



Coeur d'Alene

CITY COUNCIL MEETING

April 5, 2011

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

Councilmen Edinger, Goodlander, McEvers, Bruning, Hassell, Kennedy

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
MARCH 15, 2011**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room March 15, 2011 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Woody McEvers) Members of Council Present
John Bruning)
Deanna Goodlander)
A. J. Al Hassell, III)
Loren Ron Edinger (Late)
Mike Kennedy)

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

INVOCATION was led by Pastor Ron Hunter, Nazarene Church.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Councilman McEvers.

PRESENTATION – JOBS PLUS: Steve Griffiths, President of the Coeur d'Alene Area Economic Development Corporation (Jobs Plus), presented a review of the activities of Jobs Plus. To date they have brought 80+ companies to our area which equates to 5,000+ jobs and have paid \$45,000,000 in property/personal taxes. Of the 80 companies relocated to the area, 21 have established themselves in the City of Coeur d'Alene.

PUBLIC COMMENT:

URBAN LAND INSTITUTE RESEARCH: Justin Druffel, JD Lakeshore, LLC and member of the Urban Land Institute of Idaho, PO Box 8463, Boise, Idaho, distributed a copy of a summary of the research completed on the benefits of parks to communities. Councilman Goodlander requested that this report be placed on the City's web site.

McEUEN PARK: Sandy Emerson, 2929 Lookout Drive, commented that he has been looking forward to making McEuen Park a place-making park. He noted that although concern has been voiced about doing such a project in hard economic times, he believes that this is the time to do it as it will create jobs and this is the time that materials and equipment to complete this project are at a much lower price. Rita Sims-Snyder, 818 Front Ave., spoke in opposition to some of the components of the McEuen Park Improvement Project. Sharon Hebert, 4255 Wirth Dr., voiced her surprise that the Council has not yet budgeted for the McEuen Park Project which, to her, means that the McEuen Park Project must be opened-ended cost wise. She also asked what the Council feels about the push back from the citizens. From her point of view, the people don't own this plan as the design team presented a plan that was "fraudulent" at best. She suggested that the survey is not what the citizens want but the survey presented what the design team wanted.

Ron Dayton, 2821 N. Ramsey Road, Spirit Lake, Idaho, ask that Jobs Plus do a report on those companies that have folded up or are going bankrupt. He also strongly recommended that the Council work with the citizens and stop the “my way or the highway” mode of thinking.

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

1. Approval of minutes for March 1, 3, 2011.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, March 21st at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 11:009: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVING AN AMENDMENT TO THE LEASE WITH COEUR D'ALENE LAKE CRUISES; APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ALASKA LAW ENFORCEMENT INFORMATION SHARING SYSTEM (ALEISS) AND AUTOMATED RECORDS RETRIEVAL AND ELECTRONIC SHARING TECHNOLOGY CONSORTIUM (ARREST) FOR SHARING LAW ENFORCEMENT INFORMATION; APPROVING CHANGE ORDER NO. 1 WITH MDM CONSTRUCTION, INC. FOR THE HOWARD STREET PROJECT; AND APPROVING A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH FERNAN LAKE PRESERVATION, LLC.
4. Authorizing staff to proceed with fuel reduction on Cherry Hill.
5. Acceptance of grant deeds for property in the Government Way Reconstruction Project.
6. Approval of bills as submitted and on file in the Office of the City Clerk.
7. Setting of Public Hearings: V-11-1 (vacation of R/W at 18th and Lost) for April 5, 2011; V-11-2 (vacation of water/sewer easements in Meadow Ranch Subdivision) for April 19, 2011; A-2-11 (annexation of Prairie Trail, west of Riverstone) for April 19, 2011; O-1-11 (amendments to pocket housing regs.) for April 19, 2011.
8. Approval of beer/wine/liquor license for Sully's Pub at 5785 N. Gov't Way.
9. Approval of cemetery lot repurchase from Jody Struckman.
10. Declaration of surplus property for the Parks Department copier.

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

COUNCIL COMMENTS:

COUNCILMAN BRUNING: Councilman Bruning announced that on April 9th at 7:00 p.m. the Rhythm Dawgs will be performing at the Eagles. This is a fundraiser for the Special Needs Recreation Program and the cost of a ticket is \$5.00.

COUNCILMAN McEVERS: Councilman McEvers introduced Josie Tennison, a student from Post Falls High School, and whose class created a video regarding texting while driving. Their video recently placed 1st in the State of Idaho for the creation of a public service announcement and the students will be going to nationals in Washington, D.C. with their video.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the entry forms/rules for the 23rd annual Coeur d'Alene Public Library Writers Competition are available at the library and by download from the library's website, cda.library.org. The deadline for entries is

March 31st. For information, contact David Townsend, at 769-2315. ReTool Box sessions is a computer literacy help program that is being held at the Coeur d'Alene Public Library. Seating is limited. To reserve a space call the Foundation office at 208-769-2380. The Library Foundation has reached a milestone in that it has met its financial obligation to the city. The City of Coeur d'Alene is currently accepting applications for: full-time Parks Administrative Assistant, deadline March 25th, and full-time, non-benefited, Parks Maintenance Worker, deadline April 1st. For applications and job information, please visit our website at www.cdavid.org or call the Human Resources Department at 769-2205. The Ped/Bike Committee asks that you get in the habit of always locking your bike – even if you are only gone for a short time or intend to keep your bike in your line of sight. It only takes a few seconds and can save you hundreds of dollars. Congratulations to Coeur d'Alene Fire's Mandy Jacques and Tom Hiltenbrand on their completion of extensive coursework and examination that certifies them as new paramedics. The Coeur d'Alene Fire Department is promoting their fire prevention program aimed at assisting people in need with changing their batteries and adding or replacing smoke detectors. The department has always promoted the national "Change Your Clock, Change your Battery" campaign, but recognized a need to provide a formal avenue for disabled and elderly people to gain assistance with the actual physical aspects of changing their smoke detector batteries. Citizens needing assistance can call the fire department at 769-2340 and set up an appointment. The City of Coeur d'Alene has announced the availability of free street trees for new neighborhoods. The trees are available to homeowners or residents in new neighborhoods who are willing to provide care for street trees. Interested people should contact the Urban Forestry division of the Coeur d'Alene Parks Department. Special thanks to the city's Legislative Committee for their hard work and effective communications with legislators during the 2010 legislative session. The Legislative Committee also planned and hosted last Saturday's Legislative Town Hall Meeting. There are two vacancies on the city's Natural Open Space Committee. If you are interested in serving, please contact Amy Ferguson, 666-5754, for an application. With the harshest winter weather behind us, garbage collection in alleys will resume on March 21st and the City of Coeur d'Alene and Waste Management would like to thank our citizens for their patience and flexibility during this past winter. The City's Strategic Planning meeting will be held on April 21st in the Library Community Room. The City and homeowners have settled the homeowners beach lawsuit and the City has acquired beach property adjacent to the 12th Street access.

ART ON LOAN PROGRAM: Recreation Director, Steve Anthony presented the proposed use of public right of way to display and sell artwork. He noted that the Arts Commission would provide each artist with \$500.00 to prepare and ship their item to Coeur d'Alene. The art will be on display for one year. The artist will put a price on the art piece; if the item sells the city shall receive 25% as a commission for showing the piece. The city will add temporary pieces of art to its collection for a relatively small price. The city has an opportunity to recover all costs if the piece sells. Joe Sharnetsky, member of the City Arts Commission, showed a power point presentation on the proposed displaying of artwork in the downtown area.

Motion by Kennedy, seconded by Goodlander to approve the Arts Commission recommendation to pursue an Art on Loan Program called "Art Currents" and be issued encroachment permits on Sherman and Lakeside Avenues. Motion carried.

ORDINANCE NO. 3403
COUNCIL BILL NO. 10-1023

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING SECTIONS 17.44.500, 17.44.510, 17.44.540 AND AMENDING SECTIONS 17.02.055, 17.44.010, 17.44.030, 17.44.050, 17.44.060, 17.44.070, 17.44.080, 17.44.090, 17.44.095, 17.44.100, 17.44.195, 17.44.200, 17.44.210, 17.44.225, 17.44.230, 17.44.490, 17.44.520, AND 17.44.530 TO PROVIDE A DEFINITION OF FLOOR AREA, PROVIDE A PURPOSE STATEMENT, REDUCE PARKING REQUIREMENTS FOR RESIDENTIAL, CIVIC, COMMERCIAL, SERVICE, WHOLESALE AND INDUSTRY USES, PROVIDE EXCEPTIONS TO CERTAIN PARKING REQUIREMENTS FOR PUBLIC SCHOOLS, CLARIFY PARKING REQUIREMENTS FOR COMMERCIAL BUSINESS PARKS, PROVIDE FOR A REDUCTION IN REQUIRED PARKING SPACES FOR CERTAIN ACCOMMODATIONS FOR BICYCLES, REDUCE THE SIZE AND AMOUNT OF REQUIRED OFF STREET LOADING BERTHS, REPEAL THE RESTRICTION OF LEASING OFF-STREET PARKING SPACES AND CLARIFY THE APPROVAL PROCESS FOR SHARED USE PARKING; 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 Hassell, seconded by Goodlander to pass the first reading of Council Bill No. 10-1023.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 10-1023 by its having had one reading by title only.

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

RECESS: Mayor Bloem called for a 5-minute recess at 7:30 p.m. The meeting reconvened at 7:40 p.m.

PUBLIC HEARING – A-1-11 – ANNEXATION AND ZONING OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BEST AVE. AND 15TH STREET:

Mayor Bloem read the rules of order for this public hearing. Sean Holm, City Planner, gave the staff report.

Mr. Holm gave the applicant's name as Cindy Espe, the location as a 46,667-sq. ft. parcel located in the southeast corner of 15th Street and Best Avenue, and the request as annexation with a zoning of C-17.

He went on to give the staff analyses for zoning, Comprehensive plan, utilities, and traffic. Mr. Holm reported that on February 8, 2011 the Planning Commission considered the requested C-17 zoning and denied the request without prejudice.

On February 25, 2011 the City mailed 57 notices for tonight's public hearing with 4 responses being received - 0 in favor, 2 opposed, 2 neutral. Written comments were distributed for council review.

PUBLIC COMMENTS: Cindy Espe, 4017 Deerfield Dr. Cd' A, spoke on behalf of the owner-applicant, noted that they have been working on this process since 2001 and when they met with John Stamos, it was recommended by staff that the zoning be designated as C-17; however, she noted that the owner is comfortable with a Community Commercial (CC) zoning but it would be acceptable for a Neighborhood Commercial (NC) zoning as well.

MAIN MOTION: Motion by Goodlander, seconded by Bruning to approve the annexation and to approve a zoning designation of Community Commercial (CC) for the property located at the southeast corner of 15th and Best, to direct staff to develop the Findings and Order for a CC zoning, and to direct staff to negotiate an annexation agreement.

MOTION TO AMEND: Motion by Hassell seconded by Kennedy to amend the motion to change the zoning from a CC to an NC. **ROLL CALL:** Bruning, Aye; Edinger, Aye; Goodlander, No; Hassell, Aye; Kennedy, Aye; McEvers, No. Motion carried

ROLL CALL ON MAIN MOTION AS AMENDED: Bruning, Aye; Edinger, Aye; Goodlander, Aye; Hassell, Aye; Kennedy, Aye; McEvers, Aye. Motion carried.

