

# Coeur d'Alene

## CITY COUNCIL MEETING

*January 2, 2007*

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**MEMBERS OF THE CITY COUNCIL:**

**Sandi Bloem, Mayor**

**Councilmen Edinger, Goodlander, McEvers, Reid, Hassell, Kennedy**

## CONSENT CALENDAR

A WORKSHOP HELD BY THE  
COEUR D'ALENE CITY COUNCIL  
DECEMBER 19, 2006 12:00 NOON

A Workshop conducted by the City Council in the City Hall Council Chambers on December 19, 2006 there being a quorum of the City Council upon roll call.

Sandi Bloem, Mayor

Dixie Reid	)	Members of Council Present
Al Hassell	)	
Ron Edinger	)	
Mike Kennedy	)	
Deanna Goodlander	(Arrived late)	

Woody McEvers	)	Members of Council Absent
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**AFFORDABLE HOUSING WORKSHOP:** Mayor Bloem explained the process of a Council workshop and that Council receives information and asks questions. The public will not have an opportunity to ask questions today. Julie Williams, Senior Vice President of the Idaho Housing and Finance Association announced that her role on behalf of IHFA, was to bring this report to the City. She reported that this has been a long process with a partnership between LCDC, the City, and IHFA.

Gerald Hunter, President of IHFA, explained that IHFA had been invited to participate in a meeting with LCDC to discuss the issue of work force housing for the City. In partnership with LCDC, IHFA and the City a study had been conducted by BBC Research and Consulting. He noted that IHFA has been working with communities throughout the State regarding workforce housing. A recent national study reported that Idaho is No. 1 in housing appreciation throughout the nation and Coeur d'Alene is one of the top twenty towns throughout the nation in housing appreciation. Coeur d'Alene is not alone in that he has seen the issue of adequate workforce housing in other cities in Idaho such as Moscow and Ketchum/Sun Valley. He noted that one of the challenges for affordable housing is that the price of homes in the City eliminated the ability for prospective homeowners to use federal funding programs for purchasing homes. He believes that, as a community, we need to find resources and ways to bridge this funding gap. Since the City is not behind the curve as much as Ketchum/Sun Valley, he congratulates the City for taking a proactive stance on this issue.

Tom Messina asked what the difference is between affordable housing and workforce housing. Mr. Hunter explained that workforce housing is a term that is used to mean people who make 80-140% of the median income and affordable housing is for those people that make 60-80% of the median income.

Heidi Aggeler, BBC Research and Consulting, from Denver, Colorado, reported that she has been working on this study since Spring, 2006. The purpose of this study was to

examine the housing supply and demand in Coeur d'Alene, identify housing needs and develop a strategic plan and action items to address the needs. Her firm conducted a housing market analysis, completed a housing supply and demand comparison and held public meetings in order to come up with a plan for workforce housing in the City. The study revealed that Coeur d'Alene is the lowest median income compared to surrounding cities. She reported on the results of community housing prototypes taken from recent community meetings.

Ms. Aggeler provided the following options of how the City should address the housing needs of the community:

Goal # 1 Create affordable homeownership opportunities in Coeur d'Alene by providing incentives for housing production.

Action A: LCDC Funding/Preferential Funding; Density bonuses and building variances; Impact Fee waivers; expedited review process; infrastructure investment by local government;

Action B: inventory and donate publicly owned land and buildings and privately owned land for workforce housing development;

Action C: Promote existing buyer resources;

Action D: Encourage voluntary inclusionary housing;

Action E: Explore employer-assisted housing options.

Goal #2: Develop more deeply subsidized rental units, including affordable senior rentals and housing with supportive services.

Goal#3: Receive a direct allocation of the Community Development Block Grant:

Goal #4: Educate residents, mitigate resistance to affordable housing (NIMBYism) and keep affordable properties in sound condition.

Goal #5: Maintain quality schools within the City.

Paul Anderson asked for further explanation of "Promoting Buyer Resources". Heidi Aggeler first noted that there isn't enough education of different down payment programs available in the community and people do not really understand the resources available for purchasing homes. She also suggested the City looking at a local Housing Authority resource. As for LCDC incentives, she suggested that LCDC offer broader incentives for affordable housing. Dennis Hinrichsen, asked about employer incentive housing. Heidi responded that employers' assistance programs include options such as employers assisting in down payments; however, she does not see this program that much with municipalities but more so with private sector employers.

Mary Souza voiced her concern of inventory of affordable housing and cost burden and asked if they could use the unemployment statistics when addressing the overall cost burden of homeowners. Heidi recommended that this would not be the best comparison since certain categories' cost burden does not change such as senior housing.

Charles Nipp asked what would be her advise on the first steps that the City should take. Heidi Aggeler responded that the City should contact HUD and get a CDBG as soon as possible for such things as home rehabilitation, as well as job training and economic development. She noted that the challenge would be who would oversee the CDBG grants. She also recommended that the City take a look a housing bonuses and other incentives for developers. Additionally, some type of a acknowledgement that workforce housing and affordable housing are important and look at ways of acknowledging employers who incorporate affordable housing. Take a look at existing private/public sector land that would be a good site for affordable/workforce housing for home ownership and rentals. Then look at deeply subsidized housing programs. In 2007, identify parcels of likely development and then find a developer to partner in construction of affordable housing/workforce housing units.

Councilman Dixie Reid noted that the City has taken steps for affordable/workforce housing in meeting the goals outlined by the BBC study.

Councilman Mike Kennedy sees a link between low incoming and homelessness and reported that at several workshops he has attended with other communities he has learned that one of the mistakes the other communities would not make again was to develop dwelling units for warehousing indigents. Heidi Aggeler commented that Denver has a 10-year plan to end homelessness. The City of Denver believes that transitional housing should be placed throughout the community and would not allow resistance by property owners in that they educated the public that it is a community responsibility. Much of transitional housing resistance in communities is a result from a private out of state owners versus a community, public transitional housing development.

Mayor Bloem asked how to prevent homes that are constructed for affordable housing from being resold for a profit and thus eliminating that home from the affordable housing inventory. Heidi Aggeler noted that affordable housing owners could have a deed restriction where the appreciation of the house is restricted or another model is to allow the owner to have a higher share of benefit the longer they remain in the home – an example is a owner who lives in affordable housing for 10 years would receive a greater share of the appreciation of the home than someone who lived in a home for 1-2 years. She suggested that the City contact other cities who have affordable housing.

Councilman Edinger asked about impact fee waivers. Heidi Aggeler explained what impact fees are and how developers pass that fee onto home buyers, so in order to encourage affordable/workforce housing, the City would waive a portion of the impact fee in exchange for homes being constructed for affordable housing.

Tom Messina asked if prices for workforce housing needs to be set at the time a permit and application for impact fee waiver is made. Heidi responded that usually a development requests for a certain number of affordable housing units within a development and so if there is a variance in cost of construction, the developer can make it up at the point of sale of the traditional homes.

ADJOURNMENT: Motion by Kennedy, seconded by Goodlander to adjourn the workshop. Motion carried.

The workshop adjourned at 1:55 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk

**MINUTES OF A REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,  
HELD AT COEUR D'ALENE CITY HALL,  
DECEMBER 19, 2006**

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 Hall, December 19, 2006 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Al Hassell	)	Members of Council Present
Woody McEvers	)	
Loren Edinger	)	
Dixie Reid	)	
Mike Kennedy	)	
Deanna Goodlander	)	

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

**INVOCATION** was led by Pastor Tom Weadick, Vineyard Christian Fellowship.

**PLEDGE OF ALLEGIANCE:** Councilman McEvers led the pledge of allegiance.

**PRESENTATIONS:**

**PRESENTATION- "Housing Needs Assessment Project":** Julie Williams, Vice President of Idaho Housing and Finance Association (IHFA), along with Gary Hunter, President of IHFA and Heidi Aggeler, BBC Research and Consulting, repeated their presentation of the results of a housing needs assessment study completed for the City of Coeur d'Alene. Mayor Bloem noted that the study was a joint venture between the City of Coeur d'Alene, LCDC and IHFA. Councilman Kennedy commented that he had been to a conference on homelessness and he had asked other participants at the conference what would be the one thing they wouldn't do again and they all responded that they would not do "warehousing" of indigents in one district. Heidi Aggeler agreed that you do not want to segregate your community but rather encourage dispersing them throughout the community not only for indigent housing but also affordable and workforce housing. She gave the example of a community near Denver, Colorado where \$300,000,000 homes are adjacent to affordable housing units. Councilman Reid asked Heidi Aggeler to explain how you maintain an affordable housing inventory when a homeowner can purchase a house for \$100,000 and turn around and sell it for \$150,000. Heidi Aggeler explained the purpose of a deed restriction for affordable housing which the home buyer with a subsidy usually when the home is sold is limited to receiving only 3% appreciation for each year they resided in the home. She noted that she could provide some sample ordinances of this type of process. Councilman Hassell asked how housing rehabilitation works. Heidi Aggeler noted that HUD has grants that provide housing rehabilitation which is generally overseen by the City who administers the grant funding and oversees the contractors and the work done on eligible homes. Councilman McEvers asked for an explanation of the CDBG program. Ms. Aggeler noted that CDBG

program is a Federal grant program to provide assistance to communities for affordable housing. Grants are generally distributed according to size of communities. She noted that the City is now eligible to receive CDBG directly from the Federal Government vs. applying through the State for an ICDBG grant; however, there are certain requirements that must be met in order to receive Federal funding. She noted that 20% of funding from CDBG programs can be used to hire staffing to oversee the program. Councilman McEvers asked about matching funds for grants. Heidi Aggeler noted that CDBG is limited to how much housing programs could be applied for at one time. Councilman Edinger asked if there is a certain population that must be met in order to receive CDBG funds. Heidi Aggeler responded that there are certain requirements to receive funding, one of which is being identified as a major metropolitan area which the City has been designated. In response to Councilman McEvers inquiry regarding the City's responsibility of providing affordable housing, Heidi Aggeler noted that she foresees this city continuing to be a choice destination for homeowners and the need for affordable housing will not go away. Councilman Goodlander noted that the City has used ICDBG funds for some of the City's projects such as the Costco project and wanted to know if we received CDBG funds directly from the Federal Government, would the City no longer be eligible to receive funding from the State's program. Heidi Aggeler responded that the Federal grant program and the State's ICDBG funding program requirements are the same; however, the State selects certain projects from the master list of Federal projects which determines how ICDBG funds will be used within the State; whereas, if a City applies directly to Federal CDBG funding, the City has the opportunity to choose projects from all the programs offered by the Federal government..

PRESENTATION - "Library Construction Update": Project Manager Renata McLeod gave a mid-project update for the Library Project. They are expecting the completion date to be towards the end of July 2007. Mrs. McLeod then presented construction site photos and updated the Council regarding several costs savings as well as unexpected expenditures. She noted that the project is still within the original budget and has some buffer for future unexpected expenditures. Currently they are working on selecting furniture, fixtures, and equipment as well as donor recognition and the grand opening celebration. Councilman Goodlander thanked Renata for being the Project Coordinator on this project.

**FINDINGS AND ORDER FOR MEADOW RANCH:** Mayor Bloem noted that Item 2 from Other Business has been pulled from the agenda and will be continued to another meeting.

**PUBLIC COMMENTS:**

**CITY CREWS APPLAUDED:** Jon Ingalls, Deputy City Administrator, commented that last Friday's "Windfest", with winds over 60 mph, had City staff waking up to no power for the sewer and water system, numerous traffic flow issues due to no power to signals, and several downed trees. He complimented City staff for their teamwork and working together to resolve all the issues faced by the City no matter what department they were in.

**CONSENT CALENDAR:** Motion by Reid, seconded by Edinger to approve the Consent Calendar as presented.

1. Approval of minutes for December 5, 2006.



2. Due to the next Public Works Committee and General Services Committee meetings falling on Christmas Day, no meetings were scheduled.
3. RESOLUTION 06-079: 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 APPROVAL OF A MEMORANDUM OF UNDERSTANDING - TRANSFERRING \$10 FROM TRAFFIC SCHOOL TO POST, ANNUAL RENEWAL OF AUDIT SERVICES WITH MAGNUSON, MCHUGH & COMPANY, P.A., APPROVAL OF CHANGE ORDER NO. WITH CONTRACTORS NORTHWEST FOR THE WWTP PHASE 4B, APPROVAL OF A DARK FIBER CONTRACT WITH COLUMBIA FIBER SOLUTIONS FOR FIRE STATION NO. 3, AWARD OF BID AND APPROVAL OF CONTRACT WITH GINNO CONSTRUCTION FOR REMODEL OF FIRE STATION NO. 2, REJECTING THE BID FOR CONSTRUCTION OF PUBLIC SAFETY TRAINING FACILITY AND AUTHORIZING STAFF TO RE-BID, APPROVAL OF AN AMENDMENT TO THE FIREFIGHTER CONTRACT - MINIMUM MANNING STANDARDS, APPROVAL OF LETTERS OF AGREEMENT BETWEEN LCDC AND THE CITY FOR THE LIBRARY AND LETTER OF SUPPORT BETWEEN THE CITY AND THE LIBRARY FOUNDATION AND APPROVAL OF S-6-03-ACCEPTANCE OF IMPROVEMENTS AND MAINTENANCE / WARRANTY AGREEMENT FOR BOLIVAR, 2<sup>ND</sup> ADDITION.
4. RESOLUTION 06-080: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CIVILIAN VOLUNTEERS FROM THE COEUR D'ALENE POLICE DEPARTMENT, AS DESIGNATED BY CITY COUNCIL, AS "AUTHORIZED OFFICERS" ABLE TO PERFORM THE FUNCTION OF REMOVING ABANDONED OR JUNK VEHICLES AND ESTABLISHING A POLICY THERETO.
5. Annual approval of legal description of City Boundaries for submittal to the State Tax Commission.
6. Approval of Annual Road and Street Financial Report.
7. Approval of Bills as submitted and on file in Office of the City Clerk.
8. Setting of Public Hearings: O-4-06 - New zoning districts for January 16, 2007 and O-5-06 amendments to subdivision ordinance for January 16, 2007.
9. Approval of Beer/Wine license transfer for the Pizza Shoppe at W. 501 Appleway.

ROLL CALL: Kennedy, Abstain; McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye. Motion carried.

#### **COUNCIL ANNOUNCEMENTS:**

**COUNCILMAN MC EVERS:** Councilman McEvers recalled that even during holidays the City's Water, Streets, Wastewater employees are working and so he wanted to thank all staff for what he takes for granted on a daily basis; water from his taps, his toilet flushing, streets being cleared when it snows. He also thanked each Council member for their unique qualities and he hopes to continue to learn from the Mayor and Council this coming year.

COUNCILMAN HASSELL: Councilman Hassell expressed how impressed he was with the amount of work that had already been done by City crews by the time he awoke Friday morning after the wind storm. He also commended the entire city Staff for another year of exemplary service to the community.

COUNCILMAN GOODLANDER: Councilman Goodlander noted that she had been helping the Salvation Army and was impressed with the generosity of this community and commended the volunteers who ring the bells for the Salvation Army and she also thanked the Salvation Army for all that they do.

COUNCILMAN EDINGER: Councilman Edinger voiced his disappointment with Dick Haugen no longer being the announcer for the local radio station. He recounted Dick's various involvements in the community.

COUNCILMAN KENNEDY: Councilman Kennedy commented on his experience with Dick Haugen during his first 4<sup>th</sup> of July parade as a City Councilman and noted that Dick will be missed.

COUNCILMAN GOODLANDER: Councilman Goodlander commented that Dick Haugen was the City's voice in the morning for 16 years and he will be missed.

#### RESOLUTION NO. 06-081

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A LETTER TO THE BUREAU OF LAND MANAGEMENT (BLM) SUPPORTING THE LAKE CITY DEVELOPMENT CORPORATION (LCDC) ACQUIRING THE BUREAU OF LAND MANAGEMENT / BURLINGTON NORTHERN SANTA FE RIGHT OF WAY FROM THE NORTH IDAHO CENTENNIAL TRAIL FOUNDATION (NICTF).

Motion by Hassell, seconded by Edinger to adopt Resolution 06-0081.

ROLL CALL: McEvers, Aye; Hassell, Aye; Edinger, Aye; Reid, Aye; Kennedy, Aye; Goodlander, Aye. Motion carried.

#### RESOLUTION 06-082

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A RAIL REACTIVATION AGREEMENT WITH NORTH IDAHO CENTENNIAL TRAIL FOUNDATION ("NICTF") TO ACCEPT THE TRANSFER OF UNION PACIFIC RAILROAD'S REGULATORY RIGHT TO REACTIVATE RAIL SERVICE ON THE UP RAILROAD CORRIDOR BEING PURCHASED BY NICTF.

Motion by Hassell, seconded by Edinger to adopt Resolution 06-082.

ROLL CALL: Hassell, Aye; Reid, Aye; Kennedy, Aye; Goodlander, Aye; Edinger, Aye; McEvers, Aye. Motion carried.

Mike Gridley, City Attorney, explained the agreements with the railroads that the Council approved through Resolution 06-081 and 06-082. Councilman Edinger commended Mike Gridley for all his efforts and expertise in accomplishing these acquisitions. Councilman Kennedy also noted Senator Craig's efforts and other state agencies that worked with the City to accomplish this asset for the City.

**WESTERN PROPERTIES ANNEXATION:** Motion by Reid, seconded by Kennedy to grant a 90-day extension of time to Western Property for the completion of an annexation agreement. Motion carried.

ORDINANCE NO. 3279  
COUNCIL BILL NO. 06-1041

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 (RESIDENTIAL AT 12 UNITS/ACRE) TO C-17 (COMMERCIAL AT 17 UNITS/ACRE) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: 3 PARCELS TOTALING +/- 20,560 SQ. AT 1101, 1103 & 1113 WEST DAVIDSON AVENUE, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Kennedy to pass the first reading of Council Bill No. 06-1041.

ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

Motion by Edinger, seconded by Hassell to suspend the rules and to adopt Council Bill No. 06-1041 by its having had one reading by title only.

ROLL CALL: Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

**PUBLIC HEARING - CREATING AND AMENDING CERTAIN PARKS FEES:**  
Mayor Bloem read the rules of order for this public hearing. Bill Greenwood, Deputy Parks Director, gave the staff report.

Mr. Greenwood reported that although park fees have not been changed since 1999 and there will be full review after completion of the Parks Master Plan, there are two fees that need to be addressed now.

The first is to establish a fee for the Riverstone Ampitheater which will be completed some time next summer. He is recommending a \$100/event fee based on the type of events that are foreseen at the ampitheater. He noted that the bandshell and gazebo in City Park rent for \$50 each but these rates will most certainly increase in the next fee review.

The second request is amending the current monitoring fee from \$15/hour to \$20/hour. This fee was initiated in 1999 and has not kept pace with inflation costs. The actual monitoring expense averages around \$20/hour depending on who is assigned to monitor the event. He also noted that this fee will be re-evaluated during the fee review after the completion of the Parks Master Plan.

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

#### RESOLUTION 06-083

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING AND CREATING USER PARK FEES.

Motion by Edinger, seconded Hassell to adopt Resolution 06-083.

ROLL CALL: Hassell, Aye; Edinger, Aye; Goodlander, Aye; McEvers, Aye; Reid, Aye; Kennedy, Aye. Motion carried.

**ADJOURNMENT:** Motion by Kennedy, seconded by Edinger that, there being no further business, this meeting is adjourned. Motion carried.

The meeting adjourned at 7:45 p.m.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, CMC  
City Clerk

RESOLUTION NO. 07-001

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 APPROVAL OF SS-25-06 FINAL PLAT APPROVAL AND SUBDIVISION IMPROVEMENT AGREEMENT FOR THE 1ST ADDITION TO WHITE SUBDIVISION; APPROVAL OF A COOPERATIVE AGREEMENT FOR DEPOSITION OF UNSUITABLE MATERIALS AND STORAGE OF TOPSOIL FOR KROC CENTER BETWEEN THE CITY AND THE IDAHO DEPARTMENT OF TRANSPORTATION.

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 "1 through 2" and by reference made a part hereof as summarized as follows:

- 1) Approval of SS-25-06 Final Plat Approval and Subdivision Improvement Agreement for the 1<sup>st</sup> Addition to White Subdivision;
- 2) Approval of a Cooperative Agreement for Deposition of Unsuitable Materials and Storage of Topsoil for Kroc Center between the City and the Idaho Department of Transportation;

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 "1 through 2" 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 2<sup>nd</sup> day of January, 2007.

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Sandi Bloem, Mayor

ATTEST

\_\_\_\_\_  
Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER REID Voted \_\_\_\_\_

COUNCIL MEMBER GOODLANDER Voted \_\_\_\_\_

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

COUNCIL MEMBER HASSELL Voted \_\_\_\_\_

COUNCIL MEMBER KENNEDY Voted \_\_\_\_\_

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

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

**CITY COUNCIL  
STAFF REPORT**

**DATE:** January 2, 2007  
**FROM:** Christopher H. Bates, Project Manager   
**SUBJECT:** **First Addition to White Subdivision, Final Plat, Subdivision Agreement and Security Approval**

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**DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat of the First Addition to White Subdivision.
2. Approval of the subdivision agreement and security to guarantee the installation of the required outstanding site improvements.

**HISTORY**

**Applicant:** Bagus Tjahjono  
175 Federal Street  
Suite 1350  
Boston, MA 02110

**Location:** Appleway Avenue, +/- 150' east of Julia Street.

**Previous Action:**

1. Preliminary plat approval by the CdA Planning Commission, November 2006.

**FINANCIAL ANALYSIS**

The applicant is installing with the City, a subdivision agreement and security in the amount of \$17,780.00, to insure the installation of the required subdivision improvements.

**PERFORMANCE ANALYSIS**

The subject property is currently vacant. The agreement is structured to allow for the maximum allowable time (3 years), however, the improvements are intended to be installed in the Spring of 2007.

**QUALITY OF LIFE ANALYSIS**

The final plat approval will allow the developer to proceed with the sale of the lots, and, the subdivision agreement insures that the required improvements will be installed.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat of the First Addition to White Subdivision.
2. Approve the subdivision agreement and security.

# FIRST ADDITION TO WHITE SUBDIVISION

BEING A SUBDIVISION OF LOT 1, BLOCK 1, WHITE SUBDIVISION, IN THE S.W. 1/4 OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

SHEET 1 OF 2

## LEGEND

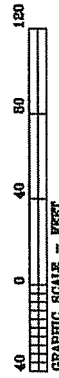
- DENOTES SET 5/8" IRON ROD AND 4194 CUP
- DENOTES FOUND 5/8" IRON ROD AND 3814 CUP
- DENOTES FOUND 5/8" IRON ROD AND 8374 CUP
- DENOTES FOUND 5/8" IRON ROD NO CUP
- DENOTES CALCULATED POSITION
- OTHERS AS NOTED

## REFERENCE

- 1) PLAT OF WHITE SUBDIVISION RECORDED IN BOOK 1 AT PAGE 243.

