks and noted that they wear shields in the restaurants. He does believe in personal responsibility, but noted that if your customers aren't comfortable you won't survive. His concern is that the City is setting the example but not sure it's the best use of what they can do and he won't support the Resolution based on it only being applicable to the City.

**ROLL CALL:** English, Yes; Wood, Yes; Evans, Yes; Miller, Yes; McEvers, No; Gookin, No.  
**Motion carried.**

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

The meeting adjourned at 3:25 p.m.

ATTEST:

\_\_\_\_\_  
Steve Widmyer, Mayor

\_\_\_\_\_  
Renata McLeod, CMC  
City Clerk

October 26, 2020  
**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**

Carrie Meek, Customer Service Support Specialist  
Lee White, Police Chief  
Terry Pickel, Water Superintendent  
Dennis Grant, Engineering Project Manager

**Item 1. Authorization to use Impact Fees to Improve the Police Department Records and Investigations Facilities.**

**(Agenda)**

Lee White, Police Chief, requested Council to authorize use of impact fees to Improve the Police Department Records and Investigation Facilities. The request covers two elements to increase the PD's capacity to serve the community. Chief White explained that the Police Department has experienced an increase in walk-in contacts since the building was opened and the original front desk area was not designed for ergonomics and efficient communication with their customers. The first part of the request is to install modular office furniture and electronic phone lines which will help facilitate visibility and communication with customers. The furniture will allow for a better use of space and add an additional full workstation to the area, along with two smaller desks to be utilized by volunteers. Currently, customers at the front counter have to raise their voices to speak through a small opening in the security glass. Some of the conversation can be quite graphic and uncomfortable depending on the crime being reported. The phone lines will allow customers to discuss sensitive personal issues without having to use a loud voice through the security glass, helping to maintain their privacy and dignity.

The second request is to renovate the existing waiting room for the detective division into a "soft" interview room to better serve victims of crimes and child victims. The current waiting rooms are basically made for people who are accused of crimes. There is a metal table and a metal chair, so when you are trying to interview a child or a victim of domestic violence, it is really not conducive to getting a good solid interview or building a rapport with the victims or the witnesses. The room would be primarily utilized by the Victim Advocate and the Domestic Violence/ Sex Crimes Detectives and be more conducive to interviewing victims of crimes.

The total cost of the renovation and modular furniture is not expected to exceed \$49,700. Adequate funding exists within the Impact Fee account for the expense, as the account has a current balance of approximately \$406,000.

Councilmember Gookin commented that the request was really clear cut and expressed a continuing concern for the City's impact fee rates and noted that we haven't adjusted the impact fees in over a decade. He further commented that for projects like this it is wonderful to spend impact fees on them, and there are other things we can spend impact fees on. Getting the numbers up and increasing the rate would be something that he will bring up at the next Council Meeting.

**MOTION by Gookin, seconded by Miller, to recommend that Council authorize the use of Impact Fees to improve the Police Department Records and Investigations facilities in an amount not to exceed \$49,700. MOTION CARRIED.**

**Item 2. V-20-03: Vacation of a Portion of Atlas Road Right-of-Way adjoining the Westerly Boundary of Tax #25317 in the City of Coeur d'Alene.**

**(Consent)**

Dennis Grant, Engineering Project Manager, requested Council authorization to proceed with the vacation process as outlined in Idaho Code Section 50-1306. The applicant, Rex Anderson, Fusion Architecture, PLLC, is requesting the vacation of right-of-way along the east side of Atlas Road, North of Seltice Way and South of I-90. It is unknown when the requested right-of-way was originally dedicated to the City of Coeur d'Alene.

Mr. Grant explained that the vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 4,574 square feet to the County tax roll. It would be a benefit to the municipality as tax revenue and eventual development of a portion of the site could lead to a more significant taxing entity.

The purpose of the request is to vacate the unused portion of right-of-way along the east side of Atlas Road, north of Seltice Way to make it more useful for traffic circulation for a planned new gas station. All Utilities are existing and in place, and there is no foreseeable use for the additional right-of-way. Therefore, the vacation of the portion of right-of-way adjoining the parcel would not impact the City and would be a benefit to the property owner. The Development Review Team was informed about the vacation and is requesting Council to proceed with the vacation process as outlined in Idaho Code § 50-1306 and set a public hearing for November 17, 2020.

Councilmember Gookin said it was surprising from looking at the staff report how far over that right of way is. Mr. Grant said the trail was a little deceiving because the map did not show the updated Seltice Way project, which as a trail in another area, and also the trail that is showing is still there except it has been moved slightly on the corner to get it out of private property. Councilmember Gookin said there is still a lot of dirt between the trail and City property and asked if it was City-owned. Mr. Grant said, yes, it is very wide and he commented that he thought that the Parks Department wanted 5 feet for future trees for the project in that right-of-way.

**MOTION: by Miller, seconded by Gookin, to proceed with the vacation process as outlined in Idaho Code § 50-1306 and set a public hearing for November 17, 2020. MOTION CARRIED.**

**Item 3. Water Department Presentation– Terry Pickel, Water Superintendent.**  
**(Information Only)**

Terry Pickel, Water Superintendent, presented information regarding the Water Department.

He noted in his presentation that they have 23 full time employees and up to 6 part time employees. The Water Departments mission/goal is to provide tasty and healthful water at a reasonable price at consistent pressures and in sufficient quantities.

Their objectives are:

- Excellent customer service
- Protection of the public health
- Clean and safe drinking water
- Public water system reliability

Water is drawn from the Spokane Valley/Rathdrum Prairie Aquifer. Wells are drilled into the aquifer and pumping stations are constructed. Wells pull water from the source and push it into the distribution system. Booster Stations lift water from lower elevations to higher elevations. Different styles of pumps are used. No water treatment is needed but they do chlorinate for safety. They use SCADA communication system to operate all of the wells and booster stations remotely. They use radio modem communications to talk to each site remotely. They store water excess in 7 water storage facilities to reduce pump cycling and provide for continual fire flow. There are over 305 miles of water mains ranging from 2" to 24" in size. Water sampling stations are installed around the city for water quality sampling. Water service lines extend from the main lines to homes or businesses ranging in size from ¾" to 10". Badger meters are used to track customer usage. The newest meters can even track leaks. Routine meter maintenance is necessary to ensure the accuracy of the revenue generation. Two thousand meters are replaced annually. The radio read batteries have a 10-year life span. Fire hydrant maintenance are performed annually which includes cleaning, testing and painting about 400 of our nearly 3,000 fire hydrants each year. Weather permitting, in the fall and winter, they perform annual valve exercising. There are nearly 12,000 valves. The Cross-Connection Control Program now tracks annual testing of over 12,000 assemblies. The Water Department inspects all new construction and painstakingly recorded for accurate records. GIS now allows date entry directly to online maps. Eventually, all infrastructure beings to fail as it ages. This is a huge problem plaguing utilities nationwide. The Maintenance Crew performs annual water infrastructure replacement, minimum size is now 8". Other maintenance includes rehab the pumps and motors on a predetermined schedule. Storage facilities are cleaned on a regular basis. Staff is trained annually. Licenses require annual proof of training at a minimum .6 CEU's per year.

A few Water Department accomplishments are:

- Best Hill Booster Station (2017)
- Huetter Well
- Fernan Hill 12" Transmission main; 18" Sleeve under drain line
- The new Water Department Administration and Maintenance facility
- Has not incurred any debt in the previous 20 years and none is forecast in the coming 5 years under current rates.

Upcoming Projects:

- Huetter Well Construction
- Trails Transmission Main Phase 1
- Atlas/Centennial Trail Transmission Main Phase 2
- Blackwell Transmission Main
- Canfield and Fernan Tank Site Locations
- Elm Street Switchover

Mr. Pickel thanked Ralph Capaul, former Water Master for Idaho Water and City Water Superintendent (1968-1992) and Jim Markley, Former Water Superintendent (1992-2016) because the system we have today is based off of what they started.

The meeting adjourned at 12:48 p.m.

Respectfully submitted,

[Carrie Meek](#)

Recording Secretary

# **PUBLIC WORKS COMMITTEE**

## **STAFF REPORT**

**DATE:** October 26, 2020  
**FROM:** Dennis J. Grant, Engineering Project Manager  
**SUBJECT:** **V-20-03, Vacation of a portion of Atlas Road right-of-way adjoining the westerly boundary of Tax # 25317 in the City of Coeur d'Alene.**

---

### **DECISION POINT**

The applicant, Rex Anderson, Fusion Architecture, PLLC, is requesting the vacation of right-of-way along the east side of Atlas Road, North of Seltice Way and South of I-90.

### **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 4,574 sf to the County tax roll. It would be a benefit to the municipality as tax revenue and eventual development of a portion of this site could lead to a more significant taxing entity.

### **PERFORMANCE ANALYSIS**

The purpose of this request is to vacate the unused portion of right-of-way along the east side of Atlas Road, north of Seltice Way to make it more useful for traffic circulation for a planned new gas station. All Utilities are existing and in place, and there is no foreseeable use for this additional right-of-way. Therefore, the vacation of this portion of right-of-way adjoining this parcel would not impact the City and would be a benefit to the property owner. The Development Review Team was informed about this vacation.

### **RECOMMENDATION**

Staff recommends to the Council to proceed with the vacation process as outlined in Idaho Code Section 50-1306 and recommends the setting of a public hearing for the item on November 17, 2020.





# EXHIBIT OF RIGHT-OF-WAY VACATION

FRONTING PARCEL C-0000-003-6400  
IN THE SW ¼ SEC. 3, T.50N., R.4W., B.M.,  
IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

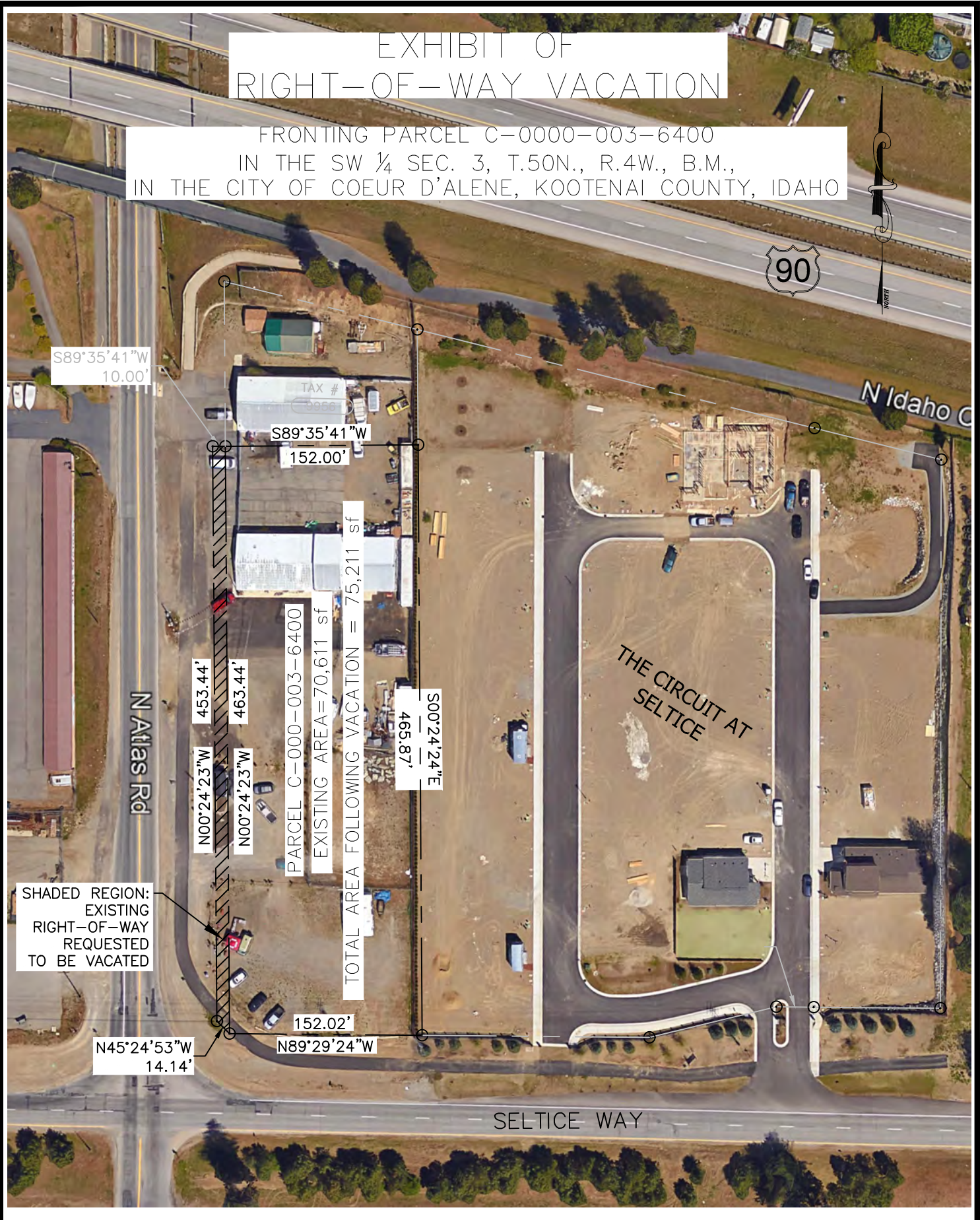


EXHIBIT OF RIGHT-OF-WAY VACATION  
ATLAS ROAD  
PARCEL C-0000-003-6400

**FRAME & SMETANA, PA**  
Consulting Engineers

**FS**

SCALE: 1"=100'

DATE: 07/07/2020

FILE: A254 SITE.dwg

603 North 4th Street, Coeur d'Alene, Idaho, 83814  
Ph.(208)664-2121/Fax:(208)765-5502/Email:smetana@roadrunner.com

SHEET 1 OF 1

RESOLUTION NO. 20-060

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FINAL PLAT, ACCEPTING IMPROVEMENTS, AND ACCEPTING THE MAINTENANCE/WARRANTY AGREEMENT AND SECURITY FOR COEUR D'ALENE PLACE 32<sup>ND</sup> ADDITION.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into an agreement pursuant to the terms and conditions set forth in the agreement attached hereto as Exhibit "A" and by reference made a part hereof as summarized as follows:

- A) Approving the Final Plat, Acceptance of Improvements, Maintenance/Warranty Agreement and Security for Coeur d'Alene Place 32nd Addition (S-1-18-); and

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

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter an agreement as set forth in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement so long as 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 as may be required on behalf of the City.

