



# Coeur d'Alene

## CITY COUNCIL MEETING

*December 16, 2014*

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**MEMBERS OF THE CITY COUNCIL:**

**Steve Widmyer, Mayor**

**Councilmen Adams, Edinger, Evans, Gookin, McEvers, Miller**

# 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

December 2, 2014

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 December 2, 2014 at 6:00 p.m., there being present upon roll call the following members:

Steve Widmyer, Mayor

Woody McEvers                    ) Members of Council Present  
Steve Adams                     )  
Dan Gookin                     )  
Amy Evans                      )  
Loren Ron Edinger             )  
Kiki Miller                     )

**CALL TO ORDER:** The meeting was called to order by Mayor Widmyer.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was led by Councilmember Adams.

**CITY LOGO ACKNOWLEDGEMENT PRESENTATION:** City Public Information Coordinator Keith Erickson stated that the NIC design students worked on the new city logo over the past year. He announced the City has adopted the logo and he thanked Darcy Gross and Philippe Valle for their work toward the new city logo and presented them with an appreciation plaque. Student Darcy Gross stated that it was an honor to design the logo. The Mayor and City Council thanked Darcy for her work.

**PUBLIC COMMENTS:**

Gregg Johnson, Coeur d'Alene, thanked the Council for the roundtable discussion held with the mid-town neighborhood and LCDC. He stated that the use of the term compromise was a positive note.

Susan Snedaker, Coeur d'Alene, stated that the LCDC Minutes from the October 27, 2014 included a request for \$15,000 in funding toward North Idaho Family Group, which was taken under advisement. At the November meeting Councilmember Miller made a presentation in favor of the request and it was approved. Ms. Snedaker expressed concern that Councilmember Miller has a conflict of interest on future issues involving LCDC that come before the Council. Mr. Gridley stated that it would not be a conflict of interest. Councilmember Miller thanked Ms. Snedaker for her questions and stated that she had checked with legal prior to making the request and that she is a board member of the nonprofit group. She is supportive of the education information center project and believes it will be a great benefit to the community.

**CONSENT CALENDAR: Motion** by Evans, seconded by Edinger to approve the consent calendar.

1. Approval of Council Minutes for November 18, 2014.
2. Approval of Bills as Submitted.
3. Setting of General Services and Public Works Committees meetings for December 8, 2014 at 12:00 noon and 4:00 p.m. respectively.
4. Setting of Public Hearings
5. V-14-7 Vacation of the undeveloped alley adjoining lots 1-8, Secaur's Subdivision of Tract 6, Costello's Acre Tracts for January 6, 2015,
6. V-14-6; Vacation of the stormwater easement in the Bellerive replat for January 6, 2015,
7. Administrative Appeal – Interpretation of Municipal Code Section 17.07.1020(B) (1) – Pocket Housing access from alleyway by Miller Stauffer Properties, Inc. for December 16, 2014.
8. Approval of a Beer and Wine License to Northwest Technology Concepts; W. 200 Hanley Avenue #1319, Roger and Dale Scarlett (new).
9. Approval of Resolution No. 14-051- A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING AUTHORIZING THE PURCHASE OF A 1-TON SERVICE TRUCK CAB AND CHASSIS FROM ROBIDEAUX MOTORS.

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

#### **COUNCIL ANNOUNCEMENTS:**

Councilmember Gookin wanted to express appreciation to Downtown Association and the Hagadone Corporation as the downtown looks pretty and festive. Additionally, he stated that he would not like the Chamber to drop the Ironman event. The contract for the event puts a lot of responsibility on the Chamber for a for profit corporation. He encouraged those citizens that rent rooms and houses out for the Ironman to make a contribution to the Chamber to help fund the contract, as they do not pay into the hotel tax.

#### **RESOLUTION NO. 14-052**

**A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LEASE AGREEMENT WITH RANDY AND AKIKO FOLK, D/B/A TIKI HUT FOR FOOD CONCESSION AT INDEPENDENCE POINT FOR A THREE (3) YEAR TERM.**

**STAFF REPORT:** Councilmember McEvers stated that this agreement came before the Public Works Committee and stated it would have regularly gone before General Services. The Committee changed items within the agreement as presented by staff which is why it is coming back to the full Council. Finance Director Troy Tymesen explained that the lease agreement for the Tiki Hut at Independence Point is desirable and the owners have been an ambassador for the community. The "Let's Move Program" was adopted by the Council in July and was

incorporated into the agreement by the inclusion of healthy food alternatives as amenable to the Folks. Additional discussion ensued regarding the cost of living increases within the contract and past practices. Mayor Widmyer stated that the issue was the consistency within city leases including a 3% annual increase versus a CPI increase. He stated that the city should bring forward some consistency. Councilmember Gookin stated that previously the Council has not provided any guidance.

**MOTION:** Motion by Gookin, seconded by McEvers to direct staff to research and make recommendations for a policy pertaining to concession stand lease increases based on the CPI.

**DISCUSSION:** Councilmember McEvers asked if the motion was for just vendors or other types of city lease, as everything is different based on the negotiated deal. He felt that the City would want to encourage good people and want to make it fair. Councilmember Gookin clarified that his motion was related to vendors only. Mayor Widmyer suggested that staff review and make suggestions related to all property leases. Mr. Tymesen stated that staff could bring back options and staff is willing to negotiate and bring the best vendors forward. He clarified that the Lease Agreement for the Tiki Hut included a 3% increase but the motion from Public Works did not include an increase. Mayor Widmyer suggested that they move forward with a 3% increase as it is acceptable to the Folks. Councilmember Adams stated that he felt all food vendor lease fees should be waived; however if fees are going to be charged there should be a policy to cover inflation costs.

**Motion Carried.**

**MOTION:** Motion by McEvers, seconded by Adams to approve **Resolution No. 14-052**, authorizing a lease agreement with Randy and Akiko folk, d/b/a Tiki Hut for food concession at Independence Point for a three (3) year term.

**DISCUSSION:** Councilmember Gookin asked if they could include CPI as the increase rather than 3%. Mr. Tymesen clarified the lease Agreement includes a 3% increase as presented.

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

#### **PUBLIC HEARING V-14-5 - VACATION OF A PORTION OF MILL AVENUE AND GOVERNMENT ROAD RIGHTS-OF-WAY SITUATED WEST OF NORTHWEST BOULEVARD.**

**STAFF REPORT:** City Engineer Gordon Dobler explained that a request was made to vacate the westerly 250 feet of Mill Avenue, one owner purchased adjacent properties and there is no further need for the property for the roadway. There is a water line that will require an easement, with the remaining property unimproved. There were 21 mailings sent out and 4 responses received; one for, one against, and two neutral. One comment was received in opposition regarding displeasure with the restricting of access to the Mill River Office Park. Mr. Dobler has discussed the extension of Davidson with office park owners.

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

**MOTION:** Motion by Gookin, seconded by McEvers to approve the Vacation of a portion of Mill Avenue and Government Road rights-of-way situated west of Northwest Boulevard.

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

**PUBLIC HEARING - Adoption of the 2012 International Residential Code, 2012 International Energy Code, 2012 International Mechanical Code, and 2012 International Fuel Gas Code.**

**ORDINANCE NO. 3497  
COUNCIL BILL NO. 14-1021**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING MUNICIPAL CODE SECTIONS 2.96.020, 2.96.050 AND 15.08.005 TO ADOPT THE 2012 INTERNATIONAL RESIDENTIAL, ENERGY CONSERVATION, FUEL GAS AND MECHANICAL CODES AND CLARIFYING THE DUTIES OF THE INTERNATIONAL BOARD OF APPEALS; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

**STAFF REPORT:** Building Services Director Ed Wagner stated that the codes are reviewed and amended by the Idaho State Building Code Board including recommendations from sub-committees. The proposed codes were adopted by the Board last year. Mr. Wagner is recommending amendments to the Municipal Code to include residential code, fuel gas code, mechanical, and energy code changes. Several of the codes have references to appointments of the code official, which does not occur in the state, so they should not be included. Additionally, there are various references to the installation of gas wall-mounted room heaters which will not be adopted. Specifically within the Residential Code changes amendments include a definition for buildings to be classified as "R-3" occupancy and "U" occupancy for garages and accessory structures. He is not recommending adoption of codes relating to flood hazards as they are enforced by the engineering divisions of municipalities. Additionally, there are clarifications regarding design professionals preparation of construction plans, snow load determinations, and firewall ratings.

**PUBLIC COMMENTS:** Mayor Widmyer called for public comments, with none being received, public comment was closed.

**MOTION:** Motion by Gookin, seconded by Edinger, to pass the first reading of **Council Bill No. 14-1021** as it is reasonable and necessary for the safety of the city residents.

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

**MOTION:** Motion by Gookin, seconded by Adams, to suspend the rules and to adopt Council Bill 14-1021 by its having had one reading by title only.

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

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

The meeting adjourned at 6:46 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

A CONTINUED MEETING OF  
THE COEUR D'ALENE CITY COUNCIL  
DECEMBER 2, 2014

The Mayor and Council of the City of Coeur d'Alene met in continued session in the Library Community Room at 12:00 Noon on December 2, 2014 there being present upon roll call a quorum:

Steve Widmyer, Mayor

Amy Evans ) Members of Council Present  
Dan Gookin )  
Woody McEvers )  
Steve Adams )  
Loren Ron Edinger )  
Kiki Miller ) Arrived at 12:22

**DEPARTMENT HEADS PRESENT:** City Administrator Jim Hammond; Finance Director Troy Tymesen; Municipal Services Director Renata McLeod; Planning Director Hilary Anderson; City Attorney Mike Gridley.

**LCDC BOARD PRESENT:** Denny Davis (Chairman); Al Hassell; Brad Jordon; Dave Patzer; Deanna Goodlander; Rod Colwell; Mic Armon and Executive Director Tony Berns; and Legal Counsel Danielle Quade

Mayor Widmyer stated that the purpose of the meeting was to provide the City Council with an opportunity to ask questions regarding the proposed Housing Company and the LCDC mid-town project.

City Administrator Jim Hammond explained that this meeting was based on a motion of the City Council in order to seek additional information from LCDC and the neighborhood representative regarding the midtown project.

**LCDC PRESENTATION:** Tony Berns presented the history of the proposed development starting in 2002 by the acquisition of land in mid-town. He explained the strategic goal for the Lake District is to bring a mix of housing opportunities, including the need for workforce housing. He reiterated that the Fair Housing Act applies to the City and projects brought before it. The zoning overlay district was approved in 2004, which encourages a mix of housing with retail. Then in 2006, LCDC acquired the Rose Bud tavern, which provided more development opportunities for the land. Mr. Berns explained that a few development projects were discussed at that time but they could not make them pencil. In 2008 the Paris Flea Market building was acquired by LCDC in partnership with The Housing Company (a nonprofit housing development company). The Housing Company purchased the Youth Ranch property in order to make the building envelope large enough to make a project financially feasible. He presented a rendering of the currently proposed project.



Kathryn AlMBERG with the Housing Company presented the timeline of events between the LCDC and the Housing Company. In 2010 Doug Peterson, from The Housing Company, began holding design charettes with the neighborhood. In 2011 the building design proposed was four stories and the building covered a majority of the lot. After input from the neighbors in 2012, The Housing Company changed the design to be three stories with open space upon the lot and reduced the size of the project by 25%. Ms. AlMBERG explained that in 2013 and 2014 they continued to work with the Architect and LCDC regarding market needs. They continued to work with the neighborhood regarding design and modified the design to include open space on the corner at the request of the neighbors. The Housing Company is now ready to submit project for funding in February 2015.

Mayor Widmyer asked for clarification regarding the number of residential units and commercial square footage. Ms. AlMBERG explained that the commercial space will be approximately 5,800 sq. ft. and they are proposing 40 residential units. Councilmember Gookin asked if other Housing Company projects have commercial space. Ms. AlMBERG confirmed that they have a project in Pocatello that includes commercial space that is no longer owned by The Housing Company. She explained that The Housing Company is a nonprofit so it is not in their mission to be commercial property owners. Councilmember Gookin asked if they would sell the mid-town commercial space. Ms. AlMBERG said they could work toward selling the commercial space.

Mayor Widmyer asked what the estimated property taxes would be from the proposed project. Ms. AlMBERG said that it is an \$8.5 million project and estimated it would be \$40,000 to \$50,000 in property taxes per year.

**NEIGHBORHOOD PRESENTATION:** Gregg Johnson stated that he is representing the mid-town neighborhood. He stated that the project began as an owner occupied project which the neighborhood thought would bring value, and then it was switched to workforce housing. He agreed that The Housing Company has listened to some of the neighborhood design concerns. The neighborhood has expressed concern that an additional 40 rental units would affect the rentals that already exist and that there would be no opportunity for ownership. Mr. Johnson said that he believes more owner occupied units are needed in the neighborhood. He explained the petition process they used to collect 150 signatures that included businesses and residents saying “No,” to the proposed development. The neighbors just want to have a say in what develops in their neighborhood. He stated that good examples of neighborhood development are the Perry and Garland Districts of Spokane. Mr. Johnson expressed that the design does not blend with the neighborhood and has no drive-by value. He stated that the goals reflected in the Vision 2030 Plan are not being addressed with regard to community history, small town feel, and a blending of old and new.

Mr. Johnson explained that the property purchased by LCDC and The Housing Company has an inflated price due to the investment of improvements and designs and that should not be passed on to potential buyers. He believes the project has forgotten the neighborhood and is not the right fit. He believes there are too many rentals and there is too much impact for one corner of a neighborhood. He stated the neighborhood had questions about the project turning into Section 8

housing and if there has been any study of the need and impact this development will have on the community.

Ms. AlMBERG explained that Section 8 housing program ended in the late 1970s so there is no way this project could be converted to that program. She explained that this development is part of the Section 42 workforce housing program that would benefit citizens with incomes between \$15,500 and \$34,000, which is usually a \$12.45/hour worker and there are no rent subsidies. Mr. Berns stated that this development is in the infill overlay and would allow up to a 125,000 sq. ft. building; however, The Housing Company is proposing a development with 1/3 the density as allowed by right. City Planner Tami Stroud clarified that traffic patterns and impacts would have to be reviewed by the Engineering Department before zoning was approved.

**DISCUSSION:** Discussion ensued regarding the process and option for LCDC to liquidate the property. Commissioner Armon reiterated that whoever would buy the property would be able to develop it as they want rather than listening to the neighborhood and compromising as The Housing Company is today. Mr. Johnson clarified that the neighborhood wants LCDC to be a partner in this and not step completely out and hopes they could work together without this project. Discussion ensued regarding other project proposals not coming forward with better offers that are economically feasible.