## BASIS OF BEARING

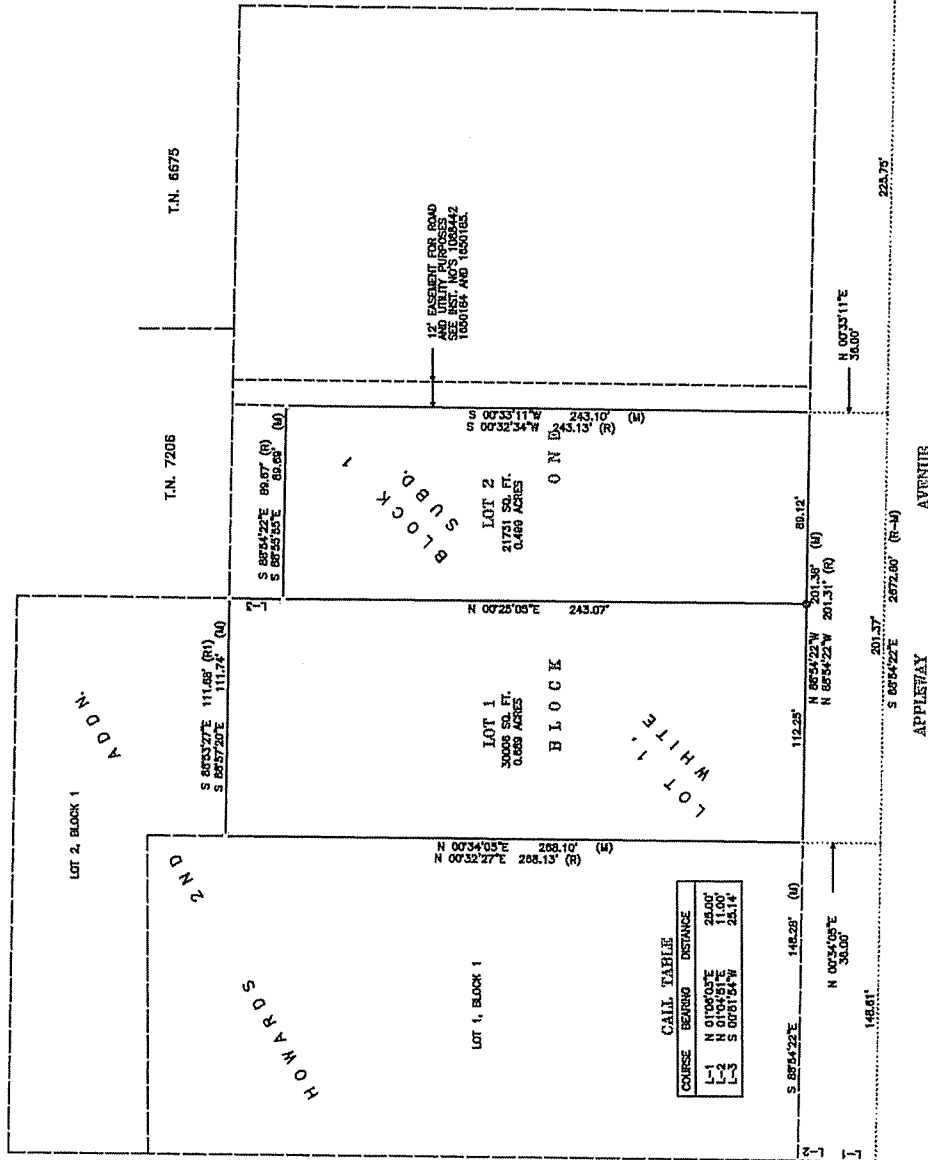
THE BEARING OF S 89°54'22"E BETWEEN THE FOUND 2 1/2" ALUMINUM CUP MONUMENTING THE SOUTH 1/4 CORNER OF SECTION 2 AND THE FOUND 3 1/2" ALUMINUM CUP MONUMENTING THE SOUTH 1/4 CORNER OF SECTION 1, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, IS BASED ON THE IDAHO STATE PLANE COORDINATE SYSTEM FROM I.D.A.O.T. CONTROL.



**EMPIRE**  
**SURVEYING &**  
**CONSULTING, INC.** EMAIL: ESCINC@HUGHES.NET

P.O. BOX 12  
HAYDEN LAKE, ID. 83835  
(208) 772-8581  
(208) 772-8682 FAX

FIRST ADDITION TO WHITE SUBDIVISION			
SUBDIVISION OF LOT 1, BLOCK 1, WHITE SUBDIVISION, IN THE S.W. 1/4 OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO			
PREPARED BY	1899-081	1899081A	10/15/2018
CHECKED BY	JPM	10/15/2018	10/15/2018
DATE	09/07/18	POC	10/15/2018
DRAWN BY	JPM	10/15/2018	10/15/2018
SCALE	1" = 40'		



COURSE	BEARING	DISTANCE
L-1	N 01°04'05"E	28.00'
L-2	N 01°04'51"E	11.00'
L-3	S 00°51'54"W	23.14'

REMARKS: 1. CORNER SEC. 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, IS A B.M. 10/15/2018

REMARKS: 2. CORNER SEC. 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, IS A B.M. 10/15/2018

REMARKS: 3. CORNER SEC. 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, IS A B.M. 10/15/2018



### AGREEMENT TO PERFORM SUBDIVISION WORK

THIS AGREEMENT made this \_\_\_\_ day of January, 2007, between TIAHJONO Real Estate Idaho, L.L.C., an Delaware Limited Liability Company, with Bagus Tjahjono as Manager, and whose address is 175 Federal Street, Suite 1350, Boston, MA 02110, hereinafter referred to as the "Developer," and the City of Coeur d'Alene, a municipal corporation and political subdivision of the state of Idaho, hereinafter referred to as the "City,"

WHEREAS, the City has approved, subject to completion of the required improvements, the First Addition to White Subdivision, a commercial development with two (2) lots, situated in the Southwest ¼ of Section 2, Township 50 North, Range 4 West, B.M., Kootenai County, Idaho, and, has agreed that the final plat may be recorded; NOW, THEREFORE,

#### IT IS AGREED AS FOLLOWS:

The Developer agrees to complete the following improvements: water lateral and meter installations, sidewalk installation, concrete curb and gutter installation, joint urban approach installation, and street repair as required under Title 16 of the Coeur d'Alene Municipal Code, on or before the 2<sup>nd</sup> day of January 2010. Said improvements are more particularly described on the subdivision improvement plans entitled "TIAHJONO – APPLEWAY AVE. Construction Plan", dated December 19, 2006, and stamped by Robert M. Tate, PE, # 6896, on file in the City Engineer's office and incorporated herein by reference.

The Developer, prior to recording the plat, shall deliver to the City, a Letter of Credit or other form of security that is acceptable to the City Attorney, in the amount of Seventeen Thousand Seven Hundred Eighty and 00/100 Dollars (\$17,780.00) securing the obligation of the Developer to complete the subdivision improvements referred to herein. The term of the security shall extend at least one year beyond the time within which the improvements are to be completed as provided herein, and a copy of such security is marked Exhibit "A" attached hereto and by reference made a part hereof. The security shall provide that upon failure of the Developer to complete the improvements within the time herein provided, the City may demand the funds represented by the security and use the proceeds thereof to complete or have the improvements completed. In the event the City completes the improvements as a result of the Developer's default, the Developer shall be responsible for any costs that exceed the posted security for the public improvements.

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

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

CITY OF COEUR D'ALENE

TJAHJONO Real Estate Idaho, L.L.C.

\_\_\_\_\_  
Sandi Bloem, Mayor

\_\_\_\_\_  
Bagus Tjahjono, Manager

ATTEST:

\_\_\_\_\_  
Susan K. Weathers, City Clerk

Tate Engineering  
1103 N. 4th Street  
Coeur d'Alene, Idaho 83814  
676-8708

OPINION OF PROBABLE COST					
DATE:		20-Dec-06		PROJECT 6.231	
PROJECT		Bagus Tjahjono			
CLIENT					
ITEM NO:	DESCRIPTION	SCHEDULE OF VALUES			
		QUANTITY	UNIT	UNIT PRICE	TOTAL COST
	<b>Street Improvements</b>				
1	Sewer Lateral				
2	Water Service	2	ea	\$1,400.00	\$2,800.00
3	Street Repair	110	sq-yd	\$18.00	\$1,980.00
4	Traffic Control	1	ls	\$1,800.00	\$1,800.00
5	Curb&Gutter	40		\$10.00	\$400.00
6	Approach	1	ls	\$7,000.00	\$7,000.00
7	Sidewalk (8')	168	lf	\$13.00	\$2,184.00
	<b>Sub-Total</b>				<b>\$16,164.00</b>

IMPROVEMENT COST	\$16,164.00
+ 10%	1,616.00
<b>TOTAL SECURITY REQ.</b>	<b>\$17,780.00</b>

**COOPERATIVE AGREEMENT**  
**Deposition of Unsuitable Materials and Storage of Topsoil**  
**At**  
**Forty Acres Site,**  
**2800 N. Ramsey Road,**  
**Coeur d'Alene, Idaho**

**PARTIES**

THIS AGREEMENT is made and entered into this 2<sup>nd</sup> day of January, 2007, by and between the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the **STATE**, and the **CITY of COEUR D'ALENE**, hereafter called the **CITY**.

**PURPOSE**

Both Parties mutually agree that it is in the public interest to allow the City of Coeur d'Alene to permanently deposit approximately seventy-two thousand cubic yards of material unsuitable for structural fill material into the Forty Acres site owned and operated by the Idaho Transportation Department. Additionally, the City wishes to store approximately seven thousand cubic yards of topsoil at the same Forty Acres site for a period of not more than two years.

Authority for this Agreement is established by Sections 40-310 and 40-317 of the Idaho Code.

The Parties agree as follows:

**SECTION I.** That the **STATE** will:

1. Upon execution of this Agreement, designate sites at the Forty Acres for the permanent deposition of seventy-two thousand cubic yards of material unsuitable for structural fill material and for the temporary storage of seven thousand cubic yards of top soil.
2. Allow access and use of the topsoil storage site to designated personnel of the **CITY** for two years of this agreement execution date for the purpose of temporarily stockpiling topsoil.
3. Not guarantee the security of the topsoil site, nor is liable for any loss by the **CITY** of or due to the topsoil during placement, storage, and recovery of the stockpile.

4. Allow access to the material unsuitable for structural fill site to designated personnel of the CITY for one year of this agreement execution date for the purpose of permanently depositing the unsuitable for structural fill material

**SECTION II.** That the **CITY** will:

1. By signing this Agreement, indemnify, save harmless, and defend regardless of outcome the **STATE** from the expenses of and against suits, actions, claims, or losses of every kind, nature and description, including costs, expenses, penalties, and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the **CITY** in the execution of its work which is the subject of this agreement
2. Provide written certification from the **CITY** and the Idaho Department of Environmental Quality (IDEQ) that all materials the **CITY** places into the Forty Acre site are free of hazardous wastes, and are inert, thus present no danger or threat of harm to the environment.
3. Allow only soils, rock, hardened asphaltic and concrete materials that have received the previously noted IDEQ certification into the Forty Acres site. No metals, organic materials (other than topsoil), garbage, or hazardous waste are to be brought into the Forty Acres site.
4. Agree that any quantity of uncontaminated topsoil remaining at the Forty Acres site after two years of the execution of this agreement shall become the property of the State.
5. Agree that upon discovery by the STATE of any material placed by the CITY in the Forty Acre site that is not allowable by this agreement shall be immediately removed and reclaimed at CITY expense.

**SECTION III.** Both Parties agree that:

1. This Agreement shall become effective on the first date mentioned above and shall remain in full force and affect for two years, or until amended or replaced upon the mutual consent of the **CITY** and the **STATE**.

**EXECUTION**

This agreement is executed for the **STATE** by its Assistant Chief Engineer (Operations), and executed for the **DISTRICT** by the Board of Commissioners, attested to by the Clerk, with the imprinted corporate seal of the East Side Highway District.

**IDAHO TRANSPORTATION DEPARTMENT**

APPROVED:

\_\_\_\_\_  
Assistant Chief Engineer (Operations)

ATTEST:

RECOMMENDED BY:

\_\_\_\_\_  
Legal Council

\_\_\_\_\_  
District Engineer

**CITY of COEUR D'ALENE**

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Sandi Bloem, Mayor

By regular/special meeting on:

January 2, 2007

**CITY COUNCIL  
STAFF REPORT**

**DATE:** January 2, 2007  
**FROM:** Christopher H. Bates, Project Manager   
**SUBJECT:** Linden Court Condominiums, Final Plat Approval

---

**DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat of the Linden Court Condominiums, a multi-unit residential condominium development.

**HISTORY**

**Applicant:** Marc-Eric DiBiase  
Linden Project, LLC  
742 E. Southwood Court  
Hayden, ID 83835

**Location:** East end of Linden Avenue, directly west of 7<sup>th</sup> Street.

**Previous Action:**

1. Preliminary plat approval by the CdA Planning Commission, August 2006.

**FINANCIAL ANALYSIS**

There are no agreements, bonds or financial items related to this plat approval.

**PERFORMANCE ANALYSIS**

The subject property is occupied by two existing buildings that contain a total of twenty four (24) residential units. The units, which were previously utilized as apartments, have been remodeled and are now being marketed as condominiums. All site development issues were addressed at the time the units were constructed.

**QUALITY OF LIFE ANALYSIS**

The final plat approval will allow the developer to proceed with the sale of the units.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat of the Linden Court Condominiums.

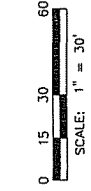
# LINDEN COURT CONDOMINIUMS

LOCATED IN THE SE 1/4 OF SECTION 12, T50N, R4W, BOISE MERIDIAN,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

- REFERENCES**
- R-1) SIMMS ADDITION, BOOK B OF PLATS, PAGE 57, 1905
  - R-2) KENTWOOD, BOOK E OF PLATS, PAGE 110, 1970
  - R-3) RECORD OF SURVEY, BOOK 1 OF SURVEYS, PAGE 156, 1979
  - R-4) RECORD OF SURVEY, BOOK 1 OF SURVEYS, PAGE 142, 1979
  - R-5) RECORD OF SURVEY, BOOK 2 OF SURVEYS, PAGE 72, 1980
  - R-6) SHRIVER ADDITION, BOOK G OF PLATS, PAGE 11, 1992
  - R-7) WHIDEMERE ADDITION, BOOK G OF PLATS, PAGE 228, 1995
  - R-8) RECORD OF SURVEY, BOOK 20 OF SURVEYS, PAGE 245, 2000
  - R-9) JAE'S PLACE, BOOK J OF PLATS, PAGE 254, 2005

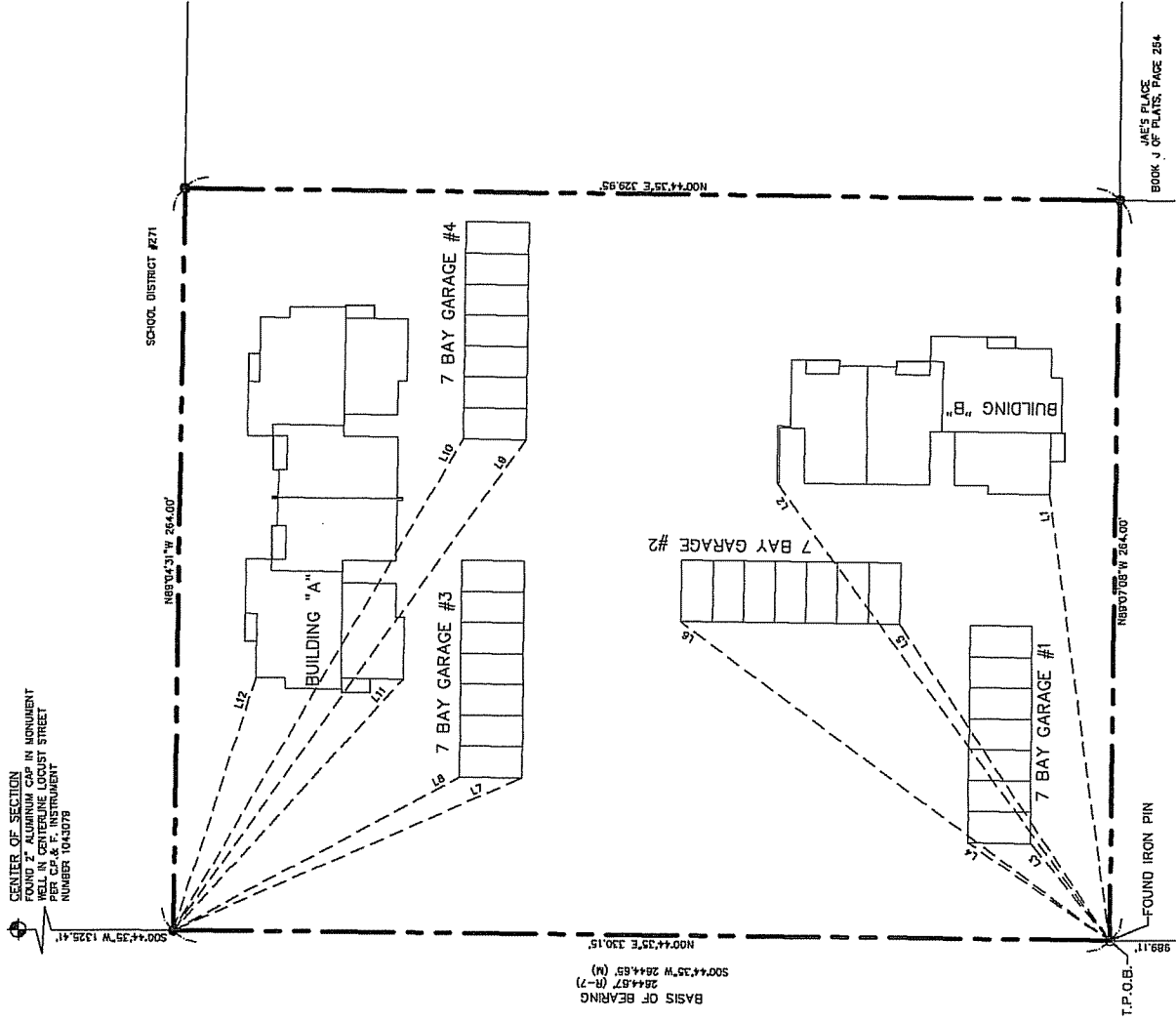
- LEGEND**
- SET 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP MARKED "JAI PLS 8798"
  - FOUND REBAR, EXCEPT AS NOTED.
  - △ CALCULATED POINT
  - (M) MEASURED
  - (R-#) PER SURVEY REFERENCE NUMBER

- NOTES**
- NO ATTEMPT WAS MADE TO ALL SHOW PHYSICAL FEATURES OF THE PROPERTY, NOR DOES THIS NECESSARILY SHOW ALL NON-RECORDED EASEMENTS.
  - ELEVATIONS BASED ON CITY OF COEUR D'ALENE DATUM PER CITY TBM H-10, ELEVATION = 2224.09.



JOHN STEARNS, PLS DATE \_\_\_\_\_

LINE	LENGTH	BEARING
L1	160.48	N82°35'44"E
L2	200.88	N54°24'48"E
L3	44.80	N81°31'58"E
L4	6.00	N55°11'07"E
L5	134.53	N33°11'07"E
L6	188.20	N37°20'15"E
L7	134.33	S22°43'31"E
L8	114.66	S20°16'40"E
L9	214.27	S54°28'10"E
L10	202.53	S59°25'22"E
L11	120.81	S47°45'04"E
L12	94.70	S72°01'18"E



QUARTER CORNER  
FOUND 3/4" IRON PIPE  
PER CP & F. INSTRUMENT  
NUMBER 1247454



# LINDEN COURT CONDOMINIUMS

LOCATED IN THE SE 1/4 OF SECTION 12, T50N, R4W, BOISE MERIDIAN,  
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

BOOK PAGE  
NO.