DATED this 3<sup>rd</sup> day of November, 2020.

\_\_\_\_\_  
Steve Widmyer, Mayor

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

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

## **CITY COUNCIL STAFF REPORT**

**DATE:** November 3, 2020  
**FROM:** Dennis J. Grant, Engineering Project Manager  
**SUBJECT:** **Coeur d'Alene Place 32<sup>nd</sup> Addition: Final Plat Approval, Acceptance of Improvements, Maintenance/Warranty Agreement and Security Approval**

---

### **DECISION POINT**

Staff is requesting the following:

1. Approval of the final plat document, a seventy-seven (77) lot residential development.
2. Acceptance of the installed public infrastructure improvements.
3. Approval of the Maintenance/Warranty Agreement and Security.

### **HISTORY**

- a. Applicant: Kevin Schneidmiller, Vice-President  
Greenstone-Kootenai II, Inc.  
1421 N. Meadowwood Lane, Suite 200  
Liberty Lake, WA 99019
- b. Location: East of Courcelles Parkway, North of Canfield Avenue.
- c. Previous Action:
  1. Final plat approval, CDA Place – 16<sup>th</sup> Addition (1994-2008).
  2. Final plat approval, CDA Place 17<sup>th</sup> – 23<sup>rd</sup> Addition (2010 – 2014).
  3. Final plat approval, CDA Place 24<sup>th</sup> – 31<sup>st</sup> Addition (2015 – 2019).

### **FINANCIAL ANALYSIS**

The developer is installing the required warranty bond (10%) to cover any maintenance issues that may arise during the one (1) year warranty period that will commence upon this approval, and terminate, on November 3, 2021. The amount of the security provided is \$128,858.00.

### **PERFORMANCE ANALYSIS**

The developer has installed all required public infrastructure. The responsible City departments have approved the installations and found them ready to accept. Acceptance of the installed improvements will allow the issuance of all available building permits for this phase of the development, and, Certificate of Occupancy issuance upon completion. The City maintenance would be required to start after the one (1) year warranty period expires on November 3, 2021.

### **DECISION POINT RECOMMENDATION**

1. Approve the final plat document.
2. Accept the installed public infrastructure improvements.
3. Approve the Maintenance/Warranty Agreement and accompanying Security.



**AGREEMENT FOR MAINTENANCE/WARRANTY OF SUBDIVISION WORK**

**Coeur d'Alene Place 32<sup>nd</sup> Addition**

THIS AGREEMENT made this 3<sup>rd</sup> day of November, 2020 between Greenstone-Kootenai II, Inc., whose address is 1421 N. Meadowwood Lane, Suite 200, Liberty Lake, WA 99019, with Kevin Schneidmiller, Vice-President, hereinafter referred to as the "Developer," and the city of Coeur d'Alene, a municipal corporation and political subdivision of the state of Idaho, whose address is City Hall, 710 E. Mullan Avenue, Coeur d'Alene, ID 83814, hereinafter referred to as the "City";

WHEREAS, the City has approved the final subdivision plat of Coeur d'Alene Place 32<sup>nd</sup> Addition, a seventy-seven (77) lot, residential development in Coeur d'Alene, situated in the E ½ Section 27, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho; and

WHEREAS, the Developer completed the installation of certain public improvements in the noted subdivision as required by Title 16 of the Coeur d'Alene Municipal Code and is required to warrant and maintain the improvements for one year; NOW, THEREFORE,

**IT IS AGREED AS FOLLOWS:**

The Developer agrees to maintain and warrant for a period of one year from the approval date of this agreement, the public improvements listed in the attached spreadsheet, attached as Exhibit "A", and, as shown on the construction plans entitled "Coeur d'Alene Place 32<sup>nd</sup> Addition", signed and stamped by Doug J. Desmond, PE, # 10886, dated October 5, 2020, incorporated herein by reference, including but not limited to: sanitary sewer system and appurtenances, potable water system and appurtenances, catch basins, stormwater drainage swales, drywells and appurtenances, concrete curb and sidewalk including ramps, asphalt paving, street luminaires, signing and monumentation as required under Title 16 of the Coeur d'Alene Municipal Code.

The Developer herewith delivers to the City, security in a form acceptable to the City, for the amount of One Hundred Twenty-Eight Thousand Five hundred eighty-one and 00/100 Dollars (\$128,581.00) securing the obligation of the Developer to maintain and warrant the public subdivision improvements referred to herein. The security shall not be released until the 3<sup>rd</sup> day of November, 2021. The City Inspector will conduct a final inspection prior to the release of the security to verify that all installed improvements are undamaged and free from defect. In the event that the improvements made by the Developer were not maintained or became defective during the period set forth above, the City may demand the funds represented by the security and use the proceeds to complete maintenance or repair of the improvements thereof. The Developer further agrees to be responsible for all costs of warranting and maintaining said improvements above the amount of the security given.

Owner's Reimbursement to the City: The Parties further agree that the City has utilized substantial staff time to prepare this agreement, which will benefit the Owner. The Parties further agree the City should be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee should be in the amount of Twenty Five and No/100 Dollars (\$25.00).

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

**City of Coeur d'Alene**

\_\_\_\_\_  
Steve Widmyer, Mayor

**ATTEST:**

\_\_\_\_\_  
Renata McLeod, City Clerk

**Greenstone-Kootenai II, Inc.**

  
\_\_\_\_\_  
Kevin Schneidmiller, Vice-President



# EXHIBIT 'A'

Project Name:		Coeur d' Alene Place 32nd Addition																				
Project Number:																						
Total Acres:																						
# of Single Family Lots:																						
# of Multi Family units:																						
Street Names			Roche Dr.	Roche Dr. North	Degas Dr.	Proust Dr..	Camus Dr.	DeIon Ct.	Cassal Dr.	Russell Loop	Wilbur Ave.										TOTAL COST (Includes Allocations)	
													per unit	cost	tax							
9-0151	Curbing	Curb and Gutter										520	\$ 14.00	7,280	0							
		Rolled Curb	890	1280	1032	1086	1360	370	274	850			\$ 14.00	99,988	0							
		Type "S" Curb										\$ 8.25	0	0								107,268
9-0152	Sidewalk width	5 feet	890	1280	1032	1086	1360	406	272	850	260		\$ 3.35	124,553	0							
		6 feet										\$ 3.25	0	0								
		ada domes S.F										\$ 21.00	0	0								
		Barricades										\$ 900.00	0	0								
		6 ADA Domes	24									\$ 750.00	18,000	0								142,553
<b>CONSTRUCTION COSTS</b>																						<b>1,288,581</b>
Warranty Bond 10%																						128,858

\$128,581.00 *D. J. H.*



**GENERAL SERVICES/PUBLIC WORKS  
COMMITTEE**

CITY COUNCIL  
STAFF REPORT

DATE: October 19, 2020

FROM: Lee White, Chief of Police

SUBJECT: Use of Impact Fees to Improve the Police Headquarters Building

---

**Decision Point:** The Police Department requests authorization to use Impact Fees to improve the Police Department Records and Investigations facilities.

**History:** This request covers two elements to increase our capacity to serve our community. The police department has experienced an increase in walk in contacts since the building was opened and the original front desk area was not designed for ergonomics and efficient communication with our customers. The first part of the request is to install modular office furniture and electronic phone lines which will help facilitate visibility and communication with our customers. The furniture will allow for a better use of space and add an additional full workstation to the area along with two smaller desks to be utilized by volunteers. Currently, customers at the front counter have to raise their voices to speak through a small opening in the security glass. Some of this conversation can be quite graphic and uncomfortable depending on the crime being reported. The phone lines will allow customers to discuss sensitive personal issues without having to use a loud voice through the security glass helping to maintain their privacy and dignity.

The second upgrade is to renovate an existing waiting room for the investigations section into a “soft” interview room to better serve victims of crimes and child victims. This would be primarily utilized by our Victim Advocate and the Domestic Violence/ Sex Crimes Detectives and be more conducive to interviewing victims of crimes. Included in this would be upgraded IT infrastructure for the interview rooms. We have been working with building maintenance to conduct work in-house and reduce the overall cost of the project.

**Financial Analysis:** The total cost of the renovation and modular furniture is not expected to exceed \$49,700. Adequate funding exists within the Impact Fee account for this expense, as this account has a current balance of approximately \$406,000.

**Decision Point:** The Police Department requests authorization to use Impact Fees to improve the existing facilities to more efficiently serve the increased utilization of our lobby and the investigations section.

**OTHER BUSINESS**

**City Council  
Staff Report**

**DATE:** November 3, 2020  
**FROM:** Chris Bosley – City Engineer  
**SUBJECT:** Request for approval of an agreement with Welch Comer for the design of Lacrosse Ave.

=====

**DECISION POINT:**

Should Council approve an agreement with Welch Comer for the design of Lacrosse Ave., a subsequent phase of the Four Corners/BLM Corridor Master Plan?

**HISTORY:**

The Four Corners/BLM Corridor Master Plan, approved by City Council in 2014, called for Lacrosse Ave. to extend from Northwest Boulevard to Lakewood Drive, providing access to future park amenities. Subsequently, the Atlas Mill Site traffic study, completed in 2019, recommended a third access point to the Riverstone area as a mitigation measure to reduce traffic congestion. Specifically, the recommendation called for Lacrosse Ave. to extend from Beebe Boulevard to Northwest Boulevard with a traffic signal installed at Northwest Boulevard. In September of this year, ignite cda approved a contribution of up to \$1.8 Million for the design and construction of Lacrosse Ave. In October of this year, City Council approved acceptance of these funds. Welch Comer is on the City’s approved consultant list and this project is viewed as a continuation or subsequent phase of the Four Corners/BLM Corridor Master Plan. This agreement with Welch Comer would enable the design to be completed this fall/winter with bidding and construction beginning in the spring of 2021. The ignite funds must be used this fiscal year as ignite’s Lake District is closing in 2021.

**FINANCIAL ANALYSIS:**

Selecting Welch Comer for this design is the most efficient and timely option due to the following reasons:

- Welch Comer has completed approximately 95% of the ground survey in the area. This was done at no charge to the City as they were anticipating the need. To complete the entire topo survey, only a minimal amount of additional survey is needed at the NW Blvd/Lacrosse intersection and to pick up any utilities in the corridor. With winter approaching, time available to complete an entire survey is limited.
- With their recent work at the Atlas Mill Site and the BLM Corridor, they have a solid start and understanding of the control network and boundaries at Lacrosse.
- They are already under contract with the Parks Department to develop the proposed park and parking lot adjacent to Lacrosse. This project is intended to work seamlessly with the park 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. Selection of a consultant to begin design is needed to utilize ignite cda’s funds in a timely manner.

**DECISION POINT/RECOMMENDATION:**

Council should approve an agreement with Welch Comer for the design of Lacrosse Ave., a subsequent phase of the Four Corners/BLM Corridor Master Plan.

RESOLUTION NO. 20-061

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WELCH COMER & ASSOCIATES, INC., FOR THE DESIGN OF LACROSSE AVENUE.

WHEREAS, the City Engineer of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into a Professional Services Agreement with Welch Comer & Associates, Inc., pursuant to terms and conditions set forth in an agreement, 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 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 Professional Services Agreement with Welch Comer & Associates, Inc., for the Design of Lacrosse Avenue, 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 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 3<sup>rd</sup> day of November, 2020.

\_\_\_\_\_  
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 ENGLISH	Voted
COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER WOOD	Voted

PROFESSIONAL SERVICES AGREEMENT  
between  
CITY OF COEUR D'ALENE  
and  
WELCH COMER & ASSOCIATES, INC.  
for  
LACROSSE AVENUE IMPROVEMENTS – A SUBSEQUENT PHASE TO THE  
CORNERS/BLM MASTER PLAN PROJECT

THIS Agreement is made and entered into this 3rd day of November, 2020, between the CITY OF COEUR D'ALENE, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the state of Idaho, hereinafter referred to as the "City," and WELCH COMER & ASSOCIATES, INC., an Idaho corporation, with its principal place of business at 330 E. Lakeside Avenue, Suite 101, Coeur d'Alene, Idaho, 83814, hereinafter referred to as the "Consultant."

W I T N E S S E T H:

Section 1. Employment of Consultant. The City hereby agrees to engage the Consultant and the Consultant hereby agrees to perform the services hereinafter set forth.

Section 2. Scope of Services.

A. The Consultant shall perform the services described in the Scope of Services attached hereto and incorporated herein by reference as Exhibit "A."

B. Area Covered: The Consultant shall perform all the necessary services provided under this Agreement respecting the tasks set forth in the Scope of Services.

Section 3. Personnel.

A. The Consultant represents that it has or will secure at its own expense all personnel required to perform its services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.

B. All of the services required hereunder will be performed by the Consultant or under his direct supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services.

C. The Consultant agrees to maintain Worker's Compensation coverage on all employees, including employees of subconsultants, during the term of this Agreement as required by Idaho Code §§ 72-101 through 72-806. Should the Consultant fail to maintain such insurance during the entire term hereof, the Consultant shall indemnify the City against any loss resulting to the City from such failure, either by way of compensation or additional premium liability. The Consultant 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.

Section 4. Time of Performance. The services of the Consultant shall commence upon execution of this Agreement by the Mayor of the City and shall be completed within Two Hundred Seventy (270) days thereafter. The period of performance may be extended for additional periods only by the mutual written agreement of the parties.