PUBLIC HEARING – ZC-1-11 – ZONE CHANGE AT 102 AND 106 HOMESTEAD:

Mayor Bloem read the rules of order for this quasi-judicial public hearing. Councilman Bruning declared a conflict of interest. Tami Stroud, City Planner, gave the staff report. Councilman Edinger noted that he has had a conversation with Peggy Harrison on the phone and in person prior to tonight's public hearing. Councilman Kennedy also noted that he received an e-mail but no conversation with Mr. Fitzmaurice.

Mrs. Stroud gave the applicant's name as the City of Coeur d'Alene, the location as 102 and 106 Homestead, and the reason for the request as a zone change from R-12 to R-17.

She gave the staff analyses for zoning, land use, Comprehensive Plan, utilities, and traffic. Mrs. Stroud noted that staff recommended the following conditions:

1. A 38-foot height limit.
2. Inclusion in the design, and construction of stormwater drainage swales on site, to manage all site runoff from the development of the subject property.
3. Protection of all off-site stormwater drainage structures during facility development on the subject property.
4. Installation of sidewalk along the subject property frontage with any building permit for the subject property.
5. Completion and recordation of lot consolidation for the subject property with the submission of any building permit for the site.
6. A 20-foot sewer easement for the 102 Homestead property, as approved by the Assistant Wastewater Superintendent.

Mrs. Stroud reported that on February 8, 2011 the Planning Commission recommended approval of the request with conditions. She noted that on February 25, 2011 96 notices of tonight's public

hearing were mailed with 9 responses being received - 1 in favor, 4 opposed, and 4 neutral. Written comments were distributed for Council consideration.

Councilman Edinger asked why the Planning Commission set the height at 38'. Mrs. Stroud responded that with the R-34 zoning the height could be 63' and so the Planning Commission set the height at 38'. Councilman Edinger noted that they could set the height at 36'. Councilman Edinger noted that Bruce Fitzmaurice at 110 E Homestead fears that the height will block the sun from his property. Councilman Edinger noted that Peggy Harris also at 110 E. Homestead believes that 36' is too tall and fears if the City sells the property with an R-34 zoning a structure could be constructed at 63'.

Mrs. Stroud noted that the Planning Commission also approved a Special Use Permit for the R-34 zoning for this property which would require construction within a year of approval. Councilman Edinger asked if the Council can set the limit on height. Deputy City Attorney Wilson responded since the City owns the property, if the City does sell the property the Council can place a deed restriction on the building height. Councilman Edinger noted that the basic concern of the neighborhood is the height of the building. Deputy City Attorney Wilson responded that the City's plan is to construct a 3-story building.

PUBLIC COMMENTS: Renata McLeod, 710 E. Mullan Ave., spoke as applicant for the City of Coeur d'Alene who purchased the subject properties. She noted that the City plan is to construct a common-use housing property for affordable housing. She noted that currently the city has a need of 1,070 units for low-moderate income housing. She explained that for HUD 811 grant funding on this project the City would need to construct a total of 14 units; however, the R-17 zoning would only allow 13 units and the R-34 zoning would allow the additional unit bringing our total to 14 units and thus qualifying for the HUD 811 grant funding. Councilman Edinger in response to Peggy Harris' concerns on the height asked if 36' would be acceptable and Mrs. McLeod responded that the Planning Commission allowed 38' for design flexibility. Councilman Goodlander asked how high the apartments owned by Mr. Foster on Hattie Avenue. She responded that it is three levels; however, the bottom floor appears to be a day-light basement.

Peggy Harris 110 E. Homestead, spoke in opposition to the height of the building and opposes the R-17 with a Special Use Permit for an R-34 zoning. Councilman Edinger asked that if the project did not go through would the zoning revert back to an R-12. Deputy City Attorney responded that if a future Council so chooses they can revert the zoning back to an R-12 and he also noted that if approved the Special Use Permit must be initiated within a year and if not the zoning would revert back to an R-17.

Joe Hutchinson, manager of the HUD housing at 550 and 570 W. Neider spoke to the need for affordable housing.

Rob Wert, manages the apartment complex south of the subject property on Hattie Avenue, and spoke in opposition to the requested zone change. He believes that this is "spot zoning" and this would take away the single-family aspect of the neighborhood.

Sheryldene Rogers, 818 W. Riverside, consultant for St. Vincent DePaul HUD 811 Program, noted that this is the only funding available for this type of low-income housing. She explained that due to the economy of scale, a 14-unit complex is needed to financially pay for this project.

She also requested that the Council not eliminate the 38' height limit. She noted that if the zone change is approved and HUD funding is approved, they will give the neighbors an opportunity to review the design of the building.

Robert Runkle, 1004 E. Autumn Crest Loop, Post Falls, spoke in support of the requested zone change and noted that those eligible for this type of housing project are very appreciative of these developments.

Jeff Conroy, 4965 N. Ezy, Director of St. Vincent DePaul, reiterated that they do take the neighbors comments seriously as they do want to be good neighbors.

John Foster, 104 Hattie, spoke in opposition to the number of units being requested for this site.

Peggy Harris, 110 E. Homestead, noted that she is not against the HUD project, but rather it is a density and height issue.

Renata McLeod, commented that an R-12 zoning has a height limit of 32'. She reiterated that there are 1,070 residents that fall within the low-to-moderate income need for affordable housing. Councilman Kennedy asked what the likelihood of this HUD funding going through. Mrs. McLeod noted that Mrs. Dean has a 100% success rate in obtaining HUD funding. Councilman Kennedy asked if Mrs. McLeod would promise to work with the neighborhood to keep the height at an absolute minimum. Mrs. McLeod responded that absolutely between the City and St. Vincent DePaul that notices will be sent out and they will work with the neighborhood.

Councilman McEvers voiced his dismay that the City believes that they have to take care of everybody, so if the City has to, then they can put the dwelling units under ground, as the neighborhood needs to be protected and believes that this project needs to be absolutely minimal.

Councilman Edinger commented that he still has a problem with the height and believes it should be at 36' and not 38'. He also would like it, if this project does not go through, that the City revert the property back to an R-12 zoning. Councilman Kennedy noted that the extra 2 feet was for the flexibility in design to help accommodate the neighbors concerns.

MOTION: Motion by Hassell, seconded by Goodlander to approve the requested zone change with the recommended conditions and to adopt the Findings and Order of the Planning Commission.

ROLL CALL: Bruning, Abstain; Edinger, No; Goodlander Aye; Hassell, Aye; Kennedy Aye; McEvers, No. Motion carried.

EXECUTIVE SESSION: Motion by Goodlander, seconded by Hassell to enter into Executive Session as provided by I.C. 67-2345 Subsection C: To conduct deliberations concerning labor negotiations or to acquire an interest in real property, which is not owned by a public agency.

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

The session began at 9:45 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

Matters discussed were those of property acquisition. No action was taken and the Council returned to regular session at 10:15 p.m.

RESOLUTION 11-010

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING WITHERSPOON KELLEY TO COMMENCE WITH CONDEMNATION PROCEEDINGS, IF NECESSARY, ON A PARCEL LOCATED ON GOVERNMENT WAY IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

Motion by Goodlander, seconded by Bruning to adopt Resolution 11-010.

ROLL CALL: Goodlander, Aye; McEvers, No; Edinger, Aye; Bruning, Aye; Hassell, Aye; Kennedy, Aye. Motion carried.

RESOLUTION NO. 11-011

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING WITHERSPOON KELLEY TO COMMENCE WITH CONDEMNATION PROCEEDINGS, IF NECESSARY, ON A PARCEL LOCATED ON GOVERNMENT WAY IN THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO.

Motion by Goodlander, seconded by Bruning to adopt Resolution 11-011.

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

ADJOURNMENT: Motion by McEvers, seconded by Bruning to recess to March 16, 2011 at 11:30 a.m. in the City Hall former Council Chambers for a joint meeting with Kootenai County Commissioners. Motion carried.

The meeting recessed at 10:17 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

A CONTINUED MEETING OF THE
COEUR D'ALENE CITY COUNCIL
WITH THE KOOTENAI COUNTY COMMISSIONERS
HELD AT COEUR D'ALENE CITY HALL
ON MARCH 16, 2011 AT 11:30 A.M.

The Coeur d'Alene City Council met in continued session with a joint meeting of the Kootenai County Commissioners held at City Hall in the former Council Chambers on March 16, 2011 at 11:30 a.m. there being present upon roll call a quorum:

Mayor Sandi Bloem

Ron Edinger) Members of the City Council Present
Mike Kennedy)
Deanna Goodlander)
John Bruning)
Woody McEvers)
A. J. "Al" Hassell, III)

Todd Tondee) Members of the County Commission Present
Jai Nelson)
Dan Green)

CITY STAFF PRESENT: Wendy Gabriel, City Administrator; Jon Ingalls, Deputy City Administrator; Susan Weathers, City Clerk; Mike Gridley, City Attorney; Troy Tymesen, City Treasurer; Gordon Dobler, City Engineer; Kenny Gabriel, Fire Chief.

COUNTY STAFF PRESENT: Sandy Maitland

SHARED PARKING STRUCTURE: Commissioner Dan Green explained the County's need for additional parking at the former Federal Building. He had talked with Troy Tymesen about constructing a multi-story parking structure in the downtown area. Mr. Tymesen informed the County that the City does need parking during the evenings and Commissioner Green noted that they need parking in the daytime for the Juvenile Justice Center. Commissioner Tondee noted that the County has been working with Diamond to use the City's parking lot north of the old Federal Building and requested that if Diamond does not work out that the City would provide the County that parking lot. Councilman Kennedy asked Mr. Tymesen if the County's use of the old Federal Building increased the need for downtown parking. Mr. Tymesen responded that it will increase the parking need. Commissioner Tondee noted that they are looking for 50 parking spaces five days a week 8-5 and that is why they are asking for the use of the City's parking lot just north of the building. Mr. Tymesen noted that the main campus of Kootenai County is in the urban renewal district and he has had discussions with the County regarding a parking structure.

MC EUEN PARK IMPROVEMENT PROJECT: City Administrator Wendy Gabriel briefly reviewed the proposed plans for McEuen Park and some of the amendments to the original design concept. She noted that this is one of the largest projects the City will be working on for

the next 5 years. She noted that the design had parents and small children in mind in that the pavilion has been placed next to the children's play area so parents can relax and still keep an eye on their children. Additional features included water fountains, skate park, dog park as well as a proposed Tubbs Hill trail with ADA accessibility. At a joint meeting between the Council and Team McEuen the survey results have identified areas which may need to be changed including Tubbs Hill, water features, sledding hill, bridge to the Boardwalk. The City is anticipating the costs estimates to be completed by mid-April. She noted that some of the sites being looked at for the 3rd Street boat launch replacement include the Education Corridor and a site west of the Silver Beach Marina along Coeur d'Alene Lake Drive. In regard to the American Legion Ball Field, this is not included in the McEuen Improvement Plan and the City is working with the Legion for an alternate site. Commissioner Tondee commented that by placing a boat launch at the Education Corridor site, the dredging for a retaining wall will cause the current to increase which would create a greater hazard. Councilman Kennedy noted that Doug Eastwood has suggested a joint City/County/State boat launch master planning review be undertaken.