0 10 20 40  
SCALE: 1" = 20'

SQUARE FOOTAGE TABLE - BUILDING "B"		
UNIT	1ST FLOOR	2ND FLOOR
1	645	645
2	1241	1241
3	914	914
4	918	1241
5	905	914
6	914	918
7	905	1241
8	914	914
9	918	918
10	914	918

SQUARE FOOTAGE TABLE - BUILDING "A"		
UNIT	1ST FLOOR	2ND FLOOR
1	645	645
2	1241	1241
3	914	914
4	918	1241
5	905	914
6	914	918
7	905	1241
8	914	914
9	918	918
10	914	918
11	1225	1225
12	905	905
13	905	905
14	1225	1225

FINISHED FLOOR ELEVATION TABLE (CEILING HEIGHTS = 8'0")		
UNIT	FIRST FLOOR	SECOND FLOOR
1	2210.57	2219.57
2	2207.37	2207.37
3	2207.37	2207.37
4	2207.37	2207.37
5	2216.35	2216.35
6	2216.35	2216.35
7	2216.35	2216.35
8	2216.35	2216.35
9	2216.35	2216.35
10	2216.35	2216.35

FINISHED FLOOR ELEVATION TABLE (CEILING HEIGHTS = 8'0")		
UNIT	FIRST FLOOR	SECOND FLOOR
1	2213.71	2222.71
2	2213.71	2222.71
3	2215.00	2224.00
4	2215.00	2224.00
5	2215.00	2224.00
6	2215.00	2224.00
7	2215.00	2224.00
8	2215.00	2224.00
9	2215.00	2224.00
10	2215.00	2224.00
11	2215.00	2224.00
12	2215.00	2224.00
13	2215.00	2224.00
14	2215.00	2224.00

1	2	3	4	5	6	7
2208.43	2207.11	2207.11	2207.11	2207.11	2207.11	2207.11

7 BAY GARAGE #2  
SCALE: 1" = 20'

1	2	3	4	5	6	7
2208.43	2207.11	2207.11	2207.11	2207.11	2207.11	2207.11

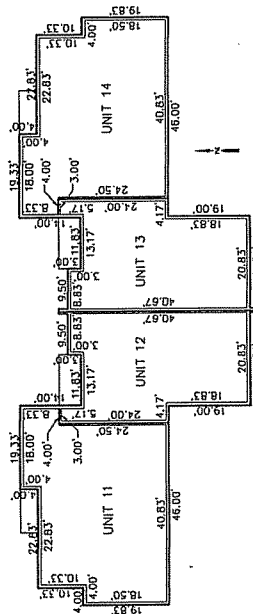
7 BAY GARAGE #1  
SCALE: 1" = 20'

1	2	3	4	5	6	7
2208.43	2207.11	2207.11	2207.11	2207.11	2207.11	2207.11

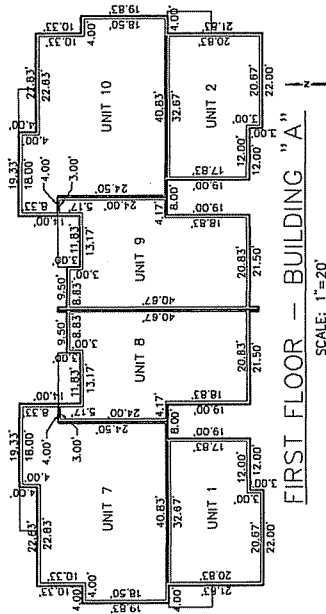
7 BAY GARAGE #4  
SCALE: 1" = 20'

1	2	3	4	5	6	7
2208.43	2207.11	2207.11	2207.11	2207.11	2207.11	2207.11

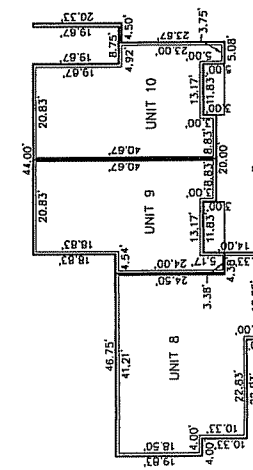
7 BAY GARAGE #3  
SCALE: 1" = 20'



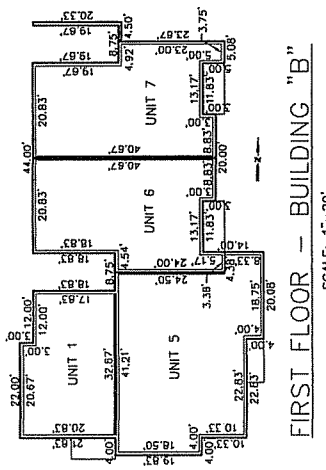
SECOND FLOOR - BUILDING "A"  
SCALE: 1" = 20'



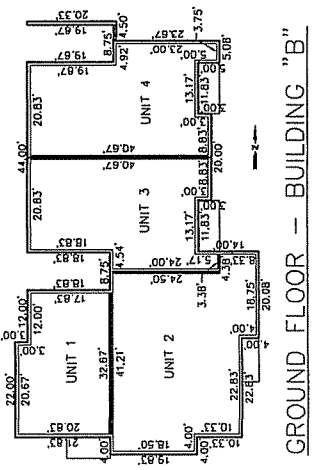
FIRST FLOOR - BUILDING "A"  
SCALE: 1" = 20'



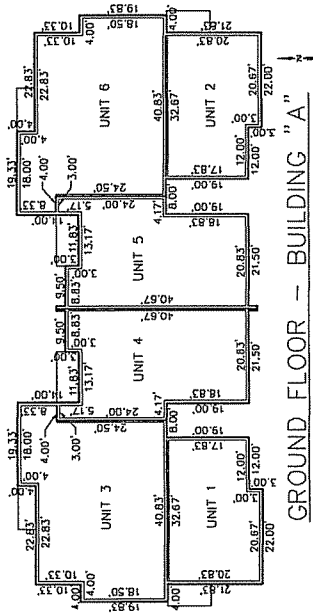
SECOND FLOOR - BUILDING "B"  
SCALE: 1" = 20'



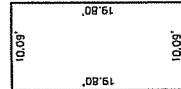
FIRST FLOOR - BUILDING "B"  
SCALE: 1" = 20'



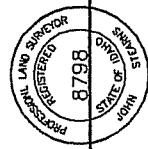
GROUND FLOOR - BUILDING "B"  
SCALE: 1" = 20'



GROUND FLOOR - BUILDING "A"  
SCALE: 1" = 20'



TYPICAL GARAGE UNIT  
SCALE: 1" = 10'




JOHN STEARNS, PLS. DATE

SEC. 12 T50N R4W BOISE MERIDIAN  
DATE: 03/22/05  
PROJECT: 1551 - 001456  
200-783-3763  
P. 31 BOISE MERIDIAN

**Jamar**  
ASSOCIATES, INC.  
ENGINEERING • SURVEYING • PLANNING

**CITY COUNCIL  
STAFF REPORT**

**DATE:** January 2, 2007  
**FROM:** Christopher H. Bates, Project Manager  
**SUBJECT:** Bosanko Plaza, Final Plat Approval



---

**DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat of the Bosanko Plaza, a two (2) lot commercial development.

**HISTORY**

Applicant: Sheldon Jackson  
Pend Oreille Associates, LLC  
406 E. 14<sup>th</sup> Street  
Spokane, WA 99202

Location: Southwest corner of Bosanko Avenue and US Hwy. 95.

Previous Action:

1. Preliminary plat approval by the CdA Planning Commission, August 2006.

**FINANCIAL ANALYSIS**

There are no agreements, bonds or financial items related to this plat approval.

**PERFORMANCE ANALYSIS**

The subject property is occupied by two existing buildings, an automobile service center on Lot 1, and, a car wash on Lot 2. All site development issues were addressed at the time the facilities were constructed.

**QUALITYOF LIFE ANALYSIS**

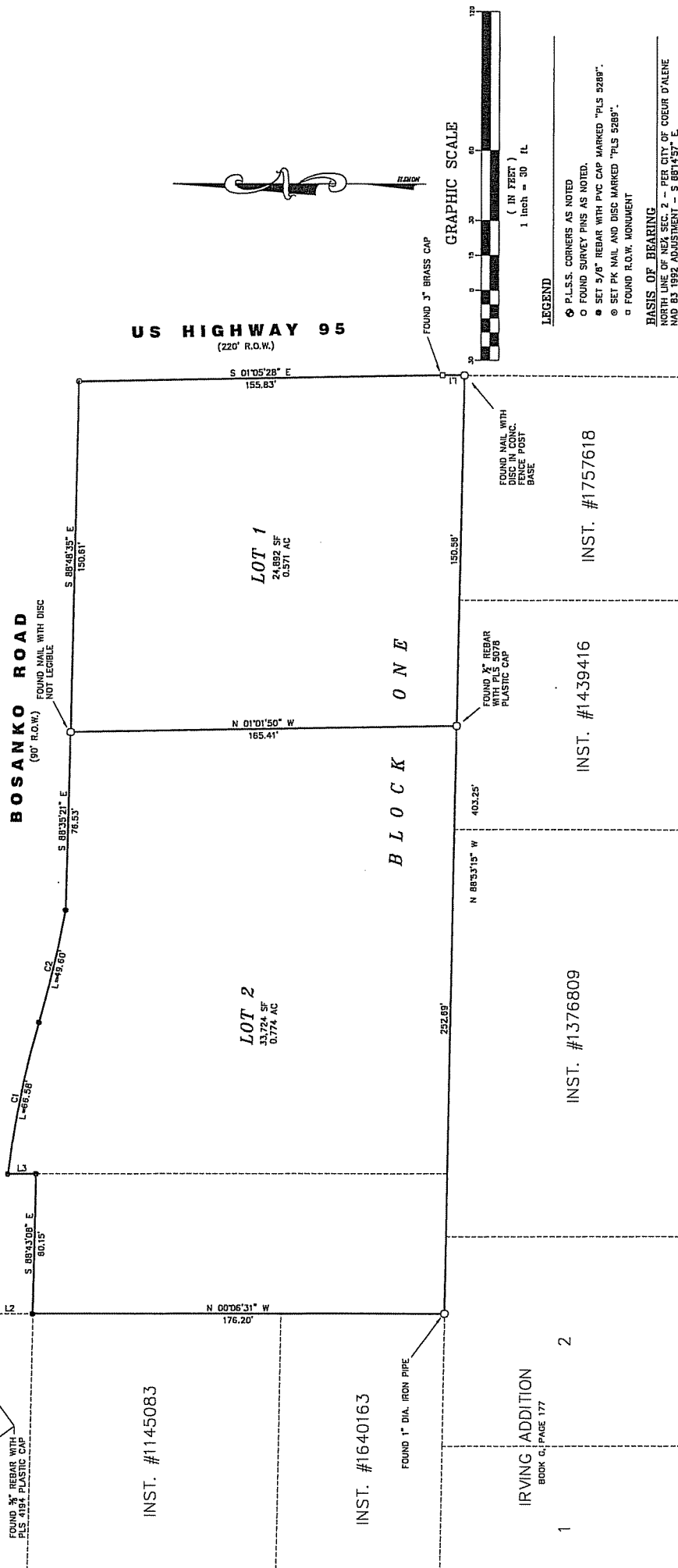
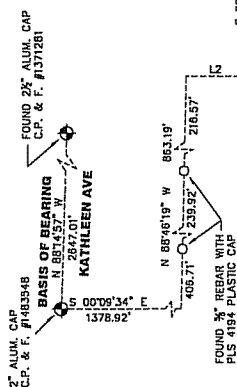
The final plat approval will allow the developer to proceed with the sale of the lots if he so chooses.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat of the Bosanko Plaza.

BOOK, PAGE

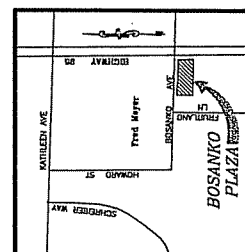
A PORTION OF TRACT 78 OF FRUITLAND ADDITION TO THE CITY OF COEUR D'ALENE, IN THE NE ¼ SEC. 2, T.50N., R.4W., B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



LINE TABLE		
LINE	LENGTH	BEARING
L1	9.37	S 00°16'19" W
L2	19.86	S 00°06'31" E
L3	12.07	N 00°08'49" W

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	BEARING	CHORD
C1	66.58	414.00	33.36	91°12'52"	N 78°29'25" E	66.51
C2	48.60	495.00	24.03	S 45°17'35" E	S 76°40'40" E	48.50

**LAUF LANE**



## REFERENCES

**RECEIVED**  
JAN 10 1964  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
DENVER, COLORADO

RUSSELL G. HONSARER, P.L.S. #5289

BOOK G: PAGE 177

2

PLAT OF  
BOSANKO PLAZA

SCALE: 1"=30'  
DATE: 7/6/06

**FRAME & SMETANA, PA.**  
Consulting Engineers

DRAWN BY: DWJ  
FILE: M45-PLAT

603 North 4th Street, Coeur d'Alene, Idaho, 83814  
Ph: (208)584-2121/Fac: 785-3507/E-mail: smelono@earthlink.net

**BOSANKO PLAZA**

A PORTION OF TRACT 78 OF FRUITLAND ADDITION TO THE CITY OF COEUR D'ALENE, IN THE NE ¼ SEC. 2, T.50N., R.4W., B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
INST. No. \_\_\_\_\_

**OWNER'S CERTIFICATE**

BE IT KNOWN THAT PEND ORELLE ASSOCIATES, LLC, AN IDAHO COMPANY, HAS CAUSED THE SAME TO BE SURVEYED AND DIVIDED INTO LOTS AND BLOCK AS SHOWN HEREON TO BE KNOWN AS BOSANKO PLAZA BEING A PORTION OF TRACT 78 OF THE PLAT OF FRUITLAND ADDITION TO THE TOWN OF COEUR D'ALENE, BOOK B, PAGE 108, RECORDS OF KOOTENAI COUNTY, IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 50 NORTH, RANGE 4 WEST, B.M., IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 2;  
THENCE S 32°58'44" E, 1703.04 FEET TO THE POINT OF BEGINNING FOR INSTRUMENT NUMBER 1483802, RECORDS OF KOOTENAI COUNTY; THENCE ALONG THE BOUNDARY LINE OF SAID INSTRUMENT NUMBER THE FOLLOWING COURSES:  
N 00°06'31" W, 10.01 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUING, THENCE CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH; THENCE FOLLOWING SAID RIGHT-OF-WAY LINE, 66.52 FEET ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 414.00 FEET, A CENTRAL ANGLE OF 09°12'23", A CHORD BEARING OF S 78°29'40" E AND A CHORD DISTANCE OF 66.45 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH; THENCE 49.60 FEET ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 485.00 FEET, A CENTRAL ANGLE OF 09°51'35", A CHORD BEARING OF S 76°48'49" E AND A CHORD DISTANCE OF 49.58 FEET; THENCE LEAVING THE SAID BOUNDARY LINE OF SAID INSTRUMENT NUMBER, S 88°44'07" E, 227.15 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 95; THENCE LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF BOSANKO ROAD ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 95, S 01°05'28" E, 155.83 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, CONCAVE TO THE WEST; THENCE 9.37 FEET ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 49000.68 FEET, A CENTRAL ANGLE OF 00°00'39", A CHORD BEARING OF S 00°16'19" W AND A CHORD DISTANCE OF 9.37 FEET; THENCE LEAVING THE SAID WESTERLY RIGHT-OF-WAY LINE, N 88°53'15" W, 403.25 FEET; THENCE N 00°06'31" W, 176.20 FEET; THENCE S 88°43'08" E, 60.15 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING APPROXIMATELY 1.57 ACRES, MORE OR LESS.

RESERVING ANY SUCH EASEMENT AS MAY BE OF RECORD OR IN VIEW.

WATER SERVICE AND SANITARY SEWER SERVICE TO EACH LOT PLATTED HEREIN WILL BE PROVIDED BY THE CITY OF COEUR D'ALENE.

SHELDON JACKSON

**STATE OF IDAHO, COUNTY OF KOOTENAI, SS**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ IN THE YEAR OF 2006, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED \_\_\_\_\_ KNOWN OR IDENTIFIED TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS (ARE) SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE)(THEY) EXECUTED THE SAME.

NOTARY PUBLIC  
RESIDING AT \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, RUSSELL G. HONSAKER, P.L.S. No. 5289, STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO AS PERTAINING TO PLATS AND SURVEYS.



RUSSELL G. HONSAKER, P.L.S. No. 5289

**CITY COUNCIL APPROVAL**

THIS PLAT APPROVED BY THE CITY COUNCIL OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MAYOR CITY OF COEUR D'ALENE

ENGINEER CITY OF COEUR D'ALENE

CLERK CITY OF COEUR D'ALENE

**PANHANDLE HEALTH DISTRICT I**

A SANITARY RESTRICTION ACCORDING TO IDAHO CODE 50-1326 TO 50-1329 IS IMPOSED ON THIS PLAT. NO BUILDING, DWELLING OR SHELTER SHALL BE ERRECTED UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED AND LIFTED.

THIS PLAT APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PANHANDLE HEALTH DISTRICT I

SANITARY RESTRICTION SATISFIED AND LIFTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

PANHANDLE HEALTH DISTRICT I

**KOOTENAI COUNTY TREASURER**

I HEREBY CERTIFY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ THAT THE REQUIRED TAXES ON THE HEREIN DESCRIBED LAND HAVE BEEN PAID THRU \_\_\_\_\_

KOOTENAI COUNTY TREASURER

**KOOTENAI COUNTY SURVEYOR**

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE SAME FOR FILING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_



**KOOTENAI COUNTY RECORDER**

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF KOOTENAI COUNTY, IDAHO, AT THE REQUEST OF \_\_\_\_\_ AT \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ INST. # \_\_\_\_\_ AND DULY RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ INST. # \_\_\_\_\_ FEE \$ \_\_\_\_\_

KOOTENAI COUNTY RECORDER

PLAT OF BOSANKO PLAZA		FRAME & SWEETANA, PA Consulting Engineers 103 North 4th Street, Coeur d'Alene, Idaho, 83814 PH: (208) 844-1237 / Fax: 789-5507 / Email: info@framesweetana.com	
SCALE:	GRAPH BY: DWJ	SHEET 2 OF 2	
DATE: 7/6/06	2-50N-4W M49	FEC 146-PLAT	

# **CITY COUNCIL STAFF REPORT**

**DATE:** January 16, 2007

**FROM:** Tim Martin, Street Superintendent

**SUBJECT:** **BID AWARD FOR A NEW TANDEM AXLE 10-YARD DUMP TRUCK**

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## **DECISION POINT:**

Request Council acceptance of the low and responsive bid received for a new tandem axle 10 yard dump truck with snowplow hitch.

## **HISTORY:**

The Capital Outlay Summary included in the adopted 2006-2007 Financial Plan includes a new tandem axle 10-yard dump truck. The estimate in the 2006-2007 Financial Plan for this new truck is \$140,000. The low responsive bid was \$111,000 submitted by Southern Idaho Freightliner, Inc.

## **FINANCIAL ANALYSIS:**

The low bid of \$111,000 is below the budget estimate of \$140,000. Included in this tandem dump was the purchase was a “sole source” plow that we received your blessing in last month’s Public Works meeting. The plow has already been purchased for \$14,000.00

## **PERFORMANCE ANALYSIS:**

The tandem axle 10-yard dump truck offered as the low bid has been analyzed and determined to meet our specifications. A delivery date has been specified as no later than 180 days after notice of award which enable us to use this equipment next winter.

## **QUALITY OF LIFE ANALYSIS:**

This proposed purchase will allow us to be even more responsive to emergency winter related snow storms and allows us to keep pace with day to day operations. This is a vital asset in keeping city streets safe in the winter.

## **DECISION POINT/RECOMMENDATION:**

Request Council acceptance of the low and responsive bid received for a new tandem axle 10-yard dump truck with snowplow hitch.

## ANNOUNCEMENTS

OTHER COMMITTEE MINUTES  
(Requiring Council Action)



# CITY OF COEUR D'ALENE

## PARKS DEPARTMENT

CITY HALL, 710 E. MULLAN AVENUE  
COEUR D'ALENE, IDAHO 83816-3964  
208-769-2252 – FAX 208-769-2383

### **PARKS & RECREATION COMMISSION MINUTES DECEMBER 11, 2006 - 5:30 P.M. COUNCIL CHAMBERS – CITY HALL**

#### **MEMBERS PRESENT:**

Lee Shellman, Chairman  
Scott Cranston, Vice Chairman  
Al Hassell, Council Liaison  
Dave Patzer  
Mike McDowell  
Jim Lien  
Bridget Hill  
Aaron Johnson, Student Rep

#### **MEMBERS ABSENT:**

Elizabeth St. John, Alt. Student Rep

#### **STAFF PRESENT:**

Doug Eastwood, Parks Director  
Steve Anthony, Recreation Director  
Michelle Griffin, Interim Parks Secretary

#### **GUESTS PRESENT:**

John Beutler, 1836 Northwest Blvd.  
Randy Cain, BMX Association  
Bonnie Cooper, 927 Lacrosse  
Mac Casavar, 621 Dollar Street  
Tad Deutsch, 1520 N. Melrose Street  
Tina Howard, 821 Lacross  
Lisa Issacs, 908 Noel Avenue  
Ralph Shay, 1415 Richmond Drive

**CALL TO ORDER:** Chairman Shellman called the meeting to order at 5:30 pm.

#### **1. Roll Call**

Eight members present and one member absent, resulting in an official quorum.

#### **2. PLEDGE OF ALLEGIANCE**

Commissioner Hill led the Pledge of Allegiance.

#### **3. APPROVAL NOVEMBER 13, 2006, MINUTES**

Motion was made by Commissioner Patzer to approve the November 13, 2006, minutes. Motion was seconded by Commissioner McDowell. Motion passed.

#### **4. STAFF COMMENTS**

Director Eastwood discussed the Needs Assessment Project with consultants from MIG and how it will be progressing quickly after the first of the year. The first round of public workshops to solicit input is scheduled for January 24, 25, and 26, 2006. This will be broken into different groups. Staff will be meeting with senior citizens on Wednesday the 24<sup>th</sup>. Steve and Doug will be sending e-mails to various groups. Doug will meet with the student reps to set up meetings at Coeur d' Alene and Lake City to meet with high school students to solicit their input. He spoke with Mr. Lien to set up a time at Woodland School on the 25<sup>th</sup> or 26<sup>th</sup>. There will be evening meetings



scheduled with families and then an additional evening meeting for adults without kids to complete the needs assessment.

Recreation Director, Steve Anthony, briefed the Commission on recreational activities that will be occurring during the next month.

The second annual 8<sup>th</sup> grade boys Christmas Tournament will take place at Woodland Middle School on December 15, 16 and 17. There are twelve teams registered for the event. During Christmas Break there will be open gym basketball occurring December 21, 22, 23, 26 through the 29<sup>th</sup>. On January 2, 2007 through January 12, 2007 will be first and second grade basketball signups at the Recreation Office. During the Christmas Break will be the Special Needs Recreation Christmas Camp. For more information on this camp the public can call the information line at #769-2317.

Last weekend Special Needs Recreation staff had their annual Christmas party at the Presbyterian Church with 175 participants. Angie Goucher, Special Needs Recreation Director and Paula Austin, Tournament Director, both did an excellent job getting the teams organized.

**5. COMMISSION COMMENTS**

There were no commission comments.

**6. PUBLIC COMMENTS**

There were no public comments.

**7. CONFLICT OF INTEREST DECLARATION**

There were two conflicts of interest declared. Commissioner Bridget Hill stated that for the Winton Hill Decision she was the principal there for fourteen years. For the Riverstone Park issue Commissioner Scott Cranston stated that he had a conflict of interest because he was the architect for some of the park structures.

**8. SPECIAL NEEDS RECREATION PRESENTATION**

This item was tabled until the next meeting due to an illness.

**9. 15<sup>TH</sup> STREET PRESENTATION (MAC CASAVAR)**

Mac Casavar, Chairman for the Pedestrian (Ped) Bike Committee, updated Commissioners on the Ped Bike Committee and solicited support for 15<sup>th</sup> Street improvements. At present, CDA does not have a continuous north/south bike connection. The Ped Bike Committee is looking at the possibility of an overlay going up 15<sup>th</sup> Street from Sherman Avenue through to Dalton. The Ped Bike Committee has placed this as a priority item on their agenda and is moving forward with contacting community groups, schools along that corridor, along with the homeowners associations to get support to put bike lanes on both sides of 15<sup>th</sup> Street all the way to Dalton, to make it one continuous avenue.

Mr. Casavar stated that the Ped Bike Committee members are concerned with making sure there is a safe route to Cherry Hill, schools, the BMX track and the other facilities in the area. The Committee has also looked at ADA considerations along that avenue. There are areas along 15<sup>th</sup> that have no sidewalk and there is a crossing under the interstate that is dangerous. He displayed overhead photos to illustrate his point.