Section 5. Compensation.

A. Subject to the provisions of this Agreement, the City shall pay the Consultant an amount not to exceed One Hundred Fifty-one Thousand Dollars and NO/100 (\$151,000.00).

B. Except as otherwise provided in this Agreement, the City shall not provide any additional compensation, payment, use of facilities, service or other thing of value to the Consultant in connection with performance of agreement duties. The parties understand and agree that, except as otherwise provided in this Section, administrative overhead and other indirect or direct costs the Consultant may incur in the performance of its obligations under this Agreement have already been included in computation of the Consultant's fee and may not be charged to the City.

Section 6. Method and Time of Payment. The City will pay to the Consultant an amount not to exceed the amount set forth in Section 5 which shall constitute the full and complete compensation for the Consultant's professional services. Monthly progress payments must be submitted by the 10<sup>th</sup> of the month for work done in the previous calendar month. Partial payment shall be made by the end of each calendar month for the work billed by the 10<sup>th</sup> of that month. Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council.

Section 7. Termination of Agreement for Cause. If, through any cause within the Consultant's reasonable control, the Consultant shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Consultant shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall, after providing the Consultant reasonable time to remedy the deficiency, thereupon have the right to terminate this Agreement by giving written notice to the Consultant of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In that event, all finished or unfinished hard or electronic copies of documents, data, studies, surveys, and reports or other material prepared by the Consultant under this Agreement shall at the option of the City become its property, and the Consultant shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and materials. Equitable compensation shall not exceed the amount reasonably billed for work actually done and expenses reasonably incurred, or the amount set out in Section 5, whichever is less.



Section 8. Termination for Convenience of the City. The City may terminate this Agreement at any time by giving thirty (30) days written notice to the Consultant of such termination and specifying the effective date of such termination. In that event, all finished or unfinished documents and other materials as described in Section 7 above shall, at the option of the City, become its property. The Consultant shall be entitled to receive compensation not to exceed the amount reasonably billed for work actually done and expenses reasonably incurred as of the effective date of the termination, or the amount set out in Section 5, whichever is less.

Section 9. Modifications. The City may, from time to time, require modifications in the general scope of services initial basic services of the Consultant to be performed under this Agreement. The type and extent of such services cannot be determined at this time; however, the Consultant agrees to do such work as ordered in writing by the City, and the City agrees to compensate the Consultant for such work accomplished by written amendment to this Agreement.

Section 10. Interest of Members of the City and Others. No officer, member, or employee of the City and no member of its governing body, and no other public official of the governing body shall participate in any decision relating to this Agreement which affects his personal interest or the interest of any corporation, partnership, or association in which he is, directly or indirectly, interested or has any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

Section 11. Assignability.

A. The Consultant shall not assign any interest or duty in this Agreement and shall not transfer any interest or duty in the same (whether by assignment or novation) without the prior written consent of the City thereto. Provided, however, that claims for money due or to become due to the Consultant from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.

B. The Consultant shall not delegate duties or otherwise subcontract work or services under this Agreement without the prior written approval of the City.

Section 12. Interest of Consultant. The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it.

Section 13. Findings Confidential. Any reports, information, data, etc., given to or prepared or assembled by the Consultant under this Agreement which the City requests to be kept confidential shall not be made available to any individual or organization by the Consultant without the prior written approval of the City.

Section 14. Publication, Reproduction and Use of Materials. No material produced, in whole or in part, under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data electronic files, or other materials prepared under this Agreement. The Consultant shall provide copies of such work product to the City upon request.

The City may make and retain copies of documents for information and reference in connection with use on the Project by the City. Such documents are not intended or represented to be suitable for reuse by the City or others on extensions of the Project or on any other project. Any such reuse or modification without written verification or adaptation by the Consultant, as appropriate for the specific purpose intended, will be at the City's sole risk and without liability or legal exposure to the Consultant and the Consultant's sub-consultants. To the extent allowed by law, the City shall indemnify and hold harmless the Consultant and the Consultant's sub-consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting therefrom.

Section 15. Audits and Inspection. The Consultant shall provide access for the City and any duly authorized representatives of the City to any books, documents, papers, and records of the Consultant that are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. The Consultant shall retain all records pertinent to the project for three years after final payment and all other pending matters are closed.

Section 16. Jurisdiction; Choice of Law. Any civil action arising from this Agreement shall be brought in the District Court for the First Judicial District of the State of Idaho, in and for the County of Kootenai. The law of the state of Idaho shall govern the rights and obligations of the parties.

Section 17. Non-Waiver. The failure of the City at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of, this Agreement or any part thereof, or the right of the City thereafter to enforce each and every protection hereof.

Section 18. Permits, Laws and Taxes. The Consultant shall acquire and maintain in good standing all permits, licenses and other documents necessary to its performance under this Agreement. All actions taken by the Consultant under this Agreement shall comply with all applicable statutes, ordinances, rules, and regulations. The Consultant shall pay all taxes pertaining to its performance under this Agreement.

Section 19. Relationship of the Parties. The Consultant shall perform its obligations hereunder as an independent contractor of the City. The City may administer this Agreement and monitor the Consultant's compliance with this Agreement but shall not supervise or otherwise direct the Consultant except to provide recommendations and to provide approvals pursuant to this Agreement.

Section 20. Integration. This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties.

Section 21. City Held Harmless.

A. The Consultant shall save, hold harmless, and indemnify the City, its officers, agents and employees from and against any and all damages or liability arising out of the Consultant's wrongful acts or negligence, including costs and expenses, for or on account of any and all legal actions or claims of any character resulting from injuries or damages sustained by any person or persons or property arising from the Consultant's performance of this Agreement and not arising from the Consultant's professional services. To this end, the Consultant shall maintain general liability insurance in at least the amounts set forth in Section 23(A).

B. The Consultant shall save, hold harmless and indemnify the City, its officers, agents, and employees from and against damages or liability arising out of the Consultant's negligent acts, errors, or omissions, including costs and expenses for or on account of any and all legal actions or claims of any character resulting from injuries or damages sustained by persons or property to the extent arising from the Consultant's negligent performance of this Agreement, including but not limited to the Consultant's professional services. To this end, the Consultant shall maintain Errors and Omissions insurance in at least the amounts set forth in Section 23(B).

Section 22. Notification. Any notice under this Agreement may be served upon the Consultant or the City by mail at the address provided in Section 1 hereof.

Section 23. Special Conditions. Standard of Performance and Insurance.

A. The Consultant shall maintain general liability insurance naming the City, its employees, and its representatives as additional insureds in the amount of at least \$500,000.00 for property damage or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants, it being the intention that the minimum limits shall be those provided for by Idaho Code § 6-924.

B. In performance of professional services, the Consultant will use that degree of care and skill ordinarily exercised under similar circumstances by members of the Consultant's profession. The Consultant shall obtain Errors and Omission Insurance in at least the amount of five hundred thousand dollars (\$500,000.00) to cover the Consultant and any of the Consultant's employees should they be found to have been negligent in the performance of professional services from which the City sustains damage. The Consultant shall maintain coverage, and furnish proof thereof, for a period of two years following the completion of the project.

C. The Consultant shall obtain and maintain auto liability insurance in the amount of \$500,000.00 for the duration of the project for all owned and non-owned vehicles used in this project.

D. Prior to work under this Agreement, the Consultant shall furnish to the City certificates of the insurance coverages required herein, which certificates must be approved by the City Attorney. All insurance shall provide cancellation notice that assures at least thirty (30) days' notice prior to cancellation of the policy for any reason. In the event of cancellation of any insurance required by this Agreement, the Consultant shall promptly notify the City.

Section 24. Non – Discrimination.

During the performance of this contract, the Consultant, for itself, its assignees and successors in interest, agrees as follows:

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

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

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

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

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

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

The Consultant shall include the provisions of paragraphs (A) through (E) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Consultant shall take such action with respect to any sub-consultant or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance; PROVIDED, however, that in the event the Consultant becomes involved in, or is threatened with, litigation with a sub-consultant or supplier as a result of such direction, the Consultant may request ITD enter into such litigation to protect the interests of the state and, in addition, the Consultant may request the USDOT enter into such litigation to protect the interests of the United States.

IN WITNESS WHEREOF, this Agreement is executed the day and year first written above.

CITY OF COEUR D'ALENE

WELCH COMER & ASSOCIATES, INC.

\_\_\_\_\_  
Steve Widmyer, Mayor

By \_\_\_\_\_  
Its Principal

ATTEST:

ATTEST:

\_\_\_\_\_  
Renata McLeod, City Clerk

\_\_\_\_\_  
Name/Title

# Exhibit A

## Scope of Work

### 1. Specific Project Data

- 1.1. TITLE: Lacrosse Avenue: Design, Bid and Construction Phase Services
- 1.2. DESCRIPTION: OWNER intends to design and construct a new segment of Lacrosse Avenue between Lakewood Drive and Northwest Boulevard that will include on-street parking, a traffic signal, parking lot, landscaping and stormwater improvements. Owner also desires to improve the crossing of the Centennial Trail at Beebe Boulevard.

### 2. Services of ENGINEER

#### 2.1. Design Phase Services

A. Preliminary Design Phase: Provide Preliminary Design documents with the following elements:

- i. General Project Management
  - ENGINEER will manage staff, schedule, and budget to maximize the OWNER's chances of a successful project. Should the project demand, ENGINEER shall reallocate resources, where possible, to benefit the project.
  - This scope assumes one meeting will be held with the OWNER's Design Review Team and 2 meetings with the City Council to provide updates and ask for direction, when necessary.
- ii. Topographic Survey: Conduct topographic surveying from and including the Lacrosse/NW boulevard intersection West along Lacrosse to a point in which it ties into the recently finished road improvements at the extension of N. Lakewood Dr. The survey will also include a survey of the planned parking lot and swale area and necessary survey information at the Centennial Trail/Beebe Blvd intersection to facilitate trail relocation at this intersection.

Topographic survey will generally include, but not limited to, edge of pavement, guardrail posts, traffic control devices, mailboxes, signs, landscaping, luminaire, utility poles, fences, dry wells, catch basins, existing culverts horizontal and vertical inverts at both ends, utilities above and below ground, etc. Significant individual trees, 6" inches and above at waist height, will be tied. We will coordinate with utility one-call for location and marking of underground utilities.

- iii. Data Reduction/Analysis: The topographic survey data will be processed utilizing a combination of appropriate office software based on the method of data collection. All survey data will undergo a strict quality control review. Field notes and daily field reports will be scanned and logged in daily.
- iv. Base Mapping: Prepare a topographic base map using field survey data and existing record drawings provided by agencies or utility companies. The topographic base map will show planimetric features including all of the information obtained during the topographic survey. A digital terrain model

(DTM) will be created from the topographic survey data. Contours will be generated from the DTM and shown on the map. A field visit will also be conducted to compare the base map to the field conditions.

v. Existing Right of Way Survey

- Survey Control: Establish 2 primary GPS survey control points, one near the west end and one near the east end of the project area. Survey control monuments will be set at locations for use from design through the construction process. Establish secondary control points to be primarily used for the right of way and topographic surveys. Control points for construction will be established during the construction phase.
- Records Research and Survey Calculations: Perform survey records research at Kootenai County with a focus on records of surveys, plats and corner perpetuation and filing (CPF) records. Compute (cogo) the survey records and establish calculated monument search positions to be used in field surveys.
- Monument Search: Field surveys to locate monumentation of record or visible within and adjacent to the project corridor. Section and quarter corner monuments necessary for road right of way determination, if any, will be searched for. In accordance with State code 55-1613 we will tie a minimum of two public land survey monuments. Up to two corner perpetuation and filing records will be prepared and filed.
- Data Reduction/Analysis: Perform, analyze, adjust, and resolve survey control network measurement data to obtain positional values. All survey data will undergo a strict quality control and assurance review.
- Right of way and Boundary Resolution: Utilizing a combination of the found monuments and records research the existing Lacrosse Road right of way will be determined. Prepare an AutoCAD right of way drawing showing all found monuments in addition to the right of way and centerline data. Platted private property lines will be shown based on the platted lot information.
- Survey Assumptions
  - a. Property corner and right of way monuments will not be set.
  - b. Sufficient monuments exist to define the right of way.
  - c. Traffic Control will be utilized at the Lacrosse/NW Boulevard Intx
  - d. Title reports will not be needed.
  - e. Easement and Right of Way acquisition services are excluded.

vi. Demolition Plan

- Provide demolition plan to delineate the limits of removal for items such as asphalt, concrete, grass, trees, utility poles, etc.
- Demolition plan will clearly delineate and show protection of applicable elements to be preserved and protected as part of construction.