CITYLINK: Councilman Kennedy had been approached about the deadline for the March 30th for the transit center in Riverstone. His research has shown that the contact person for this project is Commissioner Tondee. Commissioner Tondee reported on the history of this project and today the County has contracted a NEPA study of the site and today there are five issues that need to be clarified before the report can be submitted as well as a traffic study on the impact of the transit center at this site. He noted that once the FTA has approved the NEPA study, then all that is needed is funding for the purchase of the property. Councilman Edinger asked if the County has asked the tribe for financial assistance. Commissioner Tondee responded that the tribe is not a feasible resource for Citylink funding at this point. He also noted that the transfer center is in the Urban Renewal District and that may be a possibility for funding. At this point, it looks like they may be losing the grant funding. In regarding to the Citylink bus routes they have been working with KMC for the medical transports, and as for the hair appointments, shopping transports of those who qualify they are meeting their grant requirements but the tribe has declined to provide the KATS bus links and so the County is working with PAC to see if those para-transit routes can be picked up. Mayor Bloem noted that the site for the transit center is an issue whereby the owner is at a point that if the property is not purchased for the center then they will need to put the property on the market. Councilman Kennedy asked that if there are federal grant funds available, would the County write a letter of support for Citylink? Commissioner Tondee said that they Council would provide a letter of support. Gordon Dobler noted that the County can only pay for property what the appraisal comes in at and so if Riverstone wants to sell it for more, then the County's hands are tied. In the end, Commissioner Tondee believes that they are going to end up having to charge a fee for using Citylink.

EMSS: Councilman McEvers reported that EMSS seems to be working well. Chief Gabriel addressed the EMS legislation in that there was a proposal about having Kootenai County's EMS Board be grandfathered in; however, he has heard that this grandfather clause is being removed from the proposed legislation. So now the hope is that this legislation is put on hold.

KOOTENAI COUNTY IMPACT FEES: Wendy noted that the County has adopted impact fees for various entities in the county and she asked what they see the City's role is in the process.

Commissioner Tondee responded that a letter of agreement has been sent out. He noted that the county is going to ask the cities to collect county impact fees for EMS, Sheriff, and the jail. He anticipates that they will be setting their fees in the next 90 days.

EDUCATION CORRIDOR: Wendy presented the infrastructure plans that is hoped to be constructed this summer which includes the extension of Hubbard Avenue to River Avenue and signalization at Hubbard and Northwest Boulevard.

COUNTY COMPREHENSIVE PLAN: Commissioner Tondee noted that the plan has been updated and the next step is to revise the regulations. They will be interviewing 4 consultants on March 25th.

CDA TV: Councilman McEvers invited the Commissioners to tape their meetings and the City will air their meetings on CDA TV. He noted that \$35,000 would cover the Commissioners cost for cameras and a recording system.

LETTER OF SUPPORT – ABANDONMENT OF BSF RAILROAD LINE: City Attorney Mike Gridley reported that railroad is in the process of being abandoning their railroad lines in the city but there has been an issue that kept the process from continuing so the City was going to ask the County for a letter of support; however, since this agenda had been developed that the issue has been resolved and so the abandonment process is back on track.

ADJOURNMENT: Motion by Edinger, seconded McEvers that, there being no further business before the Council, this meeting be adjourned. Motion carried.

The meeting adjourned at 1:00 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

RESOLUTION NO. 11-012

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 CHANGE ORDER NO. 1 WITH JOHNSON CONTROLS FOR BALL VALVE REPLACEMENT AND BID AWARD AND CONTRACT APPROVAL WITH POE ASPHALT PAVING, INC. FOR THE 2011 STREET OVERLAY PROJECT.

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 3" and by reference made a part hereof as summarized as follows:

- 1) Approval of Change Order No. 1 with Johnson Controls for Ball Valve Replacement;
- 2) Bid Award and Contract approval with Poe Asphalt Paving, Inc. for the 2011 Street Overlay Project;

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 3" 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 5th day of April, 2011.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

General Services Staff Report

DATE: March 21, 2011
FROM: Howard Gould, Building Maintenance Supervisor
SUBJECT: **Replace old gate valves throughout city hall**

DECISION POINT:

Recommend approval of Change Order #1 with Johnson Controls Inc. (JCI), to replace 52 gate valves throughout City Hall for the heating system.

HISTORY:

Throughout City Hall there are 52 gate valves used to isolate the heating coils located in the ceiling. Most of the gate valves have failed, therefore making it very difficult to make repairs, and requiring building maintenance to drain the boiler loop for the entire heating system to work on one heating coil. On October 10, 2010, we entered into an Energy Conservation Contract with JCI to upgrade the mechanical system for City Hall, which includes a new condensing unit, new air handler, new return fan, 3 new boilers and 2 new pumps, new ALC controls, and new electronic heating valves. JCI is currently onsite working on these upgrades. The replacement of the old gate valves is vital to the retrofit of the heating system and the new electronic control valves being installed.

FINANCIAL ANALYSIS:

It will cost \$5,961.00 to remove all 52 gate valves and install new ball valves for isolating the supply and return boiler water to the heating coils. The cost of the contract we have with JCI controls to complete the energy saving upgrades to city owned buildings is \$808,871.00. This change order represents less than 1% of the total cost. The purpose of this request is to approve Change Order #1 which will amend the original contract to include this work. The change order would be paid out of the City's General Fund Match for this project.

PERFORMANCE ANALYSIS:

By replacing the old gate valves to ball valves, we will remove the old piping that is a mixture of galvanized pipe, black pipe and copper pipe. Piping from the ball valves will be copper pipe only, therefore eliminating leaks from the old fittings, and the ability to isolate a heating coil to make repairs without draining the entire heating system to make repairs.

DECISION POINT/RECOMMENDATION:

Recommend to City Council to authorize Change Order #1 with Johnson Controls, Inc. (JCI) for the installation of 52 ball valves throughout City Hall at a cost of \$5,961.

CHANGE ORDER

Performance Contract dated October 29, 2010 between Johnson Controls, Inc. and the Customer.	Change Order No. 001	Date (mo/day/yr) March 8, 2011
Customer City of Coeur d'Alene, ID		
The above referenced Performance Contract is hereby modified to the extent described below in accordance with the Terms and Conditions of the CHANGE ORDERS section thereof.		
Scope of Work changed as follows:		
As requested and authorized by the City of Coeur d'Alene. JCI will replace 52 existing gate valves with ball valves during installation of control valves within the City of Coeur d'Alene City Hall.		
Total amount of this Change Order.....	\$	5,961.00
Total Performance Contract amount as revised by this Change Order	\$	610,898.00
The time for completion is: <input type="checkbox"/> increased, <input type="checkbox"/> decreased, <input checked="" type="checkbox"/> unchanged. The new completion date resulting from this Change Order is:	(mo, day, yr)	
[check if applicable] Assured Performance Guarantee changed as follows:		
Unless specifically changed by this Change Order, all terms, conditions and provisions of the above referenced Performance Contract remain unchanged and in full effect.		
JCI	CUSTOMER	
Signature:	Signature:	
Printed Name:	Printed Name:	
Title:	Title:	

CITY COUNCIL STAFF REPORT

DATE: April 5, 2011
FROM: Dennis J. Grant, Engineering Project Manager
SUBJECT: Approval of Low Bidder for the 2011 Overlay Project

DECISION POINT

Staff is requesting the City Council to approve Poe Asphalt Paving, Inc. as the low bidder for the 2011 Overlay Project.

HISTORY

The City of Coeur d'Alene received three responsive bids:

Poe Asphalt Paving, Inc.	\$416,080.48
Hap Taylor & Sons, Inc. dba: Knife River	\$416,613.00
Interstate Asphalt & Concrete, Inc.	\$455,455.45
Engineer's Estimate	\$415,000.00

FINANCIAL ANALYSIS

The overlay program is a budgeted item. The budgeted amount is \$630,000 so there are sufficient funds.

PERFORMANCE ANALYSIS

The City of Coeur d' Alene received three responsive bids for this years overlay. The largest differences in the bids were in Mobilization and Traffic Control costs. The streets that will be overlaid this year are 15th St, from Mullan to Harrison, Sherman Ave, from 2nd St to 7th Street, and Ironwood Dr., from US95 to Gov't Way.

RECOMMENDATION

Staff recommends a motion to approve Poe Asphalt Paving, Inc. as the low bidder and authorize the mayor to execute the contract for the 2011 overlay program.

CONTRACT
For
2011 OVERLAY PROJECT

THIS CONTRACT, made and entered into this 5th day of April, 2011, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, hereinafter referred to as the "**CITY**", and **POE ASPHALT PAVING, INC.**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at 2732 N. Beck Road, Post Falls, Idaho 83854, hereinafter referred to as "**CONTRACTOR**",

W I T N E S S E T H:

THAT, WHEREAS, the said **CONTRACTOR** has been awarded the contract for the **2011 OVERLAY PROJECT** according to plans and specifications on file in the office of the City Clerk of said **CITY**, which plans and specifications are incorporated herein by reference.

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

The **CONTRACTOR** shall furnish and install barriers and warning lights to prevent accidents. The **CONTRACTOR** shall indemnify, defend and hold the **CITY** harmless from all claims arising from the **CONTRACTOR**'s actions or omissions in performance of this contract, and to that end shall maintain liability insurance naming the **CITY** as one of the insureds in the amount of One Million Dollars (\$1,000,000) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants, it being the intention that the minimum limits shall be those provided for under Idaho Code 6-924. A certificate of insurance providing at least thirty (30) days written notice to the **CITY** prior to cancellation of the policy shall be filed in the office of the City Clerk.

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

Employment Security Law including, at the option of the **CITY**, a surety bond in an amount sufficient to make such payments.

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

The **CONTRACTOR** agrees to receive and accept as full compensation for furnishing all materials, and doing all the work contemplated and embraced in the contract, an amount equal to the sum of the total for the items of work. The total for each item of work shall be calculated by determining the actual quantity of each item of work and multiplying that actual quantity by the unit price bid by the **CONTRACTOR** for that item of work. The total amount of the contract shall not exceed One Hundred Thirty Eight Thousand Five Hundred Eighty Nine and 00/100 Dollars (\$138,589.00).

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

The 2011 Overlay Project shall be completed on or before August 12, 2011. The Sherman Avenue portion of this project shall be overlaid first and at night (7pm – 7am) to accommodate City of Coeur d 'Alene Special Events and be completed on or before June 16, 2011. The Ironwood Drive portion shall be overlaid at night (7pm – 7am).

The **CITY** and the **CONTRACTOR** recognize that time is of the essence and failure of the **CONTRACTOR** to complete the work within the time allowed shall result in damages being sustained by the **CITY**. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the **CONTRACTOR** shall fail to complete the work within the above time limits, the **CONTRACTOR** shall pay to the **CITY** or have withheld from monies due, liquidated damages at the rate of One Thousand Five Hundred and No/100 Dollars (\$1,500) per calendar day, which sums shall not be construed as a penalty.

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

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

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this contract, whether or not the same shall be payable at the end of such term.
2. That if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same constitutes liens upon his property, to secure the same to the satisfaction of the respective officers charged with the collection thereof.
3. That in the event of his default in the payment or securing of such taxes, excises and license fees, to consent that the department, officer, board or taxing unit entering into this contract may withhold from any payment due him hereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said **CONTRACTOR** is liable.