Commissioner Lien asked if Mr. Casavar if he knew how to solve this problem. Mr. Casavar responded that the Department of Transportation has jurisdiction over that intersection and they do not have any enhancement funding to make any improvements. Mr. Casavar emphasized that something has to be done there.

Chairman Shellman asked if the City is responsible for cleaning underneath the bridge. Mr. Casavar responded that he believed they are.

Mr. Casavar asked Commissions to join the Ped Bike Commission members in moving forward in lending support in their efforts in form of letter or testimony at Public Works and later a presentation to Council to move this as a priority item forward. This area will be used for primary events such as Ironman and safe routes to schools. Brian Elementary students, Canfield students, and the high school track runners use this route. Mr. Casavar reported that the Ped Bike Commission's plan is to try to get the overlay done in 2007.

Chairman Shellman asked what the present plans are regarding the access off the freeway, coming down onto 15<sup>th</sup> Street on the north side of the bridge. It was supposed to be expanded out. Mr. Casavar responded that he did not know.

The Bike Ped Committee is currently working on an inventory from Sherman Avenue north. They are taking it in segments as a committee and walk through and take pictures and make a list of intersections where they see a need.

Commissioner McDowell asked why looking at both sides of the road and not just one. Mr. Casavar responded that they are looking at it from a transportation perspective and as a commuter trail concept. It is also for continuity purposes.

Commissioner Patzer asked how many cars go passed a day. Mr. Casavar responded that he will find out and report back.

There was discussion that there will need to be a formal meeting to solicit public input from neighbors on parking and their needs there.

Chairperson McDowell stated that a dedicated Class I Trail in lieu of a sidewalk could be an option and that the sidewalk could be retrofitted. Mr. Casavar responded that retrofitting is more expensive and the impact of rights of ways are a concern.

Mr. Cranston asked Director Eastwood about the goal of linking parks to bike paths. He asked if staff has established a priority for Ped Bike design or development. Mr. Eastwood responded that the Ped Bike Committee has updated the City's Ped bike plan and they are working with Park's staff on the Master Plan. The Plan will show what's existing and what is missing. Priority will be established and there is no significant priority list but it is on its way.

Commissioner Hassell asked if the overlay is scheduled for 2008? Mr. Casavar responded that it was a 2007 project. There was discussion that there may be a preliminary design already. Part of the overlay project is adding the pedestrian ramps. He felt that staff should find out what is planned for the area from Public Works or Engineering. Mr. Hassell asked when they would be working on this. Mr. Casavar stated that he will find out this information and forward the information to Director Eastwood.

Mr. Casavar also discussed the issue of the public crossing 15<sup>th</sup> Street to access the park. He stated that there should be some signage or some sort of pedestrian crossing.

Chairperson Shellman asked if Director Eastwood would look into this and see how far along this is in the planning stages. Mr. Eastwood stated that this will progress through the Ped Bike Committee and that the Master Plan process route would be most efficient.

## **10. RIVERSTONE PARK AND POND AGREEMENTS**

Doug reported that staff has been working on the Park Maintenance Agreement and a Pond Maintenance Agreement with Riverstone Development Company (SRM) for the past 10 months. Agreements have been drafted and the process is ready to present to City Council. SRM had representatives present with Dave Guthrie and Mike Ridley, their attorney. The Park Maintenance agreement is a three year agreement and the Pond Maintenance Agreement term is indefinite.

Commissioner Patzer expressed concern that there need to be adequate safeguards in place to ensure that the taxpayer do not end up assuming the responsibility. The agreement covers it but if something should change was his concern. If the land did not get developed in the manner of the spirit of the park it would make this amenity an undesirable place. He wanted to ensure that this amenity becomes usable and eliminate the options of that happening. Mr. Patzer asked if we could create an assurance that it becomes an attractive area. He asked if this has been master planned out. Director Eastwood responded that he didn't see any concerns that would inhibit the use of the park property. Staff is involved in all the conversations to ensure this does not occur.

Chairperson McDowell added that one of the tools available to us in the City is to look at any potential zone changes that would allow for the uses that could jeopardize the use of the pond and park site as a recreational facility. He encouraged buffering of the site to safeguard the uses and protect the site. Mr. Eastwood responded that as the subdivision grows it is a safeguard.

Ms. Hill asked about short term contracts as an option.

Commissioners discussed the risks associated with this project.

**There was a motion to recommend this to City Council and enter into the Park Maintenance Agreement and the Pond Maintenance Agreement.**

Dave Guthrie of SRM commented that there are risks but that given the quality of the infrastructure and the improvements he did not see any major concerns.

**Commissioner McDowell moved to make a recommendation to the City Council that they adopt the Riverstone Park and Pond Agreements. Commissioner Patzer seconded the motion. Motion passed 6-0 in favor.**

## **11. PROPOSED LAND TRADE AT WINTON PARK**

Director Eastwood received a request from John Beutler and his team to put an office complex where the old Pines Resort Hotel and Restaurant used to be on Northwest Blvd. The request is proposing to trade a sliver a property, 1900 square feet, for

another piece of 1900 square feet property, contiguous to the park. Staff received two Land and Water Conservation Grants for this site to develop the park. Once the park is developed staff has to submit a boundary map to the State and Federal Government. The boundary map takes all the property and makes it all one. It all falls under the 6F Boundaries and is under the jurisdiction of the National Park Service.

Mr. Beutler asked to trade for equal pieces of property. He stated that his project driveway wraps around the condos and the flow of traffic works better if they can cut across the parkland.

The parcel that CDA would receive sits higher on the topography scale than the piece currently owned.

Questions that have been asked of staff regarding this issue:

What would we do with it? Director Eastwood answered that it would remain natural area like the rest of Winton Park.

Will it serve as a buffer? Mr. Eastwood answered was that it could. The parcel that we would be trading has more trees on it than the piece the City currently owns.

If Commissioners wanted to proceed with the trade then a formal public hearing would be required to invite the public and that information would then be forwarded to the State and National Parks Service for public record. There would need to be a letter from School District 271, which Mr. Eastwood has already asked for. Staff had a meeting with District 271 staff earlier in the year to discuss this concept and school district staff did not see any problems with it.

Commissioner Hill asked if there are any erosion issues with this. Mr. Eastwood responded that John will speak to that but an erosion control process would have to occur as part of the permit process.

Chairman Shellman asked that by accepting the trade does it improve the continuity of the park. Mr. Eastwood answered it is possible, as it is higher ground. Commissioner McDowell stated that Mr. Beutler's parcel is more usable.

Mr. John Beutler of 1836 NW Blvd. testified that he has an office building planned to be built there. He needs that area for three parking spaces and a retaining wall. There was an appraisal done and both areas are equally priced.

Commissioner Hassell asked if there is value to adding a stairway to access the property to get into the park from the office complex.

Commissioner Patzer asked if this would this be a deal breaker for his building if the property transfer does not occur. Mr. Beutler said it may. Mr. Patzer stated that there is no value to public. Perception wise the public would demand there would be value to the public.

There was discussion regarding property access.

Tad Deutsch, 1520 N. Melrose Street testified he agreed with Mr. Patzer's statement and asked if this is it a mixed use or if it was all offices? He stated that it seemed to be an even trade but he was concerned about keeping the trees. He lives across the street and would prefer to not have the access.

Bonnie Cooper, 927 W. Lacrosse testified that she would prefer not to have access at the site. There was a transient living there during the summer in a tent and she would prefer to not have access to it.

Tina Howard, 821 Lacross testified that she would prefer to not have access. She stated that Northwest Blvd. is too busy. She stated that she supported the land trade but did not support access through the parcel.

Mr. Cranston asked about the scope of fencing that encloses the park. If a trade was done would there be any adjustments in the fence line. Mr. Eastwood responded that the fence line is ITD's fence and it is in the right of way.

Ms. Hill asked if there would be any cost incurred with this trade. Mr. Eastwood responded that no costs would be incurred. An appraisal was completed and paid for by Mr. Beutler and if there were any additional costs they would be the responsibility of Mr. Beutler.

Lisa Issacs, 908 Noel Avenue testified that her concern is that the trees not be taken away. If trees are lost in this land swap she is concerned.

Chairman Shellman emphasized that four members of the public testified regarding access through the property and were not in favor of it. They were also concerned about retaining the existing trees on the land.

**There was a motion to forward the endorsement to City Council to trade land to John Beutler and Associates and request that the City Council set a public hearing date on the issue. All costs associated with the trade are to be born by John Beutler and Associates and that City Council consider any value to the public in lieu of the trade. Commissioner Patzer seconded it. Ms. Hill and Mr. Hassell abstained from vote. Motion was passed 5 to 0 and will be forwarded on to City Council.**

## **12. CONFLICTING USE OF BMX TRACK**

Director Eastwood discussed the BMX track at Cherry Hill Park. The BMX Association donated their time and material to build the track and it was specifically designed for the use of BMX style bicycles. This past year there has been a conflict of use with remote control toy vehicles using the track and creating an unsafe environment for the intended BMX users. Complaints have been received by the neighbors regarding the noise, fire hazards due to the fuel being used in the cars and the unsafe ruts caused by the remote control cars. There are both electric and fuel powered cars that are causing damage to the track. Staff encourages self policing of the track but the BMX track is not the best site for the remote control cars. Staff is working to promote user group participation in a collaborative workshop to determine needs assessment. Due to the safety and noise concerns staff recommends that remote control cars be prohibited at Cherry Hill Park.

Commissioner Patzer asked if the ordinance should be expanded to include motorized activities. Can we ban motorized activities in the park? What about remote control airplanes? Is this too specific? Mr. Eastwood replied that motorized vehicles are prohibited by ordinance.

There was discussion as to if this should be a larger net or keep it site specific?

Commissioner Cranston asked if we want to ban the activity from the park or limit it to the BMX facility.

Commissioner McDowell commented that there is immediate need and are we treating the problem. Is there a larger issue? He would be in favor of the ban but we need more time to see if there should be a wider base?

Chairperson Shellman commented that ATV's and snowmobiles use the park. Mr. Eastwood replied that these types of vehicles are not allowed in the park.

There was discussion that there are residents concerned about the damage and it is a nuisance. Mr. Patzer asked if we should we pause and look at it more. Or go through the planning process. Is there adequate time for this?

Randy Cain, representing the BMX Association, testified that he has not had problems with user groups, but he has had problems with those using the remote control cars.

Ralph Shay, 1415 Richmond Drive, testified that he gets to hear and see what occurs at the park. He stated that there has not been a snowmobiler for two years and that when there is a problem law enforcement can not get there in time to catch the offenders. BMX people there are minimal concerns with. The RC cars have become more problematic. The RC cars are noisy and cause a lot of damage. He calls Director Eastwood with any problems that occur at the track. The remote control car users do not turn the machines off when refueling and that is a fire and explosive hazard due to the kerosene and nitrous oxide used. He would like to see a discussion of where the remote control car users can be. When the park was approved it was not to have motorized vehicles.

Mr. Randy Cain concurred that something needs to happen soon.

Commissioner Hassell commented that the existing ordinance could be changed to include remote control. Mr. Eastwood replied that the ordinance came from the City Attorney.

Commissioner Hill asked if it would be worth doing a workshop to further discuss the broader picture. Chairperson Shellman responded that there is an immediate problem that we have to take care of and it can be expanded upon during the winter months.

**Commissioner McDowell made a motion to ask staff to prepare an ordinance that would prohibit the use of remote control vehicles in Cherry Hill Park and that staff further continue the investigation into other potential conflicting uses in the park for further discussion at the Commission level. The motion was passed 7 to 0.**

### **13. WORKSHOP – JANUARY 22, 2007**

Motion to adjourn at 6:54 PM.

Respectfully submitted by Michelle Griffin, Interim Parks Secretary

**NEXT MEETING: Monday, January 8, 2006 – 5:30 pm in Council Chambers**

## **PARKS AND RECREATION COMMISSION STAFF REPORT**

**DATE:** December 11, 2006

**FROM:** Doug Eastwood, Parks Director

**SUBJECT:** RIVERSTONE PARK AND POND AGREEMENTS *(Council Action Required)*

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**Decision Point:**

Recommend to the City Council to enter into the Park Maintenance agreement and the Pond Maintenance agreement with SRM and the Riverstone Homeowners Association.

**History:**

SRM Development has proposed to construct a 6 acre pond and a 5 acre park within their new subdivision. After many months of negotiating the responsibilities of the lake and pond the two agreements were prepared. The park and pond are expected to be completed and ready for use in the spring of 2007.

**Financial Analysis:**

The City is not incurring any cost in this project. SRM is donating the land to the CDA Parks Foundation and the Lake City Development Company is financing the construction of the park and pond. SRM Development will pay the City Parks Department a pre determined sum for a period of three years to maintain the park area. After the three year period, the City of CDA will be responsible for the long term costs of maintaining the park site.

**Performance Analysis:**

This project will service a mix of commercial and residential sites. The pond will be an aesthetic amenity to the subdivision and complimentary to the park. The park itself will have special amenities that will serve a variety of uses, some of which are not offered in our other parks to the extent that they will be available in this new park. An example of this would be wedding ceremonies. The new amphitheater and pond background provides a perfect backdrop for this type of activity. The inclusion of this park into the CDA Park System also helps us keep up with the demand of developed parkland and helps us meet our ratio of acres/1,000 population of developed parkland.

**Decision Point:**

Recommend to the City Council to enter into the Park Maintenance agreement and the Pond Maintenance agreement.

**PARKS AND RECREATION COMMISSION  
STAFF REPORT**

**DATE:** December 11, 2006

**FROM:** Doug Eastwood, Parks Director

**SUBJECT:** PROPOSED LAND TRADE AT WINTON PARK *(Council Action Required)*

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**Decision Point:**

1. Forward recommendation to City Council to trade land to John Beutler and Associates and request that the City Council set a public hearing date. All cost associated with the trade will be borne by John Beutler and Associates.
2. Deny request to trade land.

**History:**

Winton Park was jointly built by School District 271 and the City of CDA. Both parties acquired parcels of land comprised of the 6 acres that make up Winton Park. The Park was built with Land & Water Conservation Funds, one grant was awarded in 1981 and another in 1984. The LWCF requires that any and all land acquired and/or developed will remain as outdoor public recreation land into perpetuity. Any change in use of the property to anything other than outdoor recreation will result in a conversion and the sponsor (the City and the School District) will have to mitigate the conversion.

**Financial Analysis:**

The exchange of land will not cost the City or the School District. All costs related to the exchange will be borne by the party making the request. That can include, but not be limited to; appraisals, site surveys, site maps, mailings, etc. A public hearing on the exchange of land is also required so the public can have input on the proposal. Staff time will add up and it is not known as to how much time will be spent coordinating the exchange. The State of Idaho and the National Park Service, respectively, will have the final say as to whether or not the exchange of land can occur.

**Performance Analysis:**

Both parcels of the 1,900 +, - , square feet that is being requested to trade are contiguous to Winton Park. The land currently within the LWCF boundaries is at the base of a hill on the west side of the park. The land being proposed for trade is on the south side of the park and is on ground that is higher in elevation. A high rise condominium project will be constructed west of Winton Park and the access for parking and driveway would better serve the condominium project if the parcel we own was traded to the developer. There is no apparent benefit to the public as a result of the proposed trade and there is no apparent loss to the public if the trade is approved.

**Decision Point:**

1. Forward recommendation to City Council to trade land to John Beutler and Associates and request that the City Council set a public hearing date. All costs associated with the trade are to be borne by John Beutler and Associates.
2. Deny request to trade land.



**PARKS AND RECREATION COMMISSION  
STAFF REPORT**

**DATE:** December 11, 2006

**FROM:** Doug Eastwood, Parks Director

**SUBJECT:** **CONFLICTING USE OF BMX TRACK AT CHERRY HILL**  
*(Council Action Required)*

**Decision Point:**

Amend ordinance 10.40.030 to prohibit remote control vehicles at Cherry Hill Park.

**History:**

The BMX Association donated their time and material to help the City construct the BMX Track at Cherry Hill. It is a dirt track that was specifically designed for the use of BMX style bicycles. Other types of use have occurred at the BMX Track. Most recently (this past year) remote control toy vehicles have been using the track and created an unsafe environment for the intended BMX users.

**Financial Analysis:**

The cost of maintaining the BMX Track has gone up due to conflicting uses. Remote control vehicles have been using the track and causing ruts and posing a hazard to kids on BMX bikes. Most of the time to repair the track is donated by the BMX Association. The BMX Association is not responsible for damage to the track by others; however the association has been making repairs to date.

**Performance Analysis:**

Multiple uses of a facility are encouraged when one user group does not have a negative impact on another group. In this situation the track is being damaged, collisions between kids on BMX bikes and remote control cars will happen and the track itself is becoming unsafe due to the ruts caused by the remote control cars. Complaints have been received by the neighbors regarding the noise of the remote control cars and concerns about fire hazards due to the fuel being used in the cars near natural areas at Cherry Hill. Remote control car enthusiasts should participate in the public workshop process of updating the parks master plan to help identify this specific need, location, costs and implementation. There are several different categories of the remote control cars, i.e.; rock crawlers, electric (battery operated), and nitro (fuel operated). In order to address the varied uses, the public workshops would be the best venue at this time.

**Decision Point:**

Amend ordinance 10.40.030 to include;  
10.40.030 E.

Use of remote control toy vehicles is prohibited at Cherry Hill Park.

## MEMORANDUM

DATE: DECEMBER 20, 2006

TO: MAYOR BLOEM AND THE CITY COUNCIL

FROM: STEVE ANTHONY, ART'S COMMISSION LIAISON  
RENATA MCLEOD, PROJECT COORDINATOR

RE: APPROVAL OF THE ART COMMISSION'S RECOMMENDATION FOR  
EXTERIOR PUBLIC ART AT THE COEUR D'ALENE LIBRARY AND  
AGREEMENT WITH ARTIST MARK STASZ

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### **DECISION POINT:**

To approve the recommendation of the Arts Commission for exterior public art at the Coeur d'Alene Public Library site and approve the agreement with the artist Mark Stasz.

### **HISTORY:**

The Art Selection Committee began meeting in July, 2006. They produced a request for proposals for exterior public art and received approximately 23 submissions. The committee narrowed the submissions to four proposals and requested that maquette's be prepared. The maquettes were displayed for public comments from October 12 through November 6, 2006. After reviewing the comments and after much discussion, the Selection Committee, by majority vote, selected Mark Stasz's proposal entitled "Horizons." The Arts Commission reviewed the recommendation in November and requested additional information regarding the fountain and technical aspects of the piece. At the December 19, 2006 Arts Commission meeting, the Commission approved the Selection Committee's recommendation of Mark Stasz's proposal with a recommendation to the City Council for approval.

### **FINANCIAL:**

The project budget is \$49,285.00.

### **DECISION POINT/RECOMMENDATION:**

To approve the recommendation of the Arts Commission for exterior public art at the Coeur d'Alene Public Library site and approve the agreement with the artist Mark Stasz.

RESOLUTION NO. 07-003

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A SERVICES AGREEMENT FOR THE CREATION AND INSTALLATION OF EXTERIOR PUBLIC ART FOR THE NEW COEUR D'ALENE PUBLIC LIBRARY, WITH MARK STASZ, WHOSE ADDRESS IS P.O. BOX 424, BELLEVUE, IDAHO 83313.

WHEREAS, the Arts Commission of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into an agreement with Mark Stasz, for the Creation and Installation of Exterior Public Art pursuant to terms and conditions set forth in a Services Agreement, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

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

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

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

DATED this 2<sup>nd</sup> day of January, 2007.

---

Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER GOODLANDER Voted \_\_\_\_\_

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

COUNCIL MEMBER HASSELL Voted \_\_\_\_\_

COUNCIL MEMBER KENNEDY Voted \_\_\_\_\_

COUNCIL MEMBER REID Voted \_\_\_\_\_

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

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

SERVICES AGREEMENT

between

THE CITY OF COEUR D'ALENE

and

MARK STASZ

for

CREATION AND INSTALLATION OF EXTERIOR PUBLIC ART

FOR NEW COEUR D'ALENE PUBLIC LIBRARY

THIS CONTRACT, made and entered into this 2nd day of January, 2007, between the CITY OF COEUR D'ALENE, Kootenai County, Idaho, a municipal corporation and political subdivision of the state of Idaho, hereinafter referred to as the "City," and Mark Stasz, whose address is P.O. Box 424, Bellevue, Idaho, 83313, hereinafter referred to as the "Artist,"

W I T N E S S E T H:

Section 1.     Employment of the Artist. The City hereby agrees to engage the Artist to perform the services for design, construction, placement, installation and installation supervision of the exterior public art for the new Coeur d'Alene Public Library as hereinafter set forth in Artist's proposal attached hereto and incorporated herein as Exhibit "A."

Section 2.     Personnel.

- A.     The Artist represents that Artist will perform the services under this contract and shall not be an employee of the City.
- B.     All of the services required hereunder will be performed by the Artist.

Section 3.     Time of Performance. The services of the Artist shall commence upon execution of this contract by the Mayor and shall be completed within six (6) months of this contract being fully executed.

Section 4. Compensation.

A. Subject to the provisions of this agreement, the City shall pay the Artist a total of Forty Nine Thousand two hundred eighty-five Dollars and No/100 Dollars (\$49,285.00) for services, payable as follows:

1. \$30,000 at the start of the project
2. \$10,000 at mid-construction
3. \$5,000 at fabrication completion
4. \$4,285 thirty (30) days after installation of the art object

B. Except as otherwise provided in this agreement, the City shall not provide any additional compensation, payment, use of facilities, service or other things of value to the Artist in connection with performance of contract duties.

Section 5. Site Preparation. The City/City's Contractor shall be responsible for the providing electrical lines and water and sewer lines to the site. The Artist shall be responsible for site preparation as outlined in his proposal.

Section 6. Assignability. The Artist shall not delegate duties or otherwise subcontract work or services under this contract. The Artist may use other individuals working under his supervision to assist him in the construction and the installation of the public art object.

Section 7. Interest of the Artist. The Artist covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this contract.

Section 8. Relationship of the Parties. The Artist shall perform his obligations hereunder as an independent contractor of the City. The City may administer this contract and monitor the Artist's compliance with this agreement but shall not supervise or otherwise direct the Artist except to provide recommendations and to provide approvals pursuant to this agreement.

Section 9. Hold Harmless. Artist shall furnish and install barriers to prevent accidents while installing the public art object on the site and shall indemnify, defend and hold the city harmless from all claims for injury to person or property resulting from the Artist's actions or omissions in performance of this agreement.

Section 10. Warranties.