Councilmember Miller asked for clarification regarding what the City Council's role would be in this development as the property is already zoned and would require no additional Council approval. Deputy City Attorney Warren Wilson explained that the Council could listen to the concerns and that the only item that would come to Council would be an appeal of the design review process. Mr. Johnson clarified that his intent was to be heard by an elected official and seek options for those who live and are invested in the area.

Councilmember Gookin asked if The Housing Company evaluates the need for a project before they plan a development. Ms. AlMBERG explained that a third party market study is conducted which reviews growth, vacancy rates, etc. She clarified that for this project they reviewed the market in February and determined that out of 738 units (affordable to the workforce income group) only 6 were vacant. This demonstrates pent up demand with a 0.4% vacancy, and a total market vacancy rate of 1.5%. Additionally, another study will be conducted starting next week to be included with the February grant application, and anything less than 5% is determined to be a high demand market.

Councilmember McEvers asked Mr. Johnson to explain what he meant by the vibe of the neighborhood. Mr. Johnson stated that it has always been a slow turn of change and seems to have a funk different to downtown and the neighbors do not want to lose it.

Commissioner Jordon stated that one of the missions of LCDC was to help get mid-town moving forward and that is why LCDC was willing to pay a higher price for land. Additionally, the shift from condominiums to rentals was a result of the market not working and clarified that tax credits are managed well. He said he was committed to help midtown and thinks this project would do and may not be perfect.

Councilmember Adams asked what the compromise would be for the neighborhood if there was one. Mr. Johnson said the project should be owner occupied with some retail, but not four stories. Mayor Widmyer noted that the challenge is that even in a 40 unit condominium project the owners could rent their units, so it would not solve all the issues. The Housing Company offers one property manager and does as good job of operating their facilities. Councilmember Edinger felt that the neighborhood has to work out some compromise.

Ms. AlMBERG offered that the exterior design could still be discussed and amended with the neighborhood input. Mr. Johnson reiterated that the rentals are the issue, as the neighborhood wants owner occupied. Councilmember Gookin expressed that he believes LCDC should better form their strategic plans and goals so they are less vague. Mr. Berns stated that the 2003 plan has a specific section regarding mid-town that is very detailed. Commissioner Patzer explained that there have been positive impacts from LCDC investments in the neighborhood including the VFW ability to sell their property, and the Capone's buying more property, as people are optimistic about the future based on positive changes within the neighborhood. He noted that Mr. Johnson's group is not the same as four years ago and that The Housing Company has made many compromises. He felt that they would never be able to satisfy all the parties involved between owner occupied versus rentals. Commissioner Colwell said that any developer would have to look at economics to make a project work, and a private developer would have to build four stories minimum to make the property economically feasible. Ms. AlMBERG reiterated that it is very difficult to make any of these projects economically feasible, especially as a condominium deal as they would be required to have a percentage of pre-sells before they break ground and it would be years into the future. Mr. Johnson stated that the neighborhood would be willing to wait two years for development of the property. Ms. AlMBERG clarified that the next funding round would require a grant submittal in February, which is the intent of The Housing Company.

Mayor Widmyer thanked Mr. Johnson for bringing information forward and felt more conversation could be held on the matter regarding the design elements.

**MOTION:** Motion by McEvers seconded by Edinger that there being no other business this meeting be adjourned. **Motion Carried.**

The meeting recessed at 1:18 p.m.

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Steve Widmyer, Mayor

ATTEST:

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Renata McLeod, City Clerk

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

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

(Office Use Only) Amt Pd 33.33  
 Rec No 749457  
 Date 12/5/14  
 Date to City Council: 12-16-14  
 Reg No. \_\_\_\_\_  
 License No. \_\_\_\_\_  
 Rv \_\_\_\_\_

Date that you would like to begin alcohol service Feb. 1, 2015

**Check the ONE box that applies:**

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input checked="" type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only COP \$12.50 Beer- Draft, can, bottled COP \$25 Wine additional \$25 Consumed on premise yes no Transfer from _____ to _____	\$

*Formerly The Mill in Riverstone*

Business Name	Melone's Public House
Business Mailing Address	2900 N. GOVERNMENT WAY # 274
City, State, Zip	COEUR D'ALENE ID 83815
Business Physical Address	2360 Old Mill Loop Suite 5101
City, State, Zip	COEUR D'ALENE ID 83814
Business Contact	Business Telephone : 208/660-6796 Fax: Email address: <u>me@melone@gmail.com</u>
License Applicant	Michael Melone
If Corporation, partnership, LLC etc. List all members/officers	John Bantler James Schneller



# CITY OF COEUR D'ALENE

FINANCE DEPARTMENT

CITY HALL, 710 E. MULLAN  
COEUR D'ALENE, IDAHO 83816-3964  
208/769-2225 – FAX 208/769-2284

## Finance Department Staff Report

Date: December 16, 2014

From: Troy Tymesen, Finance Director

Subject: Annual Road and Street Financial Report

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### **DECISION POINT:**

The Council is being asked to review and to approve the Annual Road and Street Financial Report for the fiscal year ending September 30, 2014.

### **HISTORY:**

Idaho Code, Section 40-708, requires the certification of road fund receipts and disbursements be completed and sent to the Idaho State Controller by the 31<sup>st</sup> of December for the preceding fiscal budget year for cities, counties, and highway districts.

### **FINANCIAL ANALYSIS:**

The certification and timeliness of this report is critical to the City receiving funding from the State's Highway User tax disbursement. The revenue received during fiscal year 2013-14 was \$1,511,475.

### **PERFORMANCE ANALYSIS:**

The Annual Road and Street Financial Report is an accounting of the dollars used in maintaining, creating and improving the road network overseen by the City. This report is a collaborative effort with the Street Maintenance Department and the Finance Department.

### **DECISION POINT:**

The Council is being asked to review and to approve the Annual Road and Street Financial Report for the fiscal year ending September 30, 2014.

**Annual Road and Street Financial Report**

Reporting Entity Name, Mailing Address and Contact Phone Number:		Please return, <b>not later than December 31</b> , to:  <b>BRANDON D. WOOLF</b> <b>IDAHO STATE CONTROLLER</b> <b>ATTN: HIGHWAY USERS</b> <b>STATEHOUSE MAIL</b> <b>BOISE, ID 83720</b>
Entity	City of Coeur d'Alene	
Address	710 Mullan Avenue	
City State	Coeur d'Alene ID 83814	
Contact/Phone Number: (208) 769-2225	Contact Email: vonniej@cdaid.org	

This certified report of dedicated funds is hereby submitted to the State Auditor as required by 40-708, *Idaho code*.

Dated this   16th   day of   December  ,   2014  .

ATTEST:

  Renata McLeod  , City Clerk/Treasurer
  Steve Widmyer  , Mayor

City Clerk/County Clerk/District Secretary (**type or print name & sign**)   AND   Commissioners or Mayor (**type or print name & sign**)

**FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014**

Line 1	BEGINNING BALANCE AS OF OCTOBER 1 PREVIOUS YEAR	(9,744,456.00)
<b>RECEIPTS</b>		
<b>LOCAL FUNDING SOURCES</b>		
Line 2	Property tax levy (for roads, streets and bridges) . . . . .	
Line 3	Sale of assets . . . . .	
Line 4	Interest income . . . . .	408
Line 5	Fund transfers from non-highway accounts . . . . .	485,219
Line 6	Proceeds from sale of bonds (include LIDs) . . . . .	
Line 7	Proceeds from issue of notes (include loans) . . . . .	
Line 8	Local impact fees . . . . .	239,220
Line 9	Local option registration fee . . . . .	
Line 10	All other LOCAL receipts or transfers in. . . . .	4,342,207
<b>Line 11</b>	<b>Total Local Funding (sum lines 2 through 10).</b> . . . . .	<b>5,067,054</b>
<b>STATE FUNDING SOURCES</b>		
Line 12	Highway user revenue . . . . .	1,511,475
Line 13	Sales tax/Inventory replacement tax . . . . .	
Line 14	Sales tax/Revenue sharing . . . . .	
Line 15	Other State funds (specify) . . . . .	
Line 16	All other STATE receipts or transfers. . . . .	
<b>Line 17</b>	<b>Total State Funding (sum lines 12 through 16).</b> . . . . .	<b>1,511,475</b>
<b>FEDERAL FUNDING SOURCES</b>		
Line 18	National Forest Reserve Apportionment . . . . .	
Line 19	Critical bridge . . . . .	
Line 20	STP Rural . . . . .	
Line 21	STP Urban. . . . .	195,396
Line 22	All other FEDERAL receipts or transfers . . . . .	
<b>Line 23</b>	<b>Total Federal Funding (sum lines 18 through 22)</b> . . . . .	<b>195,396</b>
<b>Line 24</b>	<b>TOTAL RECEIPTS (sum lines 11, 17, 23)</b> . . . . .	<b>6,773,925</b>

**DISBURSEMENTS**

NEW CONSTRUCTION		
Line 25	Roads . . . . .	
Line 26	Bridges, culverts and storm drainage . . . . .	230,433
Line 27	RR Crossing . . . . .	
Line 28	Other (specify - including salaries and benefits). . . . .	
<b>Line 29</b>	<b>Total New Construction (sum lines 25 through 28). . . . .</b>	<b>230,433</b>
RECONSTRUCTION/REPLACEMENT/REHABILITATION		
Line 30	Roads (rebuilt, realign, or 2" overlay upgrade). . . . .	2,385,131
Line 31	Bridges, culverts and storm drainage . . . . .	97,223
Line 32	RR Crossing. . . . .	
Line 33	Other (specify - including salaries and benefits). . . . .	268,017
<b>Line 34</b>	<b>Total Reconstruction/Replacement (sum lines 30 through 33). . . . .</b>	<b>2,750,371</b>
ROUTINE MAINTENANCE		
Line 35	Chip sealing or seal coating. . . . .	
Line 36	Patching . . . . .	232,454
Line 37	Snow removal . . . . .	281,418
Line 38	Grading/blading . . . . .	136,586
Line 39	RR Crossing. . . . .	
Line 40	Other (specify - including salaries and benefits). . . . .	714,627
<b>Line 41</b>	<b>Total Routine Maintenance (sum lines 35 through 40) . . . . .</b>	<b>1,365,085</b>
EQUIPMENT		
Line 42	New equipment purchase - automotive, heavy, other. . . . .	249,198
Line 43	Equipment lease - Equipment purchase . . . . .	32,205
Line 44	Equipment maintenance. . . . .	380,379
Line 45	Other (specify). . . . .	
<b>Line 46</b>	<b>Total Equipment (sum lines 42 through 45) . . . . .</b>	<b>661,782</b>
ADMINISTRATION		
<b>Line 47</b>	<b>Administrative salaries and expenses. . . . .</b>	<b>743,573</b>
OTHER		
Line 48	Right-of-way and property purchases . . . . .	
Line 49	Property leases . . . . .	
Line 50	Street lighting . . . . .	600,930
Line 51	Professional services - audit, clerical, and legal. . . . .	554
Line 52	Professional services - engineering. . . . .	211,279
Line 53	Interest - bond (include LIDs). . . . .	4,831
Line 54	Interest - notes (include loans). . . . .	
Line 55	Redemption - bond (include LIDs). . . . .	
Line 56	Redemption - notes (include loans) . . . . .	39,600
Line 57	Payments TO other local government. . . . .	
Line 58	Fund transfers to non-highway accounts. . . . .	
Line 59	All other local expenditures . . . . .	
<b>Line 60</b>	<b>Total Other (sum lines 48 through 59) . . . . .</b>	<b>857,194</b>
<b>Line 61</b>	<b>TOTAL DISBURSEMENTS (sum lines 29, 34, 41, 46, 47, 60). . . . .</b>	<b>6,608,438</b>
<b>Line 62</b>	<b>RECEIPTS OVER DISBURSEMENTS (line 24 - line 61). . . . .</b>	<b>165,487</b>
<b>Line 63</b>	<b>OTHER ADJUSTMENTS (Audit adjustment and etc.). . . . .</b>	
<b>Line 64</b>	<b>CLOSING BALANCE (sum lines 1, 62, 63) . . . . .</b>	<b>(9,578,969)</b>
<b>Line 65</b>	<b>Funds on Line 64 obligated for specific future projects. . . . .</b>	
<b>Line 66</b>	<b>Funds on Line 64 retained for general funds and operations. . . . .</b>	
<b>Line 67</b>	<b>ENDING BALANCE (line 64 minus the sum of lines 65, 66) . . . . .</b>	<b>(9,578,969)</b>

**REPORTING MEASURES**

**NEW CONSTRUCTION**

Line 68	Total lane miles constructed . . . . .	2.39 miles
Line 69	Total square feet of bridge deck constructed . . . . .	
Line 70	Percent of expenditures on line 26 for bridges only . . . . .	
<u><b>RECONSTRUCTION/REPLACEMENT/REHABILITATION</b></u>		
Line 71	Total lane miles rebuilt, realigned, or 2" overlay upgrade . . . . .	0
Line 72	Total square feet of bridge deck reconstructed or rehabilitated . . . . .	
Line 73	Percent of expenditures on line 31 for bridges only . . . . .	
<u><b>ROUTINE MAINTENANCE</b></u>		
Line 74	Total lane miles chip sealed or sealcoated on line 35. . . . .	0
Line 75	Total lane miles graded or bladed on line 38 . . . . .	0

**PROJECTS**

**NEW PROJECTS**

Line 76	Available Funds (From line 65) . . . . .		0
	Project List	Start Year	Projected Cost
Line 77	Estimated Cost of future projects . . . . .		0
Line 78	<b>Available for Other Projects (line 76 minus line 77)</b> . . . . .		0



RESOLUTION NO. 14-053

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING AN AMENDMENT TO THE AGREEMENT WITH POLICE CAPTAINS; APPROVING A CONSULTANT LABOR SERVICES AGREEMENT WITH RON H. CLARK; AND ACCEPTANCE OF A GRANT DEED FOR LITTORAL RIGHTS FROM WAYNE AND NANCY NASH.

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

- A) Approving an amendment to the Agreement with Police Captains;
- B) Approving a Consultant Labor Services Agreement with Ron H. Clark;
- C) Acceptance of a Grant Deed for littoral rights from Wayne and Nancy Nash;

AND;

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

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "A through C" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

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

DATED this 16<sup>th</sup> day of December, 2014.

\_\_\_\_\_  
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 MCEVERS Voted \_\_\_\_\_

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

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

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

## STAFF REPORT

To: Mayor Widmyer and City Council  
From: Melissa Tosi; Human Resources Director  
Re: Police Captain Memorandum of Understanding  
Date: December 16, 2014

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### **DECISION POINT**

The Council is requested to approve the proposed negotiated Police Captain Memorandum of Understanding (MOU) establishing a three year contract, compensation and benefits.