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

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

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

- A) Advertisement For Bids
- B) Information For Bidders
- C) Bid Proposal
- D) Bid Bond
- E) Bidding Forms as Required
- F) Contract
- G) Labor and Materials Payment Bond
- H) Performance Bond

- I) Notice of Award
 - J) Notice to Proceed
 - K) Change Order
 - L) General Conditions
 - M) Technical Specifications
 - N) Special Provisions
 - O) Plans
 - P) Addenda
- No. 1, dated March 25, 2011

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

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this contract on behalf of said **CITY**, and the **CONTRACTOR** has caused the same to be signed by its President, the day and year first above written.

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

**CONTRACTOR:
POE ASPHALT PAVING, INC**

Sandi Bloem, Mayor

Brad Griffith, Vice President

ATTEST:

Susan K. Weathers, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 5th day of April, 2011, 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 _____
Residing at _____
My Commission expires: _____



STATE OF IDAHO)
) ss.
County of Kootenai)

On this ____ day of April, 2011, before me, a Notary Public, personally appeared _____, known to me to be the _____, of _____, and the persons 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 _____
Residing at _____
My Commission expires: _____

PUBLIC WORKS STAFF REPORT

DATE: March 21,2010
FROM: Tim Martin, Street Superintendent
SUBJECT: **Sidewalk Policy- Proposed Renewable 5 Year Sidewalk Plan**

DECISION POINT:

The council is requested to adopt the recommendation of the proposed five year sidewalk plan in accordance with respect to the adopted Americans with Disabilities Act (ADA)

HISTORY:

By Resolution 06-010, the City Council has adopted the Americans with Disabilities Act (ADA) along with recommendations pertaining to a new ADA Sidewalk Hazard Abatement Program. A committee consisting of citizens, a city advisory group member and staff have met to put together and prioritized a five (5) year sidewalk replacement or repair plan.

PERFORMANCE ANALYSIS

In general, the ADA guides us to prioritize repairs first in civic areas followed by commercial areas, then residential areas. This guidance helped us in preparing our 5 year model. The committee looks at areas as an investment that we should capitalize on and target for sidewalk repairs first.

With the figure of 5000 lineal feet per year, and many sidewalks burdened with tree roots, crews and the committee can only estimate the time it will take to complete and obtain accessible routes in these areas.

Recommendation 5 Year Plan

2010-2011

7th Street Harrison to Lakeside

2011-2012

4th Street Harrison to I-90

2012-2013

Harrison Avenue

2013-2014

Best Avenue and 3rd Street (Westside)

2014-2015

15th Street Sherman to I-90

*** This plan does not take into consideration any downtown improvements.

FINANCIAL ANALYSIS

Tied to foregone taxes, the ADA Sidewalk Hazard Abatement Program is budgeted at \$200,000.00/year, and this will produce approximately 5,000 lineal feet of sidewalk repairs a year.

DECISION POINT:

It is recommended that City Council authorize the 5 Year Priority Plan with the recommendation that we Update the plan yearly, and to implement this plan in the Spring 2011.

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

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

[Office Use Only] Amt Pd 6.25
 Rec No 542512
 Date 03-15-2011
 Date to City Council: 04-05-2011
 Reg No. _____
 License No. _____
 Rv _____

Date that you would like to begin alcohol service _____

Check the ONE box that applies:

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

Transfer from Boulevard Food Mart

Business Name	<u>GARY GAS + Food MART</u>
Business Mailing Address	<u>1801 N. W. Blvd</u>
City, State, Zip	<u>CIDA ID 83814</u>
Business Physical Address	<u>SAME</u>
City, State, Zip	
Business Contact	Business Telephone : <u>208 640 - 3535</u> Fax: <u>208-769-7100</u>
License Applicant	<u>GURNEK SINGH</u>
If Corporation, partnership, LLC etc. List all members/officers	<u>GURNEK SINGH</u> <u>SURINDER KAUR</u>

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

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

[Office Use Only] Amt Pd 2500
 Rec No 543393
 Date 03-22-2011
 Date to City Council: 04-05-11
 Reg No. _____
 License No. _____
 Rv _____

Date that you would like to begin alcohol service 4-1-2011

Check the ONE box that applies:

<input type="checkbox"/>	Beer only (canned and bottled) not consumed on premise	\$ 50.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled) not consumed on premise	\$250.00 per year
<input type="checkbox"/>	Beer only (canned and bottled only) consumed on premise	\$100.00 per year
<input type="checkbox"/>	Beer and Wine (canned and bottled only) consumed on premise	\$300.00 per year
<input type="checkbox"/>	Beer only (draft, canned, and bottled) consumed on premise	\$200.00 per year
<input type="checkbox"/>	Beer and Wine (Draft, canned, and bottled) consumed on premise	\$400.00 per year
<input type="checkbox"/>	Beer, Wine, and Liquor (number issued limited by State of Id)	\$762.50 per year
<input checked="" type="checkbox"/>	Transfer of ownership of a City license with current year paid Beer-to go only \$6.25 Beer- Can, Bottled only \$12.50 Beer- Draft, can, bottled \$25 Consumed on premise yes no Transfer from _____ to _____	\$ <u>2500</u>

Business Name	Cricket's Downtown Bar + Grill
Business Mailing Address	424 Sherman Avenue,
City, State, Zip	Coeur d'Alene, Idaho 83814
Business Physical Address	424 Sherman Avenue
City, State, Zip	Coeur d'Alene, Idaho 83814
Business Contact	Business Telephone: (208) 765-1990 Fax:
License Applicant	Ciccione Enterprises, LLC.
If Corporation, partnership, LLC etc. List all members/officers	Alberico V. Ciccione Robert Ciccione

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 03-24-11
Department Name / Employee Name / Date

Request made by: Linda J Ghramm Jones 640-0592
Name / Phone
2406 Solar hoop Chewelah WA 99109
Address

The request is for: / / Repurchase of Lot(s) Linda + Gary Ghramm Linda J. Ghramm Jones
 Transfer of Lot(s) from _____ to and John J Jones

Niche(s): _____
Lot(s): 91, 92, _____, _____, _____, _____. Block: H Section: Riverview

Lot(s) are located in / / Forest Cemetery Forest Cemetery Annex (Riverview).

Copy of / / Deed or / / Certificate of Sale must be attached.

Person making request is Owner / / Executor* / / Other* _____

*If "executor" or "other", affidaviats of authorization must be attached.

Title transfer fee (\$ 40.00) attached**.

**Request will not be processed without receipt of fee. Cashier Receipt No.: _____

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.

Sheri Caswell
Accountant Signature

CEMETERY SUPERVISOR shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant: Yes / / No

2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:

Linda and Gary Ghramm

3. The purchase price of the Lot(s) when sold to the owner of record was \$ 500.00 per lot.

DE 3/25/2011
Supervisor's Init. Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: Yes / / No.

Person making request is authorized to execute the claim: wyl 3-29-2011
Attorney Init. Date

I certify that all requirements for the transfer/sale/repurchase of cemetery lot(s) have been met and recommend that that transaction be completed.

Swann K. Weather 3-29-11
City Clerk's Signature Date

COUNCIL ACTION

Council approved transfer/sale/repurchase of above-referenced Lot(s) in regular session on: 4/5/11
Mo./ Day /Yr.

CEMETERY SUPERVISOR shall complete the following:

Change of ownership noted/recorded in the Book of Deeds: / / Yes / / No
Cemetery copy filed / /; original and support documents returned to City Clerk / /

Cemetery Supervisor's Signature Date

Distribution: Original to City Clerk
Yellow copy Finance Dept.
Pink copy to Cemetery Dept.

STAFF REPORT

TO: Mayor/City Council

FROM: *Steve Childers, Captain*

SUBJECT: Abandoned Vehicle Disposition

DATE: March 30th 2011

Decision Point:

Authorization of civilian volunteer Larry Seward to mark, tag and tow abandoned vehicles within the City limits of Coeur d'Alene.

History:

On December 19, 2006, City council adopted Resolution 06-080: Authorizing civilian volunteers from the Coeur d'Alene Police Department, as designated by City Council, "Authorized Officers" able to perform the function of removing abandon or junk vehicles.

Financial Analysis:

This proposed change in authorization that would allow for civilian volunteers to handle abandoned vehicle complaints would require no additional funds from the Police Budget. Volunteer uniforms and equipment are purchased with funds already allocated to the Police Department on a yearly basis.

Performance Analysis:

Authorization of civilian volunteers to handle abandoned vehicles will free up officers to spend more time on priority calls for service.

Decision Point:

We are requesting authorization be given to civilian volunteer Larry Seward to mark, tag and tow abandoned vehicles.

ANNOUNCEMENTS

Memo to Council

DATE: March 23, 2011

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the April 5th Council Meeting:

CHRIS COPSTEAD

CDA TV COMMITTEE

A copy of the data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director/CDA TV Liaison

Memo to Council

DATE: March 28, 2011

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the April 5th Council Meeting:

TOM MESSINA

PLANNING COMMISSION

A copy of the data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Shana Stuhlmiller, Planning Commission Staff Support

OTHER BUSINESS

ORDINANCE NO. _____
COUNCIL BILL NO. 11-1002

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 1.15 ACRE PARCEL LOCATED AT 102 AND 106 HOMESTEAD AVENUE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

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

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

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

a +/- 1.15 acre parcel, at 102 (Tax # 3702) & 106 (Tax # 3701) E. Homestead Avenue legally described as a part of the Southwest ¼ of the Northwest ¼ of Section 12, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

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

SECTION 2. That the following conditions precedent to rezoning are placed upon the rezone of the property:

1. **A 38' foot height limit.**
2. **Inclusion in the design, and construction of stormwater drainage swales on site, to manage all site runoff from the development of the subject property.**
3. **Protection of all off site stormwater drainage structures during facility development on the subject property.**
4. **Installation of sidewalk along the subject property frontage with any building permit for the subject property.**
5. **Completion and recordation of lot consolidation for the subject property with the submission of any building permit for the site.**
6. **A 20' sewer easement for the 102 Homestead property, as approved by the Assistant Wastewater Superintendent.**

SECTION 3. That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, is hereby amended as set forth in Section 1 hereof.

SECTION 4. That the Planning Director is hereby instructed to make such change and amendment on the three (3) official Zoning Maps of the City of Coeur d'Alene.

SECTION 5. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED this 5th day of April 2011.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____

Zone Change – ZC-1-11

102 & 106 E. Homestead Avenue

AN ORDINANCE AMENDING THE ZONING ACT OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, KNOWN AS ORDINANCE NO. 1691, ORDINANCES OF THE CITY OF COEUR D'ALENE, BY CHANGING THE FOLLOWING DESCRIBED PROPERTY FROM R-12 TO R-17 AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: +/- 1.15 ACRE PARCEL LOCATED AT 102 AND 106 HOMESTEAD AVENUE; 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.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Zone Change – ZC-1-11 / 102 & 106 E. Homestead Avenue, 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 5th day of April, 2011.

Warren J. Wilson, Chief Civil Deputy City Attorney

**CITY COUNCIL
STAFF REPORT**

FROM: SEAN E. HOLM, PLANNER
DATE: APRIL 5, 2011
SUBJECT: RCA-1-11 – REQUEST TO CONSIDER ANNEXATION
LOCATION: +/- 105.89 ACRE PARCEL EAST OF AND ADJACENT TO BEST HILLS MEADOWS SUBDIVISION

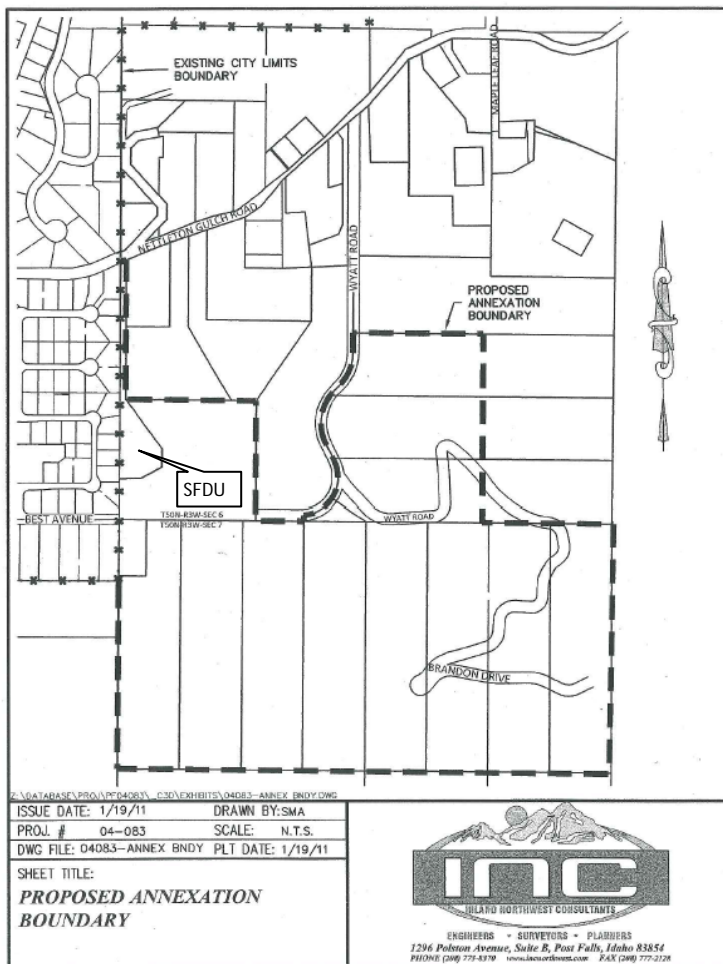
DECISION POINT:

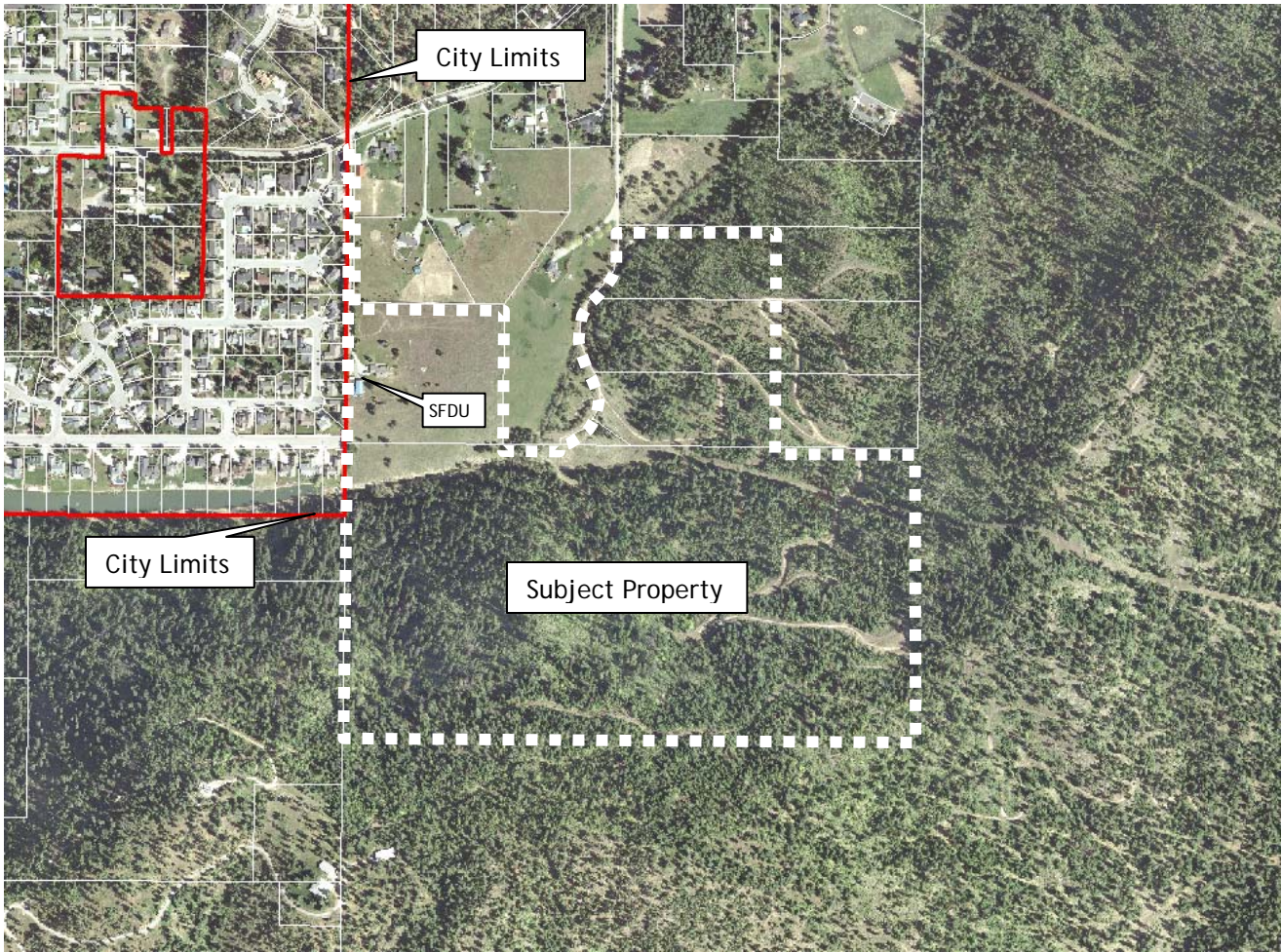
Halko, LLC is requesting approval of a Request to Consider Annexation of a +/- 105.89 acre parcel into the City of Coeur d'Alene.

1. GENERAL SITE INFORMATION:

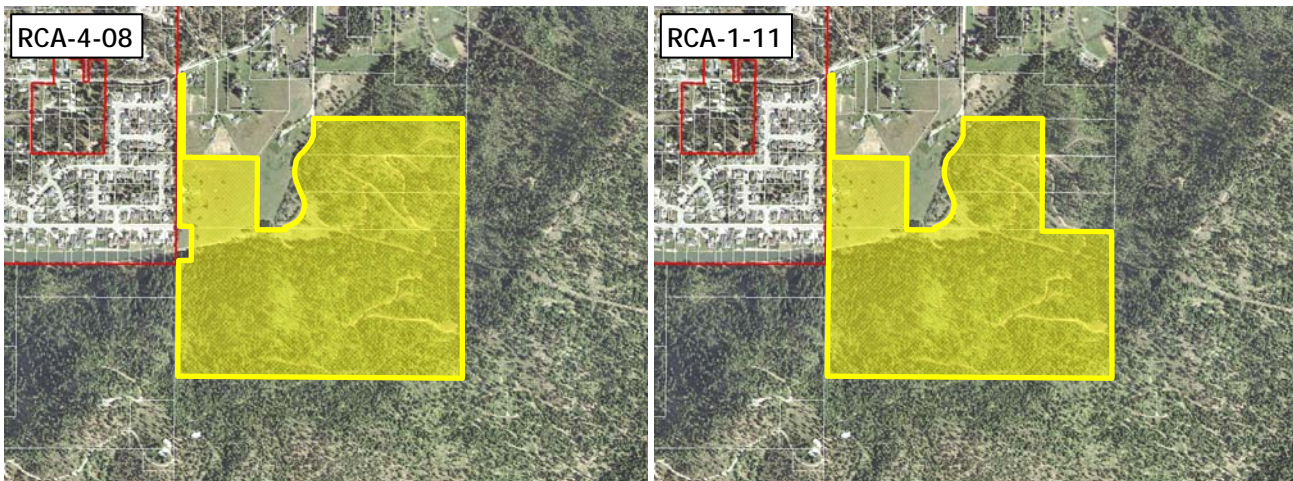
A. The Site:

The subject property is predominately undeveloped vacant land with one single-family dwelling adjacent to Best Hills Meadows subdivision.



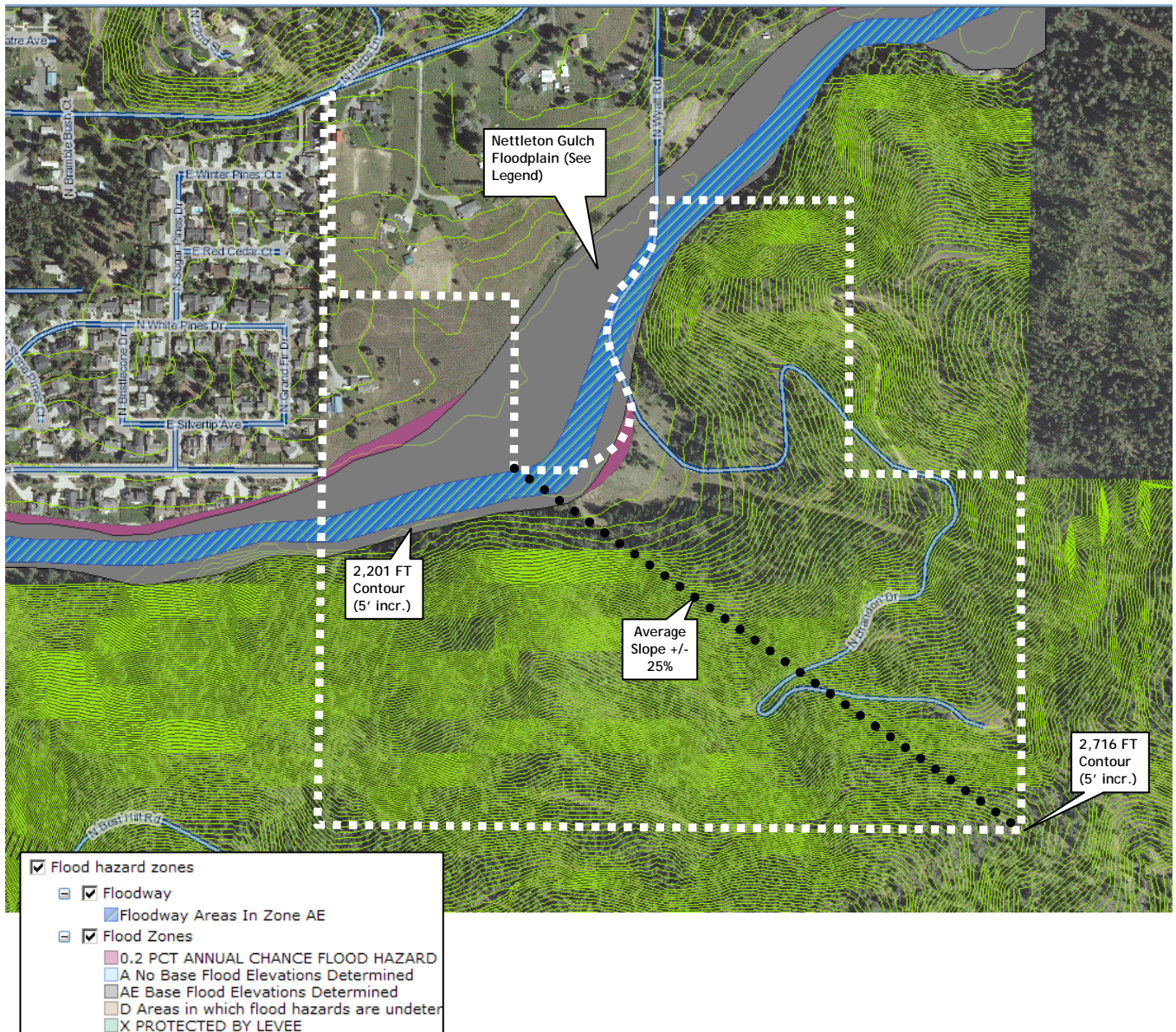


The applicant made an RCA request in this general area in 2008. The boundaries have been altered and the potential home sites (lots) have changed, reducing the need for expensive and difficult utility arrangements in which to provide acceptable water pressures, at elevations beyond our city's service area.



B. Physical Constraints:

A portion of the area of request is in the 100 year flood plain of Nettleton Gulch Creek. Development in a flood zone is strictly regulated by City code. Our Floodplain ordinance adheres to all FEMA requirements so that property owners will be eligible for flood insurance. The hillside portion of the subject property has extremely steep slopes with an average slope of +/-25%. There are some areas, however, that are much steeper than this. As such, the Hillside Overlay will apply to a major portion of the property.



2. BASIC LEGAL THRESHOLDS:

A. Area of City Impact:

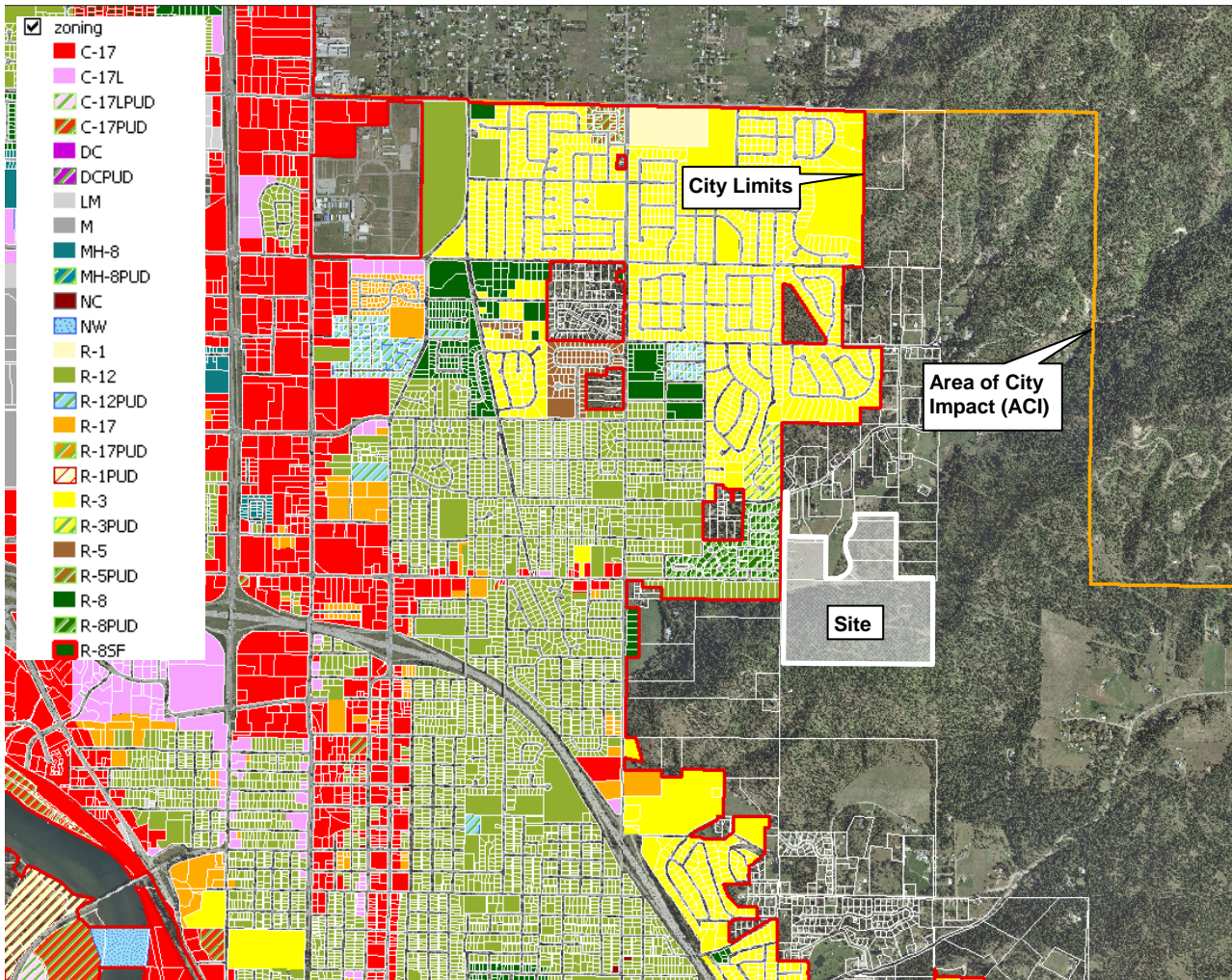
The subject property is within the Coeur d'Alene Area of City Impact boundary.

B. Contiguity with City Boundary:

The subject property is contiguous with City limits along the west property line of the subject property.

C. Orderly Growth:

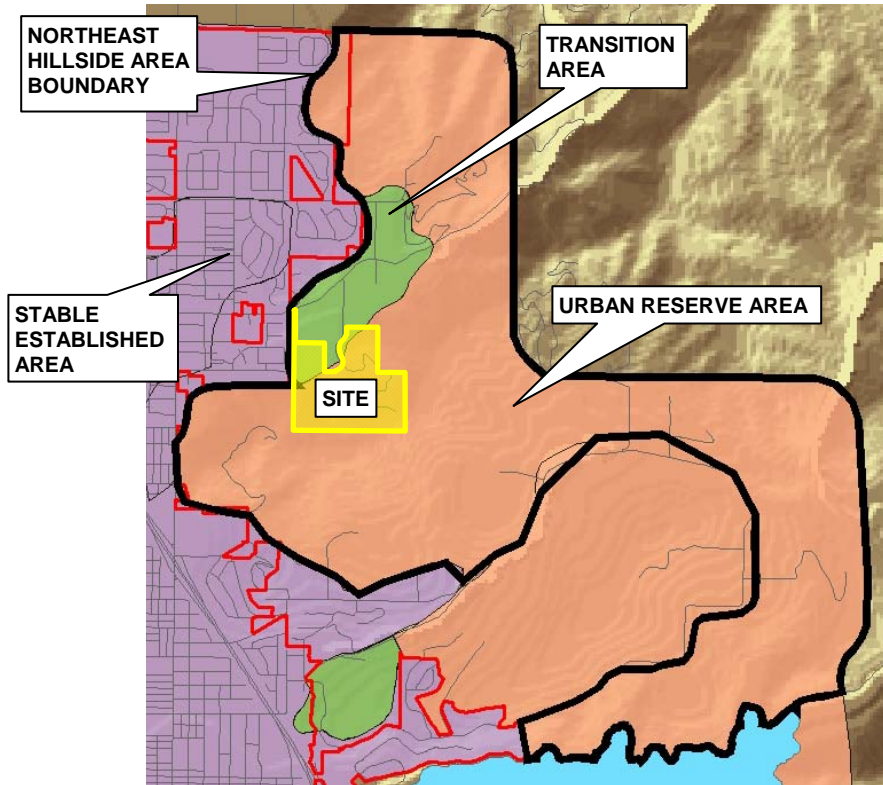
As noted above, the subject property is contiguous with City limits and directly abuts residentially developed property within the City and is not a "leap frog" development. Some portion of the subject property is subject to restrictive covenants that will allow no more than one home/lot per two acres. The closest City zoning district resembling the restriction is R-1, which allows roughly one home per acre.



3. BASIC PLANNING CONSIDERATIONS:

A. 2007 Comprehensive Plan:

Portions of the subject property are in Transition and Urban Reserve land use designations and the Northwest Hillside land use district. Portions of the Hillside Landmarks Special Area (2007 Comprehensive Plan page 34) may also be relevant.



Transition Area:

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

Urban Reserve:

These areas represent lower priorities for city growth due to natural constraints such as topography, soils, and wetlands. They also have city service constraints such as water, sewer, and police and fire protection.

Northeast Hillside:

This location contains the highest elevations, steepest topography, and sparsest population of any region in the Area of City Impact (ACI). This district is also part of the Hillside Special Area identified in this Comprehensive Plan and is within a vicinity that has significant physical constraints such as steep slopes, unstable and erodible soils, and the Nettleton Gulch flood plain that all make development difficult.

Development of the Northeast Hillside area should reflect careful consideration to ensure preservation of views and vistas with public open space encouraged.

This area is generally envisioned to be sparsely developed with preservation of its natural vegetation, views and vistas, and open space being the main priority. Where development occurs, it will be lower density residential.

The characteristics of Northeast Hillside neighborhoods will be:

- That overall density in this area will be approximately one dwelling unit per five acres (1:5). However, in any given development, higher densities up to three units per acre (3:1) are appropriate where site access is gained without significant disturbance, terrain is relatively flat, natural landforms permit development, and where development will not significantly impact views and vistas.
- As the area grows, parcels not suitable for development should be preserved for open space through conservation easements, clustering and acquisitions, etc.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged.
- Incentives will be provided to encourage clustering.

4. BASIC SERVICE CONSIDERATIONS:

A. Water:

There should be adequate water from the 12 inch main at the end of Best Ave. to service the subject property with some possible looping to the north and west to provide fire flow and redundancy.

Some critical design elements for this hillside development consideration are:

- Minimum allowable static pressure at the customer side of the meter is 50 psi.
- Mains need to follow streets and not be run "cross country."
- 2220' MSL build out boundary
- Creek crossing details
- Ensuring public utility easement to the north on Wyatt Rd.

B. Stormwater:

Development for the subject property is proposed to be located on the lower "flats"; therefore, standard roadside swales would be serviceable as stormwater management facilities.

C. Streets:

Current public street standards for residential streets include:

- All streets must be curbed with concrete sidewalks on both sides.
- Streets must be at least 36 feet wide.
- Street grade cannot exceed 8%.

- Cul-de-Sacs cannot exceed 400 feet in length and provide a minimum radius of 50 feet.

The City code provides for minor deviations to public street standards if the City Engineer can attest to their adequacy and if the Planning Commission approves such deviations. The Zoning code also allows for the Planning Commission to approve major deviations to these requirements through an approved Planned Unit Development. With the proposed annexation in a hillside area it is very likely that the developers will request deviations to the street standards and/or private streets through the PUD process. There are currently no requirements in the code for private streets. Roadway widths and grades, at a minimum meet fire code requirements and are typically discussed with staff and approved through the PUD process.

Maintenance of the private streets is provided by the adjacent property owners/ home owner's association and includes plowing, paving, cleaning, etc. The City does not regulate traffic issues (signing, striping, speed limits, parking, etc.) or encroachments, street cuts, road closures, etc. However, there can be advantages in specific cases that may justify deviations to the standards.

This property is accessed by only one public street, Best Avenue. The International Fire Code requires that any development over 30 units have a second access. Therefore a second access may have to be developed.

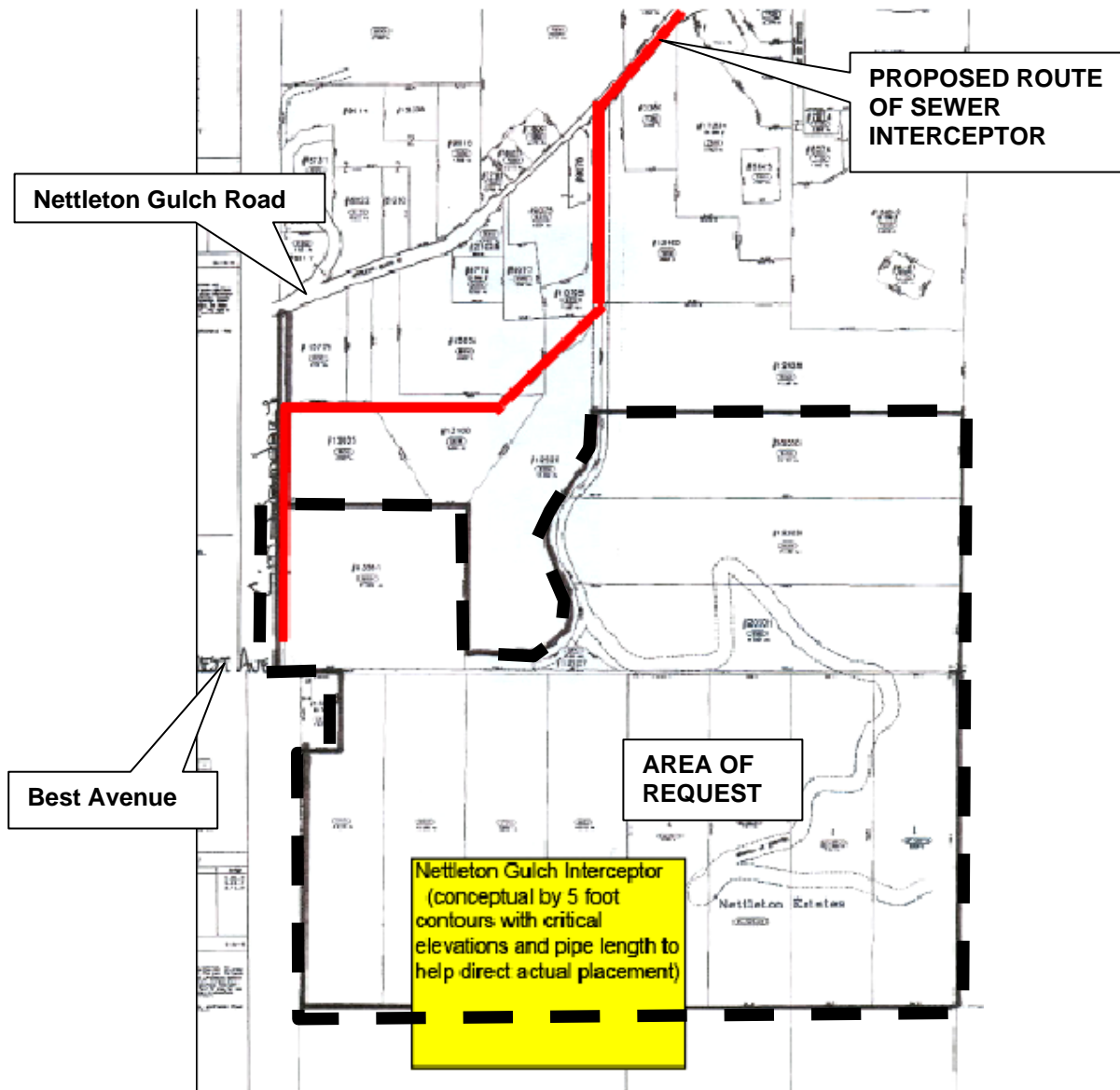
Finally, due to the presence of Nettleton Creek, a bridge structure would need to be constructed to access building sites on the east and south sides of the waterway. The structure would need to meet all FEMA requirements for construction in the floodplain over the waterway.

D. Sewer:

The subject property contains access to public sewer on its western border that is ready for extension. The sewer master plan calls for a portion of the Nettleton Gulch Interceptor to be routed through some of the subject property aligned with the westerly edge of the proposed development.

If this property is annexed and developed, the developer will need to construct a Nettleton Gulch Interceptor through the subject property.

In addition, the subject property has limitations for traditional gravity sewer, but the applicant's proposal of a public force main with private home pumping stations appears to be a good alternative to gravity sewer. Portions of the subject property are within a flood plain. A public force main as well as odor control stations will be required.



E. Parks:

The City's Parks and Recreation Master Plan sets goals for open space and park development including protecting and enhancing the urban forest, acquisition and development of new parks, and improved trail connections. The Parks and Recreation Master Plan states that the acquisition of new park property is a high priority and identifies the importance of protecting view sheds especially on hillsides or slopes. Trail connectivity is also of great value to our citizens. The Parks and Recreation Master Plan states that residents would like to see an enhanced trail network. Evaluating the potential to connect to the USFS land near Canfield Mountain and the Class II and III trails on 15th Street and in Netleton Gulch as well as a proposed Class II trail on Best Avenue should not be overlooked in this request. In the previous Request to Consider Annexation (RCA-4-08) the applicant proposed deeding the City a greater portion of land in which to place trails. In light of the changes to the plan, trail easements through the non-buildable portion of the plan, even if they are outside the annexation request in Kootenai County, are imperative for connectivity now and in the future.

F. Fire:

This property would be included in the wild land urban interface area and be subject to concerns of 2 way egress and road slopes for Fire department apparatus. Any portion of this project that exceeds 2.5 miles from Fire department station #1 with building heights exceeding 35 feet will affect future ISO ratings. Specific fire department issues such as water supply, hydrants and access will need to be addressed at the appropriate time upon additional information required.

G. Police:

Our areas of concern deal with the amount residents that will be added to our area and population for each of these annexations. With the likelihood of additional residents our call volume would increase which typically means our manpower needs will be affected. We also have a response time issue if the manning needs aren't met as our community continues to grow. These concerns are universal when we add more space to the City.

5. PROPOSED CONDITIONS:


TBD

ACTION ALTERNATIVES:

The City Council can approve the request, with or without conditions, which would allow the applicant to file a formal application for annexation or deny the request, which would require the applicant to wait one year before filing the same application to consider annexation.

PUBLIC HEARINGS

CITY COUNCIL STAFF REPORT

DATE: April 5, 2011
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: **V-11-1, Vacation of a Portion of 18th Street and Lost Avenue Rights-of-Way**

DECISION POINT

The applicant, Art Elliot, is requesting the vacation of undeveloped portions of the 18th Street and Lost Avenue rights-of-way adjoining the south 12' of Lot 8, and Lots 9, 10 & 11, Block 12, of the Kaesmeyer Addition subdivision.

HISTORY

The noted subdivision was platted in February 1907, and has R-12 zoning. The subject lots are vacant, the surrounding lots consist of single family dwelling units, and, the recently completed Ridgepoint condominium complex adjacent to the west of the subject property. The noted rights-of-way are undeveloped.

FINANCIAL ANALYSIS

There is no financial impact to the City. Should the undeveloped r/w's be vacated, additional property tax revenue would eventually be generated with an apportioned share coming to the City from the County Assessor.

PERFORMANCE ANALYSIS

The portions of right-of-way that are being requested for vacation are undeveloped, overgrown, and, covered in trees and brush. The principal reason for the r/w never developing in the 104 years since the inception of the subdivision, would be the topography of the area, and the fact that the ground starts climbing upward just past the current terminus of 18th Street at +/- 30% slope. There is no practical reason for the r/w to develop from a transportation standpoint, and, the cost of any development would far outweigh the effectiveness of the street connection.

Sterling Savings Bank, which is the only adjoining property owner to the west has stated (letter attached) that they are in favor of the vacation, and that should the r/w be vacated, they would like to have it distributed in the manner that the applicant and the bank have agreed to.

The Public Works Committee (March 7, 2011) found merit in the request and directed staff to proceed to City Council for action on the request.

RECOMMENDATION

Recommendation to the City Council would be for the approval of the vacation and the distribution of the vacated rights-of-way in the manner agreed to by the applicant (Elliot) and the adjoiner (Sterling Savings Bank).

001-012-D 0.115 Ac	25
001-013-D 0.115 Ac	26
001-014-D 0.115 Ac	27
001-015-D 0.115 Ac	28
002-011-A 0.115 Ac	11
002-012-A 0.115 Ac	12
002-013-A 0.115 Ac	13
002-014-A 0.115 Ac	14
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003-014-A 0.110 Ac	14
003-025-D 0.110 Ac	25
003-026-D 0.110 Ac	26
003-027-D 0.110 Ac	27
003-028-D 0.110 Ac	28

YOUNG AVE

Kaesmeyer Add

(C-5085)

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015-003-A 0.172 Ac	3
015-004-A 0.344 Ac	4
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015-007-A 0.344 Ac	7
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015-009-A 0.344 Ac	9
015-010-A 0.344 Ac	10
015-011-A 0.344 Ac	11
015-012-A 0.344 Ac	12
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015-016-A 0.344 Ac	16
015-017-A 0.344 Ac	17
015-018-A 0.344 Ac	18
015-019-A 0.344 Ac	19
015-020-A 0.344 Ac	20
015-021-A 0.344 Ac	21
015-022-A 0.344 Ac	22
015-023-A 0.344 Ac	23
015-024-A 0.344 Ac	24
012-001-A 0.202 Ac	1
012-002-A 0.202 Ac	2
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012-004-A 0.192 Ac	4
012-005-A 0.263 Ac	5
012-006-A 0.263 Ac	6
012-007-A 0.172 Ac	7
012-008-A 0.172 Ac	8
012-009-A 0.333 Ac	9
012-010-A 0.333 Ac	10
012-011-A 0.333 Ac	11
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012-016-A 0.110 Ac	16
012-017-A 0.152 Ac	17
012-018-A 0.152 Ac	18
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012-020-A 0.220 Ac	20
012-021-A 0.110 Ac	21
012-022-A 0.110 Ac	22
012-023-A 0.219 Ac	23
012-024-A 0.219 Ac	24

LOST AVE

Ridgepointe Condominiums

(C-K278)

*

TOWER POINTE DR (PRIVATE)

(1)

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004-026-D 0.110 Ac	26
004-027-D 0.110 Ac	27
004-028-D 0.110 Ac	28
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LOST AVE

#14362

VAC PTN

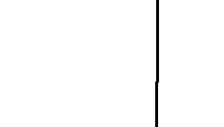
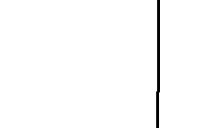
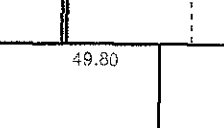
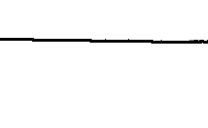
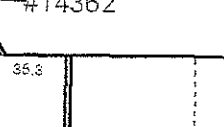
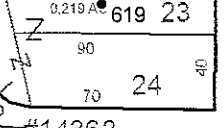
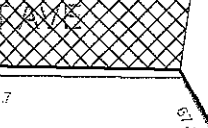
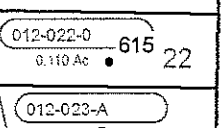
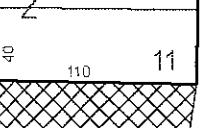
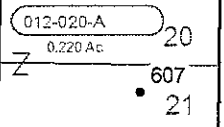
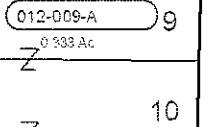
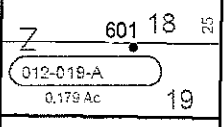
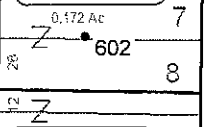
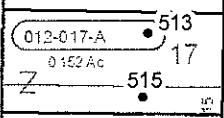
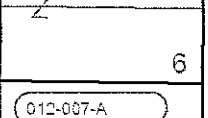
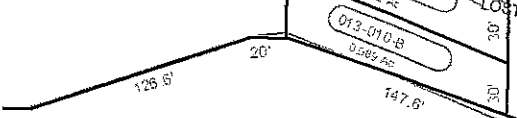
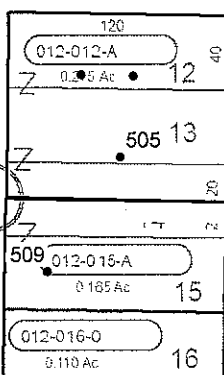
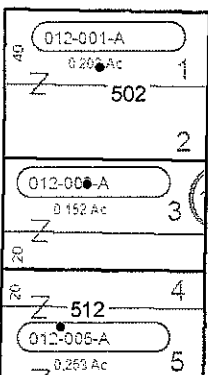
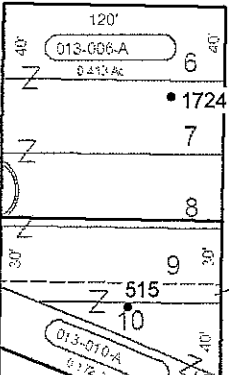
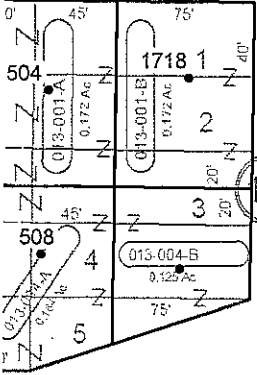
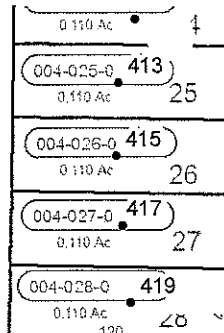
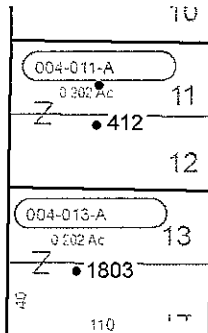
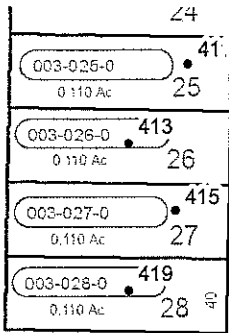
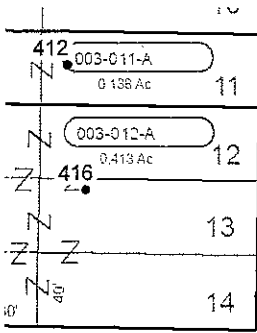
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C-5085

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VAC PTN

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18TH

18TH

ALLEY

TOWER POINTE

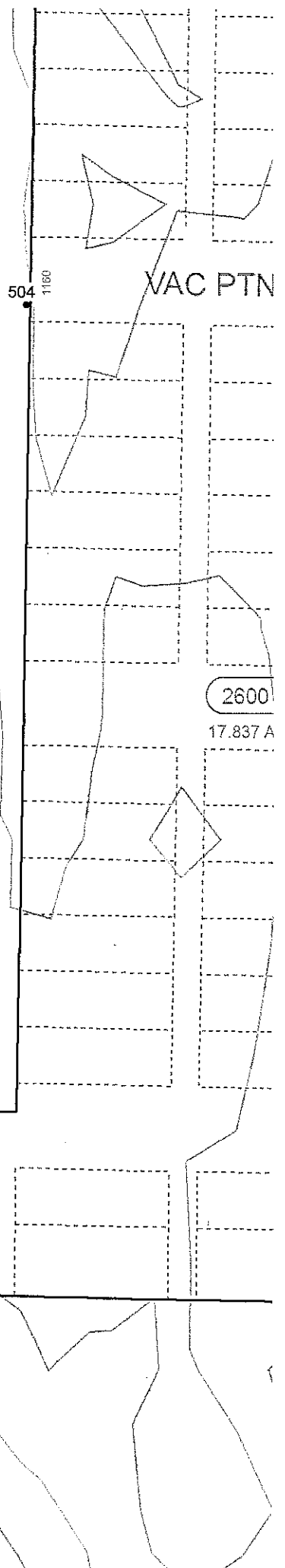
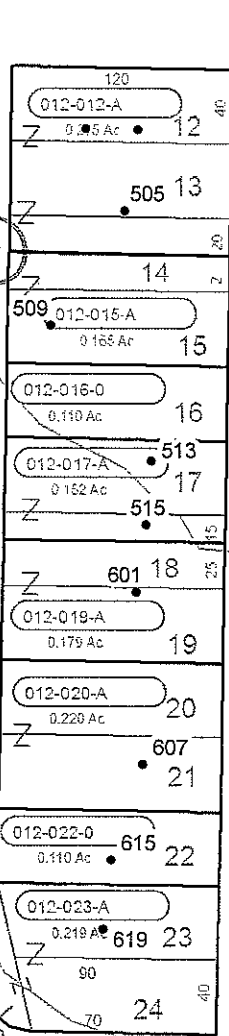
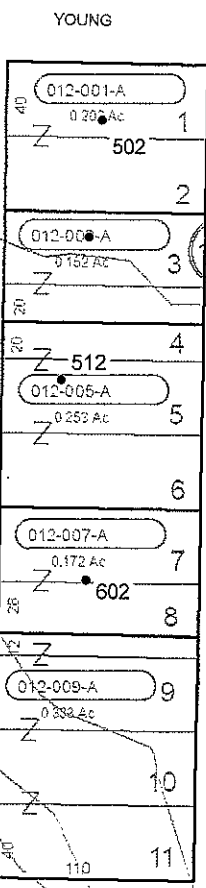
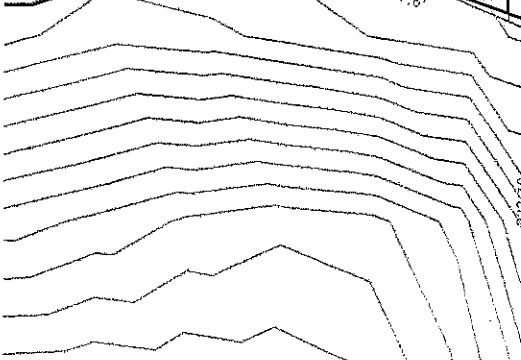
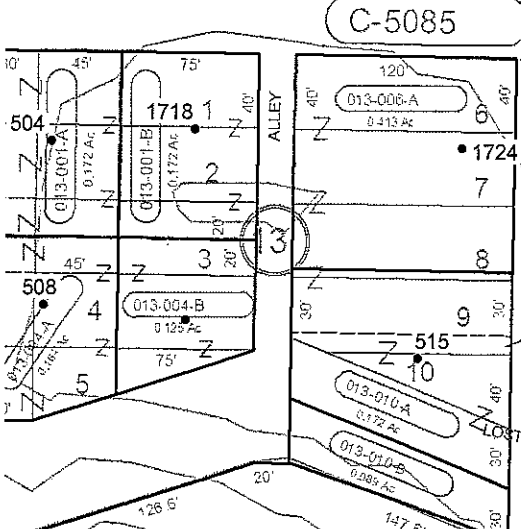
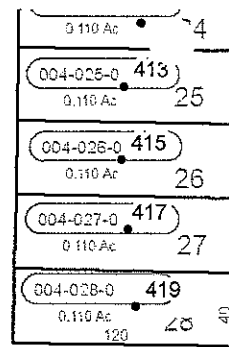
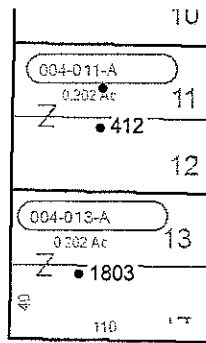
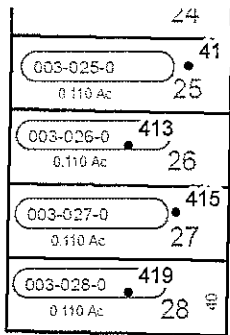
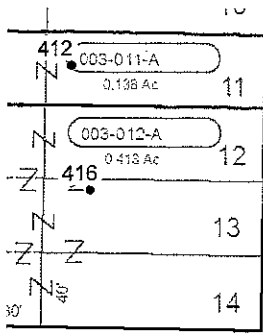
LOST AVE

2600

17.837 A

#14362

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003-0
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C-5085

504 W. C. PT

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18TH
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2600
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February 11, 2011

Chris Bates, Engineering Department
City of Coeur d'Alene, City Hall
710 E. Mullan Ave.
Coeur d'Alene, ID 83814

RE: 18th Street Right of Way Vacation

Mr. Bates,

I am writing to inform you that Sterling Savings Bank supports vacation of the right-of-way adjacent to our property known as "Ridgepointe Condominiums." I have been in contact with the other adjacent property owner (Art Elliott) and believe that it is in the best interest for all concerned, including the City, that the ROW be vacated in the manner presented to me by Mr. Elliott. I have attached the map that was presented for reference.

I look forward to receiving the official notice of the pending proposal, and may make additional comments if needed. Please direct public notification regarding this matter to me at the address noted below.

Respectfully,

A handwritten signature in black ink, appearing to read "Phil Rowe", written over a horizontal line.

Phil Rowe, REO Manager
Sterling Savings Bank

Attachment: ROW Map

-----Original Message-----

From: ed kok [mailto:edkok@mac.com]

Sent: Tuesday, March 29, 2011 5:15 AM

To: WILSON, WARREN

Cc: GRIDLEY, MIKE

Subject: Appeal to the City Council

Dear Warren:

I am currently working in Ermsleben Germany. I have been here for some time. Due to circumstances beyond my control I will not be back to the US until the 8th of April. This is a formal request to postpone my appeal hearing to another date, preferably sometime late in April or early May. I am scheduled to come back to Germany in late May, but could likely delay departure for a week or two to make this hearing. I apologize for this but I am unable to change my current travel obligations. I hope all is well.

Cordially

Ed