A. The Artist shall not be responsible for the maintenance of the public art object or for any damages resulting from the City's failure to maintain the public art object nor from any causes beyond the control of the Artist.

B. The Artist shall obtain from the supplier and provide to the City a warranty on materials associated with the public art.

Section 11. Ownership. The City shall maintain ownership and all rights to the public art object once it is completed and installed.

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

CITY OF COEUR D'ALENE

ARTIST

\_\_\_\_\_  
Sandi Bloem, Mayor

\_\_\_\_\_  
Mark Stasz

ATTEST:

\_\_\_\_\_  
Susan K. Weathers, City Clerk

[illegible]

On this 2<sup>nd</sup> day of January, 2006, before me, a Notary Public, personally appeared **Sandi Bloem** and **Susan K. Weathers**, 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: \_\_\_\_\_

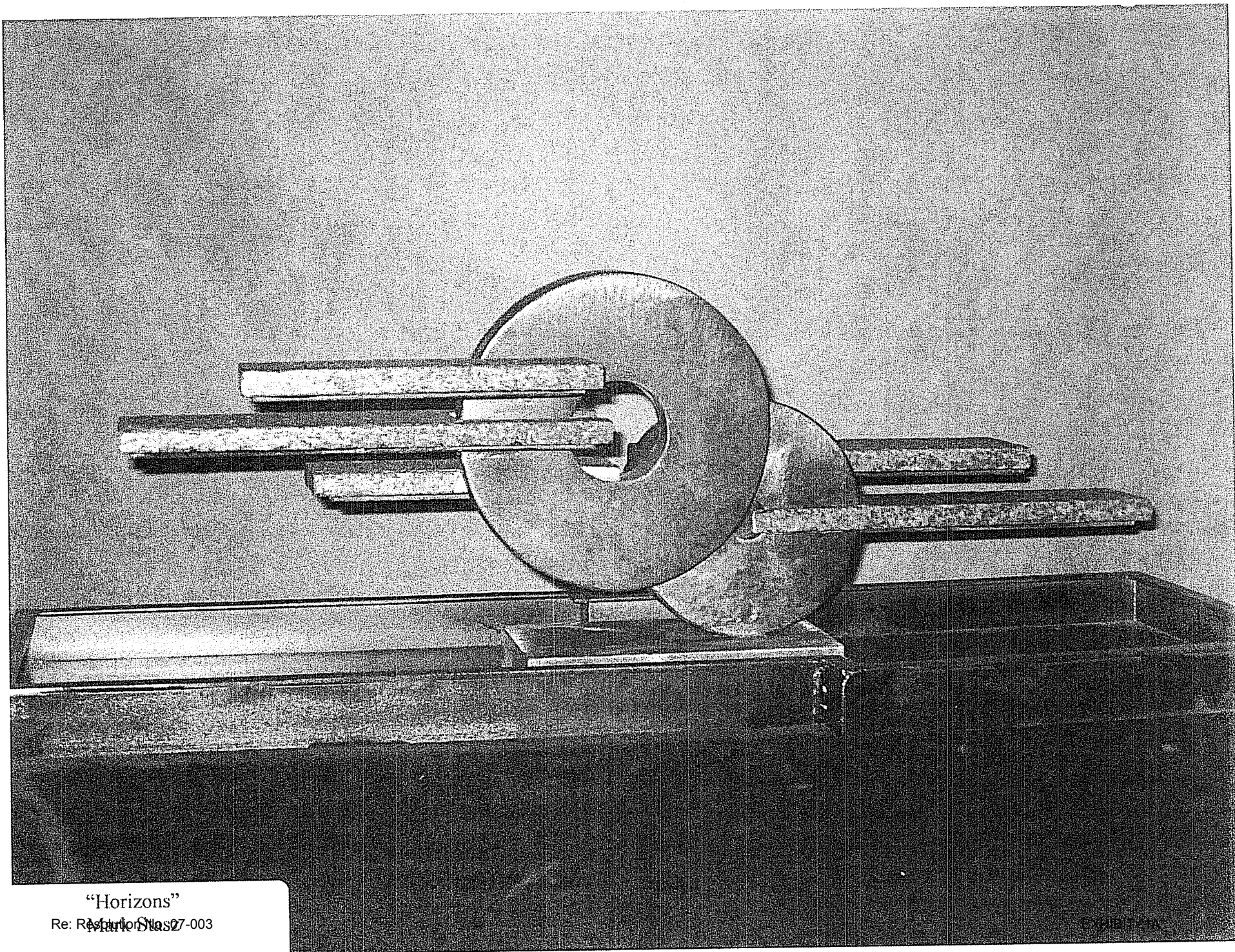
STATE OF IDAHO )  
 ) ss.  
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of January, 2007, before me, a Notary Public, personally appeared **Mark Stasz**, known to me to be the person whose name is subscribed to the within 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: \_\_\_\_\_





"Horizons"

Re: Rauschenberg 27-003  
Robert Rauschenberg

Coeur d'Alene Public Library

## **MARK STASZ**

**Box 424 Bellevue, Idaho 83313 Ph/Fax (208) 788-0865 mark@staszsculpture.com**

Coeur d'Alene Public Library Public Art Project: Proposal Description

### **PROPOSAL DESCRIPTION**

The piece I have created for the Coeur d'Alene Library is a sculptural water feature titled, "Horizons". Fabricated of bronze, stainless steel and granite, this sculpture is designed for 360 degree viewing from inside the Library, outside in front of the Library, and from further distances such as McEuen Field and City Hall. The size and openness of the composition allows for this expanded viewing area and elevates the sculpture to a level of recognition; it can be regarded as a true landmark. Understanding the broad range of arts and culture in Coeur d'Alene, and this particular work of art's prominent location in front of the Library, I realized this sculpture had to be timeless in its aesthetic appeal, broad in its vision and a complement to the remarkable surroundings in which it would be placed.

Working with the distinctive architecture of the Library itself, I began with the circle as my main building block as a visual contrast to the linear aspects of the building. The circle is nature's most complete form and lends the composition a necessary balance and harmony. Additionally, the circle is inherently one of the most structurally sound shapes. The lower ring grounds the piece and serves as the central supporting structure – holding aloft the second ring and the granite troughs. The supposed "precariousness" of this composition provides for visual intrigue and a sense of motion – two elements I really enjoy utilizing that many people find interesting and engaging. I selected stainless steel for the interior of the rings to allow for greater reflection and passage of light. With the exquisite natural light of the Inland Northwest, I know light will play well in and around these shapes throughout each day and across each season. It brings an ever-changing element to the sculpture that makes it again, timeless and broad in its aesthetic appeal. The faces of the rings are bronze with a ferric nitrate patina which creates a rich, warm, inviting brown filled with beautiful bronze and golden highlights.

In contrast to the organic shape of the circles, and complementing the distinctive architecture of Library, are five horizontal granite slabs. These long, broad slabs of granite have a very architectural element to them, as well as being the means of conveyance for water from one tier to the next. Each granite trough has a wide spout, ranging from 10" on the upper rocks to to 20" wide on the lower ones, through which a fairly substantial volume of water will pass. The sheeting action of the water creates fabulous water noise and a spectacular visual element. I believe the controlled waterfall quality will draw people's attention and engage them directly.

Overall, I tried to create something that residents and visitors alike would find inspiring, enjoyable, memorable, and definitive. "Horizons" reflects the remarkable caliber of arts and culture in the Coeur d'Alene area in its modernity and timelessness. Visual strength and grace are presented in hand carved rock, clean stainless steel, and warm patina-rich bronze. The combination, and ultimate result, is reflective of the dual qualities present in the greater Coeur d'Alene community, balancing nature and recreation with arts and international business. I sincerely look forward to making "Horizons" a reality for the Coeur d'Alene Public Library. It would be an honor, a challenge, and a true landmark for now and for generations to come.

#### MATERIALS, FOUNTAIN MECHANICS, and BASIN SPECIFICATIONS

"Horizons" is composed of fabricated stainless steel, bronze and granite. Bronze is used as the primary exterior metal for its inviting color and incredibly durability; it easily withstands harsh natural elements, like snow, ice and humidity without maintenance. Stainless steel is primarily used in the interior of the sculpture and the extensive array of corrugation used for structural support. It does not rust, requires no maintenance, and can withstand harsh natural elements.

Granite was selected for its durability and maintenance-free natural condition. The spouts are

made of bronze so there will be no rusting or maintenance concerns. The base on which the piece sits is fabricated of stainless steel. The basin is fabricated in stainless steel and painted with a black epoxy waterproof paint that helps to ensure longevity. The basin is set into the ground at grade on top of 3" of crushed gravel leveled inside a 12" deep excavated area matching the perimeter of the basin shape. The water is continually re-circulated through the sculpture by two centrifugal pumps housed outside the sculpture base within the stainless steel basin. There are four ball-valves controlling the flow of the water so it can be adjusted manually for different water activity levels and noise. Water feeds the troughs via 1" water lines that come up from the basin through the rings. Each ring has two 1" water lines, so there are a total of four for the entire piece. This will ensure a steady and adequate water flow throughout the entire piece.

# **MARK STASZ**

**Box 424 Bellevue, Idaho 83313 Ph/Fax (208) 788-0865 mark@staszsculpture.com**

Coeur d'Alene Public Library Public Art Project: Proposal Budget

TITLE: "Horizons"

MEDIUM: Bronze, Stainless Steel, and Granite

DIMENSIONS: Sculpture 7' 3" x 18' 4" x 6' Basin 12" x 22' x 9'

## **MATERIALS:**

### **Sculpture**

Bronze	6,210.
Stainless Steel	7,600.
Granite 3 slabs	5,500.
Plumbing	2,000.

### **Basin**

Stainless Steel	4,725.
Epoxy Paint	300.
Cement	1,500.

## **DELIVERY:**

Bellevue, Idaho to Coeur d'Alene, Idaho (includes transportation insurance)	2,000.
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## **INSTALLATION:**

Including equipment & labor	1,200.
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## **FABRICATION:**

160 hours @ \$ 100.00/hour	16,000.
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## **SITE PREPARATION:**

Excavate area 12' x 8'7" x 22' & fill with 3" crushed gravel	1,500.
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## **ADDITIONAL COSTS:**

Miscellaneous, Fees, Etc.	750.
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**COMMISSION TOTAL: \$ 49,285.00**

## **MARK STASZ**

**Box 424 Bellevue, Idaho 83313 Ph/Fax (208) 788-0865 mark@staszsculpture.com**

Coeur d'Alene Public Library Public Art Project: Proposal Timeline

### **SCULPTURE FABRICATION SCHEDULE**

Material Order: After receipt of first installment.

Fabrication Begins: After receipt of materials.

Stage One: Build and corrugate bronze and stainless steel rings. Incorporate plumbing.

Stage Two: Build stainless steel base. Assemble rings on base.

Stage Three: Carve granite troughs and fabricate bronze spouts.

Stage Four: Fabricate structural trough supports and attach granite.

Stage Five: Build basin. Assemble piece. Test run water, pumps, etc.

Stage Six: Disassemble piece to patina individual parts. Re-assemble.

Sculpture Complete: Approximately July 2007

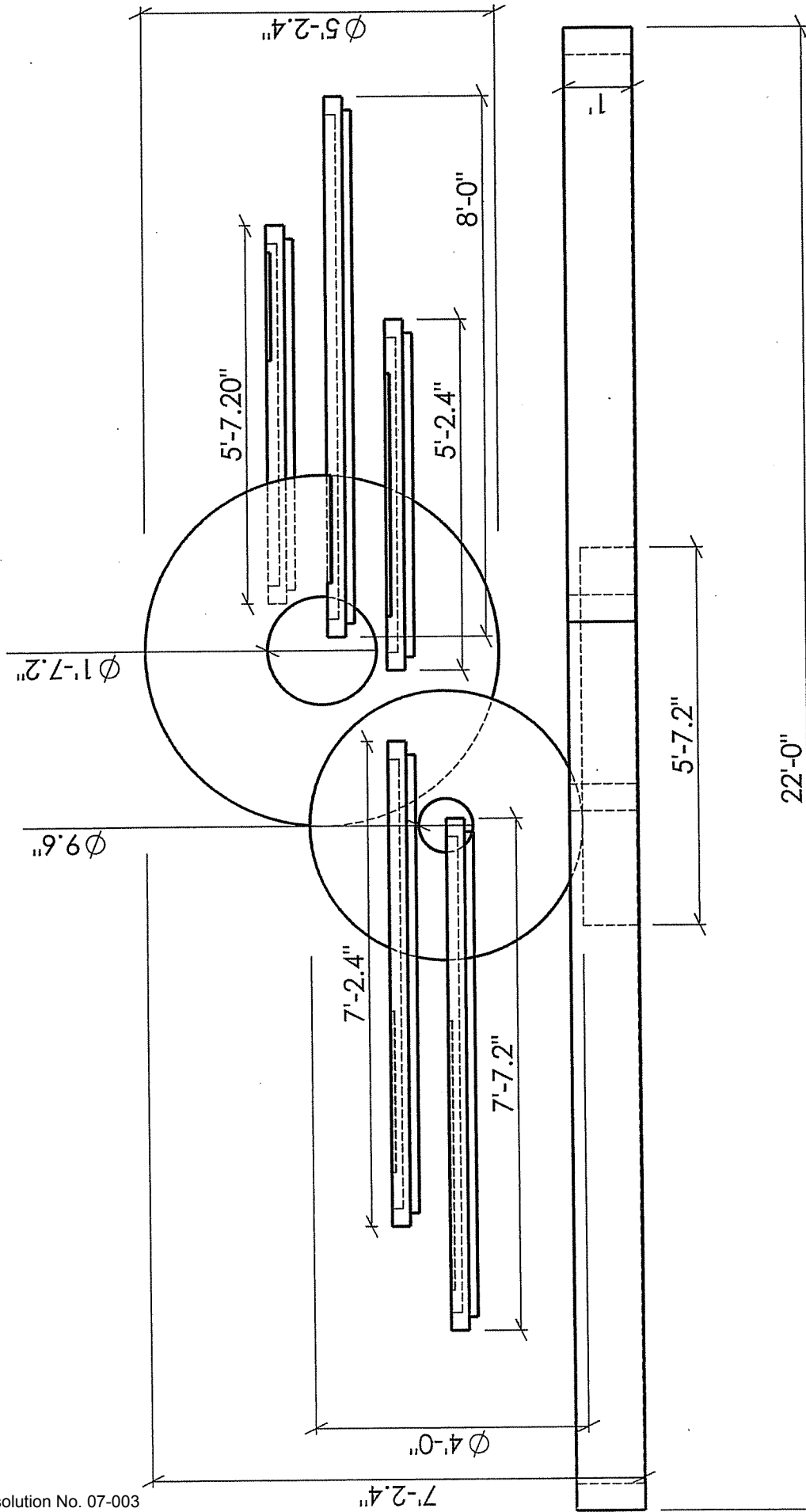
Stage Seven: Build shipping brackets and supports for transport to Coeur d'Alene.

Stage Eight: Load truck and equipment for trip to Coeur d'Alene for installation.

### **SITE PREPARATION SCHEDULE**

To be completed prior to installation of sculpture (Approximately July 2007) :

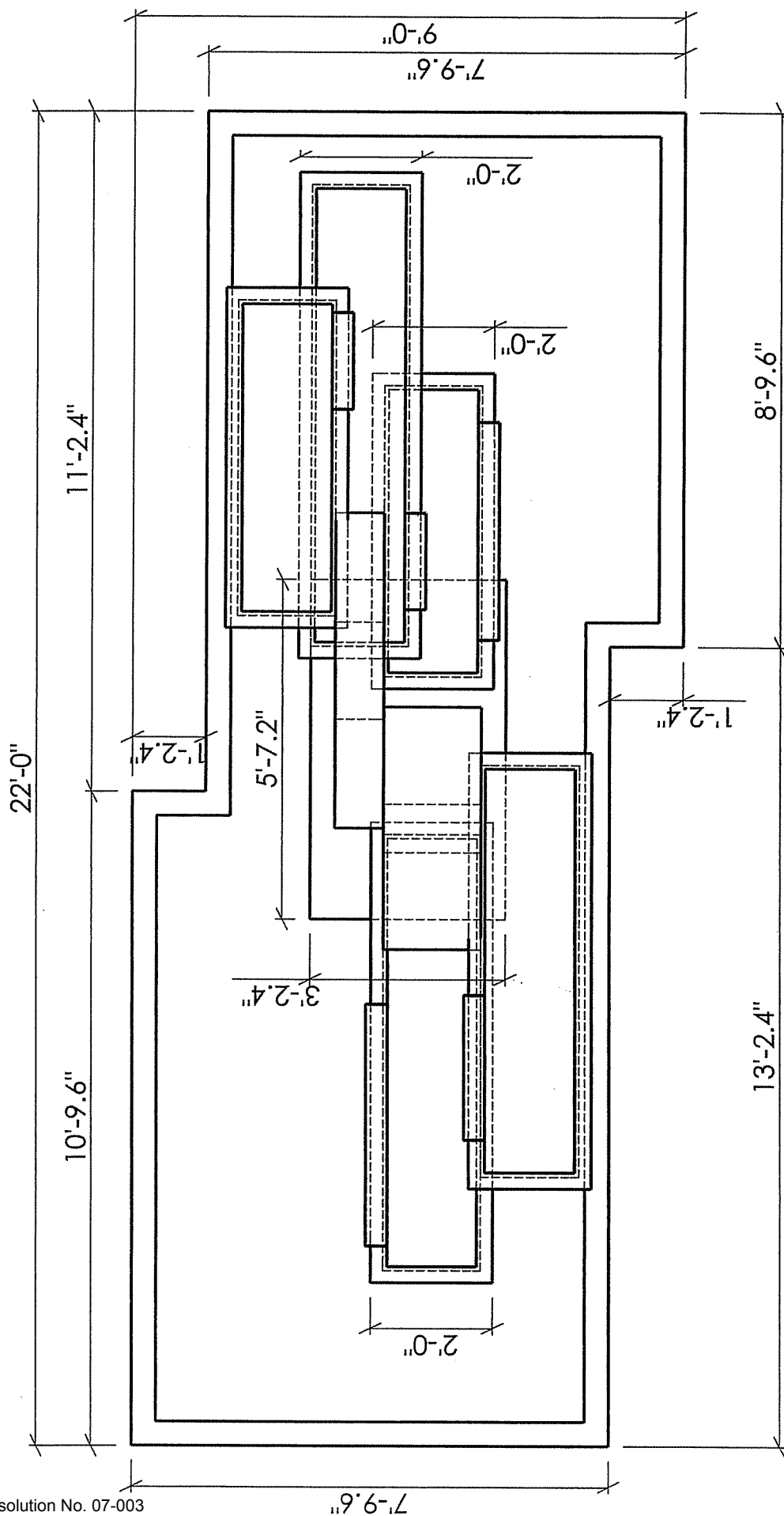
- Basin location area excavated and filled
- Electrical lines to site
- Water feed lines to site



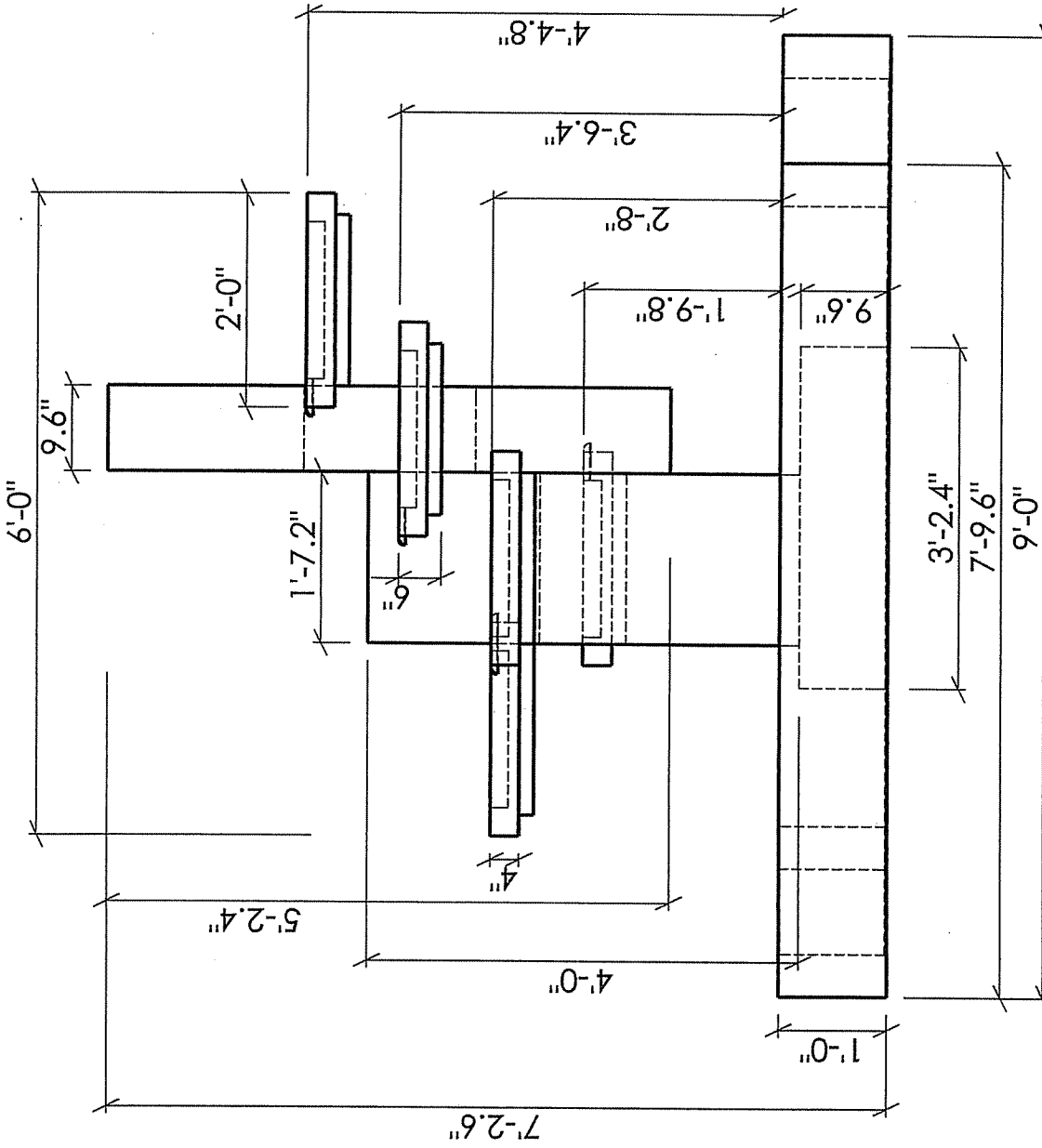
**STASZ STUDIO, LLC.**

**A WATER SCULPTURE PROPOSAL  
FOR COEUR D'ALENE PUBLIC LIBRARY**

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OTHER BUSINESS

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

**A. INTRODUCTION**

**This matter having come before the Coeur d'Alene City Council on December 5, 2006 and there being present a person requesting approval of ITEM ZC-6-06, a request for a zone change from M (Manufacturing) to R-17 (Residential at 17 units/acre) and C-17 (Commercial at 17 units/acre).**

**LOCATION: +/- 11.7 acre parcel adjacent to Howard Street and Bosanko Avenue.**

**APPLICANT: Active West Development**

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

- B1. That the existing land uses are residential – single-family, mobile homes and duplex, commercial – sales and service, light industrial, civic and vacant property.**
- B2. That the Comprehensive Plan Map designation is Transition.**
- B3. That the zoning is M (Manufacturing).**
- B4. That the notice of public hearing was published on November 18, 2006 and November 28, 2006, which fulfills the legal requirement.**
- B5. That the notice of public hearing was posted on the property on November 25, 2006, which fulfills the legal requirement.**
- B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 17, 2006, and 5**

**responses were received: 3 in favor, 2 opposed.**

**B7. That public testimony was heard on December 5, 2006 including but not limited to:**

**John Stamsos, Associate Planner.**

Mr. Stamsos stated that Active West Development was seeking a zone change from Manufacturing to R-17 and C-17; approval of a preliminary plat; a Planned Unit Development, and a Special Use Permit for a density bonus for cluster housing. The parcel is approximately 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue. Mr. Stamsos reviewed the staff analysis for land use, neighborhood characteristics, utilities, traffic and streets. He noted that the deviations to the zoning and subdivision ordinances for setbacks, lot size, lot frontage, building height, and street widths are requested as part of a PUD. Mr. Stamsos reported that on August 8, 2006 the Planning Commission held a public hearing and denied the request by a vote of 4-0. Written comments were distributed for Council review.