### **HISTORY**

The MOU shall be applicable to Police Captains for a term commencing October 1, 2014 and ending September 30, 2017. All prior resolutions between the City and Police Captains will no longer be applicable.

### **FINANCIAL ANALYSIS**

The following are the main changes regarding the negotiated contract:

- 3 year contract
- Update to Health Reimbursement Arrangement (HRA)/VEBA:
  - monthly contribution; and
  - payment of vacation and eligible sick leave balances into employees VEBA plan at retirement.

### **PERFORMANCE ANALYSIS**

The negotiated contract provides necessary consistency and equity.

### **RECOMMENDATION**

The Council is requested to approve the proposed negotiated Police Contract MOU establishing a three year contract, compensation and benefits.

## Memorandum of Understanding with Police Department Captains

This understanding is made and entered into this 16<sup>th</sup> day of December t, 2014, by and between the City of Coeur d'Alene, hereinafter know as the City, and the Police Department Captains, hereinafter known as Captains. The understanding shall be applicable to Captains for a term commencing October 1, 2014 and ending September 30, 2017, except as specifically provided herein. All prior resolutions between the City and Captains are superseded by this understanding and are no longer applicable.

- (a) Purpose/Intent: The purpose of this document is to create an understanding that specifically pertains to Police Department Captains, who are FLSA "exempt employees." Captains perform work under the day-to-day guidance of the Police Chief.
- (b) Definition:
  - (1) Police Department Captain shall mean an employee responsible for the management of one or more major divisions within the Police Department.
  - (2) Professional exempt employee shall be the Fair Labor Standards Act classification that Captains will be regulated under. As such, Captains shall be paid salary and shall not be eligible for compensatory or overtime pay.
- (c) Residency: Captains must disclose to the Police Chief any intent to change residency because Captains, at the discretion of the Police Chief, may be required to reside within twenty (20) miles of City limits.
- (d) Duties: Captain's duties and responsibilities shall be in accordance with the adopted job description, as well as all duties assigned by the Police Chief.
- (e) Benefits/Compensation:
  - (1) Captains shall be exempt from the personnel rules except the following and as may be adopted by City Council thereafter.
    - i. Rule XI, Section 3, entitled "Sick Leave"
    - ii. Rule XI, Section 4, entitled "Bereavement Leave," allowing for up to 40 hours of leave without pay
    - iii. Rule XI, Section 5, entitled "Military Leave"
    - iv. Rule XI, Section 7, entitled "Witness and Jury Leave"
    - v. Rule XI, Section 9, entitled "Holidays"
    - vi. Rule XI, Section 11, entitled "Family and Medical Leave"
    - vii. Rule XI, Section 12, entitled "Retirement Medical Benefit" Rule
    - viii. Rule XV, entitled "Grievance Procedures"

- ix. Rule XVI, entitled "Personnel Appeals Procedures
  - x. Rule XVIII, Section 5, entitled "Use of City Property"
  - xi. Rule XIX, entitled "Authorization and Procedures for Expense Reimbursement"
  - xii. Rule XXI, entitled "Drug Policy"
  - xiii. Rule XXIII, entitled "Discriminatory Harassment Including Sexual Harassment Policy"
  - xiv. Any rule specifically applicable to Police Department Captains
- (2) Captains shall abide by City policies and procedures approved by the City Council as listed above and any additional policies and procedures adopted by resolution not incorporated in the personnel rules.
- (3) Vacation Accruals: Vacation accruals shall be as follows:
- i. First through third year of service: Eight (8) hours for each month of service.
  - ii. Fourth through fifth year of service: Twelve (12) hours for each month of service.
  - iii. Sixth through tenth year of service: Sixteen (16) hours for each month of service.
  - iv. After ten (10) or more years of service: Twenty (20) hours for each month of service.
- A Captain with more than three hundred twenty (320) hours vacation leave as of October, 1 (the first day of the City's fiscal year) shall utilize the excess leave before January 15, of the following calendar year, unless otherwise approved by the Police Chief and by the Human Resources Director.
- (4) Sick Leave: As FLSA exempt employees, Captains shall continue to accrue sick leave according to Rule XI, Section 3 (ten hours per month). However, due to the exempt employee status, leave will only be required to be noted on time records when it is eight consecutive hours or more. Captains shall be eligible to participate in the sick leave bank. Captains shall not receive compensation for accumulated sick leave unless the employee retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code. Sick leave options 1 and 2, found in Rule XI, Section 3, are applicable.
- (5) Compensatory Time (comp time): As FLSA exempt employees, Captains are not eligible for comp time. Any existing comp time that the employee has accrued prior to the adoption of these rules shall be used at a rate of at least 40 hours per year beginning the date of the adoption of these rules.
- (6) Compensation/salary increases: Captains shall be paid a salary within the range identified in the City of Coeur d'Alene adopted pay/classification plan and as may be amended thereafter.

Captains shall receive annual salary increases based on a performance evaluation from the Police Chief. Captains will receive a salary increase ranging from 5% to 8% if the performance is rated standard or above. If performance is below standard, the Captain is not eligible for any increase until performance is up to standard. A salary increase will only be granted following a minimum of twelve consecutive months of service from the previous performance salary increase and salary increases will continue, not to exceed the maximum salary of the pay/classification plan as follows:

	<u>Monthly Minimum</u>	<u>Monthly Maximum</u>
Exempt Police Captain	\$6616	\$ 9310

The maximum of the pay/classification plan will increase as CPI adjustments permit. Any other changes to the pay/classification plan will only be made if approved by the Captains and the City Administrator.

Captains who earn degrees reasonably related to their job function from accredited colleges or applicable training certification shall be paid an additional amount based upon the following schedule:

Associate degree	\$10.40/semi monthly
Bachelor's degree	\$20.80/semi monthly
Master's degree	\$26.00/semi monthly

The existing Educational Incentive that the Captain incumbents are eligible to receive will remain in effect and newly appointed Captains will receive the amount according to the schedule above.

- (7) Cost of living increases: Cost of living increases shall be based upon the July "Consumer Price Index (CPI) for All Urban Consumers" based upon the U.S. City average for the preceding 12-month period with a three percent (3%) maximum increase, effective October 1 of each fiscal year.
- (8) Uniform Allowance: Captains shall be issued sworn officer patrol uniforms and items as prescribed by the Police Chief's Uniform Committee. Uniforms and items shall be replaced as necessary at no cost provided the Captain has not been negligent in the maintenance. One (1) pair of winter duty shoes and one (1) pair of summer duty shoes as approved by the Police Chief for the patrol uniform and shall be replaced on an as-needed basis. Negligent care and maintenance may result in a pro-rated charge for replacement shoes.

Reasonable cleaning and minor repair expenses will be provided for the patrol uniforms. The cleaning services are required to be performed by approved contracting cleaning businesses in order to qualify for this benefit. The City provides pick up and delivery service to the police department for uniforms.

(9) Fringe Benefits: Captains shall receive fringe benefits as per Resolution No. 04-023 adopted the 6<sup>th</sup> day of January 2004 establishing wages and benefits for employees who are not represented by an employee organization, limited to the following benefits only: Social Security (F.I.C.A.), Idaho Public Employees Retirement System (I.P.E.R.S.), medical, dental, and vision insurance and long term disability insurance.

(10) Health Reimbursement Arrangement (HRA VEBA): The City will contribute one hundred eighteen dollars (\$118.00) per month to each Captain's VEBA Plan. In each ensuing year of the contract, the City will increase the monthly HRA VEBA Plan contribution by five dollars (\$5.00) for that year.

A Captain who retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code will receive a lump sum payment to the Captain's HRA VEBA plan for vacation and eligible sick leave balances.

(11) Life Insurance: The City will provide life insurance for Captains and dependants as follows: 1) Captain life insurance shall be \$50,000; 2) Dependant life insurance, \$1,000; 3) Accidental death and dismemberment insurance, Captain only, shall be \$50,000.

(12) Tuition Reimbursement: The City agrees to reimburse Captains one hundred percent (100%) with an "A" or "B" grade and eighty (80%) with a "C" grade for the cost of approved job-related educational courses at accredited colleges and universities which are directly related to the Captain's present position or expected promotional position, but which courses are not required by the City and are attended upon the Captain's personal volition. All books, supplies and travel expenses shall be paid by the Captain. The courses shall be approved for reimbursement by the Chief of Police thirty (30) days prior to the start of the course and forwarded to the Human Resources Director.

(13) Miscellaneous: The Police Chief shall authorize car assignments. Any personal use of a City assigned vehicle may be taxable to the Captain per IRS Publication 15-B.

(f) Policies and Procedures: All Captains shall follow all established City and Department policies and procedures, unless specifically exempt.

(g) Supervisor: Captains shall be supervised by the Police Chief and subject to disciplinary action as deemed appropriate by the Police Chief.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this Memorandum of Understanding on behalf of said City, and the Captain has caused the same to be signed, the day and year first above written.

CITY OF COEUR D'ALENE,  
KOOTENAI COUNTY, IDAHO

CAPTAIN

By: \_\_\_\_\_  
Steve Widmyer, Mayor

By: \_\_\_\_\_  
Steve Childers

ATTEST:

CAPTAIN

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

\_\_\_\_\_  
Ron Clark



CITY COUNCIL  
STAFF REPORT

DATE: November 24, 2014

FROM: Lee White  
Chief of Police

SUBJECT: Retirement Medical Benefit as stipulated in City Personnel Rules and Regulations on behalf of Captain Ron Clark

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**Decision Point:** Should the City enter into an agreement to provide a Retirement Medical Benefit to Captain Clark.

**History:** The City of Coeur d'Alene has provided Retirement Medical Benefits to retiring employees. The City rules and regulations allow an opportunity to receive this benefit if there is at least \$6000.00 a year savings for three years in personnel salaries to accommodate this benefit.

**Financial Analysis:** Captain Clark is a tenured employee and at the highest salary level for a police Captain. It is the intention of the police department to keep this position vacant for at least four months. The salary savings to the City during this time, the savings with bringing in a new Captain at a lower salary range, and the salary savings for each of the lower ranks would be result in significant savings well over the \$6000 per year requirement.

**Performance Analysis:** Captain Clark's proposed retirement date is January 16, 2015. He has proposed to receive the Retirement Medical Benefit under City Personnel Rules and Regulations Rule XI, Section 11, Option 2 and receive \$24,000 into his HRA VEBA account for opting out of medical coverage. This agreement will include a minimum of 240 hours of consulting. Captain Clark has extensive training, knowledge, and certifications with regard to managing a police department. He will be available for policy and procedure review and development and School Resource Officer contract negotiation.

**Decision Point:** The City of Coeur d'Alene should enter into an agreement to provide a Retirement Medical Benefit to Captain Clark.

## CONSULTANT LABOR SERVICES AGREEMENT

THIS Agreement, made and entered into this 16<sup>th</sup> day of December, 2014, 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 **RON H. CLARK**, whose current address is 4907 Shoreline Drive, Post Falls, 83854.

WITNESSETH:

Limited Medical Benefits:

- A. Ron H. Clark, has been a long time employee of the City and is scheduled to retire from City service on the 16<sup>th</sup> day of January, 2015, at which time Ron H. Clark will be paid all amounts due up to such date by way of wages including accrued vacation, compensatory time, and 1/3 of his sick leave balance; and
- B. Ron H. Clark upon retirement will have worked in the city twenty nine years (29) and ten (10) months and it is the desire of the City to contract with Ron H. Clark on a consulting basis commencing on the 17<sup>th</sup> day of January, 2015; and terminating on the 16<sup>th</sup> day of January, 2018.
- C. The City Council has approved Coeur d'Alene Municipal Resolution No. 06-008 which authorizes the Personnel Rule XI, Section 11, allowing consultant contracts in consideration for limited medical benefits for retired employees; NOW THEREFORE,
  1. IT IS AGREED that in consideration of the continuation of limited medical benefits, Ron H. Clark shall complete two hundred forty (240) hours of consulting services as described in the Staff Report attached hereto and incorporated herein by reference as Exhibit "A" commencing on the 17<sup>th</sup> day of January, 2015, and terminating on the 16<sup>th</sup> day of January, 2018.
  2. IT IS FURTHER AGREED, Ron H. Clark and his heirs, estate, personal representatives, conservators, and assigns, do hereby release acquit and forever discharge the City, and its personal representatives, insurers, assigns, agents, servants, and all persons acting for, by or through or in any way on behalf of said City, of and from all claims of every kind, actions, causes of action, damages, liabilities and demands of whatsoever kind, known or unknown, including claims for wages, vacation time, sick time, comp time pay, and any other claims arising from Ron H. Clark employment or consulting relationship with the City.

IN CONSIDERATION, of the performance of the two hundred and forty (240) hours of consulting services described in Staff Report attached hereto as Exhibit "A", the City agrees to provide to Ron H. Clark a lump sum payment in the amount of twenty four thousand (\$24,000) to Ron H. Clark's health reimbursement arrangement (HRA VEBA) plan.

Time is of the essence of this Contract.

IN WITNESS WHEREOF, the Mayor and the City Clerk of the City of Coeur d'Alene have executed this Contract on behalf of said City, and Ron H. Clark have executed this Contract the day and year first above written.

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

**EMPLOYEE**

By: \_\_\_\_\_  
Steve Widmyer, Mayor

By: \_\_\_\_\_  
Ron H. Clark

**ATTEST:**

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

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this 16<sup>th</sup> day of December, 2014, before me, a Notary Public, personally appeared **Steve Widmyer and Renata McLeod**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

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

STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this \_\_\_\_\_ day of December, 2014, before me, a Notary Public, personally appeared **Ron H. Clark**, known to me to be the person whose name is subscribed herein, who executed the foregoing instrument and acknowledged that he voluntarily executed the same.

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

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

RECORDING REQUESTED BY:

**ACCEPTANCE OF GRANT DEED OF  
LITTORAL RIGHT OF WHARFAGE**

The City of Coeur d'Alene, an Idaho municipality, of 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814, as the Grantee under a certain Grant Deed of Littoral Right of Wharfage, executed by Wayne Nash and Nancy Nash, husband and wife, of 1221 E. Lakeshore Drive, Coeur d'Alene, Idaho 83814, as "Grantor," does hereby acknowledge the following.

1. Said "Grant Deed of Littoral Right of Wharfage," as executed by Grantor, conveyed unto the City of Coeur d'Alene, as Grantee, the Grantor's littoral rights of wharfage (and no other rights, littoral or otherwise) as to the property described on Exhibit A hereto ("the subject property").

2. The "Grant Deed of Littoral Right of Wharfage" contained limitations on the nature of the Grant, as expressed therein. The City, as Grantee, acknowledges said limitations and accepts the conveyance subject to the same.