- vii. Typical Section
  - Based on the preferred typical section selected during the Concept Development, complete the typical section(s) to be used on the project such as lane widths, shoulder width, parking configuration, side slopes, curb type, and sidewalk/path & buffer width.
  - It is likely multiple typical sections will be used throughout the project.
- viii. Horizontal & Vertical Alignments
  - Where possible, develop the horizontal and vertical alignments to minimize negative impact to surrounding areas and earthwork quantities.
  - Design horizontal and vertical alignments in accordance with current AASHTO and City Standards for curves, sight distance, intersection radii, and other applicable standards.
- ix. Access Design: Accommodate access into several parcels near Northwest Boulevard. Driveways will be designed in accordance with the OWNER's standards with respect to width and slope. Meetings with some property owners will likely be necessary. OWNER will provide ENGINEER contact information for all property owners adjacent to the project.
- x. Parking Lot Design
  - Providing grading and hardscape design for parking lot based on the concept design provided by the Owner.
- xi. Roadway/Parking Lot Stormwater:
  - Lacrosse and Parking Lot Stormwater: Stormwater will be directed to roadside swales, where it will be treated and allowed to infiltrate. Swales will be designed in accordance with the OWNER's standards.
- xii. Stormwater Outfall Removal: Owner desires to remove an existing outfall that discharges into the Spokane River. The outfall serves a large basin directly northeast of the project location.
  - Conduct stormwater modelling to determine anticipated stormwater flow rates at the outfall location. Basin areas will be provided by the Owner's GIS Department.
  - Provide two swale location options for Owner's consideration prior to completing design.
  - Coordinate with City's Parks Dept and BLM, if necessary, to determine if swale can be placed in the BLM park area.
  - Design stormwater detention/treatment/infiltration system to handle expected flow rates in accordance with Owner's standards.
  - Provide design for removing/decommissioning the existing outfall.
  - This scope excludes coordination with the EPA/DEQ for removing the outfall.
- xiii. TRAFFIC SIGNAL: Design full control traffic signal at the intersection of Northwest Boulevard and Lacrosse Avenue. Traffic signal will include the following:



- Proper placement of pedestrian controls based on ADA compliant sidewalk facilities and signal head layout.
  - Wiring design showing how each phase and signal head connects into the signal controller. Wiring design will be in accordance with applicable standards.
  - Conduit and phasing design diagram showing junction box locations, conduit location and sizes, and number and size of wires.
  - Video vehicle detection system design.
  - Emergency Pre-emption System. ENGINEER will coordinate with Coeur d'Alene Fire Department.
  - Signal pole mounted intersection lighting. Significant coordination with existing overhead utilities will be required to accommodate the placement of the signal poles on the east side of Northwest Blvd.
  - ENGINEER may assist the OWNER in pre-ordering some or all of the signal items that are typically "long-lead" items.
  - Provide design for existing pedestrian ramp replacement to get in conformance with current ADA requirements.
- xiv. Street and Parking Lot Illumination – The OWNER intends on utilizing Avista provided cobra-head style lighting for Lacrosse Avenue. ENGINEER shall coordinate with OWNER on light spacing and location. ENGINEER shall also coordinate with Avista on conduit and foundation design. ENGINEER's plans will show conduit and foundations. Avista will provide wiring, power supply and streetlights.
- xv. Centennial Trail Crossing at Beebe
- Complete design based on concept provided by the Owner. Design will include hardscape surfacing, signing and pavement markings necessary for a complete crossing.
  - Provide ignite cda proposed easement documentation to secure an easement from the existing property owner/developer at on the north side of Beebe.
- xvi. Signing & Pavement Markings – Design a signing & pavement marking layout in accordance with MUTDC and OWNER standards.
- xvii. Utility Coordination - ENGINEER will contact each dry utility in the area to coordinate existing locations. ENGINEER will plot existing utility locations on the topographic survey and request each utility to verify locations. After existing utility locations are known and the project's horizontal and vertical alignments are established, the ENGINEER will coordinate and identify the utilities that need to be moved, installed, or abandoned and at whose expense such work will be performed. It is assumed that two meetings with each public utility will be required.
- xviii. Geotechnical Engineering (Strata)
- Strata will provide up to 2 infiltration tests at likely locations for the stormwater outfall swale discharge.

- No roadway geotechnical investigation will be completed. The roadway section used for Lacrosse will be based on City standards for a Collector street.
- xix. Stormwater Pollution Prevention Plan – It is anticipated that a Stormwater Pollution Prevention Plan (SWPPP) will be required for this project. It is assumed stormwater runoff from the site can reach “Waters of the US”.
  - xx. Environmental Clearances – It is assumed no environmental permits or clearances are necessary for this project.
  - xxi. Sanitary Sewer – Per direction from the Owner’s Sewer Department, ENGINEER will provide design for approximately 450 feet of gravity sewer and associated services that will serve several existing parcels near Northwest Boulevard. The sewer will tie-in to the existing main line on Northwest Boulevard.
  - xxii. Potable Water – Per direction from the Owner’s Water Department, ENGINEER will design approximately 500’ of 8” waterline and 1000’ of 12” waterline and associated services that will serve several existing parcels near Northwest Boulevard. The water line will also serve future amenities related to the adjacent park.
  - xxiii. Construction Traffic Control – Major traffic control will be limited to the intersection of Northwest Boulevard and Lacrosse. Minor traffic control will be designed at the end of Lakewood Drive and where the new parking lot will intersect with Bellerive Drive. Finally, traffic control will be required at the Centennial Trail & Beebe Blvd intersection. Traffic control plans will not be developed. Instead, TCP will be produced by the contractor based on criteria developed in the construction specifications.
  - xxiv. Landscape Design – Provide landscape design on Lacrosse and the Parking lot in accordance with City of Coeur d’Alene standards. It is assumed a performance specification for irrigation will be developed.
  - xxv. Construction Specifications & Estimate – Develop construction specifications and construction estimate in accordance with EJCDC or ISPWC standards.
  - xxvi. Quality Control – Welch Comer’s internal QA/QC program involves reviews by experienced engineers, land surveyors and construction inspectors. Constructability reviews will be conducted internally prior to every submittal to the Owner.
  - xxvii. Design Review – Submit 90% design to the Owner’s Design Review Team and attend the actual design review meeting. Address comments as necessary.
- B. Final Design Documents – Engineer Shall:
- i. Prepare final Drawings and Specifications indicating the scope, extent, and character of the work to be performed and furnished by Contractor.
  - ii. Advise Owner of any recommended adjustments to the opinion of probable Construction Cost.
  - iii. After consultation with Owner, include in the Construction Contract Documents any specific protocols for the transmittal of Project-related

correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website. Any such protocols shall be applicable to transmittals between and among Owner, Engineer, and Contractor during the Construction Phase and Post-Construction Phase, and unless agreed otherwise shall supersede any conflicting protocols previously established for transmittals between Owner and Engineer.

- iv. Assist Owner in assembling known reports and drawings of Site conditions, and in identifying the technical data contained in such reports and drawings upon which bidders or other prospective contractors may rely.
- v. In addition to preparing the final Drawings and Specifications, assemble drafts of other Construction Contract Documents based on specific instructions and contract forms, text, or content received from Owner.
- vi. Prepare or assemble draft bidding-related documents, based on the specific bidding or procurement-related instructions and forms, text, or content received from Owner.
- vii. Furnish for review by Owner, its legal counsel, and other advisors, 3 copies of the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related documents, and any other Final Design Phase deliverables, and review them with Owner. Owner shall submit to Engineer any comments regarding the furnished items, and any instructions for revisions.
- viii. Revise the final Drawings and Specifications, assembled drafts of other Construction Contract Documents, the draft bidding-related, and any other Final Design Phase deliverables in accordance with comments and instructions from the Owner, as appropriate, and submit 2 final copies of such documents to Owner.
- ix. Engineer's services under the Final Design Phase will be considered complete on the date when Engineer has delivered to Owner the final Drawings and Specifications, other assembled Construction Contract Documents, bidding-related documents, and any other Final Design Phase deliverables.

2.2. Bid Phase Services - After acceptance by Owner of the final Drawings and Specifications, other Construction Contract Documents, bidding-related documents, and the most recent opinion of probable Construction Cost as determined in the Final Design Phase, and upon written authorization by Owner to proceed, Engineer shall:

- A. Assist Owner in advertising for and obtaining bids or proposals for the Work, assist Owner in issuing assembled design, contract, and bidding-related documents to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the issued documents.
- B. Prepare and issue Addenda as appropriate to clarify, correct, or change the issued documents.
- C. Provide information or assistance needed by Owner in the course of any review of proposals or negotiations with prospective contractors.

- D. Consult with Owner as to the qualifications of prospective contractors, subconsultants, and suppliers.
- E. If the issued documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors, provided that such proposals are allowed by the bidding-related documents prior to award of contracts for the Work.
- F. Attend the bid opening, prepare bid tabulation sheets to meet Owner's schedule, and assist Owner in evaluating bids or proposals, assembling final contracts for the Work for execution by Owner and Contractor, and in issuing notices of award of such contracts.
- G. If Owner engages in negotiations with bidders or proposers, assist Owner with respect to technical and engineering issues that arise during the negotiations.
- H. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors.

### **3. OWNER's Responsibilities**

#### **3.1. Owner shall:**

- A. Provide Engineer with all criteria and full information as to Owner's requirements for the Project, including design objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any budgetary limitations.
- B. Give instructions to Engineer regarding Owner's procurement of construction services (including instructions regarding advertisements for bids, instructions to bidders, and requests for proposals, as applicable), Owner's construction contract practices and requirements, insurance and bonding requirements, electronic transmittals during construction, and other information necessary for the finalization of Owner's bidding-related documents (or requests for proposals or other construction procurement documents), and Construction Contract Documents. Furnish copies (or give specific directions requesting Engineer to use copies already in Engineer's possession) of all design and construction standards, Owner's standard forms, general conditions, supplementary conditions, text, and related documents and content for Engineer to include in the draft bidding-related documents (or requests for proposals or other construction procurement documents), and draft Construction Contract Documents, when applicable. Owner shall have responsibility for the final content of (1) such bidding-related documents (or requests for proposals or other construction procurement documents), and (2) those portions of any Construction Contract other than the design (as set forth in the Drawings, Specifications, or otherwise), and other engineering or technical matters; and Owner shall seek the advice of Owner's legal counsel, risk managers, and insurance advisors with respect to the drafting and content of such documents.
- C. Furnish to Engineer any other available information pertinent to the Project including reports and data relative to previous designs, construction, or investigation at or adjacent to the Site.
- D. Following Engineer's assessment of initially-available Project information and data and upon Engineer's request, obtain, furnish, or otherwise make available (if necessary through title searches, or retention of specialists or consultants) such additional Project-

related information and data as is reasonably required to enable Engineer to complete its Basic and Additional Services. Such additional information or data would generally include the following:

- i. Property descriptions.
  - ii. Zoning, deed, and other land use restrictions.
  - iii. Utility and topographic mapping and surveys.
  - iv. Property, boundary, easement, right-of-way, and other special surveys or data, including establishing relevant reference points.
  - v. Explorations and tests of subsurface conditions at or adjacent to the Site; geotechnical reports and investigations; drawings of physical conditions relating to existing surface or subsurface structures at the Site; hydrographic surveys, laboratory tests and inspections of samples, materials, and equipment; with appropriate professional interpretation of such information or data.
  - vi. Environmental assessments, audits, investigations, and impact statements, and other relevant environmental, historical, or cultural studies relevant to the Project, the Site, and adjacent areas.
  - vii. Data or consultations as required for the Project but not otherwise identified in this Agreement.
- E. 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.
- F. Recognizing and acknowledging that Engineer's services and expertise do not include the following services, provide, as required for the Project:
- i. Accounting, bond and financial advisory (including, if applicable, "municipal advisor" services as described in Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) and the municipal advisor registration rules issued by the Securities and Exchange Commission), independent cost estimating, and insurance counseling services.
  - ii. Legal services with regard to issues pertaining to the Project as Owner requires, Contractor raises, or Engineer reasonably requests.
  - iii. Such auditing services as Owner requires to ascertain how or for what purpose Contractor has used the money paid.
- G. 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.
- H. 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.

- I. 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.
- J. If more than one prime contract is to be awarded for the Work designed or specified by Engineer, then designate a person or entity to have authority and responsibility for coordinating the activities among the various prime Contractors, and define and set forth the duties, responsibilities, and limitations of authority of such individual or entity and the relation thereof to the duties, responsibilities, and authority of Engineer as an attachment to this Scope of Work that is to be mutually agreed upon and made a part of this Agreement before such services begin.
- K. Inform Engineer in writing of any specific requirements of safety or security programs that are applicable to Engineer, as a visitor to the Site.
- L. 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.
- M. Inform Engineer regarding any need for assistance in evaluating the possible use of Project Strategies, Technologies, and Techniques, as defined in Services of Engineer.
- N. Advise Engineer as to whether Engineer's assistance is requested in identifying opportunities for enhancing the sustainability of the Project.
- O. Place and pay for advertisement for Bids in appropriate publications.
- P. Furnish to Engineer data as to Owner's anticipated costs for services to be provided by others (including, but not limited to, accounting, bond and financial, independent cost estimating, insurance counseling, and legal advice) for Owner so that Engineer may assist Owner in collating the various cost categories which comprise Total Project Costs.
- Q. Attend and participate in the pre-bid conference, bid opening, pre-construction conferences, construction progress and other job related meetings, and Site visits to determine Substantial Completion and readiness of the completed Work for final payment.
- R. Authorize Engineer to provide Additional Services, as required.

#### **4. Payments to ENGINEER for Services**

##### **4.1. 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 amounts for each phase:

<b>Task</b>	<b>Fee Amount</b>	<b>Fee Type</b>
Preliminary Design Phase	\$123,000	Lump Sum
Final Design Phase	\$20,600	Lump Sum
Bid Phase	\$7,400	Lump Sum

- i. The Lump Sum includes appropriate amounts to account for labor, overhead, profit, and Reimbursable Expenses. Subconsultant charges, if any, are included in the above.
- ii. 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.

**CITY COUNCIL  
STAFF REPORT**

**DATE:** November 3, 2020  
**FROM:** Randy Adams, Deputy City Attorney  
**SUBJECT:** Publication of Municipal Code

---

**DECISION POINT:** Should the City Council approve an amendment to Coeur d’Alene Municipal Code § 1.01.01 because of a change in publishers?

**HISTORY:** Idaho Code § 50-906 provides that the ordinances of the City “when so revised, codified, compiled and published in book or pamphlet form by authority of the city need not be printed or published in any other manner.” Until recently the Coeur d’Alene Municipal Code was published by Sterling Codifiers in Weiser, Idaho. In the spring of 2020, Sterling Codifiers was acquired by American Legal Publishing. The Coeur d’Alene Municipal Code is now being published by American Legal Publishing. Because publication of the Municipal Code was assigned to Sterling Codifiers in the Code itself, the change in publishers necessitates an amendment of the Code.