**Dennis Cunningham, 424 Sherman Avenue, Suite 205.**

Mr. Cunningham spoke on behalf of the applicant. He reported that his agency designed the proposed project using infill regulations as part of the PUD. He reported that the proposal is exclusively for adults 55 and over with different product types and price ranges with some units being affordable housing units. He noted that prices would range from \$325,000 for the single-family units to \$220,000-\$260,000 for townhouses to \$129,000 starting range for the condominium units. He further commented that the development would be served by two access/egress points.

**Phil Boyd, 1620 Lincoln Way.**

Mr. Boyd from Welch Comer Engineers spoke on behalf of the applicant and addressed the zoning request noting that a lot of properties in this area are going from MH-8 to residential and the transitioning of this area is being driven by commerce in the manufacturing zone which primarily has become a commercial park. In summary he asked the Council to consider that the Meadow Ranch project meets the comprehensive plan and its goals.

**Gary Allen, 601 W. Bannock, Boise.**

Mr. Allen spoke on behalf of the applicant and addressed the Planning Commission's Findings regarding compatibility and impact on neighboring property uses. Because of the neighboring landfill and compost facility, gas, noise and odor monitoring was conducted. He presented the results of the monitoring that indicated that gas from the closed landfill on Ramsey Road would not effect the project site. In regards to odor testing, odors consistent with a freshly mulched flower garden were noted on 6 of the 13 test days. Mr. Allen felt that the odors would not adversely affect the project. Noise testing revealed consistently elevated ambient noise levels that was likely caused by the site's proximity to I-90 and US-95. Peak noise levels were noted during hours that the Transfer Station and compost facility were closed. He also noted that there were published reports indicating that the compost facility and transfer station may be moving in the future. Mr. Allen further noted that the City has a noise and odor standard for all operations within the city. He also noted that the proposed residential project is on a bluff which is at a higher elevation than the commercial businesses in Commerce Park. He believes that if there were an odor problem that the residents currently surrounding the landfill and compost facilities would have previously complained about odor and noise. In regards to housing looking down onto business, he believes the existing trees would buffer the two areas and does not believe that a fence is required. He noted that the CC&R's are designed not to allow anyone under 55 years from living in these facilities. He believes that the lighting for this project is within City standards and as far as the traffic light at Kathleen and Howard; he believes that the project would be contributing to this signalization through impact fees. Mr. Allen also testified that there is a slope with a pretty good tree cover on it that creates a buffer between the project site and Commerce Park and that, additionally, a grade could be created that would eliminate a downward view into the backs of the businesses.

**Roger Saterfiel, 3650 North Ramsey Road.**

Mr. Saterfiel testified that he is the Solid Waste Director for Kootenai County and that he believes that the studies conducted by the applicant regarding noise, odor and gasses are flawed because of the relatively short length of the study period. He also commented that with the study being done in October, it does not reveal the true odor impact of the landfill during the summer when odors from the landfill site blow directly over the subject property. He also

testified that there are no intentions to move the Transfer Station. He noted that methane gas is not a problem when it is mixed with air, but it does become a problem when homes built next to a landfill have the methane gas creep into basements and crawl spaces within the homes. He noted that garbage in the Ramsey landfill will take much longer to decompose because the landfill was compacted and is lined. Mr. Saterfiel further testified that while the Transfer Station is not always be the cause of any noise, odor or dust complaints but that because of the nature of their operation they are often seen as being the source.

**Rich Swoboda, 6175 N. 18<sup>th</sup> Street, Dalton Gardens.**

Mr. Swoboda owns a business adjacent to the proposed project and believes that while it is a beautiful project it is in the wrong place. He has a concern that the residents who would look down onto his business would complain about the noise and equipment used in his operation. He believes that with the high density housing and the single car garages there would be numerous vehicles parked on the street. He also noted that in the summer you can smell the compost facility and it does not smell like a freshly mulched flower garden. He also has a concern about residents adhering to the age requirement. He would also like to see buffering, fencing, restrictions on lighting for this location and a traffic signal at the intersection of Howard and Kathleen.

**Kimber Gates, 5743 N. 16<sup>th</sup> Street, Dalton Gardens.**

Ms. Gates testified that she is part owner of the Cd'A Cellars Winery in Commerce Park, which is just below this project. She testified that they have gotten odors from the landfill and Mr. Saterfiel has been a good neighbor to her business. She further testified that she is concerned that a residential development in that location will be effected by the operations of her business especially during harvest and bottling, which is a noisy operation. She was concerned that her operation would not be a "good neighbor" to the new residents because of the nature of the operation which will lead to conflicts over her operation.

**Shawn McMann, 421 Emma Ave.**

Mr. McMann sees this project as a community that could walk to the store or a restaurant which would decrease traffic. He noted that whomever buys these homes are going to have a view of

the business below which would help keep an eye on what is happening at the businesses after hours, which will help protect the businesses. He believes that this project should be given a chance and the proposed prices for the units sound attractive.

**Jay Johnson, 1206 N. 6<sup>th</sup> Street.**

Mr. Johnson was concerned with the amount of parking facilities for the development and the design of the project overall. He indicated that the project should be a combination of view condos with commercial businesses constructed on the lower levels. He believes that the property should be zoned C-17.

**Don Keil, Asst. Wastewater Superintendent.**

Mr. Keil testified that there are no plans to move the compost facility. He indicated that the odor that emanates from the site is a farmland odor. However, the concern is the escape of "fugitive odors" that occurs when a compost pile is initially disturbed.

**Will Gustafson, 1465 E. Mountain Dr., Santa Barbara, California,**

Mr. Gustafson testified that housing for individuals 55 and over is needed in this community. He noted that only 28 units of the 253 units in this project overlook Commerce Park and that they did not expect to have any problems marketing the units.

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

We find that the proposed zone change is in conformance with the Comprehensive Plan as follows:

The proposed zone change will allow a subdivision with 55 lots, one of which is commercial, on approximately 11.7 acres. The Comprehensive Plan designates this area a "Transition" area and the proposed development meets the goals for developments within a "Transition" area. "Transition" areas will typically have a build out density of approximately 3 dwelling units per acre. While this subdivision will have a higher density, the Comprehensive Plan encourages

higher densities and mixed uses close to transportation corridors such as Kathleen Avenue, a medium intensity corridor) which is near this project area. Additionally, cluster housing is encouraged in Transition areas to preserve open space. The requested zoning will facilitate development meeting these goals of the Comprehensive Plan. Other goals of the Transition areas are met by this request include, encouraging residential development close to jobs and services, encouraging commercial clusters to serve adjacent neighbors and encouraging pedestrian and bicycle connections.

In addition to the above, we find that the following additional Comprehensive Plan policies are achieved by this subdivision:

Policy 4C4: “Residential and mixed use development should be encouraged.” The proposed development is a residential development with a commercial component to serve the new residences.

Policy 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.” The proposed development can immediately hook to the sanitary sewer system.

Policy 42B2: “Expansion of the City should be based on conformance to the urban service area.” The proposed development is an “infill” project within the existing City boundaries at a location that is close to services.

Policy 4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.” The development proposes to preserve a historic barn that is a landmark in Coeur d’Alene.

**B9. That public facilities and utilities are available and adequate for the proposed use.**

The staff report indicates that adequate sewer, water, police and fire services are available for the subject property. Additionally, the staff report indicates that street system will provide



adequate access to the property. There was no testimony received at the public hearing that indicated that this is not the case. As such, we find that the provisions for these requirements are adequate.

Given the above discussion, we find that the public facilities and utilities are available and adequate for the proposed use.

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

We find that the physical characteristics of the site do make it suitable for the requested zoning. The majority of the site is relatively level making it usable for both residential and commercial uses. The site does contain a bluff that will be retained as open space as part of a PUD being approved at the same time.

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

During the hearing significant testimony was received concerning whether this is an appropriate location for this development since it is in close proximity to several manufacturing and/or civic uses that generate noise and odors. However, we find that these impacts are no greater on this property than on other residentially zoned property that is in this area. Further, the impacts on these existing uses will be minimized by conditions imposed on a subdivision approved at the same time. As discussed above, the existing street system is sufficient to handle any impacts created by this zone change. As such, we find that the proposed subdivision will not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character and existing land uses.

**C. ORDER: CONCLUSION AND DECISION**

The City Council pursuant to the aforementioned, finds that the request of **Active West Development** for a zone change, as described in the application, is **approved**.

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

ROLL CALL:

Council Member Hassell Voted \_\_\_\_\_

Council Member Edinger Voted \_\_\_\_\_

Council Member Goodlander Voted \_\_\_\_\_

Council Member McEvers Voted \_\_\_\_\_

Council Member Reid Voted \_\_\_\_\_

Council Member Kennedy Voted \_\_\_\_\_

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

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

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

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MAYOR SANDI BLOEM

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

**A. INTRODUCTION**

This matter having come before the Coeur d'Alene City Council on December 5, 2006 and there being present a person requesting approval of ITEM PUD-3-06, a request for a planned unit development known as "Meadow Ranch".

LOCATION: +/- 11.7 acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West Development

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

- B1. That the existing land uses are residential – single-family, mobile homes and duplex, commercial – sales and service, light industrial, civic and vacant property.**
- B2. That the Comprehensive Plan Map designation is Transition.**
- B3. That the zoning is M (Manufacturing) however the Applicant has also requested that the property be rezoned to R-17 (residential at 17 units/acre) and C-17 (commercial at 17 units/acre), which is addressed in a separate set of findings.**
- B4. That the notice of public hearing was published on November 18, 2006 and November 28, 2006, which fulfills the legal requirement.**

**B5. That the notice of public hearing was posted on the property on November 25, 2006, which fulfills the legal requirement.**

**B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 17, 2006, and 5 responses were received: 3 in favor, 2 opposed.**

**B7. That public testimony was heard on December 5, 2006 including but not limited to:**

**John Stamsos, Associate Planner.**

Mr. Stamsos stated that Active West Development was seeking a zone change from Manufacturing to R-17 and C-17; approval of a preliminary plat; a Planned Unit Development, and a Special Use Permit for a density bonus for cluster housing. The parcel is approximately 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue. Mr. Stamsos reviewed the staff analysis for land use, neighborhood characteristics, utilities, traffic and streets. He noted that the deviations to the zoning and subdivision ordinances for setbacks, lot size, lot frontage, building height, and street widths are requested as part of a PUD. Mr. Stamsos reported that on August 8, 2006 the Planning Commission held a public hearing and denied the request by a vote of 4-0. Written comments were distributed for Council review.

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**Phil Boyd, 1620 Lincoln Way.**

Mr. Boyd from Welch Comer Engineers spoke on behalf of the applicant and addressed the zoning request noting that a lot of properties in this area are going from MH-8 to residential and the transitioning of this area is being driven by commerce in the manufacturing zone which primarily has become a commercial park. In summary he asked the Council to consider that the Meadow Ranch project meets the comprehensive plan and its goals.

**Gary Allen, 601 W. Bannock, Boise.**

Mr. Allen spoke on behalf of the applicant and addressed the Planning Commission's Findings regarding compatibility and impact on neighboring property uses. Because of the neighboring landfill and compost facility, gas, noise and odor monitoring was conducted. He presented the results of the monitoring that indicated that gas from the closed landfill on Ramsey Road would not effect the project site. In regards to odor testing, odors consistent with a freshly mulched flower garden were noted on 6 of the 13 test days. Mr. Allen felt that the odors would not adversely affect the project. Noise testing revealed consistently elevated ambient noise levels that was likely caused by the site's proximity to I-90 and US-95. Peak noise levels were noted during hours that the Transfer Station and compost facility were closed. He also noted that there were published reports indicating that the compost facility and transfer station may be moving in the future. Mr. Allen further noted that the City has a noise and odor standard for all operations within the city. He also noted that the proposed residential project is on a bluff which is at a higher elevation than the commercial businesses in Commerce Park. He believes that if there were an odor problem that the residents currently surrounding the landfill and compost facilities would have previously complained about odor and noise. In regards to housing looking down onto business, he believes the existing trees would buffer the two areas and does not believe that a fence is required. He noted that the CC&R's are designed not to allow anyone under 55 years from living in these facilities. He believes that the lighting for this project is within City standards and as far as the traffic light at Kathleen and Howard; he believes that the project would be

contributing to this signalization through impact fees. Mr. Allen also testified that there is a slope with a pretty good tree cover on it that creates a buffer between the project site and Commerce Park and that, additionally, a grade could be created that would eliminate a downward view into the backs of the businesses.

**Roger Saterfiel, 3650 North Ramsey Road.**

Mr. Saterfiel testified that he is the Solid Waste Director for Kootenai County and that he believes that the studies conducted by the applicant regarding noise, odor and gasses are flawed because of the relatively short length of the study period. He also commented that with the study being done in October, it does not reveal the true odor impact of the landfill during the summer when odors from the landfill site blow directly over the subject property. He also testified that there are no intentions to move the Transfer Station. He noted that methane gas is not a problem when it is mixed with air, but it does become a problem when homes built next to a landfill have the methane gas creep into basements and crawl spaces within the homes. He noted that garbage in the Ramsey landfill will take much longer to decompose because the landfill was compacted and is lined. Mr. Saterfiel further testified that while the Transfer Station is not always be the cause of any noise, odor or dust complaints but that because of the nature of their operation they are often seen as being the source.

**Rich Swoboda, 6175 N. 18<sup>th</sup> Street, Dalton Gardens.**

Mr. Swoboda owns a business adjacent to the proposed project and believes that while it is a beautiful project it is in the wrong place. He has a concern that the residents who would look down onto his business would complain about the noise and equipment used in his operation. He believes that with the high density housing and the single car garages there would be numerous vehicles parked on the street. He also noted that in the summer you can smell the compost facility and it does not smell like a freshly mulched flower garden. He also has a concern about residents adhering to the age requirement. He would also like to see buffering, fencing, restrictions on lighting for this location and a traffic signal at the intersection of Howard and Kathleen.

**Kimber Gates, 5743 N. 16<sup>th</sup> Street, Dalton Gardens.**

Ms. Gates testified that she is part owner of the Cd'A Cellars Winery in Commerce Park, which is just below this project. She testified that they have gotten odors from the landfill and Mr. Saterfiel has been a good neighbor to her business. She further testified that she is concerned that a residential development in that location will be effected by the operations of her business especially during harvest and bottling, which is a noisy operation. She was concerned that her operation would not be a "good neighbor" to the new residents because of the nature of the operation which will lead to conflicts over her operation.

**Shawn McMann, 421 Emma Ave.**

Mr. McMann sees this project as a community that could walk to the store or a restaurant which would decrease traffic. He noted that whomever buys these homes are going to have a view of the business below which would help keep an eye on what is happening at the businesses after hours, which will help protect the businesses. He believes that this project should be given a chance and the proposed prices for the units sound attractive.

**Jay Johnson, 1206 N. 6<sup>th</sup> Street.**

Mr. Johnson was concerned with the amount of parking facilities for the development and the design of the project overall. He indicated that the project should be a combination of view condos with commercial businesses constructed on the lower levels. He believes that the property should be zoned C-17.

**Don Keil, Asst. Wastewater Superintendent.**

Mr. Keil testified that there are no plans to move the compost facility. He indicated that the odor that emanates from the site is a farmland odor. However, the concern is the escape of "fugitive odors" that occurs when a compost pile is initially disturbed.

**Will Gustafson, 1465 E. Mountain Dr., Santa Barbara, California,**

Mr. Gustafson testified that housing for individuals 55 and over is needed in this community. He noted that only 28 units of the 253 units in this project overlook Commerce Park and that they did not expect to have any problems marketing the units.

**B8. Pursuant to Section 17.07.230, Planned Unit Development Review Criteria, a planned unit development may be approved only if the proposal conforms to the following criteria to the satisfaction of the City Council:**

**B8A. The proposal is in conformance with the Comprehensive Plan. This is based upon the following policies:**

We find that the proposed PUD is in conformance with the Comprehensive Plan as follows:

The proposed PUD will allow 55 lots, one of which is commercial, on approximately 11.7 acres. The Comprehensive Plan designates this area a "Transition" area and the proposed development meets the goals for developments within a "Transition" area. "Transition" areas will typically have a build out density of approximately 3 dwelling units per acre. While this PUD will have a higher density, the Comprehensive Plan encourages higher densities and mixed uses close to transportation corridors such as Kathleen Avenue, a medium intensity corridor) which is near this project area. Additionally, cluster housing is encouraged in Transition areas to preserve open space. This development proposes to preserve roughly 28% of the site area as open space. Other goals of the Transition areas are met by this subdivision including, encouraging residential development close to jobs and services, encouraging commercial clusters to serve adjacent neighbors and encouraging pedestrian and bicycle connections.

In addition to the above, we find that the following additional Comprehensive Plan policies are achieved by this subdivision:



Policy 4C4: “Residential and mixed use development should be encouraged.” The proposed development is a residential development with a commercial component to serve the new residences.

Policy 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.” The proposed development can immediately hook to the sanitary sewer system.

Policy 42B2: “Expansion of the City should be based on conformance to the urban service area.” The proposed development is an “infill” project within the existing City boundaries at a location that is close to services.

Policy 4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.” The development proposes to preserve a historic barn that is a landmark in Coeur d’Alene.

**B8B. The design and site planning is compatible with existing uses on adjacent properties. This is based on:**

The density of the project, as reflected in the staff report and the applicant’s testimony is consistent with this sites location near Kathleen Avenue, which is a medium intensity corridor. Additionally, the architectural renderings presented during the presentation show a style consistent with the historic barn on the site that is being retained. The layout and spacing of the buildings and parking areas are set up to keep the parking areas on the interior of the parcel. As such, the design and site planning is compatible with existing uses on adjacent properties.

**B8C. The proposal is compatible with natural features of the site and adjoining properties. This is based on:**

The site is relatively flat with a bluff area that will be preserved as open space as part of the PUD. As such, the proposal is compatible with the natural features of the site and adjoining properties.

**B8D. The location, design, and size of the proposal are such that the development will be adequately served by existing public facilities and services. This is based on:**

The staff report indicates that adequate sewer, water, drainage, police and fire services and street lighting are available for the subject property. There was no testimony received at the public hearing that indicated that this is not the case. As such, we find that the provisions for these requirements are adequate.

With regard to the provision of streets, alleys and right of ways, the property will be required to dedicate right of way along its entire frontage on Howard Street as well as build the full street section of Howard in order to allow the public streets to handle the additional 141 average peak hour trips per day that will be generated by the development. In addition the developer will be required to complete a full traffic study to determine if the impacts of this development will warrant the construction of a traffic signal at the intersection of Kathleen Ave. and Howard Street. We find that with these requirements, the provision of external streets and right of ways is adequate.

Internally, the project will be served by a combination of public and private streets with two exits onto Howard Street. We find this layout will provide adequate internal circulation for the development.

Given the above discussion, we find that the development will be adequately served by existing public facilities and services.

**B8E. The proposal does provide adequate private common open space area, as determined by the Council, no less than 10% of gross land area, free of buildings, streets, driveways or parking areas. The common open space shall be accessible to all users of the development and usable for open space and recreational purposes. This is based on:**

The development contains a +/- 3.25 acre open space area (28% of gross land area) with a pedestrian pathway through the hillside open space area connecting at both ends to the sidewalks along Dale View Way. Also proposed for use by the residents of the development are a community building, pool and spa. We find that the amount of open space provided by the development exceeds the requirement and that the open space is available to all users of the development for recreational purposes.

**B8F. Off-street parking does provide parking sufficient for users of the development. This is based on:**

The development is providing sufficient parking to meet the requirements of the City's parking ordinance. As such, we find that the development provides sufficient parking for the users of the development. Additionally, staff will require that sufficient parking is provided for each structure at the time of permit issuance.

**B8G. That the proposal does provide for an acceptable method for the perpetual maintenance of all common property. This is based on:**

The developer will be required to create an owner's association to ensure the perpetual maintenance of all common areas.

**B8H. That the proposal would not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character or existing land uses because:**

As discussed above, traffic concerns generated by this development have been adequately addressed by the conditions imposed on this approval. Additionally, the impacts created by this development on existing land uses have been mitigated by additional conditions. As such, we find that the proposed subdivision will not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character and existing land uses.