3. The conveyance made by Grantor under the subject "Grant Deed of Littoral Right of Wharfage," as to the subject property, and the extent thereof, is further limited and made subject to the terms and conditions set forth in a certain "Mutual Release and Settlement Agreement" executed by the City on February 15, 2011. The City accepts this conveyance under said "Grant Deed of Littoral Right of Wharfage" and agrees that the same shall be subject to the terms and conditions set forth in said "Mutual Release and Settlement Agreement" of February 15, 2011, which terms are incorporated herein.

**GRANTEE:**

THE CITY OF COEUR D'ALENE

DATED: \_\_\_\_\_

BY: \_\_\_\_\_

  
STEVE WIDMYER, Mayor

ACCEPTANCE OF GRANT DEED OF LITTORAL WHARFAGE - PAGE 1

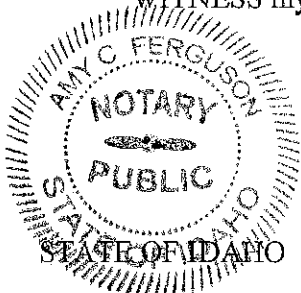
ATTESTED TO:

By: *Renata McLeod*  
RENATA McLEOD  
City Clerk

STATE OF IDAHO )  
                          ) ss.  
County of Kootenai )

On this 8<sup>th</sup> day of December, 2014, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared, **STEVE WIDMYER**, known or identified to me to be the Mayor of The City of Coeur d'Alene, whose name is subscribed to the within instrument and who acknowledged that he is authorized to execute the same.

WITNESS my hand and official seal.



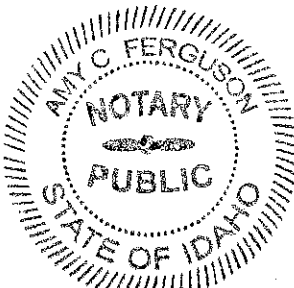
*(Handwritten signature of Amy C. Ferguson)*

Notary Public in and for the State of Idaho  
Residing at: Post Falls  
My commission expires: 10-30-15

STATE OF IDAHO )  
                          ) ss.  
County of Kootenai )

On this 8<sup>th</sup> day of December, 2014, before me, the undersigned, a Notary Public in and for the said State and County, personally appeared, **RENATA McLEOD**, known or identified to me to be the City Clerk of The City of Coeur d'Alene, whose name is subscribed to the within instrument and who acknowledged that she is authorized to execute the same.

WITNESS my hand and official seal.



*(Handwritten signature of Amy C. Ferguson)*

Notary Public in and for the State of Idaho  
Residing at: Post Falls  
My commission expires: 10-30-15

NASH-ACCEPTANCE.DEED.wpd

EXHIBIT "A"

Lots 13 and 14, Block 28, LAKESHORE ADDITION TO COEUR D'ALENE, according to the plat recorded in the office of the County Recorder in Book "B" of Plats at Page 128, records of Kootenai County, Idaho.

EXCEPTING THEREFROM that portion of Lot 13 described as follows:

A portion of Lot 13, Block 28, LAKESHORE ADDITION TO COEUR D'ALENE, according to the plat recorded in the office of the County Recorder in Book "B" of Plats, Page 128, more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 13, a 5/8 inch rebar with red cap marked PLS 5289; thence

Along the North line of said Lot 13 East 2.41 feet to a 1/2 inch rebar with yellow cap marked PLS 4182; thence

South 00° 53' 03" West, 142.74 feet to the Southwest corner of said Lot 13, said point marked by a 5/8 inch rebar with red cap marked PLS 5289; thence

Along the West line of said Lot 13 North 00° 04' 59" West, 142.73 feet to the POINT OF BEGINNING.

AND

That portion of Section 24, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, described as follows:

COMMENCING at a point on the South side of Lot 5, Section 24, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, which point is 810.2 feet West from the East side of Lot 5; thence

North 70 feet to South side of Lakeshore Drive, of Lakeshore Addition to Coeur d'Alene; thence

West, 100 feet along South side of said Lakeshore Drive; thence

South 70 feet to South side of Lot 5; thence

East, 100 feet along the South side of said Lot 5 to BEGINNING, being a strip of lakeshore beach 100 feet wide directly in front of Lots 13 and 14, Block 28, LAKESHORE ADDITION TO COEUR D'ALENE, being a portion of Lot 5, Section 24, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

ALSO, the West 30 feet of the following described parcel of land, to-wit:

COMMENCING at a point on the south side of Lot 5 of Section 24, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, which point is 750 and two-tenths feet West of the East side of said Lot 5 and directly in line with the East line of South Taylor Street of LAKESHORE ADDITION TO COEUR D'ALENE; thence

North 70 feet, more or less, to the South side of said Lakeshore Drive of LAKESHORE ADDITION TO COEUR D'ALENE; thence

West, 60 feet along the South side of said Lakeshore Drive to a point directly in line with the West side of said Taylor Street; thence

CONTINUED

EXHIBIT A

South 70 feet, more or less, to the South side of said Lot 5; thence

Easterly along the South side of said Lot 5 to the POINT OF BEGINNING.

TOGETHER WITH that portion of Government Lot 5, Section 24, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, described as follows:

COMMENCING at the Southwest corner of Lot 8, Block 29, LAKESHORE ADDITION TO COEUR D'ALENE, according to the plat recorded in the office of the County Recorder in Book "B" of Plats, Page 128, said point marked by a concrete city monument; thence

South 00° 07'57" East, 50.00 feet to the South line of East Lakeshore Drive; thence

Along the South line of East Lakeshore Drive West, 160.00 feet to the TRUE POINT OF BEGINNING; thence

Continuing along the South line of East Lakeshore Drive West, 2.42 feet to a ½ inch rebar with yellow cap marked PLS 4182; thence

South 02° 55'36" East, 49.74 feet to the West line of parcel described at Instrument Number 1470208, said point marked by a ½ inch rebar with yellow cap marked PLS 4182; thence

Along the West line of parcel described at Instrument Number 1470208 North 00° 07'57" West, 49.68 feet to the POINT OF BEGINNING.

TOGETHER WITH that portion described in the Judgment recorded November 19, 1999 as Instrument Number 1614495, records of Kootenai County, Idaho, now assessed as Tax No. 18513.

EXCEPT that portion described in the Judgment recorded November 19, 1999 as Instrument No. 1614495, records of Kootenai County, Idaho, now assessed as Tax No. 18512.



Name(s) shown on your income tax return: **WAYNE W & NANCY L. NASH**

Identifying number

**Section B. Donated Property Over \$5,000 (Except Publicly Traded Securities)**—List in this section only items (or groups of similar items) for which you claimed a deduction of more than \$5,000 per item or group (except contributions of publicly traded securities reported in Section A). An appraisal is generally required for property listed in Section B (see instructions).

**Part I Information on Donated Property**—To be completed by the taxpayer and/or the appraiser.

- 4 Check the box that describes the type of property donated:
- a  Art\* (contribution of \$20,000 or more)
  - b  Qualified Conservation Contribution
  - c  Equipment
  - d  Art\* (contribution of less than \$20,000)
  - e  Other Real Estate
  - f  Securities
  - g  Collectibles\*\*
  - h  Intellectual Property
  - i  Vehicles
  - j  Other

\*Art includes paintings, sculptures, watercolors, prints, drawings, ceramics, antiques, decorative arts, textiles, carpets, silver, rare manuscripts, historical memorabilia, and other similar objects.

\*\*Collectibles include coins, stamps, books, gems, jewelry, sports memorabilia, dolls, etc., but not art as defined above.

Note. In certain cases, you must attach a qualified appraisal of the property. See instructions.

5	(a) Description of donated property (if you need more space, attach a separate statement)	(b) If tangible property was donated, give a brief summary of the overall physical condition of the property at the time of the gift	(c) Appraised fair market value
A	LITTORAL RIGHT OF WHARFAGE	N/A	175,000.
B			
C			
D			

	(d) Date acquired by donor (mo., yr.)	(e) How acquired by donor	(f) Donor's cost or adjusted basis	(g) For bargain sales, enter amount received	(h) Amount claimed as a deduction	(i) Date of contribution
A	09/01	PURCHASE	0.		175,000.	
B						
C						
D						

**Part II Taxpayer (Donor) Statement**—List each item included in Part I above that the appraisal identifies as having a value of \$500 or less. See instructions.

I declare that the following item(s) included in Part I above has to the best of my knowledge and belief an appraised value of not more than \$500 (per item). Enter identifying letter from Part I and describe the specific item. See instructions. ▶

Signature of taxpayer (donor) ▶ \_\_\_\_\_ Date ▶ \_\_\_\_\_

**Part III Declaration of Appraiser**

I declare that I am not the donor, the donee, a party to the transaction in which the donor acquired the property, employed by, or related to any of the foregoing persons, or married to any person who is related to any of the foregoing persons. And, if regularly used by the donor, donee, or party to the transaction, I performed the majority of my appraisals during my tax year for other persons.

Also, I declare that I perform appraisals on a regular basis; and that because of my qualifications as described in the appraisal, I am qualified to make appraisals of the type of property being valued. I certify that the appraisal fees were not based on a percentage of the appraised property value. Furthermore, I understand that a false or fraudulent overstatement of the property value as described in the qualified appraisal or this Form 8283 may subject me to the penalty under section 6701(a) (aiding and abetting the understatement of tax liability). In addition, I understand that I may be subject to a penalty under section 6695A if I know, or reasonably should know, that my appraisal is to be used in connection with a return or claim for refund and a substantial or gross valuation misstatement results from my appraisal. I affirm that I have not been barred from presenting evidence of testimony by the Office of Professional Responsibility.

Signature: *James A. Grewman* Title: **ADAMO GENERAL APPRAISER EMERSON VALUATION** Date: **11/24/2014**

Business address (including room or suite no.): **EMERSON VALUATION, 408 E. SHERMAN AVE #209** Identifying number: **CGA-281**

City or town, state, and ZIP code: **Coeur d'Alene, Idaho 83814**

**Part IV Donee Acknowledgment**—To be completed by the charitable organization.

This charitable organization acknowledges that it is a qualified organization under section 170(c) and that it received the donated property as described in Section B, Part I, above on the following date ▶ \_\_\_\_\_

Furthermore, this organization affirms that in the event it sells, exchanges, or otherwise disposes of the property described in Section B, Part I (or any portion thereof) within 3 years after the date of receipt, it will file Form 8282, Donee Information Return, with the IRS and give the donor a copy of that form. This acknowledgment does not represent agreement with the claimed fair market value.

Does the organization intend to use the property for an unrelated use?  Yes  No

Name of charitable organization (donee): <i>For W 9</i>	Employer identification number: <b>82-0000176</b>
Address (number, street, and room or suite no.): <b>710 E. Millan Avenue</b>	City or town, state, and ZIP code: <b>Coeur d'Alene, ID 83814</b>
Authorized signature: <i>[Signature]</i>	Title: <b>Mayor</b> Date: _____

# ANNOUNCEMENTS

OTHER BUSINESS

**CITY COUNCIL  
STAFF REPORT**

**DATE:** December 10, 2014  
**FROM:** Mike Gridley – City Attorney  
**SUBJECT:** Amending Municipal Code 9.52 to allow firearms at parades and public assemblies and to allow the discharge of a firearm in self-defense within the city limits

=====

**DECISION POINT:**

Should the City Council amend Municipal Code 9.52 to allow firearms at parades and public assemblies and to allow the discharge of a firearm in self-defense within the city limits?

**HISTORY:**

MC 9.52.040 prohibits the possession of weapons, including firearms, within 1000 feet of a parade or public assembly. This law was passed because of a history in Coeur d’Alene of extremist groups threatening public safety and intimidating citizens at parades and public assemblies. However in 2008 the Idaho legislature passed Idaho Code 18-3302J(2) that prohibits cities from regulating in any manner the possession, transportation or carrying of firearms. As discussed in the attached letter from Idaho Assistant Chief Deputy Attorney General, Brian Kane, the city may not regulate the carrying of firearms in or about public assemblies.

Also, it is proposed that MC 9.52.030 be amended to make it clear that a person may lawfully discharge a firearm in the city limits in the lawful defense of persons or property as stated in Idaho Code 18-3302J(4)(a).

**FINANCIAL ANALYSIS:**

Amending the ordinance as proposed would have minimal cost. If the current ordinance is not amended but is challenged in court there would be some legal costs incurred in defending the ordinance.

**PERFORMANCE ANALYSIS:**

The wording of Idaho Code 18-3302J(2) limits a city’s ability to regulate the possession of firearms. Although MC 9.52 has never been challenged in court, the Idaho Attorney General’s office has rendered an opinion that under Idaho law cities cannot regulate the carrying of firearms. In order to comply with IC 18-3302J(2) the city should amend MC 9.52.010 to remove “firearms” from the definition of “weapons” that are prohibited at parades and public assemblies.

City council may also choose to add language that makes it clear that the lawful use of a firearm in the lawful defense of persons or property is allowed within the city limits as stated in IC 18-3302J(4)(a).

**DECISION POINT/RECOMMENDATION:**

City council should amend MC 9.52 to comply with IC 18-3302J(2) and IC 18-3302J(4)(a).



**STATE OF IDAHO**  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WASDEN

October 21, 2014

Randall R. Adams  
Adams & Gaffaney LLP  
1810 E. Schneidmiller Avenue, Suite 301  
Post Falls, ID 83854

Re: Municipal Firearm Regulation – Our File No. 14-49549

Dear Mr. Adams:

You have requested our views on the authority of the City of Coeur d'Alene to regulate the carrying of firearms during, in and around assemblies such as parades pursuant to Idaho Code § 50-308. That statute provides:

Cities shall have power: to prevent and restrain riots, routs, noises, disturbances or disorderly assemblies; to arrest, regulate, punish, fine or set at work on the streets or elsewhere, vagrants or persons found without visible means of support or legitimate business; license and regulate theaters, halls, concerts, dances, theatrics, circuses, carnivals, exhibitions, amusements and other performances, where an admission fee may or may not be charged.

However, Idaho Code § 18-3302J(2) states:

Except as expressly authorized by state statute, no county, city, agency, board or any other political subdivision of this state may adopt or enforce any law, rule, regulation, or ordinance which regulates in any manner the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms or any element relating to firearms and components thereof, including ammunition.

The following subsection has a general exclusion (which itself has certain exceptions not relevant here) from this general preemption of local authority: "A county may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within its boundaries." Idaho Code § 18-3302J(3). Under settled principles of statutory construction, the answer to your question is that the City does not have the authority to regulate the carrying of firearms as an adjunct to its § 50-308 powers.

“[S]tatutes relating to the same subject, although in apparent conflict, are construed to be in harmony if reasonably possible.” *Cox v. Mueller*, 125 Idaho 734, 736, 574 P.2d 545, 547 (1994). You suggest that these statutes do relate to the same subject. Assuming this to be true, the issue is what subject. Literally read, the common feature is that both deal with the scope of cities’ police powers. One is quite general—authorizing them to regulate a broad range of public activities but silent as to firearms—while the second focuses exclusively on firearms. Another canon, to which your letter also refers, supplies the pole star under these circumstances: “Where more than one statutes are related to the same subject, the statutes are *in pari materia*. . . . When construing such statutes, ‘the specific statute will control over the more general statute.’” *Leavitt v. Craven*, 154 Idaho 661, 667, 302 P.3d 1, 7 (2012) (citation omitted).

Here, as the more specific statute, § 18-3302J(2) controls. The introductory phrase “[e]xcept as expressly permitted by state statute” must be interpreted consistently with what follows; *i.e.*, express permission under another statute to regulate firearms. Section 50-308 contains no such authorization. The City thus may not regulate the *carrying* of firearms in or about public assemblies. It may regulate their *discharge* unless one of the exceptions in § 18-3302J(3) applies.

I hope that this analysis responds adequately to your request. Please contact me with any questions.

Sincerely,



BRIAN KANE  
Assistant Chief Deputy

BK/tjn

ORDINANCE NO. \_\_\_\_\_  
COUNCIL BILL NO. 14-1022

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 9.52.010 TO REMOVE FIREARMS FROM THE DEFINITION OF WEAPON AND AMENDING SECTION 9.52.030 TO ADD AN EXCEPTION FOR PERSONS DISCHARGING A FIREARM IN THE LAWFUL DEFENSE OF PERSON PROPERTY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

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

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

**SECTION 1.** *That Coeur d'Alene Municipal Code Section 9.52.010 is amended to read as follows:*

**9.52.010: DEFINITIONS:**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**FIREARMS:** Any instrument used in the propulsion of shot, shell or bullets, or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs and including what are commonly known as air rifles and BB guns.

**LAW ENFORCEMENT OFFICER:** Any court personnel, sheriff, constable, peace officer, state police officer, correctional, probation or parole official, prosecuting attorney, city attorney, attorney general, or their employees or agents, or any other person charged with the duty of enforcement of the criminal, traffic or penal laws of this state or any other law enforcement personnel or peace officer as defined in chapter 51, title 19, Idaho Code.

**PARADE:** Any dash, demonstration, march, marathon, meeting, motorcade, parade, procession, public assembly, race, rally, or like activity consisting of persons, animals, or vehicles or a combination thereof upon the streets within the city with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of traffic upon the streets. A "parade" for purposes of this chapter shall include the time period beginning two (2) hours prior to the beginning of the parade and shall conclude one hour after the end of the parade. For purposes of this chapter, "parade" shall not include a group of more than two (2) persons assembled together as part of an otherwise lawfully certified weapons education program.

**PUBLIC ASSEMBLY:** Any meeting, demonstration, rally or gathering of more than twenty five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any street. A "public assembly" for purposes of this chapter shall include the time period beginning one hour prior to the beginning of the public assembly and shall conclude one hour after the end of the public assembly. For purposes of this chapter, "public assembly" shall not include a group of more than two (2) persons assembled together as part of an otherwise lawfully certified weapons education program.

**WEAPON:** Any ~~pistol, rifle, shotgun or other firearms of any kind whether loaded or unloaded,~~ air rifle, air pistol, explosive, blasting caps, knife, hatchet, ax, slingshot, blackjack, metal knuckles, mace, iron buckle, baseball bat, ax handle, chains, crowbar, hammer, stick, pole, or other club or bludgeon or any other instrumentality, customarily used or intended for probable use as a dangerous weapon.

**SECTION 2.** *That Coeur d'Alene Municipal Code Section 9.52.030 is amended to read as follows:*

**9.52.030: EXCEPTIONS:**

A. Shooting Galleries, Gun Clubs, Etc.; Permit Required: The mayor and city council may, upon application, grant permits to shooting galleries, gun clubs and other organizations to discharge guns, pistols, revolvers and bows and arrows within the city limits in localities satisfactory and under rules decided by the mayor and city council and such permits shall be in writing and issued by the city clerk under his signature and shall be subject to revocation at any time by the mayor and city council.

B. Law Enforcement: This chapter does not apply to those persons listed in section 18-3302(12)(a through c), Idaho Code, while acting in their official capacity.

C. A person lawfully discharging a firearm in the lawful defense of person or persons or property.

**SECTION 3.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.



**SECTION 5.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**SECTION 6.** 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 December 16<sup>th</sup>, 2014.*

APPROVED, ADOPTED and SIGNED this 16<sup>th</sup> day of December, 2014.

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

ATTEST:

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

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
Amending M.C. Chapter 9.52 WEAPONS PROHIBITED Sections 9.52.010 and 9.52.030

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 9.52.010 TO REMOVE FIREARMS FROM THE DEFINITION OF WEAPON AND AMENDING SECTION 9.52.030 TO ADD AN EXCEPTION FOR PERSONS DISCHARGING A FIREARM IN THE LAWFUL DEFENSE OF PERSON PROPERTY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_\_ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, Amending M.C. Chapter 9.52 WEAPONS PROHIBITED Sections 9.52.010 and 9.52.030, 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 16<sup>th</sup> day of December, 2014.

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Warren J. Wilson, Chief Deputy City Attorney

## STAFF REPORT

To: Mayor Widmyer and City Council  
From: Melissa Tosi; Human Resources Director  
Re: Classification/Compensation Plan Amendments  
Date: December 16, 2014

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### DECISION POINT

To authorize Resolution No. 14-054, authorizing the following amendments to the City's Classification and Compensation Plan to provide two (2) new classifications.

### HISTORY

Previously, the City Administrator position has been a contract position. The job description has been reviewed and leveled by BDPA in order to be integrated into our current classification and compensation plan.

The Lead Traffic Technician/Electrician position is a newly created position due to the current needs of the department and also anticipating an upcoming reorganization within the Street Department.

The proposed Personnel Rule amendments were posted at a minimum of ten (10) consecutive days before this City Council meeting.

Current Title	Proposed Title	Proposed Update	Proposed Pay Grade
City Administrator		New Classification	21
	Lead Traffic Tech./Electrician	New Classification	11

Job Descriptions are available in the Human Resources Department.

### FINANCIAL ANALYSIS

The City Administrator position is currently filled and has been previously approved through the financial plan. It has been leveled by BDPA at a pay grade 21, annual pay range of \$103,896 to \$146,182.

The new Lead Traffic Technician/Electrician has been leveled by BDPA at a pay grade 11, annual pay range of \$39,291 to \$55,307. With two recent retirements within the Street Department, the position will be funded and absorbed through current salary savings and an upcoming reorganization.

### PERFORMANCE ANALYSIS

Authorizing these amendments will provide consistency and clarity to the Personnel Rules.

### RECOMMENDATION

To authorize Resolution No. 14-054, amending the City's Classification and Compensation Plan as stated above.

RESOLUTION NO. 14-054

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CLASSIFICATION AND COMPENSATION PLAN TO PROVIDE CLASSIFICATION FOR THE POSITIONS OF CITY ADMINISTRATOR, PAY GRADE 21 AND LEAD TRAFFIC TECHNICIAN / ELECTRICIAN, PAY GRADE 11.

WHEREAS, the following proposed Classification and Compensation Plan changes are deemed necessary by the City Council; and

<b>Current Title</b>	<b>Proposed Title</b>	<b>Title Change or Classification Change</b>	<b>Current Pay Grade</b>	<b>Proposed Pay Grade</b>
City Administrator		New Classification		21
	Lead Traffic Technician / Electrician	New Classification		11

WHEREAS, said Classification and Compensation amendments have been properly posted at a minimum of ten (10) days prior to this Council Meeting; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof that such Plan amendments as noted above be adopted; NOW, THEREFORE,

DATED this 16<sup>th</sup> day of December, 2014.

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

ATTEST:

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

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

ROLL CALL:

COUNCIL MEMBER GOOKIN Voted \_\_\_\_\_

COUNCIL MEMBER MILLER Voted \_\_\_\_\_

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

COUNCIL MEMBER ADAMS Voted \_\_\_\_\_

COUNCIL MEMBER EVANS Voted \_\_\_\_\_

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

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

COUNCIL BILL NO. 14-1023  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, VACATING A PORTION OF MILL STREET RIGHT-OF-WAY FROM THE EAST LACROSSE ADDITION SUBDIVISION, RECORDED IN BOOK "B" OF PLATS, PAGE 119, RECORDS OF KOOTENAI COUNTY, IDAHO, AND, A PORTION OF GOVERNMENT ROAD RIGHT-OF-WAY FROM THE FORT SHERMAN ABANDONED MILITARY RESERVATION, RECORDED IN BOOK "B" OF PLATS, PAGE 153A, SITUATED IN SECTION 11, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, RECORDS OF KOOTENAI COUNTY, COEUR D'ALENE, IDAHO; GENERALLY DESCRIBED AS THE WESTERLY TWO HUNDRED TWENTY SEVEN FEET (227') OF MILL STREET AND THE EASTERLY THIRTY FEET (30') OF GOVERNMENT ROAD ADJOINING THE WESTERLY END OF MILL STREET; 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 right-of-way be vacated; NOW, THEREFORE,

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

**SECTION 1.** That the following described right-of-way to wit:

That fifty foot (50') wide right-of-way of Mill Street from the noted plat of East LaCrosse adjoining the westerly one hundred feet (100') of Lot 8, all of Lots 9 and 10, and the westerly one hundred feet (100') of Lot 11, Block 17; and,  
the easterly thirty feet (30') of Government Road from the noted Fort Sherman Abandoned Military Reservation, adjoining the westerly end of the Mill Street right-of-way, and lying between portions of Government Road vacated by City of Coeur d'Alene Ordinance # 3122 (recorded as Instrument # 1814589), be and the same is hereby vacated.

**SECTION 2.** That said vacated rights-of-way shall revert to the adjoining property owner of the south ½ of the westerly one hundred feet (100') of Lot 8, the south ½ of Lot 9, Lot 10, and the westerly one hundred feet (100') of Lot 11, Block 17 of said East LaCrosse addition.

**SECTION 3.** That the 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.

**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.

APPROVED by the Mayor this 16<sup>th</sup> day of December, 2014.

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

ATTEST:

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



SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
MILL STREET AND GOVERNMENT ROAD RIGHT-OF-WAY VACATION

The City of Coeur d'Alene, Idaho hereby gives notice of the adoption of Coeur d'Alene Ordinance No. \_\_\_\_\_, vacating a portion of the fifty foot (50') right-of-way of Mill Street and the adjoining easterly thirty feet (30') of Government Road.

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

That fifty foot (50') wide right-of-way of Mill Street from the plat of East LaCrosse, recorded in Book "B" of plats Page 119, records of Kootenai County, Idaho, adjoining the westerly one hundred feet (100') of Lot 8, all of Lots 9 and 10, and the westerly one hundred feet (100') of Lot 11, Block 17;

and,

the easterly thirty feet (30') of Government Road from the Fort Sherman Abandoned Military Reservation, recorded in Book "B" of plats, Page 153A, adjoining the westerly end of the Mill Street right-of-way, and lying between portions of Government Road vacated by City of Coeur d'Alene Ordinance # 3122 (recorded as Instrument # 1814589), be and the same is hereby vacated.

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 Mullan Avenue, Coeur d'Alene, Idaho 83814 in the office of the City Clerk.

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Renata McLeod, City Clerk

## **STATEMENT OF LEGAL ADVISOR**

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. \_\_\_\_\_, V-14-5, vacating a portion of Mill Street in the East LaCrosse addition plat, and, a portion of Government Road in the Fort Sherman Abandoned Military Reservation that adjoins the westerly end of said Mill Street, 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 16<sup>th</sup> day of December, 2014.

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Warren J. Wilson, Chief Civil Deputy City Attorney

# PUBLIC HEARINGS

**CITY COUNCIL  
STAFF REPORT**

**FROM:** TAMI STROUD, PLANNER  
**DATE:** DECEMBER 16, 2014  
**SUBJECT:** ZC-4-14 - ZONE CHANGE FROM C-17PUD TO R-3PUD  
**LOCATION:** +/- 1.247 ACRE PARCEL SOUTH OF HUETTER ROAD AND LYING BETWEEN E. MAPLEWOOD AVENUE AND W. MILL RIVER CT.

<b>OWNER:</b> RYEIG, LLLP 3201 Huetter Road Coeur d'Alene, ID 83814	<b>APPLICANT:</b> Ruen-Yeager & Associates, Inc. 3201 Huetter Road Coeur d'Alene, ID 83814
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**DECISION POINT:**

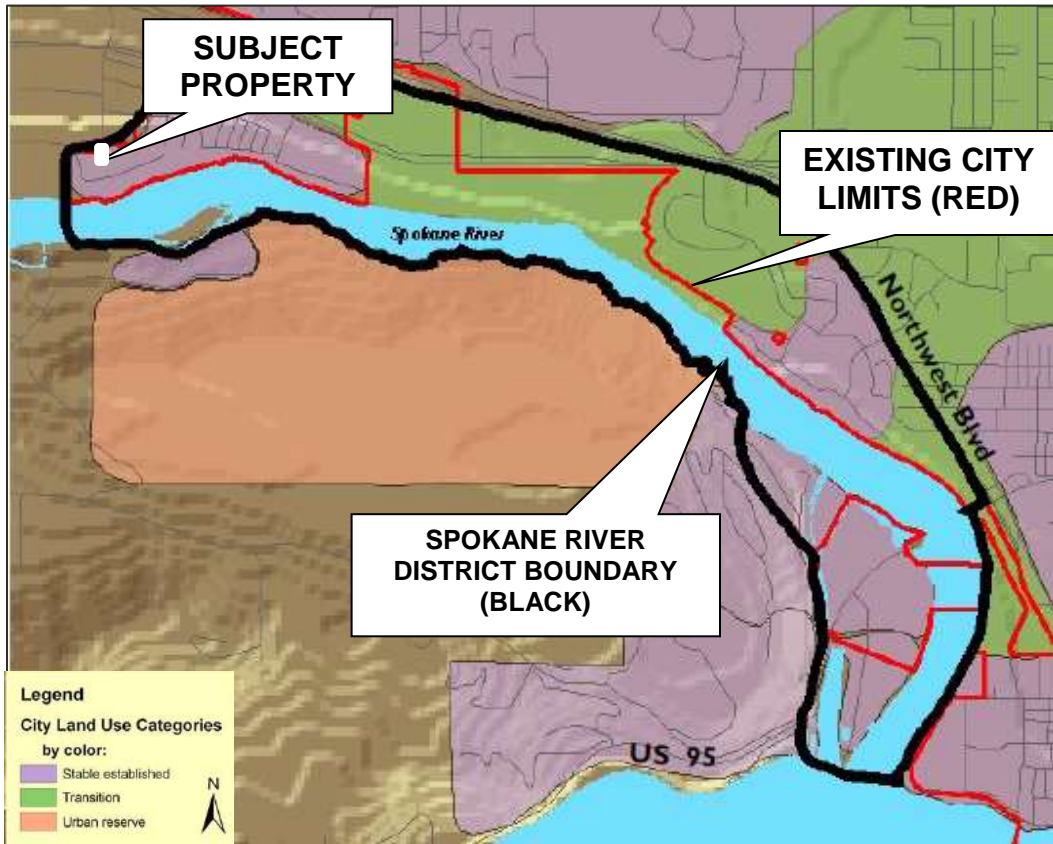
RYLIG, LLLP is requesting approval of a Zone Change from C-17PUD (Commercial at 17 units/acre) to R-3 (Residential at 3 units/acre) zoning district for a +/- 1.247 acre parcel south of Huetter Rd. and lying between E. Maplewood Avenue and W. Mill River Ct.

**GENERAL INFORMATION:**



**REQUIRED FINDINGS:**

- A. **Finding #B8:** That this proposal (is) (is not) in conformance with the Comprehensive Plan policies.
1. The subject property is within the existing city limits.
  2. The City Comprehensive Plan Map designates this area as **Stable Established-Spokane River District**.



**Stable Established:**

These areas are where the character of neighborhoods has largely been established and, in general, should be maintained. The street network, the number of building lots, and general land use are not expected to change greatly within the planning period

**Spokane River District Tomorrow**

This area is going through a multitude of changes and this trend will continue for many years. Generally, the Spokane River District is envisioned to be mixed use neighborhoods consisting of housing and commercial retail and service activities that embrace the aesthetics of the proximity to the Spokane River. As the mills are removed to make way for new development, the river shoreline is sure to change dramatically.

**The characteristics of the Spokane River District will be:**

Various commercial, residential, and mixed uses.  
Public access should be provided to the river.

That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.

That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.

That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.

The scale and intensity of development will be less than the Downtown Core.

Neighborhood service nodes are encouraged where appropriate.

That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.

That neighborhoods will retain and include planting of future, large-scale, native variety trees.

## **COMPREHENSIVE PLAN GOALS & OBJECTIVES:**

### ***Goal #1: Natural Environment***

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

#### **Objective 1.12**

##### **Community Design:**

Support the enhancement of existing urbanized areas and discourage sprawl.

#### **Objective 1.14**

##### **Efficiency:**

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

### ***Goal #2: Economic Environment***

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

#### **Objective 2.01**

##### **Business Image and 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 2.04**

##### **Downtown & Neighborhood Service Nodes:**

Prioritize a strong, vibrant downtown and compatible neighborhood service nodes throughout the city.

#### **Objective 2.05**

##### **Pedestrian & Bicycle Environment:**

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

### ***Goal #3: Home Environment***

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

#### **Objective 3.01**

##### **Managed Growth:**

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

#### **Objective 3.05**

##### **Neighborhoods:**

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

**Objective 3.06**

**Neighborhoods:**

Protect the residential character of neighborhoods by allowing residential/commercial/industrial transition boundaries at alleyways or along back lot lines if possible.

**Objective 3.07**

**Neighborhoods:**

Emphasize a pedestrian orientation when planning neighborhood preservation and revitalization.

**Goal #4: Administrative Environment**

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

**Objective 4.06**

**Public Participation:**

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

**Evaluation:**

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

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

**STORMWATER:** No issues with the proposed zone change.

**Evaluation:**

The proposed development is a re-subdivision of a larger lot within an established subdivision. All roadway drainage facilities were previously constructed with the underlying development and are currently in place. Development of the newly created lots will require on-site stormwater facilities to be constructed to manage site drainage. In the case of residential construction, site runoff can be directed into the lot landscaping areas.

*-Submitted by Chris Bates, Engineering Project Manager*

**STREETS:** No issues with the proposed zone change.

The subject property bordered by Mill River Court on the west and south sides. Maplewood Avenue along the subject property's northerly boundary is under the jurisdiction of the City of Huetter and the Post Falls Highway District.

**Evaluation:**

Mill River Court, the existing City street, is fully developed and both the street and the existing right-of-way meet all established City standards. Maplewood Avenue is outside of the City's jurisdiction, therefore, no alterations or modifications can be required.

*-Submitted by Chris Bates, Engineering Project Manager*

**WATER:** Water has no comments for the proposed zone change.

*-Submitted by Terry Pickel, Assistant Water Superintendent*

**SEWER:** Wastewater has no objection to this planning action.

*-Submitted by Mike Becker, Utility Project Manager*

**FIRE:** Fire Department has no issues or concerns with the zone change request.

*-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 (make) (do not make) it suitable for the request at this time.**

**PHYSICAL CHARACTERISTICS:**

There are no topographical or other physical constraints that would make the subject property unsuitable for the request.

**SITE PHOTO:** Subject property looking north:







Interior of subject property looking west:

**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 adjacent and/or connecting streets will accommodate the traffic movements generated from the proposed addition of four single family residential lots.

**NEIGHBORHOOD CHARACTER:** From 2007 Comprehensive Plan: **Spokane River District:**

**The characteristics of the Spokane River District will be:**

Various commercial, residential, and mixed uses.

Public access should be provided to the river.

That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.

That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.

That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.

The scale and intensity of development will be less than the Downtown Core.

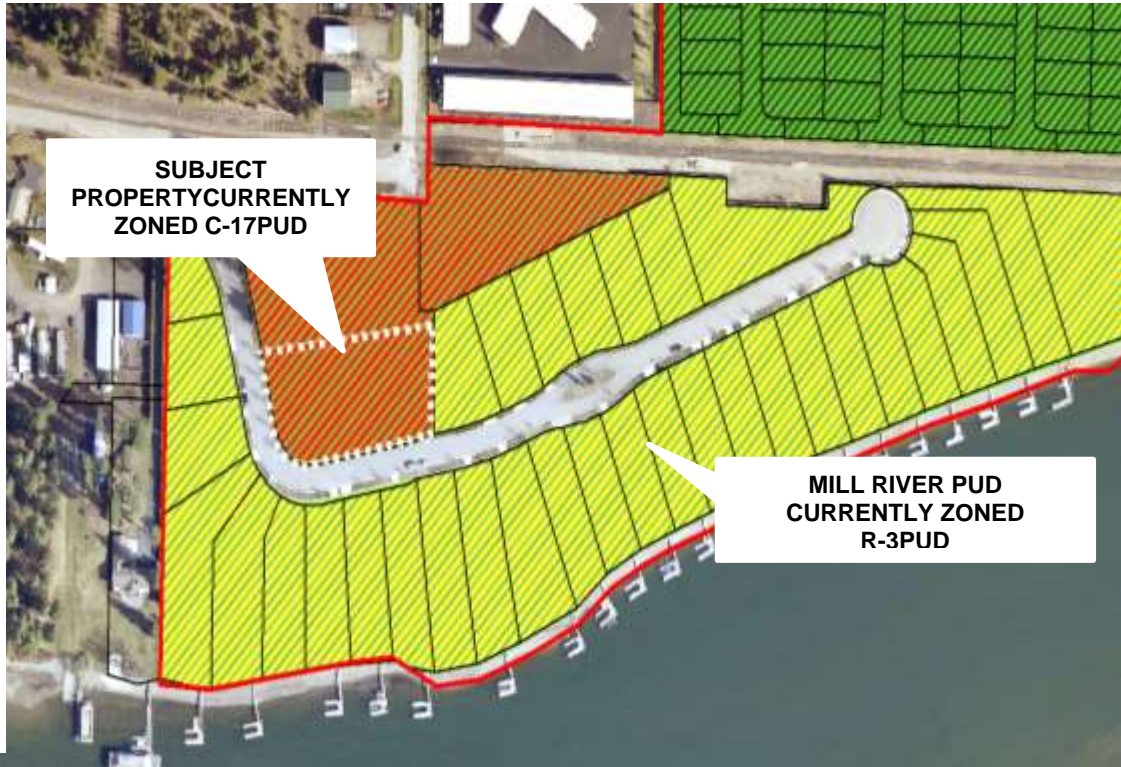
Neighborhood service nodes are encouraged where appropriate.

That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.

That neighborhoods will retain and include planting of future, large-scale, native variety trees.

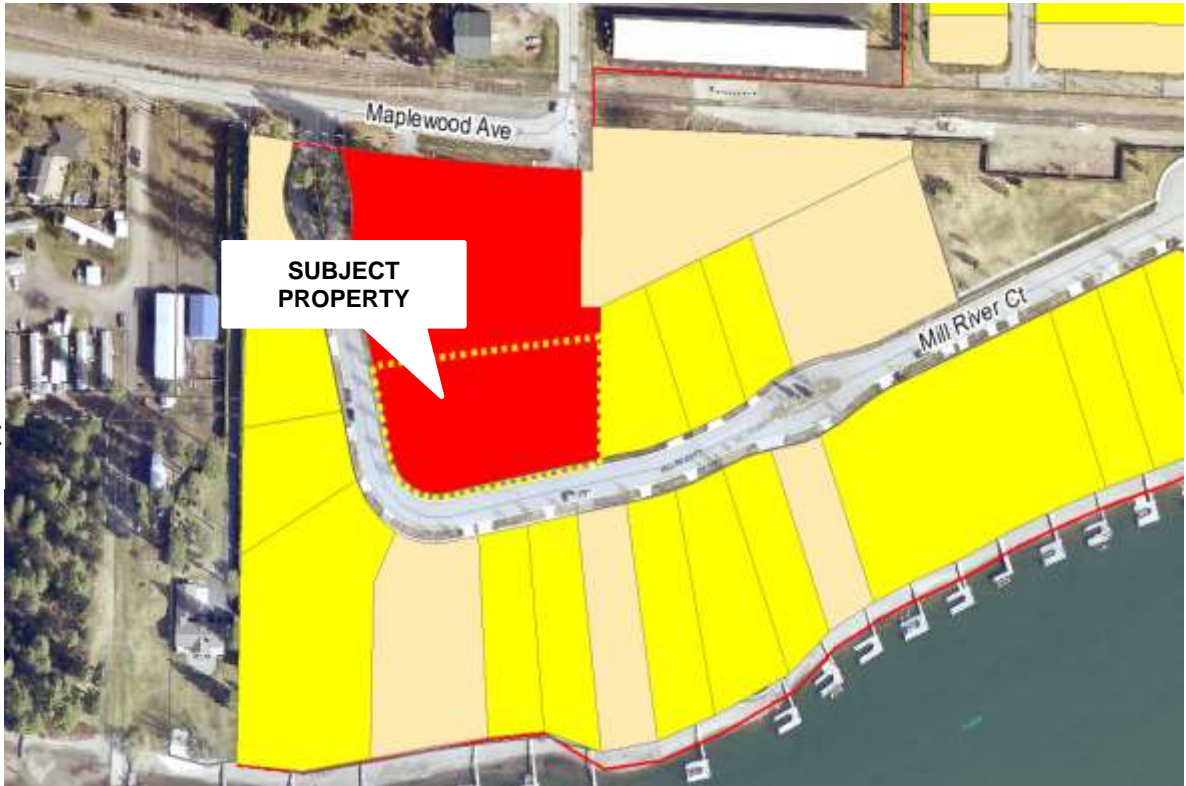
**ZONING:**

- zoning
- C-17
- C-17L
- C-17LPUD
- C-17PUD
- DC
- DCPUD
- LH
- M
- M4-B
- M4-BPUD
- MC
- MN
- R-1
- R-12
- R-12PUD
- R-17
- R-17PUD
- R-17LPUD
- R-3
- R-3PUD
- R-5
- R-5PUD
- R-8
- R-8PUD
- R-8SF



**GENERALIZED LAND USE PATTERN:**

- Land Use
- 
- SFA
- SFD
- DUPLEX
- MH
- MHP
- MFD
- CIVIC
- COMM
- MFGR
- AGRICULTURE
- VACANT



**EXISTING LAND USES:**

Land uses in the area include single-family, mobile homes, commercial, manufacturing and vacant land.

The request is part of and consistent with the Mill River Master Plan development, which is a residential, multi-family and commercial development. The proposed zone change would allow the development of four (4) additional residential lots within the R-3 zoning district which is consistent with the surrounding properties.

Minimum lot size in an R-3 (Residential at 3 units/acre) zoning district requires eleven thousand five hundred (11,500) square feet. All buildable lots must have seventy-five (75') of frontage on a public street, unless an alternative is approved by the city through normal subdivision procedure (i.e.,cul-de-sac and flag lots), or unless a lot is nonconforming.

**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.

**STREETS:**

An encroachment permit shall 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.

**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
- 2010 Coeur d'Alene Trails 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.

Applicant: RYEIG, LLLP  
Location: 3201 Huetter Road  
Request: A proposed zone change from C-17 (Commercial at 17 units/acre) to R-3 (Residential at 3 units/acre) QUASI-JUDICIAL (ZC-4-14)

Planner Stroud presented the staff report and answered questions from the Commission.

Commissioner Messina inquired if the zone change affects the entire parcel.

Planner Stroud explained that the zone change only affects the southern half of the parcel.

Commissioner Ingalls stated a condition in the staff report indicates, if approved, these lots will need to form a homeowner's association and questioned if they can join the existing HOA.

Public testimony open.

Darius Ruen, applicant, stated that this request affects only the lower half of the parcel. He commented that the fire department requested a second access on the east side that will be acceptable. He presented a PowerPoint showing pictures of the site. He addressed the conditions from the water department and will adhere to their demands. He stated that these lots will join the existing HOA.

Commissioner Ward inquired if the HOA has any concerns with the setback changes for these lots.

Mr. Ruen stated they have not received any complaints.

Cheryl Fraser stated that her home sits next to the property and is concerned if the road next to her house is paved, it will be used by other people as a drive-through.

Rebuttal:

Mr. Ruen stated they will provide a gate across the road and it will be opened only by the fire department for emergencies.

Commissioner Ingalls questioned if a condition could be added requiring the applicant to provide a gate.

Public testimony closed.

**Motion by Ingalls, seconded by Messina, to approve Item ZC-4-14. Motion approved.**

.

ROLL CALL:

Commissioner Ingalls	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye

Motion to approve carried by a 4 to 0 vote.



**APPLICANT'S  
NARRATIVE**

**PROPERTY INFORMATION**

- 1. Gross area: (all land involved): 1.247 acres, and/or 54,319.32 sq.ft.
- 2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): 1.247 acres, and/or 54,319.32 sq. ft.
- 3. Total number of lots included: four (4)
- 4. Existing land use: commercial, vacant land
- 5. Existing Zoning (check all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
NC CC C-17 C-17L DC LM M
- 6. Proposed Zoning (check all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8  
NC CC C-17 C-17L DC LM M

**JUSTIFICATION**

Please use this space to state the reason(s) for the requested zone change and include comments on the 2007 Comprehensive Plan Category, Neighborhood Area, and applicable Special Areas and appropriate goals and policies and how they support your request.

A proposed re-plat of Lot 35, Blk 1, Edgewater at Mill River was submitted in order to create 4 single-family residential lots where currently one lot exists. Alongside the request for subdivision we are also seeking approval for a zone change from C-17 to R3 in order to provide similar uses as the surrounding residential neighborhood.

While residential uses are supported within the commercial district, a zone change that is in keeping with the surrounding neighborhood is sought so as to be more in line with the area homes. The future zone would allow similar uses as the neighboring zoning and would limit future commercial opportunities.

**Note:** The 2007 Comprehensive Plan is available by going to [www.cdavid.org](http://www.cdavid.org) under Departments / Planning

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

**A. INTRODUCTION**

This matter having come before the Planning Commission on, November 12, 2014, and there being present a person requesting approval of ZC-4-14, a request for a zone change from C-17PUD to R-3 (Residential at 3 units/acre) zoning district

APPLICANT: RYEIG, LLLP  
LOCATION: +/-2.993 ACRE PARCEL SOUTH OF HUETTER ROAD AND LYING  
BETWEEN E. MAPLEWOOD AVENUE AND W. MILL RIVER COURT.

**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 single-family residential, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established-Spokane River District.
- B3. That the zoning is C-17 PUD.
- B4. That the notice of public hearing was published on, October 25, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, November 2, 2014, which fulfills the proper legal requirement.
- B6. That 90 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on October 24, 2014.
- B7. That public testimony was heard on November 12, 2014.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:
  - *Objective 3.05 – Neighborhoods: Protect and preserve existing neighborhoods from incompatible land uses and developments.*
  - *Objective 3.06 – Neighborhoods: Protect the residential character of neighborhoods by allowing residential/commercial/industrial transition boundaries at alleyways or along back lot lines if possible.*
- B9. That public facilities and utilities are available and adequate for the proposed use. This is based on Stormwater, Streets, Water, Sewer and Fire did not have any objectives.



- B10. That the physical characteristics of the site do make it suitable for the request at this time because *the infrastructure is already provided*.
- B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses, because written testimony provided was favorable.

**C. ORDER: CONCLUSION AND DECISION**

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

Special conditions applied are as follows:

NONE

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

ROLL CALL:

Commissioner Ingalls	Voted Yes
Commissioner Luttrupp	Voted Yes
Commissioner Messina	Voted Yes
Commissioner Ward	Voted Yes

Commissioner Bowlby was absent.

Motion to approve carried by a 4 to 0 vote.



CHAIRMAN BRAD JORDAN

**COEUR D'ALENE CITY COUNCIL  
FINDINGS AND ORDER**

**A. INTRODUCTION**

This matter having come before the City Council on, December 16, 2015, and there being present a person requesting approval of ITEM: ZC-4-14, a request for a zone change from C-17PUD to R-3 (Residential at 3 units/acre) zoning district

APPLICANT: RYEIG, LLLP  
LOCATION: +/-2.993 ACRE PARCEL SOUTH OF HUETTER ROAD AND LYING  
BETWEEN E. MAPLEWOOD AVENUE AND W. MILL RIVER COURT.

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

**(The City Council may adopt Items B1-through7.)**

- B1. That the existing land uses are single-family residential, commercial, and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established-Spokane River District.
- B3. That the zoning is C-17 PUD.
- B4. That the notice of public hearing was published on, November 29, 2014, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, December 8, 2014, which fulfills the proper legal requirement.
- B6. That 93 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 26, 2014.
- B7. That public testimony was heard on December 16, 2014.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:
- B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

**Criteria to consider for B9:**

1. Can water be provided or extended to serve the property?
2. Can sewer service be provided or extended to serve the property?
3. Does the existing street system provide adequate access to the property?
4. Is police and fire service available and adequate to the property?

B10. That the physical characteristics of the site **(do) (do not)** make it suitable for the request at this time because

**Criteria to consider for B10:**

1. Topography
2. Streams
3. Wetlands
4. Rock outcroppings, etc.
5. vegetative cover

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

**Criteria to consider for B11:**

1. Traffic congestion
2. Is the proposed zoning compatible with the surrounding area in terms of density, types of uses allowed or building types allowed
3. Existing land use pattern i.e. residential, commercial, residential w churches & schools etc.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of **RYEIG, LLLP** for a zone change, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Special conditions applied are as follows:

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Findings and Order.

**ROLL CALL:**

Council Member Gookin	Voted _____
Council Member Edinger	Voted _____
Council Member Evans	Voted _____
Council Member McEvers	Voted _____
Council Member Adams	Voted _____
Council Member Miller	Voted _____

Mayor Widmyer Voted \_\_\_\_\_ (tie breaker)

Council Member(s) \_\_\_\_\_ were absent.

Motion to \_\_\_\_\_ carried by a \_\_\_\_ to \_\_\_\_ vote.

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MAYOR STEVE WIDMYER

**CITY COUNCIL  
STAFF REPORT**

DATE: December 16, 2014

FROM: Warren Wilson, Deputy City Attorney

SUBJECT: AA-1-14: Administrative Appeal from the Pocket Housing Requirements for 6<sup>th</sup> & Wallace.

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**DECISION POINT:**

Approve or deny an appeal from Miller Stauffer Properties, LLC from a determination made by the Interim Planning Director that M.C. Section 17.07.1020(B)(1) requires that pocket housing developments that abut an alley must use the alley to access parking areas for the full development.

**DISCUSSION:**

Municipal Code Sections 17.09.705 through 17.09.715 (attached) allow a person to appeal a decision by the planning director interpreting the zoning code. On November 24, 2014, Miller Stauffer Properties timely appealed a decision by the then Interim Planning Director interpreting a parking access provision of the pocket housing regulations discussed below.

The City's pocket housing regulations (attached) are found at M.C. Sections 17.07.1000 through 17.07.1020. The purpose of the regulations include encouraging greater efficiency of land use by allowing compact infill development, stimulating new housing that is compatible in scale and character with established residential neighborhoods and ensuring that residents of such housing enjoy a high quality environment. To reach those goals, the regulations contain various design requirements, including the following regulation that is at issue here:

*B. Parking Lots: To ensure that parking is as unobtrusive as possible the following standards must be met:*

*1. Alley Access: If the development abuts an alley, parking must be accessed from the alley.*

The city's planning staff has interpreted this requirement to mean that if the development abuts an alley, parking for the entire development must be accessed from the alley. The basis of this interpretation is that the term "development" while not defined, is used in the pocket housing code in a broader fashion than the more restrictive term "lot". For instance, M.C. 17.07.1010(I) regarding minimum lot size within a pocket development suggests that the two terms are discrete with the broader term "development" referring to the entire development site while the more narrow term "lot" refers to a smaller part of the total development.



As noted on the site plans above, Miller Stauffer Properties has proposed a four unit pocket residential development on the corner of Sixth Street and Wallace Avenue. The proposal calls for parking for two of the units to be accessed from the alley and for parking for two units to be accessed from Wallace Ave., which does not comply with the planning department's interpretation of M.C. Section 17.07.1020(B)(1). The appeal letter from Miller Stauffer Properties is attached, which outlines their objections to the determination made by the then Interim Planning Director.

In reviewing this appeal, M.C. Section 17.09.715 charges the City Council with considering the purpose and intent of the regulation as well as the language of the pertinent provisions. The City Council is authorized to affirm, modify or reverse the determination of the former Planning Director. Should the City Council approve the appeal, planning staff will prepare a code amendment to codify the interpretation of the City Council or otherwise provide for its implementation.

## **IX. POCKET RESIDENTIAL DEVELOPMENT**

### **17.07.1000: TITLE, PURPOSE AND APPLICABILITY:**

- A. Title: The title of this article shall be known as *POCKET RESIDENTIAL DEVELOPMENT (PRD)*.
- B. Purpose: The purpose of this article is to:
  - 1. Encourage greater efficiency of land use by allowing compact infill development on aggregate sites.
  - 2. Stimulate new housing that is compatible in scale and character to established surrounding residential areas.
  - 3. Produce a broader range of building forms for residential development.
  - 4. Expand opportunities for home ownership, including both condominium and fee simple.
  - 5. Ensure that residents of such housing enjoy a high quality environment, with permanence, stability and access to green space.
- C. Applicability: Pocket residential development is permitted within the R-8, R-12, R-17, C-17 and C-17L districts. (Ord. 3288 §74, 2007)

### **17.07.1010: BASIC DEVELOPMENT STANDARDS:**

- A. Maximum Building Height: The maximum height of principal structures within a pocket residential development is thirty two feet (32').
- B. Maximum Site Coverage: A pocket residential development may cover no more than fifty percent (50%) of the site.
- C. Site Setbacks:
  - 1. Front Yard: The front yard requirement for the site shall be twenty feet (20').
  - 2. Side Yard, Adjacent To Other Residentially Zoned Property: If the side yard of the site is adjacent to other residentially zoned property the side yard shall be ten feet (10').
  - 3. Side Yard, Street: The street side yard requirement shall be ten feet (10').
  - 4. Rear Yard: Fifteen feet (15').
- D. Minimum Site Size:
  - 1. The minimum site size for a pocket residential development is as follows:
    - a. R-8 zone: Sixteen thousand five hundred (16,500) square feet.



- b. R-12 zone: Ten thousand five hundred (10,500) square feet.
  - c. R-17, C-17L, and C-17 zones: Seven thousand five hundred (7,500) square feet.
2. Pocket residential developments over five (5) acres must be approved as a planned unit development if the development is to be subdivided.
- E. Density: The density in a pocket residential development is limited to that allowed in the appropriate zoning district on a site of the same size.
  - F. Frontage: Frontage on a public street is not required for lots in a pocket housing development provided that the planning and zoning commission determines through the subdivision process that the development provides for adequate access to the lot via easements, shared driveways or other means.
  - G. Parking: The amount of required parking for a pocket residential development is:
    - 1. One stall for each one bedroom dwelling.
    - 2. Two (2) stalls for each dwelling having two (2) or more bedrooms.
  - H. Usable Open Space: Pocket residential developments must provide usable open space for residents. Such space may be either in a common, shared form or associated with individual units. The minimum required amount is three hundred (300) square feet per dwelling unit. The open space must be at least fifteen feet (15') wide at the narrowest dimension and must be planted with grass and one tree (minimum of 2 inch caliper) for each three hundred (300) square feet of open space. Hard surfaced patios or decks may occupy up to one-half ( $\frac{1}{2}$ ) of the required area.
  - I. Lot Size: There is no minimum lot size within a pocket residential development. (Ord. 3406, 2011)

### **17.07.1020: DESIGN STANDARDS:**

- A. Ground Level Access: In order to create the appearance of individual homes, rather than apartments, each dwelling unit shall have its own individual access from grade. Stacked units with internal stairways accessed from grade are permitted.

*Individual Access From Grade*



*Example Of Individual Access For Each Unit*



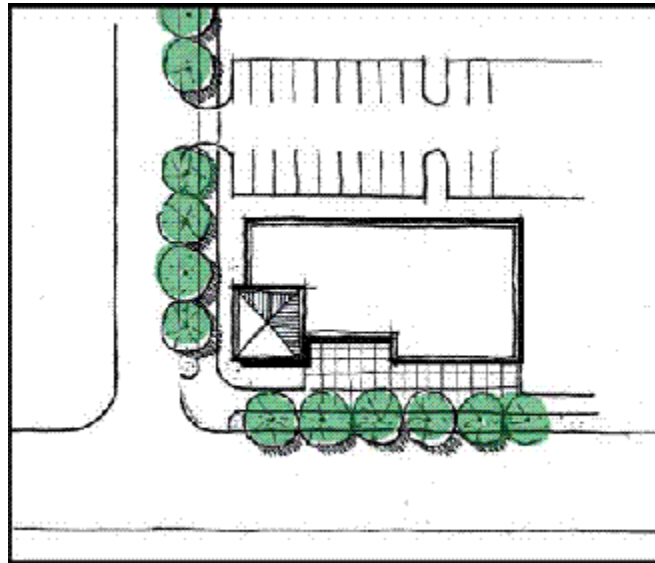
*Example Of Individual Access With Shared Open Space*



B. Parking Lots: To ensure that parking is as unobtrusive as possible the following standards must be met:

1. Alley Access: If the development abuts an alley, parking must be accessed from the alley.

*Example Of Surface Parking Accessed From Alley*



2. Screening: Surface parking lots shall be screened both from the street and adjacent residential development by a combination of trees and shrubs. Trees shall be at least two inches (2") in caliper at the time of planting and no more than thirty feet (30') apart. Shrubs shall be at least thirty inches (30") in height at the time of planting. Decorative walls or fences no more than forty eight inches (48") in height may be used in lieu of shrubs.

*Planting Material Screen*



*Example Of Surface Parking Screened From Street*



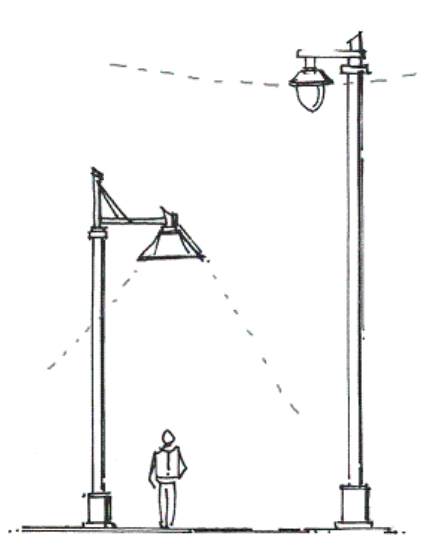
3. Paving: All surface parking shall be paved with asphalt, concrete or unit pavers. Gravel is not permitted.

C. Lighting: To diminish the amount of glare and spillover from lighting, the following standards shall apply:

1. Intensity: Exterior lighting fixtures shall not exceed one foot-candle in intensity.

2. Cutoffs Required: Lighting fixtures shall be equipped with cutoff elements to direct light downward.

*Cutoff Fixture vs. Noncutoff Fixture*

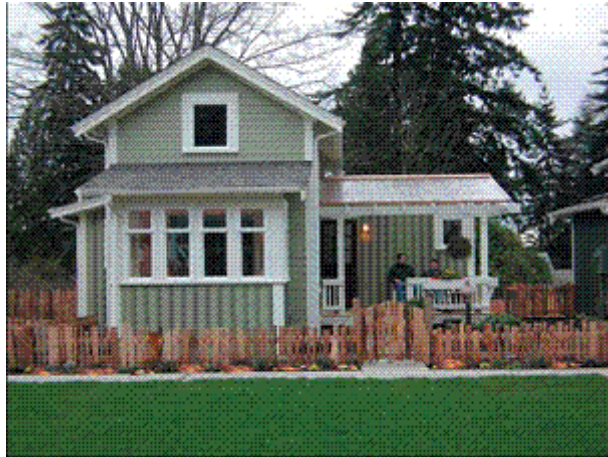


D. Fencing: To ensure a residential atmosphere the following standards shall apply:

1. Chainlink: Chainlink fence is not permitted.

2. Height: Fencing higher than forty eight inches (48") shall not be permitted along any street frontage.

*Residential Fencing*



*Residential Fence Along Street Frontage*



*Fencing Along Street No Higher Than 48 Inches*



E. Materials: To ensure a high quality level of development the following standards shall apply:

1. R-8 And R-12 Zones: T-111 and metal siding is not permitted on any structure in an R-8 or R-12 zone.

2. R-17, C-17L And C-17 Zones: Metal siding is permitted on structures in R-17, C-17L and C-17 zones.

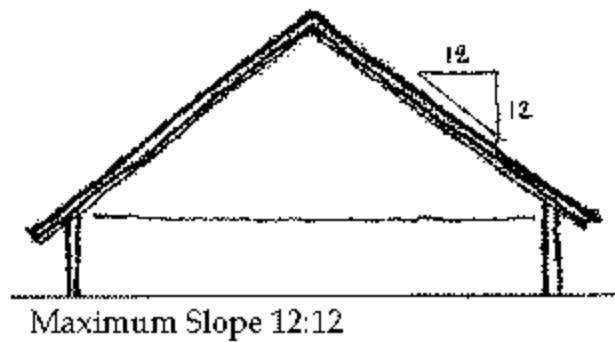
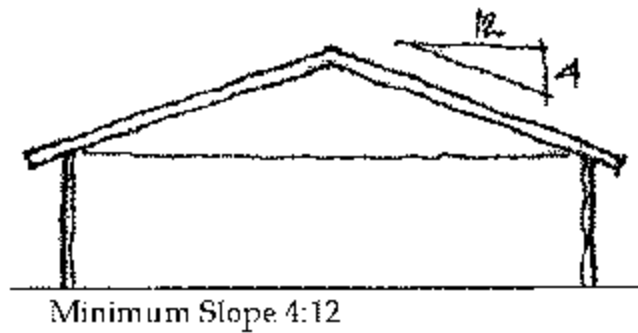
*Example Of Acceptable Siding*



*Example Of Acceptable Siding*



F. Roof Pitch: To ensure that rooflines present a distinct profile and appearance for the building and express the neighborhood character in R-8 and R-12 districts, the roof pitch shall have a minimum slope of four to twelve (4:12) and a maximum slope of twelve to twelve (12:12).



(Ord. 3288 §76, 2007)

**Footnote 1:** Substituting "adjacent" for "contiguous" allows for a site to be bisected by a street. Lowering the minimum size threshold to fifteen (15) acres recognizes the true sizes of some of the

parcels to which this ordinance was intended to apply, i.e., riverfront parcels.  
[Footnote 2](#): See section [17.07.720](#) of this article.

## VIII. ADMINISTRATIVE APPEAL PROCEDURE

### 17.09.705: TITLE AND PURPOSE:

The provisions of this article shall be known as the *ADMINISTRATIVE APPEAL PROCEDURE*. The purpose of these provisions is to prescribe the procedure by which an appeal may be taken to the city council from an administrative determination or interpretation made by the planning commission, city engineer, or the director of planning, or their designee under the zoning ordinance. This procedure shall apply to all appeals from such determinations and interpretations unless otherwise provided. (Ord. 3127 §26, 2003: Ord. 3098 §9, 2003: Ord. 3064 §20, 2002: Ord. 3025 §26, 2001: Ord. 2934 §65, 1999: Ord. 1691 §1(part), 1982)

### 17.09.710: APPEALS REQUIREMENT:

An appeal may be taken to the city council by an aggrieved party, from any administrative determination or interpretation made by the planning commission, city engineer or the director of planning, or their designee under the zoning ordinance, except where provided by the zoning ordinance that a decision by the planning commission is final. Such written appeal shall be filed with the planning director within ten (10) days following the date of mailing of written notice of the decision. The appeal shall state specifically the objections to the decision or abuse of discretion or wherein a decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review, and by the fee as referenced in the fee schedule. (Ord. 3127 §27, 2003: Ord. 3064 §21, 2002: Ord. 3025 §27, 2001: Ord. 2934 §66, 1999: Ord. 1691 §1(part), 1982)

### 17.09.715: APPEALS HEARING:

- A. Timing And Notice: The city council shall fix the time for consideration thereof and shall hear such appeal between fifteen (15) and forty (40) days after filing. Before ten (10) days prior to the hearing date, written notice shall be given to the appellant and to any known adverse parties, or their representatives, of the time and place of the hearing on the appeal.
  
- B. City Council Action: The city council shall hold a public hearing. In its review of an administrative appeal, the council shall consider the purpose and intent, as well as the language, of the pertinent provisions, and shall affirm with conditions, modify or reverse the determination or interpretation within forty (40) days of the hearing. (Ord. 1691 §1(part), 1982)



Miller Stauffer Properties Appeal Request:

1. The objections to the decision:

We appeal the Planning Departments' interpretation to section 17.07.1020 (B)(1); 'that if pocket housing development abuts an alley, parking for the entire development must be accessed, "exclusively" from the alley.

The apparent objective of this section is to prevent garage access from the street fronting the development and to limit the paved surface area of the development. Our proposed pocket housing development fronting 6th St is flanked by an alley and side street, Wallace Ave. We propose access to the development from both alley and Wallace Ave to significantly reduce paved surface area of the development and to efficiently access the development's garages off the fronting street.

If only the alley is used to access the development, the paved surface area extends along the entire rear yard of the site and increases from 1,615 SF (15%) to 2,760 SF (25%).

Rotating the development 90 degrees so the housing fronts Wallace Ave so the alley is used exclusively for access, places the side of the housing units adjacent the Social Security Administration parking lot instead of locating the garage units along the rear yard buffering the pocket housing development from the Social Security Building.

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

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

FUND	BALANCE 10/31/2014	RECEIPTS	DISBURSE- MENTS	BALANCE 11/30/2014
<u>General-Designated</u>	\$445,044	\$14,028	\$3,685	\$455,387
<u>General-Undesignated</u>	5,935,904	2,138,455	4,559,979	3,514,380
<u>Special Revenue:</u>				
Library	15,250	9,034	101,039	(76,755)
CDBG	-	14,595	14,646	(51)
Cemetery	32,036	13,592	13,929	31,699
Parks Capital Improvements	208,455	2,498	4,639	206,314
Impact Fees	3,587,664	12,890		3,600,554
Annexation Fees	328			328
Insurance	(138,693)	978	207	(137,922)
Cemetery P/C	1,775,223	2,340	5,109	1,772,454
Jewett House	71,696	7	20,183	51,520
Reforestation	(7,321)	25,956	4,271	14,364
Street Trees	192,365	3,020	900	194,485
Community Canopy	2,624	630	200	3,054
CdA Arts Commission	1,541			1,541
Public Art Fund	73,733	8		73,741
Public Art Fund - LCDC	397,398	40	20,000	377,438
Public Art Fund - Maintenance	129,939	1,830	4,013	127,756
<u>Debt Service:</u>				
2002 & 2006 G.O. Bonds	480,180	5,772		485,952
LID Guarantee	8,119	1,197		9,316
LID 130 Lakeside / Ramsey / Industrial Park	48,444			48,444
LID 146 Northwest Boulevard				
LID 149 4th Street	-			-
<u>Capital Projects:</u>				
Street Projects	389,818	14,993	31,821	372,990
<u>Enterprise:</u>				
Street Lights	89,688	39,060	45,695	83,053
Water	96,632	491,675	569,767	18,540
Water Capitalization Fees	3,780,323	22,373		3,802,696
Wastewater	5,038,838	667,382	798,965	4,907,255
Wastewater-Reserved	1,409,783	27,500		1,437,283
WWTP Capitalization Fees	5,014,128	33,763		5,047,891
WW Property Mgmt	60,668			60,668
Sanitation	(225,835)	289,915	295,039	(230,959)
Public Parking	(151,222)		4,322	(155,544)
Drainage	264,517	77,280	17,830	323,967
Wastewater Debt Service	1,012,788	104		1,012,892
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	210,398	176,823	210,518	176,703
LID Advance Payments	945			945
Police Retirement	1,380,144	14,913	24,190	1,370,867
Sales Tax	1,244	1,415	1,244	1,415
BID	174,204	3,643		177,847
Homeless Trust Fund	374	398	374	398
<b>GRAND TOTAL</b>	<b>\$31,807,363</b>	<b>\$4,108,107</b>	<b>\$6,752,565</b>	<b>\$29,162,905</b>

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 TWO MONTH ENDED  
 November 30, 2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2014	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$225,227	\$36,267	16%
	Services/Supplies	11,800	879	7%
Administration	Personnel Services	245,263	19,701	8%
	Services/Supplies	49,620	45,373	91%
Finance	Personnel Services	642,985	107,202	17%
	Services/Supplies	92,760	4,495	5%
Municipal Services	Personnel Services	1,058,369	170,311	16%
	Services/Supplies	479,731	115,390	24%
	Capital Outlay	14,500		
Human Resources	Personnel Services	203,529	29,550	15%
	Services/Supplies	43,400	1,373	3%
Legal	Personnel Services	1,377,493	231,761	17%
	Services/Supplies	98,853	7,393	7%
Planning	Personnel Services	511,938	68,562	13%
	Services/Supplies	38,050	3,018	8%
Building Maintenance	Personnel Services	320,587	49,037	15%
	Services/Supplies	159,515	1,969	1%
	Capital Outlay			
Police	Personnel Services	10,161,453	1,621,426	16%
	Services/Supplies	913,287	94,278	10%
	Capital Outlay	141,720		
Fire	Personnel Services	7,846,872	1,584,872	20%
	Services/Supplies	418,836	35,037	8%
	Capital Outlay			
General Government	Services/Supplies	49,150	49,151	100%
	Capital Outlay		104,827	
Byrne Grant (Federal)	Personnel Services			
	Services/Supplies		5,738	
	Capital Outlay			
COPS Grant	Personnel Services	169,690	826	0%
	Services/Supplies			
CdA Drug Task Force	Services/Supplies	25,710		
	Capital Outlay			
Streets	Personnel Services	1,864,947	300,948	16%
	Services/Supplies	575,130	40,865	7%
	Capital Outlay	75,500		

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 TWO MONTH ENDED  
 November 30, 2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2014	PERCENT EXPENDED
ADA Sidewalk Abatement	Personnel Services	226,757	35,527	16%
	Services/Supplies	38,900	1,584	4%
Engineering Services	Personnel Services	543,375	92,562	17%
	Services/Supplies	744,450	15,696	2%
	Capital Outlay			
Parks	Personnel Services	1,302,194	170,004	13%
	Services/Supplies	475,250	21,706	5%
	Capital Outlay	92,500		
Recreation	Personnel Services	627,711	91,547	15%
	Services/Supplies	142,130	9,642	7%
	Capital Outlay	26,500	5,148	19%
Building Inspection	Personnel Services	810,926	135,608	17%
	Services/Supplies	31,131	8,811	28%
Total General Fund		32,877,739	5,318,084	16%
Library	Personnel Services	1,077,761	171,964	16%
	Services/Supplies	189,350	24,377	13%
	Capital Outlay	120,000	9,543	8%
CDBG	Services/Supplies	359,966	16,075	4%
Cemetery	Personnel Services	145,526	25,384	17%
	Services/Supplies	98,664	4,113	4%
	Capital Outlay	40,000		
Impact Fees	Services/Supplies	194,956		
Annexation Fees	Services/Supplies	117,000	117,000	100%
Parks Capital Improvements	Capital Outlay	244,000	67,313	28%
Insurance	Services/Supplies	420,000	169,009	40%
Cemetery Perpetual Care	Services/Supplies	97,500	8,084	8%
Jewett House	Services/Supplies	67,089	20,184	30%
Reforestation	Services/Supplies	2,000	4,272	214%
Street Trees	Services/Supplies	65,000	900	1%
Community Canopy	Services/Supplies	1,500	200	13%
CdA Arts Commission	Services/Supplies	6,750		
Public Art Fund	Services/Supplies	210,600	25,595	12%
Total Special Revenue		3,457,662	664,013	19%

CITY OF COEUR D'ALENE  
BUDGET STATUS REPORT  
TWO MONTH ENDED  
November 30, 2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2014	PERCENT EXPENDED
Debt Service Fund		<u>1,249,015</u>	<u>48,000</u>	<u>4%</u>

CITY OF COEUR D'ALENE  
 BUDGET STATUS REPORT  
 TWO MONTH ENDED  
 November 30, 2014

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2014	PERCENT EXPENDED
Seltice Way Design	Capital Outlay	530,000		
Front Avenue Project	Capital Outlay			
Govt Way - Hanley to Prairie	Capital Outlay	2,300,000	22,230	1%
Levee Certification	Capital Outlay	362,500	13,693	4%
I-90 Curb Ramps	Capital Outlay	65,000		
3rd / Harrison signal	Capital Outlay			
Atlas Road Widening	Capital Outlay			
Kathleen Ave Widening	Capital Outlay			
Total Capital Projects Funds		3,257,500	35,923	1%
Street Lights	Services/Supplies	535,600	47,052	9%
Water	Personnel Services	1,844,726	287,910	16%
	Services/Supplies	4,196,929	103,058	2%
	Capital Outlay	2,284,300	330,196	14%
Water Capitalization Fees	Services/Supplies	700,000		
Wastewater	Personnel Services	2,440,897	387,897	16%
	Services/Supplies	6,527,764	263,782	4%
	Capital Outlay	3,714,470	574,650	15%
	Debt Service	2,026,641		
WW Capitalization	Services/Supplies	1,913,000		
Sanitation	Services/Supplies	3,560,334	309,254	9%
Public Parking	Services/Supplies	220,839	11,196	5%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	133,179	18,489	14%
	Services/Supplies	610,930	48,229	8%
	Capital Outlay	435,000	4,302	1%
Total Enterprise Funds		31,144,609	2,386,015	8%
Kootenai County Solid Waste		2,200,000	210,398	10%
Police Retirement		183,920	27,311	15%
Business Improvement District		186,000		
Homeless Trust Fund		5,500	374	7%
Total Fiduciary Funds		2,575,420	238,083	9%
TOTALS:		\$74,561,945	\$8,690,118	12%