**FINANCIAL ANALYSIS:** There is no cost to the City to make this amendment.

**PERFORMANCE ANALYSIS:** Cities can publish their municipal codes on their own or through a publisher. For many years, the City of Coeur d’Alene has used Sterling Codifiers as the publisher of the official Municipal Code. The acquisition of Sterling Codifiers by American Legal Publishing means that the publisher of the Coeur d’Alene Municipal Code has changed. That change should be recognized by the amendment to the Code. In addition, because publishers change from time to time, the Code should allow Council to designate the publisher by Resolution, rather than requiring an ordinance amendment each time.

**DECISION POINT/RECOMMENDATION:** Council should approve the amendment to Coeur d’Alene Municipal Code § 1.01.01.



ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 20-1019

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING COEUR D'ALENE MUNICIPAL CODE SECTION 1.01.01 REGARDING PUBLICATION OF THE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

NOW, THEREFORE,

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

**SECTION 1.** *That Section 1.01.01 of the Coeur d'Alene Municipal Code be amended as follows:*

Pursuant to the Provisions of Sections 50-903 through 50-906 of the Idaho Code, there is hereby adopted the COEUR D'ALENE MUNICIPAL CODE ~~as published by Sterling Codifiers, Inc., Weiser, Idaho.~~ The Coeur d'Alene Municipal Code shall be maintained by the City Clerk and shall be published as may be directed, from time to time, by Resolution of the City Council.

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

**SECTION 3.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein.

**SECTION 4.** 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 November 3, 2020.*

APPROVED, ADOPTED and SIGNED this 3<sup>rd</sup> day of November, 2020.

---

Steve Widmyer, Mayor

ATTEST:

---

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending Section 1.01.01 of the Coeur d'Alene Municipal Code

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING COEUR D'ALENE MUNICIPAL CODE SECTION 1.01.01 REGARDING PUBLICATION OF THE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY; AND PROVIDING FOR AN EFFECTIVE DATE. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

---

Renata McLeod, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Randall R. Adams, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Amending section 1.01.01 of the Coeur d'Alene Municipal Code, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 3<sup>rd</sup> day of November, 2020.

---

Randall R. Adams, Chief Civil Deputy City Attorney

RESOLUTION NO. 20-062

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DESIGNATING AMERICAN LEGAL PUBLISHING AS THE PUBLISHER OF THE COEUR D'ALENE MUNICIPAL CODE.

WHEREAS, the City Attorney of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene designate American Legal Publishing as the publisher of the Coeur d'Alene Municipal Code since its acquisition of Sterling Codifiers; and

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

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City designate American Legal Publishing to be the publisher of the Coeur d'Alene Municipal Code.

BE IT FURTHER RESOLVED that the effective date of this designation shall be the date of acquisition of Sterling Codifiers by American Legal Publishing.

DATED this 3<sup>rd</sup> day of November, 2020.

\_\_\_\_\_  
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

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

**FROM:** TAMI STROUD, ASSOCIATE PLANNER

**DATE:** NOVEMBER 3, 2020

**SUBJECT:** ZC-2-20 ZONE CHANGE FROM R-12 TO C-17

**LOCATION:** +/- .43 ACRE PORTION OF A PARCEL LOCATED AT 217 W.  
CARDWELL DRIVE

**OWNER:**  
Andrea Queen  
1029 N. 2<sup>nd</sup> Street  
Coeur d'Alene, ID 83814

**APPLICANT:**  
Thomas W. Fisher  
PO Box 105  
Coeur d'Alene, ID 83814

**DECISION POINT:**

The applicant is requesting approval of a zone change from R-12 (Residential at 12 units/acre) to C-17 (C-17 Commercial) zoning district.

**PLANNING COMMISSION RECOMMENDATION:**

At their regular monthly meeting on July 14, 2020, the Planning Commission held a public hearing on this item and made a recommendation to approve this zone change request. Following that meeting, the applicant's representative requested that staff delay scheduling the item on Council's agenda, because the property owner was contemplating their options and whether to move forward with the Zone Change or pursue a Special Use Permit.

**BACKGROUND INFORMATION:**

The property is located on the north side of I-90 and west of Government Way along Cardwell Drive. There is an existing single-family dwelling unit and an accessory structure on the subject site. The single-family dwelling was originally built in 1960. The pole building was constructed in 1995. The property owner would like to use the accessory structure as a gym, or Commercial Recreation use.

The zoning ordinance requires Commercial Recreation uses be located in the C-17/C-17L Zoning Districts or be approved by a special use permit. (See C-17 Zoning District Information on pages 15 & 16). All uses located in the C-17L and the C-17 zoning districts are required to meet the City's Commercial Design standards.

The applicant has indicated that they would like to utilize the existing accessory structure as a gym (Commercial Recreation use). They also intend to make the necessary improvements to the existing single-family dwelling unit, and it will remain on the site. The applicant is aware that site improvements, commercial design standards, and paving of display lots and maneuvering areas are required in order to use the existing accessory structure for a commercial use. However, it should be noted that the applicant's proposed Commercial Recreation use of the property is not tied to the requested zone change.

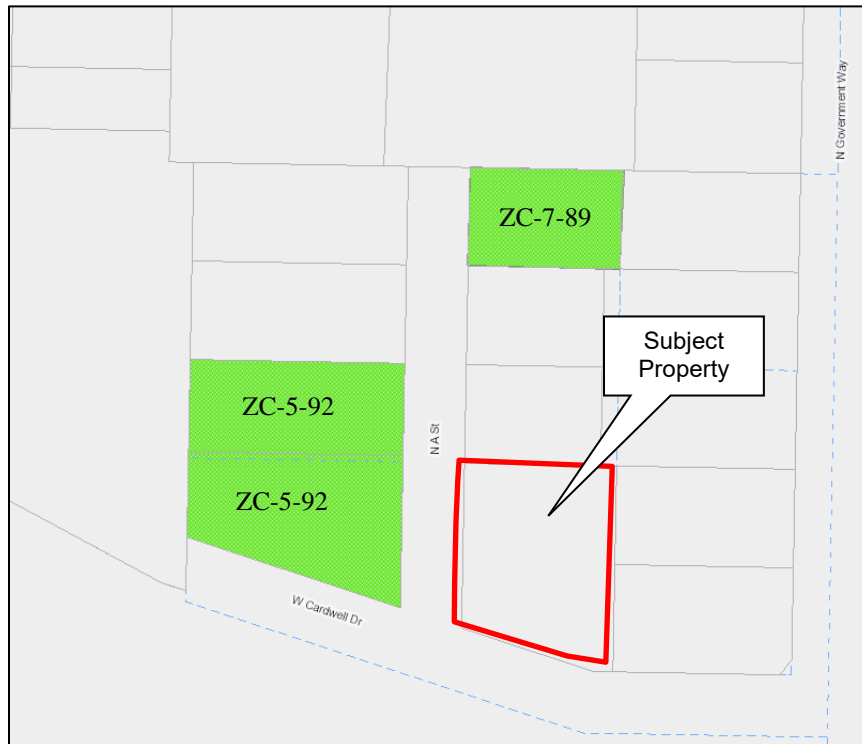




**BIRDS EYE AERIAL:**



**PRIOR LAND USE ACTIONS MAP:**





**PRIOR LAND USE ACTIONS:**

Planning Commission and City Council approved a zone change request in items ZC-7-89 and ZC-5-92 that are north and west of the subject property from R-12 to C-17 in 1989 and in 1992 respectively, as seen in the map provided on the above page.

**Zone Changes:**

ZC-7-89	R-12 to C-17	Approved
ZC-5-92	R-12 to C-17	Approved

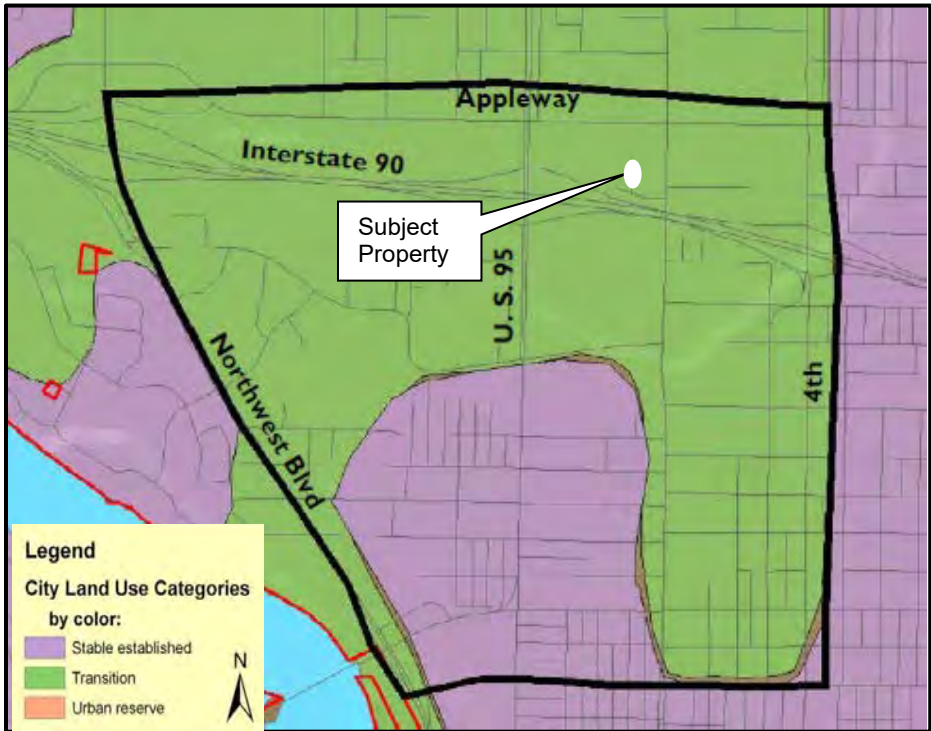
**REQUIRED FINDINGS:**

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

**2007 COMPREHENSIVE PLAN- LAND USE CATEGORY: APPLEWAY – NORTH 4<sup>TH</sup>**

- The subject property is within the existing city limits.
- The City Comprehensive Plan designates this area in the 2007 Comprehensive Plan as Appleway – North 4<sup>th</sup> Street

**Comprehensive Plan Map: APPLEWAY – NORTH 4<sup>TH</sup> STREET**



**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.

**Appleway – North 4<sup>th</sup> Street Tomorrow:**

The Appleway – 4<sup>th</sup> Street area is expected to be a mixed-use area. The stable/established residential will remain. The west Ironwood corridor will require careful evaluation of traffic flow. Ironwood will be connected to 4<sup>th</sup> Street, enabling higher intensity commercial and residential uses.

**The characteristics of the Appleway – North 4<sup>th</sup> Street neighborhoods will be:**

- That overall density will approach six units per acre, with infill and multi-family housing located next to arterial and collector streets.
- That pedestrian and bicycle connections will be provided.
- Street widening and potential reconfiguration of US 95 should be sensitive to adjacent uses.
- Uses that strengthen neighborhoods will be encouraged.

**The characteristics of the Appleway – North 4<sup>th</sup> Street commercial will be:**

- Those commercial buildings will remain lower in scale than in the downtown core.
- Streetscapes should be dominated by pedestrian facilities, landscaping, and buildings.
- Shared-use parking behind buildings is preferred.

**COMPREHENSIVE PLAN GOALS & OBJECTIVES THAT APPLY:**

**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 through:*

**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.

**Goal #2 - Economic Environment:**

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

**Objective 2.01 – Business Image & Diversity:**

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

**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.

**Goal #3 - Home Environment:**

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

**Objective 3.05 - Neighborhoods:**

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

**Objective 3.16 – Capital Improvements:**

- Ensure infrastructure and essential services are available for properties in development.

**Goal #4 - Administrative Environment:**

*Our Comprehensive Plan preserves and enables efficiency and good management.*

**Objective 4.01 - City Services:**

- Make decisions based on the needs and desires of the citizenry.

**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. Street-side swales and drywells will be required with construction.

*- Submitted by Chris Bosley, City Engineering*

**STREETS:**

The subject property is bordered by A Street to the west and Cardwell Drive to the south. Sidewalks must be added along the entire frontage with any construction on the property.

*- Submitted by Chris Bosley, City Engineering*

**WATER:**

There is adequate capacity in the public water system to support domestic, irrigation and fire flow for the proposed zone change.

*-Submitted by Kyle Marine, Assistant Water Superintendent*

**SEWER:**

The subject property is currently connected to public sewer via an existing 8" sewer extended from the manhole in the parking lot adjacent to 204 Appleway. There is a deeded easement for the sewer and storm water recorded on November 26, 1969, for the subject property.

*- Submitted by Larry Parsons, Wastewater Utility Project Manager*

**BUILDING:**

A structural review of the building will be required if they change the use from residential. Any updates to the home must comply with our residential code if they continue to use it as a SFD.

**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*

**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. There are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from R-12 to C-17. See topographic map below.

**TOPOGRAPHIC MAP:**





**SITE PHOTO 1:** Looking northeast at a portion of the subject property.



**SITE PHOTO 2:** View of the subject property along Cardwell Drive.





**SITE PHOTO 3:** Looking east toward the subject property and the accessory structure.



**SITE PHOTO 4:** Looking northeast at the neighboring property abutting the subject property.





**SITE PHOTO 5:** Looking north from "A" Street along the frontage of the subject property.



**SITE PHOTO 6:** Looking southwest along "A" Street toward the neighboring residence.



**SITE PHOTO 7:** Looking east along Cardwell Drive toward Government Way with I-90 on the south.



**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. If the existing shop, which measures approximately 2000 square feet, is developed into a fitness center as described in the application, increases in traffic would be negligible. The ITE Trip Generation Manual estimates that 1.41 AM peak hour trips and 3.53 PM peak hour trips would be generated per 1000 square feet of retail floor area. It is therefore estimated that the existing shop could generate approximately 3 AM and 7 PM peak hour trips.

Construction of a larger facility could produce more trips, but the size of the parcel limits the extent of potential growth. The nearby Government Way has the available capacity to accommodate additional traffic generated from the subject site, but access in and out of Cardwell Ave could be slightly more congested during peak hours and could be challenging for left turns especially off of Government Way where no left turn lane exists. The Streets & Engineering Department has no objection to the zone change as proposed.

*-Submitted by Chris Bosley, City Engineering*

**NEIGHBORHOOD CHARACTER:**

**2007 Comprehensive Plan: Appleway - North 4<sup>th</sup> Street Today**

This area is a diverse mix of residential, medical, commercial, and warehousing land uses. The area is very gently sloped with some drop-in elevation within a block of Northwest Boulevard. This elevation change has also defined the break from commercial to residential uses for much of the area's history.

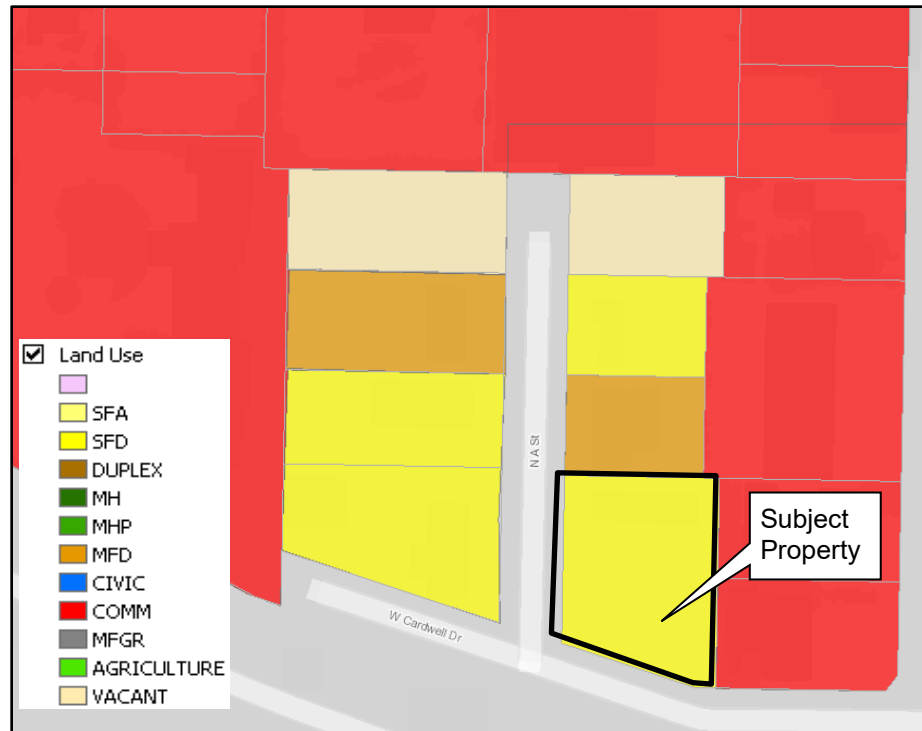
The south-west and south-central portions of the area consist primarily of stable, single-family housing at approximately five units per acre. The Winton Elementary School and park is located in this neighborhood. Various multi-family apartments, mostly constructed in the late 1970s and early 1980s, are located within the district. The most active area for construction within this district is the Ironwood corridor which consists of many health-care and professional offices west of US 95, with office and retail uses east of US 95.

**SURROUNDING LAND USES AND ZONING:**

The properties just north of the subject site are residential land uses. Beyond the residential uses, O'Reilly Auto Parts which fronts Appleway backs up to the terminus of "A" Street. The properties to the east of the subject property are commercial tenant spaces which includes retail, office and personal service uses. The property to the west is a single-family use. I-90 is to the south and adjacent to Cardwell Drive. (See Land Use Map)

The properties to the east and west of the subject site are zoned C-17 Commercial. The property directly to the north of the subject site is zoned R-17 (Residential at 17 units/acre) and continuing north are zoned R-12 (Residential at 12 units/acre).

**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 C-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 C-17 Zoning District:**

The C-17 district is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre. This district should be located adjacent to arterials; however, joint access developments are encouraged.

Principal permitted uses in a C-17 district shall be as follows:

- Administrative offices.
- Agricultural supplies and commodity sales.
- Automobile and accessory sales.
- Automobile parking when serving an adjacent business or apartment.
- Automobile renting.
- Automobile repair and cleaning.
- Automotive fleet storage.
- Automotive parking.
- Banks and financial institutions.
- Boarding house.
- Building maintenance service.
- Business supply retail sales.
- Business support service.
- Childcare facility.
- Commercial film production.
- Commercial kennel.
- Commercial recreation.
- Communication service.
- Community assembly.
- Community education.
- Community organization.
- Construction retail sales.
- Consumer repair service.
- Convenience sales.
- Convenience service.
- Department stores.
- Duplex housing (as specified by the R-12 district).
- Essential service.
- Farm equipment sales.
- Finished goods wholesale.
- Food and beverage stores
- Funeral service.
- General construction service.
- Group assembly.
- Group dwelling - detached housing.
- Handicapped or minimal care facility.
- Home furnishing retail sales.
- Home occupations.
- Hospitals/healthcare.
- Hotel/motel.
- Juvenile offenders facility.
- Laundry service.
- Ministorage facilities.
- Multiple-family housing (as specified by the R-17 district).
- Neighborhood recreation.
- Noncommercial kennel.
- Nursing/convalescent/rest homes for the aged.
- Personal service establishments.
- Professional offices.
- Public recreation.
- Rehabilitative facility.
- Religious assembly.
- Retail gasoline sales.
- Single-family detached housing (as specified by the R-8 district).
- Specialty retail sales.
- Veterinary office

Permitted uses by special use permit in a C-17 district shall be as follows:

- Adult entertainment sales and service.
- Auto camp.
- Criminal transitional facility.
- Custom manufacturing.
- Extensive impact.
- Residential density of the R-34 district
- Underground bulk liquid fuel storage
- Veterinary hospital.
- Warehouse/storage.
- Wireless communication facility

**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:**

- All proposed utilities within the project shall be installed underground.
- 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.
- All water and sewer facilities servicing the project shall be installed and approved prior to issuance of building permits.

**STREETS:**

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

**STORMWATER:**

- 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.

**PLANNING:**

- All site improvements and construction must adhere to the City's Commercial Design Guidelines that are required for commercial development in the C-17 Zoning District.
- All site improvements must meet the site performance standards of the C-17 Zoning District

**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 separate findings to approve, deny or deny without prejudice. The findings worksheet is attached.

1. Applicant: Thomas Fisher  
Location: 217 W. Cardwell Drive  
Request: A proposed zone change from R-12 to C-17.  
QUASI-JUDICIAL, (ZC-2-20)

Tami Stroud, Associate Planner, presented the staff report and stated the applicant is requesting approval of a zone change from R-12 (Residential at 12 units/acre) to C-17 (C-17 Commercial) zoning district.

Ms. Stroud provided the following statements:

- The property is located on the north side of I-90 and west of Government Way along Cardwell Drive.
- There is an existing single-family dwelling unit and an accessory structure on the subject site. The single-family dwelling was originally built in 1960.
- The pole building was constructed in 1995.
- The property owner would like to use the accessory structure as a gym, or Commercial Recreation use.
- The zoning ordinance requires Commercial Recreation uses be located in the C-17/C-17L Zoning Districts or be approved by a special use permit. (See C-17 Zoning District Information on pages 14 & 15).
- All uses located in the C-17L and the C-17 zoning districts are required to meet the City's Commercial Design standards.
- The applicant has indicated that they would like to utilize the existing accessory structure as a gym (Commercial Recreation use).
- They also intend to make the necessary improvements to the existing single-family dwelling unit, and it will remain on the site.
- The applicant is aware that site improvements, commercial design standards, and paving of display lots and maneuvering areas are required in order to use the existing accessory structure for a commercial use.
- Ms. Stroud noted that the applicant's proposed Commercial Recreation use of the property is not tied to the requested zone change. If the subject site is approved to be changed to the C-17 Commercial District, then all permitted uses in the C-17 Commercial District would be allowed on the site.
- She stated that the Comprehensive Plan designates the property as Appleway-North 4<sup>th</sup> Street-Transition
- She noted the various Comprehensive Plan polices that apply to the project
- She noted the various staff comments and noted that Chris Bosley, City Engineer, said that ingress/egress out of Cardwell Avenue could be slightly more congested during the peak hours with left turns being a challenge. But that Streets & Engineering did not oppose the zone change.
- She commented that there are no conditions if the project is approved.

Ms. Stroud concluded her presentation

**Commission Comments:**

Commissioner Ingalls commended Ms. Stroud on her report. He noted that in the staff report a comment was made that the applicant intends to use the building as a gym, which was also in the applicant's narrative. He explained that is not their job to analyze the project, but to make a decision on whether it is an appropriate use for commercial recreation. He explained that once the zone change is granted, the applicant might change their mind and sell the property, and once it is zoned C-17, any of the uses within the C-17 zoning designation could be done on the property, which might not be compatible with the surrounding area. Ms. Stroud explained that if the zone change was approved it would allow all of the uses under the C-17 zoning district. She added that the commission must consider that the parcel is limited because it is small and parking would need to be provided, including all other things per the code. Commissioner Ingalls asked if there was any previous discussion with the applicant about a special use



permit rather than doing a zone change. He explained that if the applicant is only wanting commercial recreation use, they could do the same thing in the R-12 zoning district with a special use permit, which would be easier and then their decision would be to decide if commercial recreation is appropriate because, under a special use permit, they would be allowed to only do that and not change their mind. Ms. Stroud stated that they did receive a phone call from the applicant's representative that they wanted to pursue the zone change and the applicant's representative was available to answer those questions.

---

Tom Fisher provided the following statements:

- He explained that the property was donated to the Humane Society and that the applicant wanted to sell the two parcels together but a family member bought one of the lots which was an existing gun shop. He commented that the entire family has been cleaning up the property so it's a family project. He advised the applicant that the property is a good investment and to do a zone change since the property is surrounded by C-17 properties. He added that after they buy the property they don't intend to sell.

Commissioner Ingalls said that the applicant's narrative stated the goal is to create a gym or another use allowed in the C-17 zoning district. Mr. Fisher explained that there is a shop on the property and that the applicant does have a gym now and maybe down the road they would remodel the house to live in it or as a rental and leave the shop to use it for some type of training, but he commented that he understood that there are steps to be done before that could be approved. Commissioner Ingalls asked if the applicant understood that they could achieve their goal by a special use permit rather than a zone change. Mr. Fisher advised them that, as a realtor and a possible resale, they should do the zone change to C-17.

Chairman Messina asked if the applicant intends to remodel the existing home and live there. He asked staff if the property is zoned C-17, is the applicant allowed to live in the house. Ms. Stroud explained that since it is C-17, it does allow single family dwellings units within that zone.

The applicant concluded his presentation.

---

---

Commissioner Luttrupp noted that on page 13 in the staff report it shows where the property is located; and from looking at the map the property is surrounded by C-17 properties and he feels that in the future all of that property will be zoned C-17. He commented that he understands the thoughts behind using a special use permit as stated by Commissioner Ingalls but feels that in the long term the area will eventually be C-17. He stated that he will support the request.

Commissioner Ingalls explained that he does support the request but wanted to mention the use of a special use permit as an easier way to get to a commercial recreation rather than a zone change.

ROLL CALL:

Commissioner Fleming                      Voted    Aye

Commissioner Ingalls	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 4 to 0 vote.

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

**ZC-2-20**

**A. INTRODUCTION**

This matter having come before the Planning Commission on, July 14, 2020, and there being present a person requesting approval of ZC-2-20, a request for a zone change from R-12 to C-17 zoning district

APPLICANT: THOMAS W. FISHER

LOCATION: +/- .43 ACRE PORTION OF A PARCEL LOCATED AT 217 W. CARDWELL DRIVE

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

**(The Planning Commission may adopt Items B1-through7.)**

- B1. That the existing land uses are Residential and Commercial.
- B2. That the Comprehensive Plan Map designation is Appleway-North 4<sup>th</sup> Street
- B3. That the zoning is R-12.
- B4. That the notice of public hearing was published on, June 27, 2020, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, June 24, 2020, 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 July 14, 2020

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

**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.

**Goal #2: Economic Environment**

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

**Objective 2.01 Business Image & Diversity:**

Welcome and support a diverse mix of quality professional, trade, business, and service industries, while protecting existing uses of these types from encroachment by incompatible land uses.

**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.

**Goal #3: Home Environment**

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

**Objective 3.05 Neighborhoods:**

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

**Objective 3.16 Capital Improvements:**

Ensure infrastructure and essential services are available for properties in development.

**Objective 4.01 City Services:**

Make decisions based on the needs and desires of the citizenry.

**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 comments from the various city departments in the staff report.
- B10. That the physical characteristics of the site do not 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, or existing land uses because most of the surrounding properties are commercial and an appropriate fit.

**C. ORDER: CONCLUSION AND DECISION**

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

Special conditions applied are as follows:


Motion by Ingalls, seconded by Luttrupp, to adopt the foregoing Findings and Order.

**ROLL CALL:**

Commissioner Fleming	Voted Yes
Commissioner Ingalls	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Mandel	Voted Yes

Commissioners Rumpler and Ward were absent.

Motion to approve carried by a 4 to 0 vote.

  
CHAIRMAN TOM MESSINA

# *City Council Meeting*



*November 3, 2020*

**ZC-2-20 Zone change from R-12 To C-17:  
+/- .43 Acres**

**PROPERTY OWNER:**

Andrea Queen  
1029 N. 2<sup>nd</sup> Street  
Coeur d'Alene, ID 83814

**APPLICANT'S REPRESENTATIVE:**

Thomas W. Fisher  
PO Box 105  
Coeur d'Alene, ID 83814



ZC-2-20 Zone change from R-12 to C-17  
+/- .43 Acres

**REQUEST:**

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

**LOCATION:**

Property is located near the southeast corner of the intersection of Cardwell Drive and "A" Street



ZC-2-20 Zone change from R-12 to C-17  
LOCATION MAP





ZC-2-20 Zone change from R-12 to C-17  
AERIAL PHOTO



ZC-2-20 Zone change from R-12 to C-17  
AERIAL PHOTO





## ZC-2-20 Zone change from R-12 to C-17 BIRDS EYE VIEW- LOOKING NORTH



## ZC-2-20 Zone change from R-12 to C-17 REQUIRED FINDINGS

### 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.

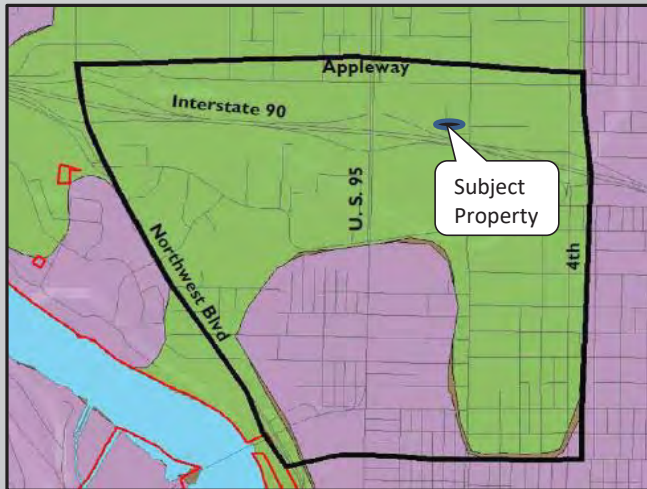
### Finding #B11:

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

## ZC-2-20 Zone change from R-12 to C-17 FINDING #B8

### Finding #B8:

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



### 2007 Comprehensive Plan: APPLEWAY-NORTH 4TH STREET



## ZC-2-20 Zone change from R-12 to C-17 FINDING #B8 (continued)

### **COMPREHENSIVE PLAN OBJECTIVES:**

Comprehensive Plan Policies are noted in your staff report on pages 4, 5 and 6.

## ZC-2-20 Zone change from R-12 to C-17 FINDING #B9

### Finding #B9:

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

- City staff from Engineering, Streets, Water, Fire 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.



## ZC-2-20 Zone change from R-12 to C-17 FINDING #B10

### 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. There are no topographical or physical constraints that would make the subject property unsuitable to change the zoning from R-12 to C-17.

The property is located north of I-90 and west of Government Way on Cardwell Drive. There is an existing single-family dwelling unit and an accessory structure on the subject property.





ZC-2-20 Zone change from R-12 to C-17  
SITE PHOTOS

*Looking northeast along "A" Street/Cardwell Dr. toward the subject property.*



ZC-2-20 Zone change from R-12 to C-17  
SITE PHOTOS

*View of the subject property along Cardwell Drive.*



ZC-2-20 Zone change from R-12 to C-17  
SITE PHOTOS

*Looking east toward the subject property at the accessory structure.*



ZC-2-20 Zone change from R-12 to C-17  
SITE PHOTOS

Looking northeast at the neighboring property abutting the subject property.





ZC-2-20 Zone change from R-12 to C-17  
SITE PHOTOS

Looking north from "A" Street along the frontage of the subject property.



ZC-2-20 Zone change from R-12 to C-17  
SITE PHOTOS

Looking southwest along "A" Street toward the neighboring residence.



## ZC-2-20 Zone change from R-12 to C-17 SITE PHOTOS

Looking east along Cardwell Drive toward Government Way with I-90 on the south.



## ZC-2-20 Zone change from To R-12 to C-17 FINDING #B11

### 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 ITE Trip Generation Manual estimates that 1.41 AM peak hour trips and 3.53 PM peak hour trips would be generated per 1000 square feet of retail floor area. It is therefore estimated that the existing shop could generate approximately 3 AM and 7 PM peak hour trips.

## ZC-2-20 Zone change from To R-12 to C-17 FINDING #B11 (continued)

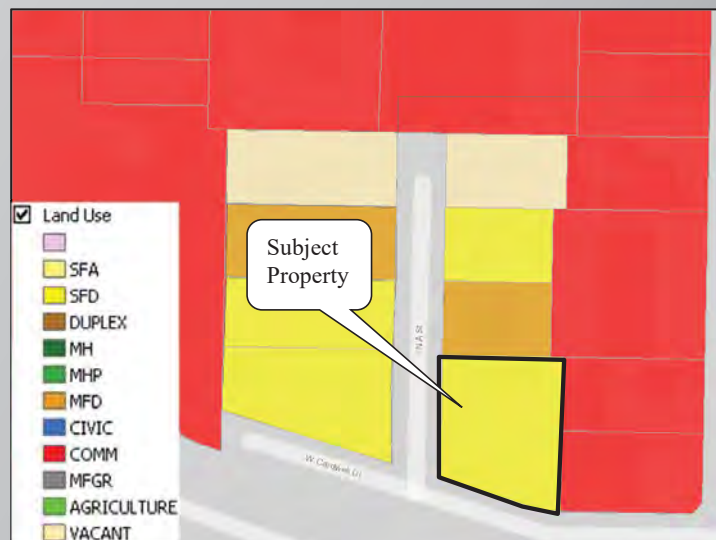
### Finding #B11:

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

### **Traffic (continued):**

- Construction of a larger facility could produce more trips, but the size of the parcel limits the extent of potential growth.
- Government Way has the available capacity to accommodate additional traffic generated from the subject site.
- Access in and out of Cardwell Ave. could be slightly more congested during peak hours and left turns could be challenging off of Government

## ZC-2-20 Zone change from R-12 to C-17 Land Use Map

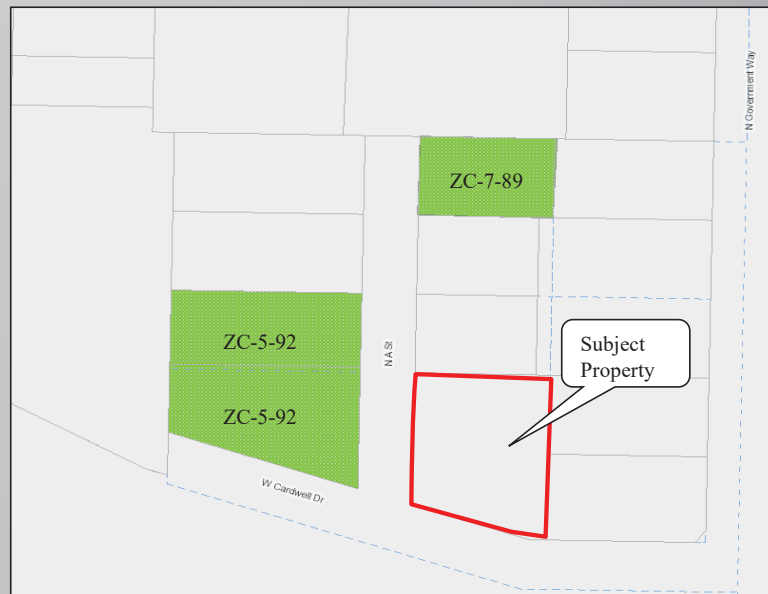




# ZC-2-20 Zone change from R-12 to C-17 ZONING MAP



# ZC-2-20 Zone change from R-12 to C-17 Zone Changes = Map



## ZC-2-20 Zone change from R-12 to C-17 +/- .43 Acres

### **Proposed C-17 Zoning District:**

The C-17 district is intended as a broad spectrum commercial district that permits limited service, wholesale/retail and heavy commercial in addition to allowing residential development at a density of seventeen (17) units per gross acre.

This district should be located adjacent to arterials; however, joint access developments are encouraged.



## ZC-2-20 Zone change from R-12 to C-17 +/- .43 Acres

### **The following is a list of a few of the Principal uses that are permitted in the C-17 district:**

- Administrative offices.
- Automobile sales.
- Banks and financial institutions.
- Business supply retail sales.
- Business support service.
- Commercial recreation.
- Department stores.
- Farm equipment sales.
- Food and beverage stores.
- General construction service.
- Home furnishing retail sales.
- Hospitals/healthcare.
- Hotel/motel.
- Juvenile offenders facility.
- Ministorage facilities.
- Professional offices.
- Retail gasoline sales.
- Specialty retail sales.
- Veterinary office.
- Single-family detached housing.



## ZC-2-20 Zone change from R-12 to C-17 DECISION POINT

### **DECISION POINT: Zone Change**

Provide a decision regarding the proposed zone change from R-12 to C-17 for approximately .43 acres.



## ZC-2-20 Zone change from R-12 to C-17 ACTION ALTERNATIVES

### **ACTION ALTERNATIVES:**

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

- Approve
- Deny
- Deny without prejudice.



# ZC-2-20 Zone change from R-12 to C-17 Birds Eye View – looking North



ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 20-1020

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 C-17: A +/- .43 ACRE PORTION OF A PARCEL LOCATED AT 217 W. CARDWELL DRIVE; 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 amendment, 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 amendment 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 property is known as 217 W. Cardwell Drive and legally described as: Lot 4, Block A, Chipley Addition, according to the Plat recorded in the office of the County Recorder in Book D of Plats at Page 98, records of Kootenai County, Idaho.

is hereby rezoned from R-12 to C-17.

**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 November 3, 2020.*

APPROVED this 3<sup>rd</sup> day of November 2020.

---

Steve Widmyer, Mayor

ATTEST:

---

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_

**Zone Change – ZC-2-20**

217 W. Cardwell Drive

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 C-17: A +/- .43 ACRE PORTION OF A PARCEL LOCATED AT 217 W. CARDWELL DRIVE; 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. \_\_\_\_\_, ZC-2-20, 217 W. Cardwell Drive, 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 3<sup>rd</sup> day of November, 2020.

---

Randall R. Adams, Chief Civil Deputy City Attorney



# CITY COUNCIL MEETING

## STAFF REPORT

**DATE:** November 3, 2020  
**FROM:** Dennis J. Grant, Engineering Project Manager  
**SUBJECT:** **V-20-04, Vacation of a portion of N. Fourth Street right-of-way adjoining the westerly boundary of Lots 9-14 of the Amended Plat of Simms Addition to the City of Coeur d'Alene.**

---

### DECISION POINT

The applicant, Gordon Dobler, Dobler Engineering on behalf of George Lawrence IV, American Holdings, LLC, is requesting the vacation of a portion of N. Fourth Street right-of-way that adjoins the westerly boundary of the property on the northeast corner of 4<sup>th</sup> Street and Poplar Avenue (1802 & 1818 N. 4<sup>th</sup> Street).

### HISTORY

The requested right-of-way was originally dedicated to the City of Coeur d'Alene in the Amended Plat of Simms Addition in 1905.

### FINANCIAL ANALYSIS

The vacation of the requested right-of-way would not have any financial impact on the City and would add approximately 3000 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.

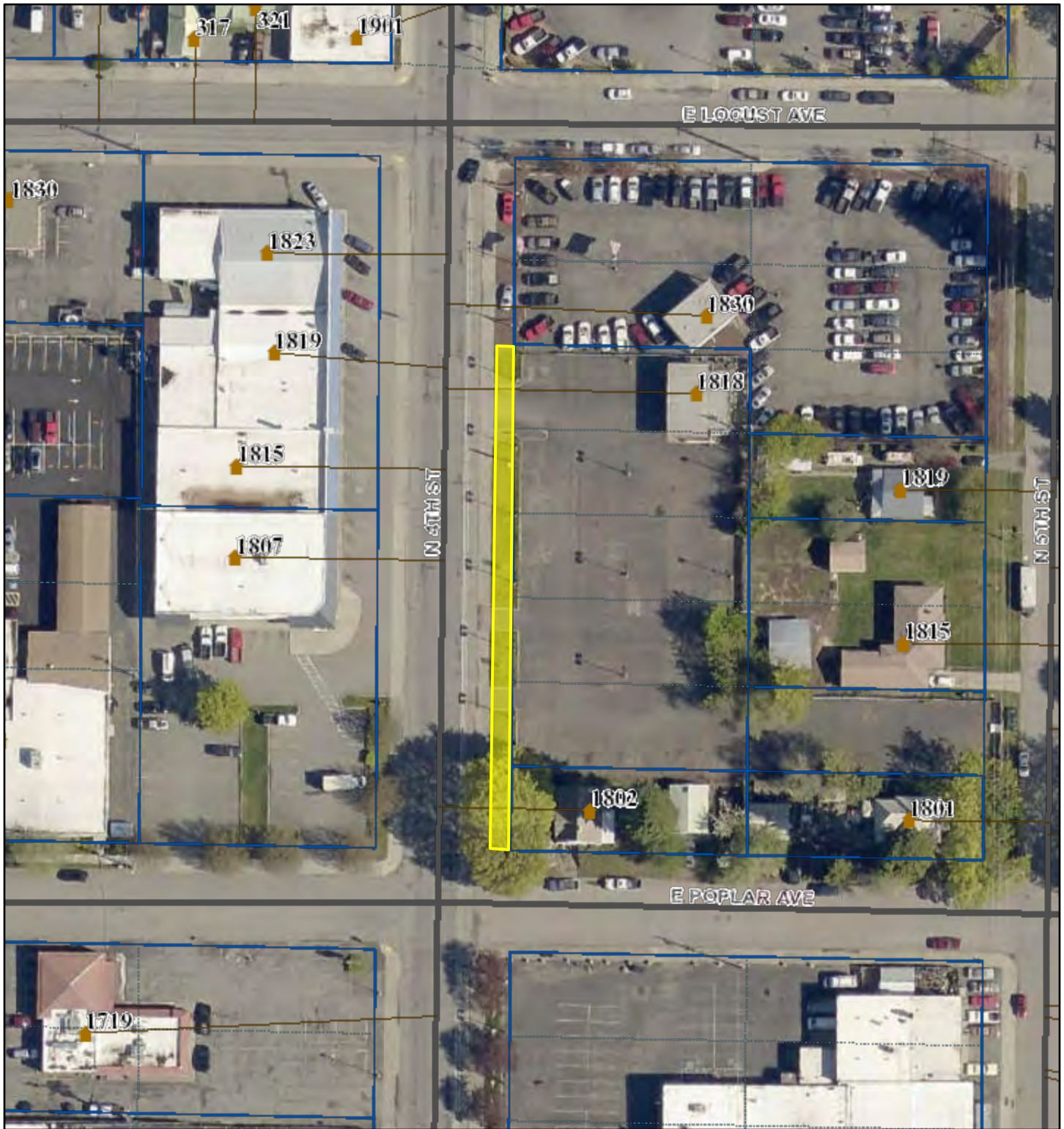
### PERFORMANCE ANALYSIS

The purpose of this request is to vacate a 10' foot strip of Fourth Street right-of-way that adjoins the westerly boundary of the abutting property. Fourth Street is developed to its ultimate width in this location and the additional right-of-way can be incorporated into the development of the adjoining property. In addition, the right-of-way width to the north of this property is narrower, preventing future widening without acquisition of additional right-of-way. 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.

### RECOMMENDATION

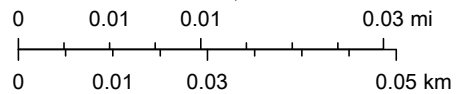
City Council should approve the vacation action per Idaho Code Section 50-1306 and to vacate the property to the applicant, Gordon Dobler, Dobler Engineering on behalf of George Lawrence IV, American Holdings, LLC.

# PROPOSED RW VACATION

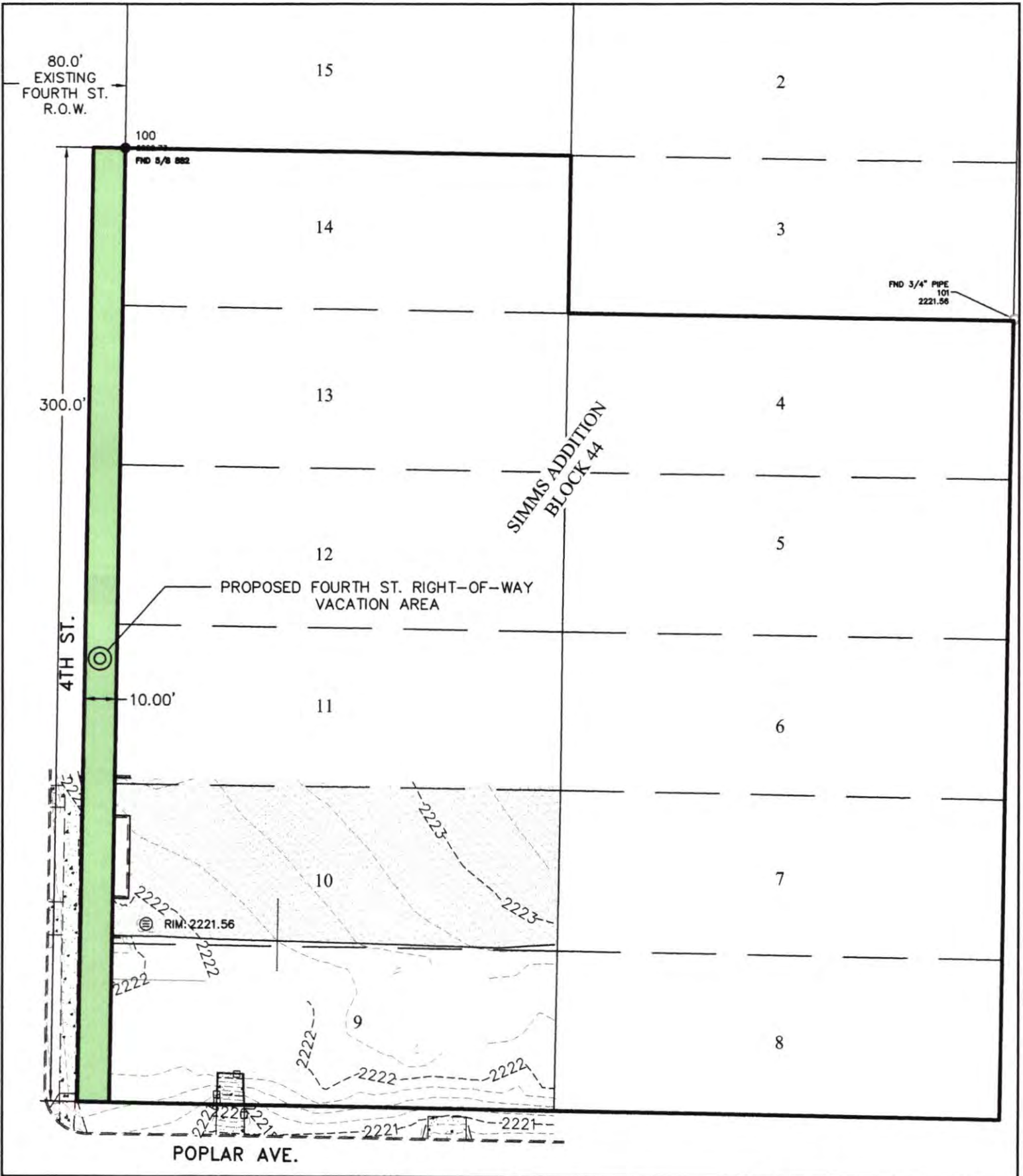


8/24/2020 3:34:51 PM

1:1,000



- Access Line
- SEASONAL ROAD
- 📍 Structure Point
- STATE HIGHWAY
- ✚ Railroads
- U.S. HIGHWAY
- Roads 5000
- ☐ kootenaicounty.SDE.KC\_Legal\_Areas
- INTERSTATE
- ☐ Parcel Polygon
- LOCAL ROAD



FOURTH ST. VACATION PROPOSAL EXHIBIT  
 SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST  
 BOISE MERIDIAN, KOOTENAI COUNTY, COUER D'ALENE, IDAHO



P.O. Box 2544 Post Falls, ID 83877  
 208-660-2351  
 johnsonsurveyingnw.com

DATE SURVEYED: 07/2020	DRAFTED BY: ERH	PLOT DATE: 09/16/20	SHEET 1 / 1
FILE NAME: G-4	CHECKED BY: CJJ	PROJECT No.: 20-132	

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 20-1021

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF N. FOURTH STREET RIGHT-OF-WAY IN THE AMENDED PLAT OF SIMMS ADDITION, RECORDED IN BOOK B OF PLATS ON PAGE 57 RECORDED AS PLAT NUMBER 57, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO, GENERALLY DESCRIBED AS THAT TEN FOOT (10') STRIP ADJOINING THE WESTERLY BOUNDARY OF LOTS 9-14, BLOCK 44 OF SAID PLAT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after public hearing, the City Council finds it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said portion of right-of-way be vacated as provided herein.

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:

Legal description and drawing, attached as Exhibits "A & B"

be and the same is hereby vacated.

SECTION 2. That said vacated right-of-way shall revert to the adjoining property owners to the east.

SECTION 3. That the existing right-of-way, easements, and franchise rights of any lot owners, public utility, or the City of Coeur d'Alene shall not be impaired by this vacation, as provided by law, and that the adjoining property owners shall in no manner place any obstruction over any public utilities.

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 November 3, 2020.*

APPROVED by the Mayor this 3<sup>rd</sup> day of November, 2020.

---

Steve Widmyer, Mayor

ATTEST:

---

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_  
V-20-04, N. FOURTH STREET RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_, vacating N. Fourth Street right-of-way.

Such right-of-way is more particularly described as follows:

Attached Exhibits "A" & "B" are on file in the City Clerk's Office.

The ordinance further provides that the ordinance shall be effective upon publication of this summary. The full text of the summarized Ordinance No. \_\_\_\_ is available at Coeur d'Alene City Hall, 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

---

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am Chief Civil Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, V-20-04, N. Fourth Street right-of-way vacation 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 3<sup>rd</sup> day of November, 2020.

---

Randall R. Adams, Chief Civil Deputy City Attorney



EXHIBIT A

VACATION OF N. FOURTH ST.

A STRIP OF LAND BEING A PORTION OF THE RIGHT-OF-WAY OF N. FOURTH ST. AS SHOWN IN THE PLAT OF AMENDED SIMMS ADDITION FOUND IN BOOK B OF PLATS ON PAGE 57 RECORDED AS PLAT NUMBER 57, RECORDS OF KOOTENAI COUNTY IDAHO. LYING WITHIN SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, COEUR D'ALENE IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING:** AT A FOUND 5/8" REBAR AND PLS 882 CAP, BEING THE NORTHWEST CORNER OF LOT 14 BLOCK 44 OF THE AFOREMENTIONED PLAT OF AMENDED SIMMS ADDITION, LYING ON THE EAST RIGHT-OF-WAY OF N. FOURTH ST;

THENCE, ALONG SAID RIGHT-OF-WAY,  $S0^{\circ}55'50''W$  A DISTANCE OF 300.09 FEET TO THE CALCULATED POSITION OF THE SOUTHWEST CORNER OF LOT 9 BLOCK 44 OF AMENDED SIMMS ADDITION;

THENCE, LEAVING SAID EAST RIGHT-OF-WAY OF N. FOURTH ST,  $N89^{\circ}06'14''W$  A DISTANCE OF 10.00 FEET;

THENCE,  $N0^{\circ}55'50''E$  A DISTANCE OF 300.09 FEET;

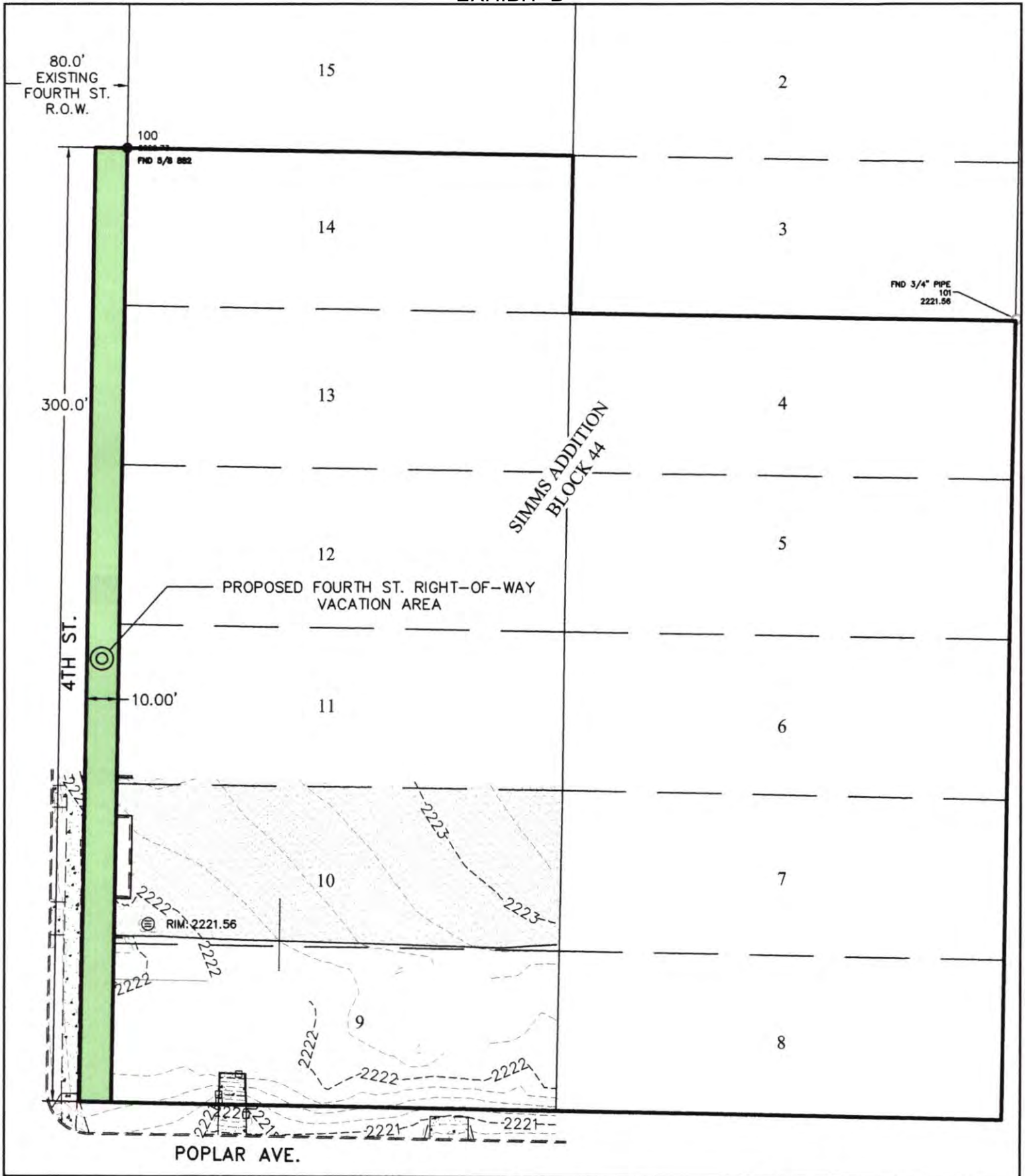
THENCE,  $S89^{\circ}05'42''E$  A DISTANCE OF 10.00 FEET TO THE **TRUE POINT OF BEGINNING.**

SAID STRIP OF LAND CONTAINING 3,001 SQUARE FEET, MORE OR LESS.





EXHIBIT 'B'



FOURTH ST. VACATION PROPOSAL EXHIBIT  
SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST  
BOISE MERIDIAN, KOOTENAI COUNTY, COUER D'ALENE, IDAHO

**J**ohnson  
urveying

DATE SURVEYED: 07/2020

DRAFTED BY: ERH

PLOT DATE: 09/16/20

SHEET

P.O. Box 2544 Post Falls, ID 83877  
208-660-2351

FILE NAME: G-4

CHECKED BY: CJJ

PROJECT No.: 20-132

1 / 1

johnsonsurveyingnw.com