**C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of **ACTIVE WEST DEVELOPMENT** for approval of the planned unit development, as described in the application should be **approved with the following condition:**

1. Creation of a homeowners association to ensure the perpetual maintenance of all common open space areas.

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

ROLL CALL:

Council Member Hassell Voted \_\_\_\_\_

Council Member Edinger Voted \_\_\_\_\_

Council Member Goodlander Voted \_\_\_\_\_

Council Member McEvers Voted \_\_\_\_\_

Council Member Reid Voted \_\_\_\_\_

Council Member Kennedy Voted \_\_\_\_\_

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

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

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

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MAYOR SANDI BLOEM

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

**A. INTRODUCTION**

This matter having come before the City Council on December 5, 2006, and there being present a person requesting approval of ITEM SP-11-06, a request for a three unit per gross acre density increase for cluster housing special use permit in the R-17 (Residential at 17units/acre) zoning district.

LOCATION: +/- 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West Development

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

- B1. That the existing land uses are residential – single-family, mobile homes and duplex, commercial – sales and service, light industrial, civic and vacant property.**
- B2. That the Comprehensive Plan Map designation is Transition.**
- B3. That the zoning is M (Manufacturing) however the Applicant has also requested that the property be rezoned to R-17 (residential at 17 units/acre) and C-17 (commercial at 17 units/acre), which is addressed in a separate set of findings.**
- B4. That the notice of public hearing was published on November 18, 2006 and November 28, 2006, which fulfills the legal requirement.**
- B5. That the notice of public hearing was posted on the property on November 25, 2006, which fulfills the legal requirement.**

**B6. That 33 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 17, 2006, and 5 responses were received: 3 in favor, 2 opposed.**

**B7. That public testimony was heard on December 5, 2006 including but not limited to:**

**John Stamsos, Associate Planner.**

Mr. Stamsos stated that Active West Development was seeking a zone change from Manufacturing to R-17 and C-17; approval of a preliminary plat; a Planned Unit Development, and a Special Use Permit for a density bonus for cluster housing. The parcel is approximately 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue. Mr. Stamsos reviewed the staff analysis for land use, neighborhood characteristics, utilities, traffic and streets. He noted that the deviations to the zoning and subdivision ordinances for setbacks, lot size, lot frontage, building height, and street widths are requested as part of a PUD. Mr. Stamsos reported that on August 8, 2006 the Planning Commission held a public hearing and denied the request by a vote of 4-0. Written comments were distributed for Council review.

**Dennis Cunningham, 424 Sherman Avenue, Suite 205.**

Mr. Cunningham spoke on behalf of the applicant. He reported that his agency designed the proposed project using infill regulations as part of the PUD. He reported that the proposal is exclusively for adults 55 and over with different product types and price ranges with some units being affordable housing units. He noted that prices would range from \$325,000 for the single-family units to \$220,000-\$260,000 for townhouses to \$129,000 starting range for the condominium units. He further commented that the development would be served by two access/egress points.

**Phil Boyd, 1620 Lincoln Way.**

Mr. Boyd from Welch Comer Engineers spoke on behalf of the applicant and addressed the zoning request noting that a lot of properties in this area are going from MH-8 to residential and the transitioning of this area is being driven by commerce in the manufacturing zone which

primarily has become a commercial park. In summary he asked the Council to consider that the Meadow Ranch project meets the comprehensive plan and its goals.

**Gary Allen, 601 W. Bannock, Boise.**

Mr. Allen spoke on behalf of the applicant and addressed the Planning Commission's Findings regarding compatibility and impact on neighboring property uses. Because of the neighboring landfill and compost facility, gas, noise and odor monitoring was conducted. He presented the results of the monitoring that indicated that gas from the closed landfill on Ramsey Road would not effect the project site. In regards to odor testing, odors consistent with a freshly mulched flower garden were noted on 6 of the 13 test days. Mr. Allen felt that the odors would not adversely affect the project. Noise testing revealed consistently elevated ambient noise levels that was likely caused by the site's proximity to I-90 and US-95. Peak noise levels were noted during hours that the Transfer Station and compost facility were closed. He also noted that there were published reports indicating that the compost facility and transfer station may be moving in the future. Mr. Allen further noted that the City has a noise and odor standard for all operations within the city. He also noted that the proposed residential project is on a bluff which is at a higher elevation than the commercial businesses in Commerce Park. He believes that if there were an odor problem that the residents currently surrounding the landfill and compost facilities would have previously complained about odor and noise. In regards to housing looking down onto business, he believes the existing trees would buffer the two areas and does not believe that a fence is required. He noted that the CC&R's are designed not to allow anyone under 55 years from living in these facilities. He believes that the lighting for this project is within City standards and as far as the traffic light at Kathleen and Howard; he believes that the project would be contributing to this signalization through impact fees. Mr. Allen also testified that there is a slope with a pretty good tree cover on it that creates a buffer between the project site and Commerce Park and that, additionally, a grade could be created that would eliminate a downward view into the backs of the businesses.

**Roger Saterfiel, 3650 North Ramsey Road.**

Mr. Saterfiel testified that he is the Solid Waste Director for Kootenai County and that he believes that the studies conducted by the applicant regarding noise, odor and gasses are flawed



because of the relatively short length of the study period. He also commented that with the study being done in October, it does not reveal the true odor impact of the landfill during the summer when odors from the landfill site blow directly over the subject property. He also testified that there are no intentions to move the Transfer Station. He noted that methane gas is not a problem when it is mixed with air, but it does become a problem when homes built next to a landfill have the methane gas creep into basements and crawl spaces within the homes. He noted that garbage in the Ramsey landfill will take much longer to decompose because the landfill was compacted and is lined. Mr. Saterfiel further testified that while the Transfer Station is not always be the cause of any noise, odor or dust complaints but that because of the nature of their operation they are often seen as being the source.

**Rich Swoboda, 6175 N. 18<sup>th</sup> Street, Dalton Gardens.**

Mr. Swoboda owns a business adjacent to the proposed project and believes that while it is a beautiful project it is in the wrong place. He has a concern that the residents who would look down onto his business would complain about the noise and equipment used in his operation. He believes that with the high density housing and the single car garages there would be numerous vehicles parked on the street. He also noted that in the summer you can smell the compost facility and it does not smell like a freshly mulched flower garden. He also has a concern about residents adhering to the age requirement. He would also like to see buffering, fencing, restrictions on lighting for this location and a traffic signal at the intersection of Howard and Kathleen.

**Kimber Gates, 5743 N. 16<sup>th</sup> Street, Dalton Gardens.**

Ms. Gates testified that she is part owner of the Cd'A Cellars Winery in Commerce Park, which is just below this project. She testified that they have gotten odors from the landfill and Mr. Saterfiel has been a good neighbor to her business. She further testified that she is concerned that a residential development in that location will be effected by the operations of her business especially during harvest and bottling, which is a noisy operation. She was concerned that her operation would not be a "good neighbor" to the new residents because of the nature of the operation which will lead to conflicts over her operation.

**Shawn McMann, 421 Emma Ave.**

Mr. McMann sees this project as a community that could walk to the store or a restaurant which would decrease traffic. He noted that whomever buys these homes are going to have a view of the business below which would help keep an eye on what is happening at the businesses after hours, which will help protect the businesses. He believes that this project should be given a chance and the proposed prices for the units sound attractive.

**Jay Johnson, 1206 N. 6<sup>th</sup> Street.**

Mr. Johnson was concerned with the amount of parking facilities for the development and the design of the project overall. He indicated that the project should be a combination of view condos with commercial businesses constructed on the lower levels. He believes that the property should be zoned C-17.

**Don Keil, Asst. Wastewater Superintendent.**

Mr. Keil testified that there are no plans to move the compost facility. He indicated that the odor that emanates from the site is a farmland odor. However, the concern is the escape of “fugitive odors” that occurs when a compost pile is initially disturbed.

**Will Gustafson, 1465 E. Mountain Dr., Santa Barbara, California,**

Mr. Gustafson testified that housing for individuals 55 and over is needed in this community. He noted that only 28 units of the 253 units in this project overlook Commerce Park and that they did not expect to have any problems marketing the units.

**B8. Pursuant to Section 17.09.220, Special Use Permit Criteria, a special use permit may be approved only if the proposal conforms to all of the following criteria to the satisfaction of the City Council:**

**B8A. The proposal is in conformance with the comprehensive plan, as follows:**

We find that the proposed Special Use Permit is in conformance with the Comprehensive Plan as follows:

The proposed special use permit would allow a density bonus for this project because it is providing cluster housing. The Comprehensive Plan designates this area a "Transition" area and the proposed development meets the goals for developments within a "Transition" area.

"Transition" areas will typically have a build out density of approximately 3 dwelling units per acre. While this subdivision will have a higher density, the Comprehensive Plan encourages higher densities and mixed uses close to transportation corridors such as Kathleen Avenue, a medium intensity corridor) which is near this project area. Additionally, cluster housing is encouraged in Transition areas to preserve open space. This development proposes to preserve roughly 28% of the site area as open space. Other goals of the Transition areas are met by this subdivision including, encouraging residential development close to jobs and services, encouraging commercial clusters to serve adjacent neighbors and encouraging pedestrian and bicycle connections.

In addition to the above, we find that the following additional Comprehensive Plan policies are achieved by this subdivision:

Policy 4C4: “Residential and mixed use development should be encouraged.” The proposed development is a residential development with a commercial component to serve the new residences.

Policy 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.” The proposed development can immediately hook to the sanitary sewer system.

Policy 42B2: “Expansion of the City should be based on conformance to the urban service area.” The proposed development is an “infill” project within the existing City boundaries at a

location that is close to services.

Policy 4C3: Population growth should be compatible with preserving Coeur d'Alene's character and quality of life." The development proposes to preserve a historic barn that is a landmark in Coeur d'Alene.

**B8B. The design and planning of the site is compatible with the location, setting, and existing uses on adjacent properties. This is based on:**

The density of the project, as reflected in the staff report and the applicant's testimony is consistent with this site's location near Kathleen Avenue, which is a medium intensity corridor. Additionally, the architectural renderings presented during the presentation show a style consistent with the historic barn on the site that is being retained. The layout and spacing of the buildings and parking areas are set up to keep the parking areas on the interior of the parcel. As such, the design and site planning is compatible with existing uses on adjacent properties

**B8C The location, design, and size of the proposal are such that the development (will) (will not) be adequately served by existing streets, public facilities and services. This is based on:**

The staff report indicates that adequate sewer, water, drainage, police and fire services and street lighting are available for the subject property. There was no testimony received at the public hearing that indicated that this is not the case. As such, we find that the provisions for these requirements are adequate.

With regard to the provision of streets, alleys and right of ways, the property will be required to dedicate right of way along its entire frontage on Howard Street as well as build the full street section of Howard in order to allow the public streets to handle the additional 141 average peak hour trips per day that will be generated by the development. In addition the developer will be required to complete a full traffic study to determine if the impacts of this development will warrant the construction of a traffic signal at the intersection of Kathleen Ave. and Howard

Street. We find that with these requirements, the provision of external streets and right of ways is adequate.

Internally, the project will be served by a combination of public and private streets with two exits onto Howard Street. We find this layout will provide adequate internal circulation for the development.

Given the above discussion, we find that the development will be adequately served by existing public facilities and services.

### **C. ORDER: CONCLUSION AND DECISION**

The City Council, pursuant to the aforementioned, finds that the request of **ACTIVE WEST DEVELOPMENT** for a three unit per gross acre density increase for cluster housing special use permit, as described in the application should be **approved**.

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

#### **ROLL CALL:**

Council Member Hassell Voted \_\_\_\_\_

Council Member Edinger Voted \_\_\_\_\_

Council Member Goodlander Voted \_\_\_\_\_

Council Member McEvers Voted \_\_\_\_\_

Council Member Reid Voted \_\_\_\_\_

Council Member Kennedy Voted \_\_\_\_\_

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

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

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

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MAYOR SANDI BLOEM

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

**A. INTRODUCTION**

This matter having come before the Coeur d'Alene City Council on December 5, 2006 and there being present a person requesting approval of ITEM S-9-06, a request for preliminary plat approval of Meadow Ranch, a 55-lot subdivision located in the M (Manufacturing) zoning district.

LOCATION: +/- 11.7 acre parcel adjacent to Howard Street and Bosanko Avenue.

APPLICANT: Active West Development

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

- B1. That the existing land uses are residential – single-family, mobile homes and duplex, commercial – sales and service, light industrial, civic and vacant property.**
- B2. That the Comprehensive Plan Map designation is Transition.**
- B3. That the zoning is M (Manufacturing) however the Applicant has also requested that the property be rezoned to R-17 (residential at 17 units/acre) and C-17 (commercial at 17 units/acre), which is addressed in a separate set of findings.**
- B4. That the notice of public hearing was published on November 18, 2006 and November 28, 2006, which fulfills the legal requirement.**
- B5. That the notice of public hearing was posted on the property on November 25, 2006, which fulfills the legal requirement.**
- B6. That 33 notices of public hearing were mailed to all property owners of record**

**within three-hundred feet of the subject property on November 17, 2006, and 5 responses were received: 3 in favor, 2 opposed.**

**B7. That public testimony was heard on December 5, 2006 including but not limited to:**

**John Stamsos, Associate Planner.**

Mr. Stamsos stated that Active West Development was seeking a zone change from Manufacturing to R-17 and C-17; approval of a preliminary plat; a Planned Unit Development, and a Special Use Permit for a density bonus for cluster housing. The parcel is approximately 11.7-acre parcel adjacent to Howard Street and Bosanko Avenue. Mr. Stamsos reviewed the staff analysis for land use, neighborhood characteristics, utilities, traffic and streets. He noted that the deviations to the zoning and subdivision ordinances for setbacks, lot size, lot frontage, building height, and street widths are requested as part of a PUD. Mr. Stamsos reported that on August 8, 2006 the Planning Commission held a public hearing and denied the request by a vote of 4-0. Written comments were distributed for Council review.

**Dennis Cunningham, 424 Sherman Avenue, Suite 205.**

Mr. Cunningham spoke on behalf of the applicant. He reported that his agency designed the proposed project using infill regulations as part of the PUD. He reported that the proposal is exclusively for adults 55 and over with different product types and price ranges with some units being affordable housing units. He noted that prices would range from \$325,000 for the single-family units to \$220,000-\$260,000 for townhouses to \$129,000 starting range for the condominium units. He further commented that the development would be served by two access/egress points.

**Phil Boyd, 1620 Lincoln Way.**

Mr. Boyd from Welch Comer Engineers spoke on behalf of the applicant and addressed the zoning request noting that a lot of properties in this area are going from MH-8 to residential and the transitioning of this area is being driven by commerce in the manufacturing zone which primarily has become a commercial park. In summary he asked the Council to consider that the Meadow Ranch project meets the comprehensive plan and its goals.



**Gary Allen, 601 W. Bannock, Boise.**

Mr. Allen spoke on behalf of the applicant and addressed the Planning Commission's Findings regarding compatibility and impact on neighboring property uses. Because of the neighboring landfill and compost facility, gas, noise and odor monitoring was conducted. He presented the results of the monitoring that indicated that gas from the closed landfill on Ramsey Road would not effect the project site. In regards to odor testing, odors consistent with a freshly mulched flower garden were noted on 6 of the 13 test days. Mr. Allen felt that the odors would not adversely affect the project. Noise testing revealed consistently elevated ambient noise levels that was likely caused by the site's proximity to I-90 and US-95. Peak noise levels were noted during hours that the Transfer Station and compost facility were closed. He also noted that there were published reports indicating that the compost facility and transfer station may be moving in the future. Mr. Allen further noted that the City has a noise and odor standard for all operations within the city. He also noted that the proposed residential project is on a bluff which is at a higher elevation than the commercial businesses in Commerce Park. He believes that if there were an odor problem that the residents currently surrounding the landfill and compost facilities would have previously complained about odor and noise. In regards to housing looking down onto business, he believes the existing trees would buffer the two areas and does not believe that a fence is required. He noted that the CC&R's are designed not to allow anyone under 55 years from living in these facilities. He believes that the lighting for this project is within City standards and as far as the traffic light at Kathleen and Howard; he believes that the project would be contributing to this signalization through impact fees. Mr. Allen also testified that there is a slope with a pretty good tree cover on it that creates a buffer between the project site and Commerce Park and that, additionally, a grade could be created that would eliminate a downward view into the backs of the businesses.

**Roger Saterfiel, 3650 North Ramsey Road.**

Mr. Saterfiel testified that he is the Solid Waste Director for Kootenai County and that he believes that the studies conducted by the applicant regarding noise, odor and gasses are flawed because of the relatively short length of the study period. He also commented that with the study being done in October, it does not reveal the true odor impact of the landfill during the summer when odors from the landfill site blow directly over the subject property. He also testified that there are no intentions to move the Transfer Station. He noted that methane gas is

not a problem when it is mixed with air, but it does become a problem when homes built next to a landfill have the methane gas creep into basements and crawl spaces within the homes. He noted that garbage in the Ramsey landfill will take much longer to decompose because the landfill was compacted and is lined. Mr. Saterfiel further testified that while the Transfer Station is not always be the cause of any noise, odor or dust complaints but that because of the nature of their operation they are often seen as being the source.

**Rich Swoboda, 6175 N. 18<sup>th</sup> Street, Dalton Gardens.**

Mr. Swoboda owns a business adjacent to the proposed project and believes that while it is a beautiful project it is in the wrong place. He has a concern that the residents who would look down onto his business would complain about the noise and equipment used in his operation. He believes that with the high density housing and the single car garages there would be numerous vehicles parked on the street. He also noted that in the summer you can smell the compost facility and it does not smell like a freshly mulched flower garden. He also has a concern about residents adhering to the age requirement. He would also like to see buffering, fencing, restrictions on lighting for this location and a traffic signal at the intersection of Howard and Kathleen.

**Kimber Gates, 5743 N. 16<sup>th</sup> Street, Dalton Gardens.**

Ms. Gates testified that she is part owner of the Cd' A Cellars Winery in Commerce Park, which is just below this project. She testified that they have gotten odors from the landfill and Mr. Saterfiel has been a good neighbor to her business. She further testified that she is concerned that a residential development in that location will be effected by the operations of her business especially during harvest and bottling, which is a noisy operation. She was concerned that her operation would not be a "good neighbor" to the new residents because of the nature of the operation which will lead to conflicts over her operation.

**Shawn McMann, 421 Emma Ave.**

Mr. McMann sees this project as a community that could walk to the store or a restaurant which would decrease traffic. He noted that whomever buys these homes are going to have a view of the business below which would help keep an eye on what is happening at the businesses after

hours, which will help protect the businesses. He believes that this project should be given a chance and the proposed prices for the units sound attractive.

**Jay Johnson, 1206 N. 6<sup>th</sup> Street.**

Mr. Johnson was concerned with the amount of parking facilities for the development and the design of the project overall. He indicated that the project should be a combination of view condos with commercial businesses constructed on the lower levels. He believes that the property should be zoned C-17.

**Don Keil, Asst. Wastewater Superintendent.**

Mr. Keil testified that there are no plans to move the compost facility. He indicated that the odor that emanates from the site is a farmland odor. However, the concern is the escape of “fugitive odors” that occurs when a compost pile is initially disturbed.

**Will Gustafson, 1465 E. Mountain Dr., Santa Barbara, California,**

Mr. Gustafson testified that housing for individuals 55 and over is needed in this community. He noted that only 28 units of the 253 units in this project overlook Commerce Park and that they did not expect to have any problems marketing the units.

**B8. Pursuant to Section 16.10.030A.1, Preliminary Plats: In order to approve a preliminary plat, the Planning Commission must make the following findings:**

**B8A. That all of the general preliminary plat requirements have been met as attested to by the City Engineer.**

We find based on the staff report, that all of the general preliminary plat requirements have been met as attested by the City Engineer.

**B8B. That the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities are adequate where applicable.**

The staff report indicates that adequate sewer, water, drainage, police and fire services and street lighting are available for the subject property. There was no testimony received at the public hearing that indicated that this is not the case. As such, we find that the provisions for these requirements are adequate.

With regard to the provision of streets, alleys and right of ways, the property will be required to dedicate right of way along its entire frontage on Howard Street as well as build the full street section of Howard in order to allow the public streets to handle the additional 141 average peak hour trips per day that will be generated by the development. In addition the developer will be required to complete a full traffic study to determine if the impacts of this development will warrant the construction of a traffic signal at the intersection of Kathleen Ave. and Howard Street. We find that with these requirements, the provision of external streets and right of ways is adequate.

Internally, the project will be served by a combination of public and private streets with two exits onto Howard Street. We find this layout will provide adequate internal circulation for the development.

Given the above discussion, we find that the provisions for streets, alleys, rights-of-way, easements, street lighting, fire protection, planting, drainage, and utilities are adequate.

**B8C. That the preliminary plat is in conformance with the Comprehensive Plan as follows:**

We find that the proposed subdivision is in conformance with the Comprehensive Plan as follows:

The proposed subdivision will allow 55 lots, one of which is commercial, on approximately 11.7 acres. The Comprehensive Plan designates this area a "Transition" area and the proposed development meets the goals for developments within a "Transition" area. "Transition" areas will typically have a build out density of approximately 3 dwelling units per acre. While this subdivision will have a higher density, the Comprehensive Plan encourages higher densities and

mixed uses close to transportation corridors such as Kathleen Avenue, a medium intensity corridor) which is near this project area. Additionally, cluster housing is encouraged in Transition areas to preserve open space. This development proposes to preserve roughly 28% of the site area as open space. Other goals of the Transition areas are met by this subdivision including, encouraging residential development close to jobs and services, encouraging commercial clusters to serve adjacent neighbors and encouraging pedestrian and bicycle connections.

In addition to the above, we find that the following additional Comprehensive Plan policies are achieved by this subdivision:

Policy 4C4: “Residential and mixed use development should be encouraged.” The proposed development is a residential development with a commercial component to serve the new residences.

Policy 14A3: “All new developments must provide for immediate hook up to the sanitary sewer system.” The proposed development can immediately hook to the sanitary sewer system.

Policy 42B2: “Expansion of the City should be based on conformance to the urban service area.” The proposed development is an “infill” project within the existing City boundaries at a location that is close to services.

Policy 4C3: Population growth should be compatible with preserving Coeur d’Alene’s character and quality of life.” The development proposes to preserve a historic barn that is a landmark in Coeur d’Alene.

**B8D. That the public interest will be served.**

As noted above, the proposed subdivision meets the goals and policies of the Comprehensive Plan, which is intended in part to assure that the public interest is served. Further, the proposed subdivision provides for an infill project in an area where the new residents can walk to nearby

services. During the hearing significant testimony was received concerning whether this is an appropriate location for this development since it is in close proximity to several manufacturing and/or civic uses that generate noise and odors. However, we find that the impacts on these existing uses will be minimized by requiring that the developer fence and buffer the development from the lots in Commerce Park and by requiring the developer to specifically notify potential purchasers of the proximity of these uses and the other conditions placed on this approval. Further we also find that a housing development for citizens who are 55 and older is an underserved market in Coeur d'Alene that will be well served by this projects close proximity to shopping, civic services and restaurants. As such, we find that the public interest is served by the proposed subdivision.

**B8E. That all of the required engineering elements of the preliminary plat have been met, as attested to by the City Engineer.**

We find, based on the staff report, that all of the required engineering elements of the preliminary plat have been met as attested by the City Engineer.

**B8F That the lots proposed in the preliminary plat do meet the requirements of the applicable zoning district for the following reasons:**

The lots in the proposed subdivision meet the minimum lot sizes for a subdivision in the R-17 zone as modified by PUD-3-06, which we are approving at the same time.

**B9. That the proposal would not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, and existing land uses.**

As discussed above, traffic concerns generated by this development have been adequately addressed by the conditions imposed on this approval. Additionally, the impacts created by this development on existing land uses have been mitigated by additional conditions. As such, we find that the proposed subdivision will not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character and existing land uses.

**C. ORDER: CONCLUSION AND DECISION**

The City Council pursuant to the aforementioned, finds that the request of **Active West Development** for preliminary plat approval as described in the application is **approved with the following conditions:**

1. The sanitary sewer serving the proposed development will be required to be extended from the existing development (Commerce Park) to the west. The developer will also be required to extend the sanitary main to the southerly boundary of the subject property at Howard Street. All installations will be the responsibility of the developer and completed at no cost to the City.
2. The developer will be required to extend the 12" water main in Howard Street to the southerly boundary of the subject property, and to provide eight inch (8") looping through the development. All installations will be completed by the developer at not cost to the City.
3. Maintenance of all storm water swales will be the responsibility of the homeowners association for the subject property.
4. A traffic study will be required to be completed with a detailed analysis of the Howard Street/Kathleen Avenue intersection. Recommendations for the traffic remediation will need to be addressed and implemented based upon volumes and conditions noted by the study.
5. Additional right-of-way will be required to be dedicated to bring the Howard Street road section to a full sixty foot (60') width along the entire easterly frontage of the subject property.
6. The developer will be required to construct the full Howard Avenue section of the southerly boundary of the subject property with the initiation of Phase 1 improvements.
7. The minimum allowable street width will be thirty two feet (32'), which allows for two way travel with an eight foot (8') parking lane.

8. A geotechnical analysis will be required to determine stability of the soils. This report shall be compiled by a licensed Geotechnical Engineer with recommendations for footing and foundation plans for any construction on the subject property. All recommendations in the submitted report will be made requirements of all construction activity on the subject property.
9. The developer is required to install fencing along the property line between the subject property and the Commerce Park Development and between the subject property and the municipal composting facility and county transfer station.
10. The developer is required to plant a vegetative buffer along the north and west property lines that, in conjunction with fencing, will be 100% site obscuring within three (3) years of the approval of the final plat for phase 1. Prior to the approval of the final plat for phase 1, the developer must submit a landscaping and planting plan to the City's Urban Forester for review and approval to ensure that the selected plant material can meet the intent of this condition.
11. Prior to the approval of the final plat for phase 1 the developer must submit a copy of the CC&R's for the project to the City Attorney's office for review and approval. The CC&R's must contain a specific disclosure that the project is in close proximity to a county solid waste transfer station, a municipal composting facility and a manufacturing park that will result in noise, odor and/or dust that may be offensive to residents of the development. This disclosure must be acknowledged, in writing, by each purchaser, including subsequent purchasers, of a unit in the development.
12. The developer will be required to install a landscaping buffer/berm along the edge of the bluff to help limit the impacts of the Commerce Park businesses on the new residences. Prior to the approval of the final plat for phase 1, the developer must submit a grading and landscaping plan to the City Engineer and Urban Forester to ensure that the intent of this condition is met.



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

ROLL CALL:

Council Member Hassell Voted \_\_\_\_\_

Council Member Edinger Voted \_\_\_\_\_

Council Member Goodlander Voted \_\_\_\_\_

Council Member McEvers Voted \_\_\_\_\_

Council Member Reid Voted \_\_\_\_\_

Council Member Kennedy Voted \_\_\_\_\_

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

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

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

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MAYOR SANDI BLOEM

## STAFF REPORT

DATE: *January 2, 2007*  
FROM: *Legal Department*  
SUBJECT: *Amending Chapter 17.30 - Bikeways Plan*  
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### DECISION POINT:

Staff is requesting a housekeeping amendment to *M.C. Chapter 17.30 – Bikeways Plan* to update the adopted Bikeways Plan from 2003 to 2006 and to allow future updates to be adopted by Resolution.

### HISTORY:

The 2006 Bikeways Plan [items O-2-06] was approved by the City Council at their August 15, 2006 meeting. This housekeeping amendment will allow future amendments to be adopted by Resolution.

### FINANCIAL ANALYSIS:

The cost incurred for this amendment will be the cost of codifying the ordinance.

Codification costs will not be incurred for future Bikeways Plan updates by allowing staff to update the Plan by Resolution.

### QUALITY OF LIFE ANALYSIS:

Adopting the proposed ordinance will update the Bikeways plan and will allow for future modifications to be handled more efficiently.

### DECISION POINT/RECOMMENDATION:

Staff is requesting a housekeeping amendment to *M.C. Chapter 17.30 – Bikeways Plan* to update the approved Bikeways Plan from 2003 to 2006 and to allow future updates to be adopted by Resolution.

COUNCIL BILL NO. 07-1000  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.30.010 TO ADOPT A REVISED BIKEWAYS PLAN AND TO ALLOW FOR FUTURE REVISIONS TO THE BIKEWAYS PLAN TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, *after recommendation by the Planning and Zoning Commission and the Pedestrian/Bicycle Committee*, 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 17.30.010, is hereby amended to read as follows:*

**17.30.010: ADOPTED:**

~~Ordinance 1514, ordinances of the city, as thereafter amended, be and the same is hereby amended to adopt the 2003-~~ The Coeur d'Alene ~~bikeways~~ Bikeways plan Plan, 2006 Revision, is hereby ~~adopted~~ as an appendix to the Coeur d'Alene comprehensive plan ~~that, which bikeways plan~~ shall be used as a ~~general~~ guide for the orderly development of a bikeway system within the city, which plan may be amended from time to time by Resolution of the Mayor and City Council.

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

**SECTION 3.** 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 4.** 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 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, ADOPTED and SIGNED this 2<sup>nd</sup> day of January, 2007.

\_\_\_\_\_  
Sandi Bloem, Mayor

ATTEST:

\_\_\_\_\_  
Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. \_\_\_\_\_  
**AMENDING SECTION 17.30.010 TO ADOPT A REVISED BIKEWAYS PLAN**

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 17.30.010 TO ADOPT A REVISED BIKEWAYS PLAN AND TO ALLOW FOR FUTURE REVISIONS TO THE BIKEWAYS PLAN TO BE APPROVED BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. 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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Susan K. Weathers, 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 SECTION 17.30.010 TO ADOPT A REVISED BIKEWAYS PLAN, 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 2<sup>nd</sup> day of January, 2007.

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Warren J. Wilson, Deputy City Attorney

RESOLUTION NO. 07-004

A RESOLUTION OF THE CITY OF COEUR D'ALENE, IDAHO, AUTHORIZING TROY TYMESEN, FINANCE DIRECTOR, TO ACCEPT THE LOWEST RESPONSIBLE QUOTE FOR SOILS REMOVAL FROM THE KROC CENTER SITE AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTACT FOR SOILS REMOVAL WITH THE SELECTED CONTRACTOR.

WHEREAS, the City of Coeur d'Alene intends to obtain quotes for the removal of non-structural soils from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the "Ray and Joan Kroc Corps Community Center site" (RJKCCC) to a location within the Idaho Transportation Department's (ITD) pit directly across Ramsey Road known as the "40 acre site"; and

WHEREAS, IC 67-2805(d) authorizes the City Council to designate a City official to accept and approve the lowest quote; and

WHEREAS, the prevailing contractor will be required to enter into a written contract with the City that is executed by the Mayor and City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coeur d'Alene, Idaho, that Troy Tymesen, Finance Director is hereby authorized to accept and approve the lowest responsive quote for soils removal from the RJKCCC site.

BE IT FURTHER RESOLVED that the Mayor and City Clerk of the City of Coeur d'Alene, Idaho are hereby authorized to execute a contract on behalf of the City with the prevailing contractor to complete the work.

DATED this 2<sup>nd</sup> day of January, 2007.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER KENNEDY VOTED \_\_\_\_\_

COUNCIL MEMBER EDINGER VOTED \_\_\_\_\_

COUNCIL MEMBER GOODLANDER VOTED \_\_\_\_\_

COUNCIL MEMBER MCEVERS VOTED \_\_\_\_\_

COUNCIL MEMBER REID VOTED \_\_\_\_\_

COUNCIL MEMBER HASSELL VOTED \_\_\_\_\_

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



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**THE CITY OF COEUR D'ALENE**  
**QUOTE SPECIFICATIONS**  
**Excavation and Soil Hauling**  
**Ramsey Pit Site**

**INTRODUCTION**

**Intent:** It is the intent of the City of Coeur d'Alene to obtain a quote for the removal of non-structural soils from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the "Ray and Joan Kroc Corps Community Center site" (RJKCCC) to a location within the Idaho Transportation Department's (ITD) pit directly across Ramsey Road known as the "40 acre site". These specifications are meant to describe the working conditions and location of the excavation and hauling operation. The company selected as providing the most favorable quote will be required to obtain an encroachment permit through the City of Coeur d'Alene Engineering Department and furnish an acceptable traffic control plan for the flagging and control of traffic at Golf Course Road and Ramsey Road for trucks to travel between the two sites. The cost quoted in cost-per-cubic-yard shall include all associated costs of excavation, loading, hauling, dumping, traffic control, insurance, and other administrative expenses.

The City reserves the right to reject any and all quotes.

**QUOTE INSTRUCTIONS**

1. Quotes will be received by the City until the hour of **10:00 A.M. on \_\_\_\_\_, \_\_\_\_ (at least 3 business days after the quote request is given to the contractors in writing – delete this before sending out)**. Quotes must be submitted on the "Quote Proposal" form ("Exhibit A") attached to this information packet and be addressed to Troy Tymesen, Finance Director. Quotes may be physically delivered or sent via email or fax.
2. Any objections to the specifications or procedures contained in this request must be received in writing by the Finance Director at least one (1) business day prior to the date and time when quotes are scheduled to be received.
3. The City reserves the right to reject any and all quotes and to waive informalities which do not affect the essential fairness of the quote process, and to accept the lowest responsive and responsible quote.

## **“EXCAVATION AND SOIL HAULING” QUOTE SPECIFICATIONS**

The City of Coeur d’Alene, Idaho, desires to obtain the services to excavate, load, and haul non-structural soils from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the “Ray and Joan Kroc Corps Community Center Site” (RJKCCC Site) and haul the soil and deposit the soil in a location within the Idaho Transportation (ITD) pit directly across Ramsey Road in ITD’s pit known as the “40 acre site”. Failure to comply with the quote specifications will render the quote non-responsive. The following specifications are required:

1. **General**: The Contractor will provide all pre-construction services including conducting a site visit, producing a work plan and schedule, obtaining an encroachment permit from the city of Coeur d’Alene, submitting a traffic control plan, and any other actions necessary to move soil from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the “RJKCCC Site” to a location within the Idaho Transportation (ITD) pit directly across Ramsey Road in ITD’s pit known as the “40 acre site”. All costs associated with obtaining an encroachment permit, traffic control, and flagging shall be borne by the Contractor and included in this quote.
2. **Site/Location**: See Attached sketch. Location is from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the “RJKCCC Site” to a location within the Idaho Transportation (ITD) pit directly across Ramsey Road in ITD’s pit known as the “40 acre site”. Contact Jon Ingalls at (208) 769-2359 to arrange for a pre-quote site visit.
3. **Estimated Quantity**. The estimated quantity of material is 72,000 cubic yards. However, available funding budgeted (not to exceed \$50,000.00) may limit the amount of material moved.
4. **General Requirements**: Detailed direction of the excavation and haul will be as directed by. City’s designee. The Contractor will excavate, load into contractor furnished and operated trucks, haul soil from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the “RJKCCC Site” and deposit into a pit location within the Idaho Transportation (ITD) site directly across Ramsey Road in ITD’s pit known as the “40 acre site”. The exact location to deposit of soil in ITD’s pit as directed by the City’s designee. See aerial photo (Page 4 of 5) and sketch of soils location (page 5 of 5). The nature of the material to be excavated, loaded and hauled includes decomposed organics, dirt, concrete and asphalt chunks. As the material is excavated from the Ramsey Pit, the contractor shall segregate and make piles (not haul to ITD) any wood timbers, stumps, metals or other non-suitable materials as directed by the City’s designee. The Contractor shall provide a hold harmless agreement indemnifying the Idaho Transportation Department prior to beginning work. The contractor shall be required to maintain active flagging (personnel and signage) in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the City Engineer for the control of traffic at Golf Course Road and Ramsey Road and the

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entrance to ITD's pit. The quoted price shall include all contractor costs for equipment, supervision, overhead, profit, insurance, traffic control, fuel, etc. in the bid price per cubic yard. The contractor and the City's designee will jointly maintain daily logs on the number of cubic yards hauled and deposited.

5. **Required Certifications:** After a formal contract has been executed but before commencing work, the following must be provided to the City.
  - a) Proof of worker's compensation insurance.
  - b) An insurance policy naming the City as an additional insured with minimum policy amount of \$500,000 for bodily or personal injury, death, or property damage or loss as a result of any one accident or occurrence.
  - c) Proof of meeting Idaho law (I.C. 44-1001) requires that for all construction, repair or maintenance work performed for the City, the contractor must employ 95% bona fide Idaho residents unless the contractor employs less than 50 people. In that case up to 10% nonresidents may be employed on the job.
  - d) Proof that the Contractor meets Idaho Code 72-1717 as a Drug Free contractor.
  - e) Proof that the Contractor meets Idaho Code 54-1902 as a licensed Public Works contractor.
6. **Completion time:** The Contractor will start immediately upon award and have the soils removed within 30 calendar days.
7. **Payment:** There will be no partial payments during the work. Payment will be made after completion of the material haul. Invoicing shall be furnished to Finance Department, attention: Troy Tymesen, 710 Mullan Avenue, Coeur d'Alene, Idaho, 83814.
8. **Written contract:** The Contractor will be required to enter into a written contract with the City. Failure to comply with the terms of the contract will result in contract termination.

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**SOILS REMOVAL FROM THE RAY AND JOAN KROC CORPS  
COMMUNITY CENTER SITE  
(2903 N. Ramsey Road)**

**QUOTE FORM**

**Intent:** It is the intent of the City of Coeur d’Alene to obtain quotes for the removal of non-structural soils from a pit at the northwest corner of Golf Course Road and Ramsey Road known as the “Ray and Joan Kroc Corps Community Center site” (RJKCCC) to a location within the Idaho Transportation Department’s (ITD) pit directly across Ramsey Road known as the “40 acre site”. These specifications are meant to describe the working conditions and location of the excavation and hauling operation. The company selected as providing the most favorable quote will be required to obtain an encroachment permit through the City of Coeur d’Alene Engineering Department and furnish an acceptable traffic control plan for the flagging and control of traffic at Golf Course Road and Ramsey Road for trucks to travel between the two sites. The cost quoted in cost-per-cubic-yard shall include all associated costs of excavation, loading, hauling, dumping, traffic control, insurance, and other administrative expenses.

The City reserves the right to reject any and all quotes.

**Contractor’s quote:** \$ \_\_\_\_\_ per cubic yard

**I have made the required site visit:** Yes \_\_\_\_ No \_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_

RAMSEY RD

135 ft

615 ft

2803

GOLF COURSE RD

#10100

#10580

UNION PACIFIC RAILROAD R/W

FAIRWAY DR

2028

8

## MEMORANDUM

DATE: DECEMBER 27, 2006

TO: MAYOR BLOEM AND THE CITY COUNCIL

FROM: TROY TYMESEN, FINANCE DIRECTOR  
RENATA MCLEOD, PROJECT COORDINATOR

RE: APPROVAL OF AN AGREEMENT WITH SHELTER ASSOCIATES, INC. FOR  
TEMPORARY USE OF CITY PROPERTY LOCATED SOUTH OF CITY HALL

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### **DECISION POINT:**

To approve an agreement with Shelter Associates, Inc. for temporary use of city owned property located south of City Hall, for the term of January 3, 2007 through April 30, 2007 for storage of dirt.

### **HISTORY:**

Shelter Associates, Inc. approached staff several months ago regarding a proposal to temporarily store dirt in the dirt lot south of City Hall. At that time the city was utilizing that area for parking and storage of materials for the library project. Historically, the site is utilized for snow storage during the winter months. This year the Street Department has the opportunity to store snow closer to the downtown area at the corner of Government Way and Northwest Blvd., so they will not need of the dirt lot. The Library project has agreed to utilize only the eastern portion of the dirt lot, leaving the western portion open for other uses. Upon discussions with Art Elliott of Shelter Associates, Inc. it has been determined that the western area is large enough to store the approximate 1,000 yards of fill dirt from the Trail's Edge project located at 10<sup>th</sup> Street and Mullan Avenue. This fill dirt will be returned to the Trail's Edge site at the beginning of April. The agreement requires Shelter Associates, Inc. to bring the city site back to its original condition, and vacant in time for the busy parking season.

### **FINANCIAL:**

A payment of \$650.00 for the temporary use of the land will be made to the City.

### **DECISION POINT/RECOMMENDATION:**

To approve an agreement with Shelter Associates, Inc. for temporary use of city owned property located south of City Hall, for the term of January 3, 2007 through April 30, 2007 for storage of dirt.

RESOLUTION NO. 07-005

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A MEMORANDUM OF AGREEMENT FOR THE TEMPORARY USE OF CITY OWNED PROPERTY LOCATED SOUTH OF CITY HALL, WITH SHELTER ASSOCIATES, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 104 E. POPLAR AVENUE, COEUR D' ALENE, IDAHO 83814-3450 .

WHEREAS, it is recommended that the City of Coeur d'Alene enter into an Agreement with Shelter Associates, Inc., pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "A" and by reference made a part hereof; and

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

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

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

DATED this 2<sup>nd</sup> day of January, 2007.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER REID Voted \_\_\_\_\_

COUNCIL MEMBER KENNEDY Voted \_\_\_\_\_

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

COUNCIL MEMBER GOODLANDER Voted \_\_\_\_\_

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

COUNCIL MEMBER HASSELL Voted \_\_\_\_\_

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



## MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and dated this 2<sup>nd</sup> day of January, 2007, by and between the **City of Coeur d'Alene ("City")**, a municipal corporation organized pursuant to the laws of the State of Idaho, with its address at 710 E. Mullan Ave., Coeur d'Alene, ID 83814, and **Shelter Associates, Inc. ("Shelter")**, an Idaho Corporation, organized pursuant to the laws of the State of Idaho, with its address at 104 E. Poplar Avenue, Coeur d'Alene, Idaho 83814-3450.

### W I T N E S S E T H:

WHEREAS, the City owns vacant land to the south of City Hall, that is utilized for snow storage during the winter; and

WHEREAS, the City has decided to utilize an alternate snow storage location during the completion of the new Coeur d'Alene Public Library; and

WHEREAS, only the eastern portion of the vacant lot is being used for construction staging of the Library project (as depicted in Exhibit "A"); and

WHEREAS, the western portion of the vacant land will not be needed for City purposes until summer when it is used for overflow boat trailer parking; and

WHEREAS, Shelter has requested to temporarily store dirt upon the western portion of the vacant land between January 3, 2007 and April 30, 2007.

NOW THEREFORE, for and in consideration of the covenants and conditions set forth herein, the parties agree as follows:

1. Consideration: Shelter agrees to pay the City a total of Six Hundred Fifty Dollars (\$650.00) for use of the western portion of the vacant land during the term of this agreement, payable upon execution of this agreement.
2. Term: The term of the agreement shall be January 3, 2007 through April 30, 2007, unless otherwise mutually agreed in writing by the parties.
3. Site: Shelter may utilize the western portion of the vacant land and shall not encroach upon the existing dirt mound. The site shall be restored to the condition it was in prior to storage of the dirt by Shelter.
4. Interference with Library Construction Activities: Shelter expressly agrees that it will not interfere, in any manner, with the Library staging area as depicted on Exhibit "A" and that it will remedy, at its cost, any issues that may result from any interference that Shelter may cause. Shelter specifically acknowledges that there is a dirt pile located on the Library staging area that has been certified by a Geotechnical Engineer as suitable for the City's use in completing the

Library project. In the event that Shelter disturbs this pile, Shelter will pay to the City all costs associated with having the pile recertified including all work necessary to render the dirt usable for the City's purposes.

5. Signage: No Trespassing signs shall be installed around the dirt by Shelter and removed by Shelter at the end of the agreement term.

6. Hold Harmless: Shelter agrees to indemnify, defend and hold the City, and its officers, agents and employees, harmless from any and all claims, demands, causes of action or suits at law and equity of whatsoever kind and nature arising or which may arise out of Shelter's use of the property.

7. Default: If Shelter does not restore the site to existing conditions by April 30, 2007, the City shall take possession of remaining materials and submit costs of site restoration to Shelter for payment. Shelter agrees to submit payment to the City immediately upon receipt of a billing from the City.

8. No Waiver of Breach. In the event of a breach of any term of this Agreement, any delay or failure on the part of either party to exercise any rights, powers, or remedies herein provided shall not be construed as a waiver thereof or acquiescence of such breach or any future breach.

9. Amendments. This Agreement may be amended, revised or modified only by a written document signed by the parties.

10. Severability. Invalidation of any one of these covenants or conditions by judgment or order of any court shall in no way affect any of the other provisions, which shall remain in full force and effect.

11. Time is of the Essence: Time is of the essence in this agreement.

12. Merger: The representations, warranties, covenants, conditions and agreements of the parties contained in the agreement shall survive the acceptance of any deeds and/or easements.

13. Section Headings: The section headings of this agreement are for clarity in reading and not intended to limit or expand the contents of the respective sections to which they appertain.

14. Law and Venue. This Agreement is governed by the laws of the State of Idaho. It is expressly understood that any lawsuit or litigation arising out of or relating to this contract will take place in the District Court of Kootenai County, Idaho.

15. Promise of Cooperation. Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring a claim, initiate



STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

On this \_\_\_\_\_ day of January, 2007, before me, a Notary Public, personally appeared **Art Elliott**, known to me to be the President, of **Shelter Associates, Inc.**, and the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation 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:



