



Coeur d'Alene

CITY COUNCIL MEETING

July 17, 2007

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

A JOINT WORKSHOP WITH THE CITY COUNCIL
AND THE DESIGN REVIEW COMMISSION
HELD IN THE CITY COUNCIL CHAMBERS
ON JUNE 28, 2007 AT 12:00 NOON

Mayor Sandi Bloem

A. J. Al Hassell, III) Members of the Council Present
Woody McEvers)
Dixie Reid)
Ron Edinger)
Deanna Goodlander)

Mike Kennedy) Members of Council Absent

Rich McKernan, Chairman

Tom Messina) Members of Commission Present
Scott Rasor)
George Ives)
John Mueller)
Mike Patano)
Mike Dodge)

Guests: Planning Commission - John Bruning, Heather Bowlby; Consultant - Mark Hinshaw;

Staff: Wendy Gabriel, Susan Weathers, Dave Yadon, Tami Stroud, Warren Wilson, Sean Holm.

WORKSHOP - DESIGN REVIEW PROCESS: Dave Yadon reviewed the discussions of the Design Review Commission regarding the existing design guidelines and standards. In the process the Commission has become somewhat frustrated regarding the effectiveness of this group and wants a clear consensus of the role of this commission. The purpose of this meeting is to review those concerns and present a proposed role for the Commission.

Specifically, the Design Review Commission provides services including review of design departures, deviations from the Infill regulations, appeals of a staff action and review of building and demolition permits on Sherman Avenue and pedestrian-oriented streets between 2nd and 6th streets. Dave Yadon reviewed the specific areas of authority for the Design Review Commission, which is basically the Downtown Area and Midtown area.

Design Review Commission Proposal: They would like to look at all projects from mid-block on Lakeside for preliminary review and all projects on lots of 10,000 sq. feet or greater. Mr. Yadon noted that there was discussion regarding expanding their boundaries; however, if the boundaries are expanded then design standards need to be developed for those areas.

Mark Hinshaw also had suggestions on the makeup of the Design Review Commission and definitions for the authority of the Commission. He recommended the Commission have two meetings a month to provide them with an option of addressing their agenda items in a timely manner. Dave Yadon also noted that if this Commission's responsibilities are expanded it will impact staff time, especially with mailing notices, etc.

Councilman Reid asked if this review would occur prior to going to the Planning Commission. Mr. Yadon responded that this review would occur prior to the Planning Commission's review.

Councilman McEvers asked if this process would add time to the developer's building schedule. Mr. Hinshaw noted that if they have two meetings a month it should not impact the overall project process. He also noted that by adding this to the overall process, by the time that a developer gets to the permitting process, all the preliminary review has been completed.

Heather Bowlby asked if the Comprehensive Plan needs to address the Design Review vision. Mark Hinshaw responded that it would be helpful to use the Comprehensive Plan if there were issues of the overall vision of a specific location.

Mayor Bloem asked how variances would work through this process in regard to a conflict of interest since the Design Review Board has two Planning Commission members. Warren Wilson said there could be a possible conflict of interest depending on the project. Mayor Bloem's concern would be the limitations placed on the remaining members of the Design Review Board since the Planning Commission representatives would not be able to hear these proposals. Councilman Reid asked the reason for having two Planning Commission members on the Design Review Commission and Councilman Edinger suggested having no Planning Commission members on the Design Review Commission. Mayor Bloem noted that it would be difficult to find a Planning Commission member who would have the time to attend both the two Planning Commission meetings and the two Design Review Commission meetings. Councilman Reid believes that we have communication between the two Commissions by virtue of having a staff liaison that goes to both meetings and can communicate the views of each board.

Councilman Hassell would like to have a student on this Board but to make the student a non-voting member who does not count towards a quorum.

Mark Hinshaw reiterated that maybe instead of having two Planning Commission members on this board, it should have another professional and a resident.

Tom Messina cautioned that the Commissioners have to consider the time commitment needed for the Design Review Commission, especially if you expand the boundaries. In other words, he believes that the Commission could not cover all their business in a one-hour meeting at lunch time. Chairman McKernan believes that there is great value in having the two Planning Commission members on the Design Review Commission. John Mueller recommended that some flexibility in the regulations that would allow the board not to meet if there is no business.

Other issues discussed were the desire of neighborhood and residential members wanting to have this meeting in the evening hours.

John Mueller noted that there are several areas along the I-90 corridor that are subject to change.

Dave Yadon recapped that the Council believes that there is enough need for these proposed changes and like to see work proceed on these issues.

ADJOURNMENT: With no further discussion, this meeting was continued to June 29, 2007 at 12:00 noon.

The workshop recessed at 1:15 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers CMC, City Clerk

A JOINT WORKSHOP WITH THE CITY COUNCIL
AND THE DESIGN REVIEW COMMISSION
HELD IN THE CITY COUNCIL CHAMBERS
ON JUNE 29, 2007 AT 12:00 NOON

Mayor Sandi Bloem

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

Dixie Reid) Members of Council Absent

Tom Messina) Members of Commission Present
Scott Rasor)
Mike Patano)
Mike Dodge)
Mary Souza)
George Ives)

GUESTS: Planning Commission: John Bruning; Consultant: Mark Hinshaw.

STAFF: Wendy Gabriel, Jon Ingalls, Sean Holm, Dave Yadon, Mike Gridley, Warren Wilson, Amy Ferguson

WORKSHOP – EAST INFILL REGULATIONS: Mayor Bloem called the meeting to order and turned the time over to Mr. Yadon. Mr. Yadon explained that in May there was a public hearing in which some amendments to the infill east regulations were considered. At that time the height limit was lowered from 38’ to 35’ and, in addition, slope roof design guidelines were added and height variances were eliminated. Mr. Yadon stated that there is still some work to be done on these regulations and at the last public hearing, the City Council made a motion to look at the issues. They wanted to come together and discuss the issues, as well as look at East Sherman Avenue.

Mr. Yadon stated that staff is suggesting the East Sherman issue be separated out from the east infill regulations issues. He also handed out written comments from the East Mullan Historic District Neighborhood Association, and an email from Tony Berns of LCDC. Mr. Yadon indicated that notices of this workshop were mailed to owners within the east infill area. In response to the calls that he has received from citizens, Mr. Yadon told them that it is up to the City Council whether they will be able to participate in the meeting today.

Mr. Hinshaw began the discussion by reviewing the five (5) recommendations set forth in the written comments from the East Mullan Historic District Neighborhood Association, dated June

29, 2007. In regard to recommendation #5 (“ . . . [t]he city should consider some height limit to the C-17 zoned portions of the city (especially east Sherman) which has no height limit for commercial structures. C-17L regulations need modification, since there is no height limit for commercial buildings within 2 blocks of the ‘downtown core’”), Mr. Hinshaw stated that the area east of 11th Street will be considered and something will be brought forward in the future.

In regard to recommendation #4 (“Design Standard Recommendations (a) Do not allow a block long structure, but require some break to allow for view corridors, (b) Work with the neighborhood to define examples of architecture compatible with the neighborhood, (c) Proposed projects should illustrate the relationship to surrounding properties, (d) Enhance the city’s design review committee so a more rigorous process exists for design review. The cities of Boise and Eagle have excellent design review standards and review process,”) Mr. Hinshaw stated that at yesterday’s council workshop, the council overhauled the design review process. It should go a good deal of the way to addressing the points mentioned in the written comments. Mr. Yadon stated that the design review commission has come forward to the city council requesting that they be more involved in the process in the downtown area and the infill districts. Projects on a lot size of 10,000 feet or greater would go through the process as decided in the meeting yesterday. Mr. Hinshaw stated that the city will be requiring people to bring in their projects much earlier so that the Design Review Commission has a greater chance to affect the project. The new procedure moves the points of contact much earlier in the process. Mr. Hinshaw stated that they are also suggesting tweaking the make-up of the Design Review Commission to include at least one member of the neighborhood that is affected.

Mr. Yadon confirmed that any changes made to the infill regulations will have to go through the public hearing process.

Mr. Hinshaw stated that in discussing the other three items mentioned in the written comments from the East Mullan Historic District Neighborhood Association, there are some beneficial tweaks that can be made to the code to address these issues. Proposed new boundaries for the east infill area were discussed. Mr. Hinshaw stated that where you draw the boundaries is always a difficult decision and that the council could consider reducing the area covered by the infill regulations.

In regard to recommendation #2, (“Establish setbacks consistent with the R-17 zoning of most of the east infill. . . “), Mr. Hinshaw stated that council’s original intent was to have more of an urban infill and that staff feels that introducing setbacks across the board would defeat the original objectives. Rather than having that kind of approach used, Mr. Hinshaw indicated that he thinks there is merit to the idea of protecting a situation where new development comes close to an established residence being used as a non-attached dwelling. Mr. Hinshaw stated that they are suggesting that there be a foot note added to the dimensional requirements that if there is a common property line with those conditions then the regulations would require a set back from that common property line. Mr. Yadon stated that part of the reason for the council’s desire for a more urban feel was the cost of land and the fact that more houses downtown would, hopefully, revitalize the area.

Mr. Hinshaw stated that the building code does provide some protections. The new proposed regulation footnote requiring a setback would not apply if it was more than a single family residence or if it was an office.

Councilman Goodlander questioned whether the council could change the boundaries of the east infill area without a public hearing in a shorter time frame. Mr. Wilson responded that you always have to go through a public hearing process unless there is an emergency. In any event, the city is probably looking at the first public hearing sometime in August. Councilman McEvers questioned the need for urgency in changing the boundaries.

A citizen, who identified herself as a member of the East Mullan Historical District Neighborhood Association, stated that they are not asking for additional changes. They have been working on it since last August and are just asking for the same changes they asked for months ago. They are just asking to step back and look at it comprehensively and get it ironed out.

Another citizen asked in regard to the R-17 zoning, if there is an alley behind your house, can a builder go right up to that alley? Mr. Hinshaw responded that in a condition like that where there is a residence backing up to commercial with an alley in between – they are suggesting a lower height for the first couple of floors (i.e., a stair-step effect). There would be a lower height as you get closer to the residence.

Another citizen asked if there is a height limit on Sherman right now, and commented that the City of Coeur d'Alene should preserve what is unique and special. People come here to look at mountains, lakes and trees. They don't come here to look at a brick wall. Mr. Yadon responded that if there was no infill district there would be no height limit.

Mary Souza asked about the issue of artificial berming to increase height. Mr. Hinshaw responded that this issue has come up in a lot of communities. It really applies to the code as a whole. If you want to change how you measure, you would want to change the whole code.

A citizen commented that the height restrictions between 8th & 11th are less than the rest of Sherman Avenue and wondered why it is singled out to be lower than the rest of Sherman. Councilman Hassell responded that he believed that the original council discussion was to look at the issue and have potential resolutions brought back to them for review by October.

Motion by Goodlander to move the boundary change forward separate from the other items. (Motion died.)

A citizen asked if the boundaries were moved, would there be a workshop. Councilman Hassell responded that there would, and also two public hearings.

Mr. Yadon stated that the council had also wanted to discuss the Sherman Avenue heights issue at this meeting. Councilman McEvers commented that he would like to have discussion and hear public comments. In addition, he stated that he would like to preserve the charm of that area.

Councilman Edinger asked if it was possible to have to have some kind of a grandfather clause in the regulations. Mr. Yadon responded that it is difficult to make a grandfather clause that is specific to a particular building.

Mayor Bloem indicated that the discussion is still open regarding Sherman Avenue. Councilman Hassell stated that the city needs to come up with a balance to allow something reasonable without overpowering homes behind it. Councilman McEvers stated that he thinks that the standards that are designed for the infill district might eventually have a ripple effect on the rest of Sherman Avenue. Councilman Hassell stated that they need to find the language that will allow for both sides to be satisfied.

A citizen commented that he thought more people could probably live with a 45' height limitation with standards in the residential areas. He further commented that he thinks some properties have been damaged by the infill regulations.

At the request of Councilman Edinger, Mrs. Fialco commented that she would like to see the height limit set at the standard that it is now. The houses on Sherman Avenue are beautiful. She would hate to see six story buildings in the back of these houses in that she thinks that it would destroy the character of Sherman Avenue. Mrs. Fialco indicated that she works downtown and has received more comments from people coming into Coeur d'Alene asking what is happening to our beautiful city. What we have is unique and she thinks we need to preserve the character. She would also like to see setbacks.

A citizen commented that he would like to see the height restrictions removed so that he can be level with everyone else. He owns a home on Sherman Avenue between 8th & 11th. He indicated that he doesn't see anything wrong with raising the height restrictions because it is a commercial zone.

A citizen commented that doing more with the ordinances would be so limiting that you couldn't do anything downtown. He suggested possibly keeping the residential property line proposal discussed earlier.

A citizen asked if the design review process was objective or based on people. Councilman Hassell stated that the Design Review Commission is specific in make-up of the board and specific in looking at the makeup of the neighborhood that exists at the time of the project.

Mayor Bloem commented that right now there are design standards for downtown. The purpose of the Design Review Commission would be to support those standards. There is always going to be a little bit of interpretation.

A citizen asked if the Design Review Commission would take suggestions. Mr. Hinshaw responded that council is suggesting a make up that would consist of a couple of people that have design expertise (architects), a couple with real estate expertise, and a couple of people from the general citizenry that live in the district affected. The commission might also include a planning commission member. It is a mix of voices. Mr. Hinshaw explained that there are some subjects that would not be open for discussion. The board would have no authority over basic zoning

entitlements. If people want to talk about design they can, but it is not a zoning hearing. That is done through the council. What they are addressing will be a narrower set of issues.

A citizen asked if we are actually changing enough of the requirements. How do we keep that character – are we changing the regulations enough to make that happen? Councilman Hassell responded that he thinks the main thing that is changing is that the design review process is happening earlier, possibly before the building is even designed. By the time it is done most of the objections will have been taken care of.

A citizen commented that he does not agree with the call for increasing density and affordable housing. He believes they are running into conflict because those higher density places are not affordable housing. He stated that the council needs to address its goals and decide which one is more significant.

MOTION: Motion by Hassell, seconded by Edinger, to create two tracks: One for boundaries, which can proceed now without delay, and the second for the rest of the proposed changes, including infill changes and heights on Sherman Avenue within the district and, also, including looking at including those areas in design review, with staff to come back with suggestions and recommendations on specifics.

DISCUSSION: Councilman Kennedy asked if perhaps the council should look at the entire infill regulations again. Mr. Hinshaw responded that he doesn't think it is necessary to start all over again. He does not feel that the infill regulations are "broken", but they just need a little fine tuning.

Mr. Yadon confirmed that the council wants to come back again to discuss the issues before making any decisions. Mayor Bloem suggested that they come back with a draft and have another workshop.

Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by Kennedy, to adjourn. Motion carried. This meeting is continued to June 2, 2007, at 12:30 p.m.

The workshop recessed at 1:46 p.m.

Sandi Bloem, Mayor

ATTEST:

Amy C. Ferguson, Deputy City Clerk

**MINUTES OF A CONTINUED COUNCIL MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE CITY HALL
JULY 2, 2007**

The Mayor and Council of the City of Coeur d'Alene met in a continued session of said Council at City Hall, July 2, 2007 at 12:30 p.m., there being present upon roll call the following members:

Mayor Sandi Bloem

Ron Edinger)	Members of Council Present
Dixie Reid)	
Ben Wolfinger)	
Deanna Goodlander	(Late)	
Al Hassell)	

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

EXECUTIVE SESSION: Motion by Kennedy, seconded by Edinger to enter into Executive Session as provided by I.C. 67-2345, Subsection A: To consider the hiring of a public officer, employee, staff member or individual agent. ROLL CALL: Edinger, Aye; Hassell, Aye; Reid, Aye; Kennedy, Aye; McEvers, Aye; Goodlander, Aye. Motion carried.

The session began at 12:40 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator, City Attorney, Deputy City Attorney, Finance Director, Personnel Director, Police Chief, Fire Chief, three representatives from the Police Officers Association, Community members including Jonathan Coe, Ben Wolfinger and Harry Amand.

Matters discussed there those of hiring a public officer.

No action was taken and the meeting reconvened into regular session at 5:00 p.m.

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

Meeting concluded at 5:30 p.m.

ATTEST:

Susan K. Weathers, City Clerk

Sandi Bloem, Mayor

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
July 3, 2007**

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 July 3, 2007 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

Mike Kennedy)	Members of Council Present
Woody McEvers)	
A. J. Al Hassell, III)	
Dixie Reid)	
Loren Ron Edinger)	
Deanna Goodlander)	

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

INVOCATION was led by Pastor Paul VanNoy, Candlelight Christian Fellowship.

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

PUBLIC COMMENTS:

4th of JULY PARADE COMPLAINTS: Terry Graham, 3666 Scotch Pine, voiced her objection to banning the firing of a machine gun during tomorrow's 4th of July parade. She believes that guns, gunfire, etc. are a part of this country's heritage. She also objects to the theme of the Chamber's float which is pirates. She requested that the City require all entries in this parade be relevant to the 4th of July. Councilman Reid commented that with the state of our Country and the high risk of terrorism to our nation, the use of gunfire is not appropriate in today's climate. She also communicated her dismay relative to Ms. Graham's derogatory comments regarding the Chamber who worked very hard to put on a family parade. Councilman Goodlander responded to Ms. Graham's comments regarding the Chamber float by noting that the float actually belongs to the Commodores who constructed the float for use in several parades throughout the Northwest.

Dan Gookin, 714 W. Empire, related that the use of the machine gun in last year's parade was very disturbing. However, he believes that there are other entrants in the parade that make disturbing noises such as fire trucks, ambulances, etc. and he would like to see an equitable solution to the level of noise during the parade.

Mike Gridley, City Attorney, explained that the parade is controlled by the person who takes the permit which is the Chamber of Commerce and they determine who is

in the parade and what their qualifications are. He noted that in talking with Jonathan Coe, Mr. Coe noted that he had received several complaints last year about the use of the machine gun during the parade. So, as a result it was determined by the Chamber that it was just not appropriate to fire a machine gun using blanks into the audience along the parade route. Mr. Gridley related that the City does have a noise ordinance which mostly relates to sound amplification. Another potential issue is the "disturbing the peace" laws. He also noted that the parade ordinance did have a clause regarding the banning of weapons within 1,000 feet of a parade due to some issues in previous years. He added that there is a code prohibiting the discharge of firearms within the city limits. Councilman Hassell noted that the banning of weapons and discharge of firearms has been an issue for several years. Councilman McEvers finds it strange that we need to deal with such issues.

KROC SITE HOLE: Larry Spencer, 634 Skyhawk Drive, Spirit Lake, Idaho, questioned the total amount of dirt used to fill the Kroc Center hole, in that the site is still below grade and it has been announced that construction will begin. He suspects that the \$3,000,000 has already been spent and the hole was not filled. He believes that the hole is currently filled with 130,000 cubic yards although the City purchased 160,000 yards of fill material. He hopes that the City Council will make sure that the tax payers' money has not been misused. Troy Tymesen, Finance Director, reported that the fill process has been completed and signed off by the geotechnical engineer. He noted that although he is not sure of the exact number of cubic yards used, the site was never designed to be five feet above grade but in actuality the grade that has been created is what is needed for the construction of the proposed facility. He also noted that the \$3,000,000 was not allocated entirely for the fill dirt but also for the citizens' use of the facility. Mike Gridley noted that the information being spread through the community by Mr. Spencer is not at all accurate, and that funding was in part for the fill dirt, as well as the use of the facility and that the site was never intended to be 5-7' above grade. Mayor Bloem asked Mr. Gridley to respond to some public information being spread that the City Council did not vote on the \$3,000,000. Mr. Gridley noted that the process followed for the distribution of the \$3,000,000 was done legally and was presented to the City Council for their vote. Councilman Hassell also noted that as part of the agreement with the Salvation Army the City has access to some of the facilities for Recreation-sponsored activities such as the use of their gym.

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

1. Approval of minutes for June 19, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for July 9, 2007 at 4:00 p.m.
3. RESOLUTION 07-049: 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 THE DESTRUCTION OF RECORDS FROM THE MUNICIPAL SERVICES DEPARTMENT AND APPROVAL OF

AGREEMENTS FOR RIGHTS-OF-WAY PURCHASE AND ACCEPTANCE OF RIGHTS-OF-WAY ON 15TH STREET BETWEEN HOFFMAN AND COURTNEY AVENUES FOR THE 15TH STREET WIDENING PROJECT.

4. Authorizing staff to advertise for Bids for the Fire Dept. staff vehicles.
5. Authorizing Spencer's Carriage Ride to operate free summer carriage rides in the Downtown area during the summer.
6. Authorizing an outdoor eating establishment encroachment permit for City Perc.
7. Approval of cemetery lot transfers from Paul Martens to Michael Martens and from Vernon and Helen James to Jeffrey Wilkins.
8. Approval of beer/wine license for Daisy J's at 210 Sherman Avenue and for Wagner's Hofbrau at 1725 W. Kathleen.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN REID: Councilman Reid extended everyone a wish for a happy, safe 4th of July and asked citizens to use safe and sane fireworks.

COUNCILMAN GOODLANDER: Councilman Goodlander announced that her granddaughter's team came in 2nd in the Fast Pitch Tournament last weekend. She also reminded citizens that the Chamber raises the funds for fireworks and urged citizens to contribute to the fireworks fund during tomorrow's parade.

COUNCILMAN EDINGER: Councilman Edinger announced that he and his wife were presented with their 3rd great grandchild this morning. He also noted that his grandson, Devon A division in Justin played in the 3 on 3 "Hoopfest" and he and 3 other fellows won the 14-15 year old division.

COUNCILMAN MC EVERS: Councilman McEvers announced that he has a granddaughter recently joined the Navy. He also is looking forward to riding in the parade tomorrow.

MAYOR BLOEM: Commented that we all know why we celebrate tomorrow and even with all the disparity and differences we are all united in the celebration of our Country.

APPOINTMENTS: Motion by Edinger, seconded by Hassell to appoint Delores Luttrupp to the Jewett House Advisory Board. Motion carried.

ORDINANCE NO. 3303
COUNCIL BILL NO. 07-1023

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 NC (NEIGHBORHOOD COMMERCIAL) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: LOTS 1 AND 2 AND THE SOUTH 2 FEET OF THE EAST 50 FEET OF LOT 3, BESTLAND ANNEX IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, 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 Edinger, seconded by Reid to pass the first reading of Council Bill No. 07-1023.

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

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council Bill No. 07-1023 by its having had one reading by title only.

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

ORDINANCE NO. 3304
COUNCIL BILL NO. 07-0127

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 NC (NEIGHBORHOOD COMMERCIAL) AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: LOT 1 & LOT 2, EXCEPT THE SOUTH 17 FEET OF LOT 2, BLOCK 23, SIMM'S ADDITION TO COEUR D'ALENE IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, 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 Goodlander, seconded by McEvers to pass the first reading of Council Bill No. 07-1027.

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

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council

Bill No. 07-1027 by its having had one reading by title only.

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

EXECUTIVE SESSION: Motion by Reid, seconded by Kennedy to enter into Executive Session as provided by I.C. 67-2345 SUBSECTION A: To consider hiring a public officer, employee, staff member or individual agent. ROLL CALL: McEvers, Aye; Reid, Aye; Edinger, Aye; Hassell, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

The Council entered into Executive Session at 6:53 p.m. Those present were the Mayor, City Council, City Administrator, Deputy City Administrator, City Attorney and Finance Director.

Matters discussed were those of personnel, labor negotiations, property acquisition and pending litigation. No action was taken and the Council returned to its regular session at 7:30 p.m.

POLICE CHIEF HIRE CONFIRMED: Motion by Edinger, seconded by Kennedy to offer the position of Police Chief to Wayne Longo. ROLL CALL: McEvers, Aye; Reid, Aye; Goodlander, Aye; Edinger, Aye; Hassell, Aye; Kennedy, Aye. Motion carried.

ADJOURNMENT: Motion by Edinger, seconded by McEvers to recess this meeting to July 10th at 5:15 p.m. at the Police Department Training Room and then to July 12th at 5:15 p.m. Motion carried

The meeting recessed at 7:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC, City Clerk

RESOLUTION NO. 07-050

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 LETTER OF AGREEMENT WITH CHIPMAN MOVING AND STORAGE COMPANY FOR THE TRANSFER OF LIBRARY FURNISHINGS TO THE NEW LIBRARY; APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH NORTH IDAHO COLLEGE FOR THE USE OF EQUIPMENT FOR CPR AND FIRST AID TRAINING; APPROVAL OF S-6-05 - FINAL PLAT APPROVAL WITH SUBDIVISION IMPROVEMENT AGREEMENT FOR COEUR D'ALENE PLACE, 16TH ADDITION AND APPROVAL OF AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH JOSEPH HARRISON FOR LOT 10, BLOCK 3 OF NOB HILL.

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

- 1) Approval of a Letter of Agreement with Chipman Moving and Storage Company for the transfer of Library furnishings to the new Library;
- 2) Approval of a Memorandum of Understanding with North Idaho College for the use of training equipment for CPR and First Aid Training;
- 3) Approval of S-6-05 - Final Plat Approval with Subdivision Improvement Agreement for Coeur d'Alene Place, 16th Addition;
- 4) Approval of an Agreement Waiving Opposition to Annexation with Joseph Harrison for Lot 10, Block 3 of Nob Hill;

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 4" 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 17th day of July, 2007.

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 _____.

**GENERAL SERVICES COMMITTEE
M E M O R A N D U M**

DATE: JULY 11, 2007
FROM: RENATA MCLEOD, PROJECT COORDINATOR
RE: AGREEMENT WITH CHIPMAN MOVING AND STORAGE

DECISION POINT: To authorize a letter of agreement with Chipman Moving and Storage for moving service from the Library to the New Library facility.

HISTORY: The Library Director contacted three moving companies and received quotes from two companies. The first company provided an estimate of \$16,104.74, while Chipman provided an estimate for \$11,464.00. In speaking with Spokane area Librarians, Chipman was recommended to Bette Ammon.

FINANCIAL ANALYSIS: The estimated cost to move the books and miscellaneous furniture is \$11,464.00. Interest earnings will be utilized to pay this expense.

PERFORMANCE ANALYSIS: Authorizing this agreement will allow the Library project to be completed and have the new Library facility open by September 10, 2007.

DECISION POINT/RECOMMENDATION: To authorize a letter of agreement with Chipman Moving and Storage for moving service from the Library to the New Library facility.



CITY OF COEUR D'ALENE

ADMINISTRATION DEPARTMENT

710 E. MULLAN AVENUE
COEUR D'ALENE, IDAHO 83814-3964
208-666-5741
renata@cdaid.org

June 28, 2007

Chipman Moving and Storage
2704 N. Moore Lane
Spokane, WA 99216

Dear Mr. John Polignoni:

The purpose of this letter is to confirm our agreement regarding the moving services for the City of Coeur d'Alene Public Library.

Your quote attached provides the City the most competitive price and is therefore accepted. We have agreed that starting on or about August 27, 2007 work will commence and be completed by August 31, 2007, unless otherwise agreed to by the parties. The scope of work includes packing and movement of books and furniture from 201 Harrison Avenue to 702 Front Avenue, Coeur d'Alene Idaho. It is further agreed that Chipman Moving and Storage will indemnify, defend and hold the City harmless for any and all causes of action arising from any tortuous act or omission by Chipman Moving and Storage or any of its employees in performing this job. Payment will be made only after completion of the work and acceptance by the City.

Before commencing work, the following must be provided to this office: 1) proof of workman's compensation insurance, and 2) 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.

The invoices will be sent to 710 E. Mullan Avenue, Coeur d'Alene, Idaho 83814, with attention to Renata McLeod, Project Coordinator, payment to be made within thirty (30) days after receipt of the invoice.

Please acknowledge this agreement and return it via fax (769-2366) to this office.

Sincerely,

Sandi Bloem, Mayor

Contractor Acceptance of Terms

Signature: _____

Title: _____

Date: _____

ESTIMATE/ORDER FOR SERVICE

Ref:

Shipper CDA Public Library 201 E. Harrison COEUR D ALENE ID 83814 <i>208-769-2315</i>	Consignee CDA Public Library 702 E. Front COEUR D ALENE ID 83814
Orig Agent CHIPMAN MOVING&STG. (SPOKANE) 2704 N. MOORE LANE SPOKANE WA 99216 (800) 776-3081	Carrier CHIPMAN MOVING & STORAGE 2704 N MOORE LN SPOKANE WA 99216 UNITED STATES 509.535.8761 509.535.8762
Book Agent CHIPMAN MOVING&STG. (SPOKANE) 2704 N. MOORE LANE SPOKANE WA 99216 (800) 776-3081	
Packing Loading	Delivery Unpacking

This ESTIMATE/PROPOSAL is based on articles and services listed. In the event unknown additional services are required to effect delivery, these costs will be in addition to the amount stated below. Such services and applicable charges will be based upon the tariff rates in effect on the date of this estimate. This estimate is valid for 60 days from date of signature.

LOCAL TRANSPORTATION & LABOR:

3 Van & 0 Men	40.00 x	45.00	1800.00	
Fuel Charge		6.75%	121.50	
3 Extra Men	81.00 x	112.50	9112.50	
			-----\$	11034.00

CUSTOMER'S DECLARATION of VALUE

Basic Coverage (60 cents per pound per article)		-----\$	0.00
Depreciated Value (min value \$ 15,000)			139.50
Full Value (minimum value 20,000)	1. \$ 0 Deductible		224.00
	2. \$ 300 Deductible		156.00

I declare this shipment to be released at a value not exceeding 60 cents per pound per article. I have selected this option from those shown above.

Customer _____ Date _____

Valuation is not insurance, it is a limit on the carrier's liability for loss of or damage to your goods while they are in its custody and control. In order to validate your selection, you must sign above.

MISCELLANEOUS SERVICES:

Add'l Services	Origin	430.00	430.00	
			-----\$	430.00

TOTAL NON BINDING ESTIMATED COST .. \$ 11,464.00

Van per hour \$15.00 (3 vans 8 hrs. 5 days)
 Man per hour \$37.50 (243 total)
 Library carts \$5.00 per week (86 total)

METHOD OF PAYMENT: COD__ PPD__ NAT'L ACCT__ CREDIT CARD_____

All COD charges are to be paid in cash, certified check, traveler's check or bank check (per tariff).

Customer _____ Date _____ Agent _____ Date _____

I acknowledge receipt of a copy of this Order for Service. I request the above named carrier to furnish the services described in this subject to the terms and conditions of carriers household goods bill of lading issued at the time carrier takes possession of this shipment.

Customer _____ Date _____

City of Coeur d'Alene

FIRE DEPARTMENT

“City of Excellence”

Staff Report

Date: July 10, 2007

From: Kenny Gabriel, Fire Chief

Re: MOU with North Idaho College

DECISION POINT: Should Mayor and Council approve a Memorandum of Understanding (MOU) between the Fire Department and North Idaho College (NIC) for the use of training equipment for CPR and First Aid Training.

HISTORY: For years your Fire Department has been providing CPR and First Aid training to the public and local businesses. It has been a goal to train ten percent of our residents in CPR as this is a vital link in the survivability of a person experiencing a cardiac arrest. We are well on our way to meeting that goal. Because the demand for these classes are becoming so overwhelming, the Fire Department has partnered with NIC Workforce Training to do all the administrative duties while your firefighters continue to instruct. The MOU asks for the use of our training manikins if the need arises where there are more classes than equipment.

FINANCIAL ANALYSIS: This program actually saves the City money in administrative time. In the past we have charged only what we needed to recoup cost for our materials. Now the instructors will be adjunct instructors with NIC and we will be doing none of the administrative work.

PERFORMANCE ANALYSIS: It's a win win for the Department as we get to better serve our customers and allow time for other pressing issues in our Department.

DECISION POINT/RECOMMENDATION: Have Mayor and Council approve MOU with NIC regarding use of Equipment for CPR and First Aid training.



LETTER OF AGREEMENT

Discussions and planning for a collaborative training partnership between Coeur d'Alene Fire Department and North Idaho College Workforce Training Center have been occurring for the past few months. The intent of this document is to summarize those discussions and training delivery planning efforts.

HISTORY & CHALLENGES

Coeur d'Alene Fire Department (CDA-FD)

The CDA-FD currently delivers CPR and First Aid training to community businesses, groups, and associations upon request. They pay existing qualified fire fighters to deliver American Heart Association training to organizations that request the training. They charge a per person fee, coordinate efforts internally, and receive hundreds of calls annually from area citizens requesting the training for certification.

The challenge CDA-FD faces is budget related regarding overtime pay to staff who instruct the courses and adequate resources to cover costs for coordination efforts.

North Idaho College – Workforce Training Center (NIC-WTC)

The NIC-WTC has two departments whose mission is to provide training to community members. Both departments have infrastructure (personnel, data management, online registration, customer service representatives, etc.) in place to facilitate delivery of training on a large scale basis.

- ◆ Workforce Development provides open-enrollment non-credit industry specific training, scheduled at a variety of times and dates, and advertised in a widely distributed class catalog.

Marie Price, Director marie_price@nic.edu 769-3222

- ◆ Customized Training contracts with business and industry to provide training specific to client needs, when and where they want it.

Sherry Wallis, Director sherry_wallis@nic.edu 769-3268

The challenge NIC-WTC faces is identifying qualified, available instructors and providing competitive pricing that is customer friendly and self-sustaining.

SOLUTION

The organizations have mutually agreed that it is beneficial to each of them, as well as the public we serve, to create the following collaborative effort to deliver CPR and First Aid training to community members.

CDA-FD agrees to the following:

- ◆ Provide a roster of CdA fire fighters qualified and willing to deliver the training under contract with NIC-WTC
- ◆ Update CdA Fire Department website and telephone recording to refer inquiries for training to the NIC-WTC
 - Individual Training (Workforce Development)
 - (208) 769-3333
 - www.workforcetraining.nic.edu
 - Group Training (Customized Training)
 - (208) 769-7732
- ◆ Provide supplemental materials for training delivery (i.e. mannequins, training DVDs, consumables, book inventory)
- ◆ Joint media coverage to inform the public about the collaborative effort, transition, and on-going delivery of future classes

NIC-WTC agrees to the following:

- ◆ Provide qualified instructor CdA fire fighters with an orientation on how the Workforce Development and Customized Training departments operate (i.e. Letter of Appointment, time sheets, pay periods, wage at \$25 per hour training delivery)
- ◆ Contract with qualified instructor CdA fire fighters to deliver open enrollment and customized training CPR/First Aid - American Heart Association courses
- ◆ Market future classes through NIC-WTC catalog; website; and customized training
- ◆ Coordinate all related training delivery details
- ◆ Provide students with CPR/First Aid certification cards and optional NIC Certificate of Completion
- ◆ Comply with reporting requirements to American Heart Association office in Spokane, WA.
- ◆ Purchase additional training delivery materials (i.e. mannequins, training DVDs, consumables, book inventory)
- ◆ Joint media coverage to inform the public about the collaborative effort, transition, and on-going delivery of future classes

This ongoing agreement may be modified or terminated at any time by either party with written notice.


Robert Ketchum, Ph.D.
Assistant Vice President for Off Campus,
Workforce and Economic Development
NIC Workforce Training Center

Date

Mayor Sandi Bloem
710 Mullan Ave.
Coeur d'Alene, Idaho 83814
City of Coeur d'Alene

Date

**CITY COUNCIL
STAFF REPORT**

DATE: July 17, 2007
FROM: Christopher H. Bates, Project Manager 
SUBJECT: Coeur d'Alene Place 16th Addition, Final Plat, Subdivision Improvement Agreement and Security Approval

DECISION POINT

Staff is requesting the following:

1. City Council approval of the final plat document, a 51 lot residential development.
2. City Council approval of the subdivision agreement and security.

HISTORY

- a. Applicant: Jason Wheaton
Greenstone-Kootenai, LLC
1421 Meadowwood Lane
Liberty Lake, WA 99019
- b. Location: North of Hanley Avenue and east of Madellaine Drive.
- c. Previous Action:
 1. June 2005, CdA Planning Commission approved the revised PUD for the CdA Place development that included a new phasing plan. The 16th Addition is the second phase of the new rephrasing plan.

FINANCIAL ANALYSIS

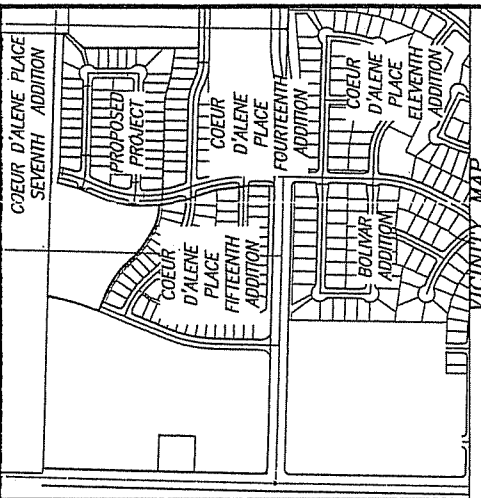
The developer is furnishing security in the amount of \$ 643,767.00, and, naming the City of Coeur d'Alene as the recipient to cover the cost of the installation of the required outstanding public improvements should he default on their installation.

PERFORMANCE ANALYSIS

The developer has installed a portion of the required public improvements and is entering into a subdivision agreement and installing security to cover the outstanding items for this phase of the multi phase residential development. The developer has agreed to have the installation of the remaining items completed by August 31, 2009.

DECISION POINT RECOMMENDATION

1. Approve the final plat document.
2. Approve the subdivision agreement and accompanying security.



NOT TO SCALE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	CHORD DIST.	CHORD BEING	DELTA
C1	700.00	411.06	211.66	405.70	500.49	33.38	56.14
C2	600.00	208.46	104.83	207.17	180.07	36.74	43.92
C3	500.00	138.84	69.42	137.17	108.07	23.58	29.36
C4	200.00	158.08	79.04	157.13	101.27	20.25	25.35
C5	700.00	253.02	126.51	251.44	315.17	20.43	28.43
C6	800.00	272.50	136.25	270.41	332.34	16.00	21.44
C7	600.00	150.97	75.49	149.74	180.07	36.74	43.92
C8	500.00	97.95	48.98	97.14	108.07	23.58	29.36
C9	500.00	45.23	22.62	45.12	54.04	11.79	14.68
C10	500.00	97.95	48.98	97.14	108.07	23.58	29.36
C11	500.00	97.95	48.98	97.14	108.07	23.58	29.36
C12	500.00	97.95	48.98	97.14	108.07	23.58	29.36
C13	500.00	97.95	48.98	97.14	108.07	23.58	29.36
C14	200.00	21.93	10.97	21.87	10.97	0.00	0.00
C15	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C16	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C17	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C18	200.00	16.81	8.41	16.71	8.41	0.00	0.00
C19	200.00	16.81	8.41	16.71	8.41	0.00	0.00
C20	200.00	16.81	8.41	16.71	8.41	0.00	0.00
C21	200.00	16.81	8.41	16.71	8.41	0.00	0.00
C22	500.00	2.61	1.31	2.60	1.31	0.00	0.00
C23	200.00	16.81	8.41	16.71	8.41	0.00	0.00
C24	400.00	16.81	8.41	16.71	8.41	0.00	0.00
C25	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C26	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C27	200.00	25.04	12.52	24.94	12.52	0.00	0.00
C28	200.00	34.44	17.22	34.34	17.22	0.00	0.00
C29	500.00	6.70	3.35	6.70	3.35	0.00	0.00
C30	400.00	11.40	5.70	11.40	5.70	0.00	0.00
C31	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C32	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C33	200.00	31.61	15.81	31.52	15.81	0.00	0.00
C34	500.00	20.35	10.18	20.25	10.18	0.00	0.00
C35	500.00	28.27	14.14	28.17	14.14	0.00	0.00
C36	220.00	120.23	60.12	119.16	140.23	33.24	41.52
C37	500.00	232.28	116.14	230.56	282.28	41.52	51.31
C38	492.00	136.61	68.31	135.22	165.27	23.58	29.36
C39	500.00	116.61	58.31	115.22	144.27	23.58	29.36
C40	500.00	116.61	58.31	115.22	144.27	23.58	29.36

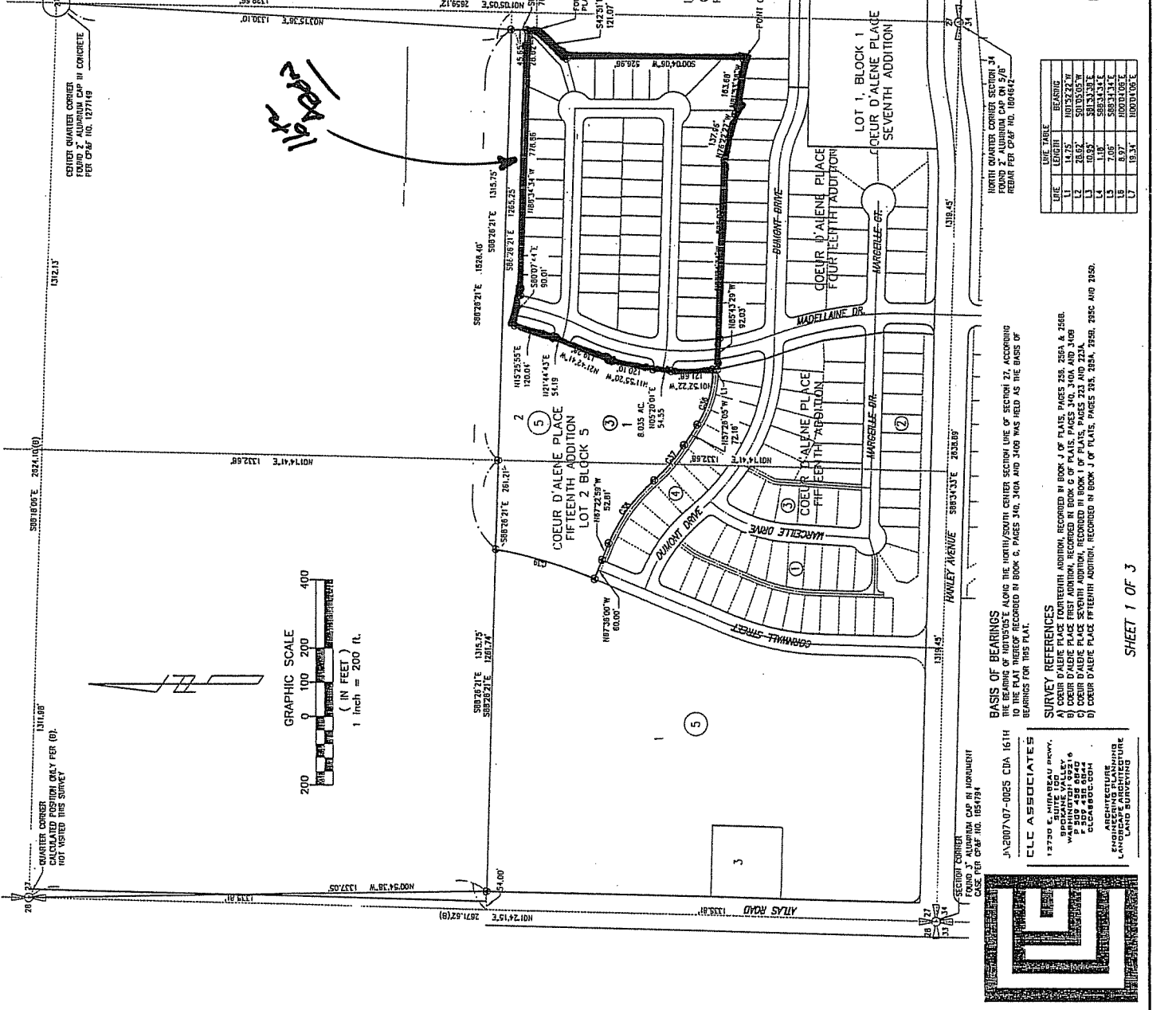
NOT TO SCALE

LOT 4 BLOCK 1
COEUR D'ALENE PLACE SEVENTH ADDITION

LOT 3, BLOCK 1
COEUR D'ALENE PLACE SEVENTH ADDITION

LOT 2, BLOCK 1
COEUR D'ALENE PLACE SEVENTH ADDITION

LOT 1, BLOCK 1
COEUR D'ALENE PLACE SEVENTH ADDITION



1779
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- LEGEND**
- FOUND ON SET 5/8" X 30" REBAR WITH ORANGE PLASTIC CAP MARKED "164 917"
 - FOUND ON SET 5/8" X 30" REBAR WITH ORANGE PLASTIC CAP MARKED "164 917", OR REBAR WITH YELLOW PLASTIC CAP MARKED "164 917".
 - SET 1" X 4" REBAR WITH ORANGE PLASTIC CAP MARKED "164 917", OR REBAR WITH YELLOW PLASTIC CAP MARKED "164 917" ON CONCRETE SURFPAK, TO BE SET ON OR BEFORE ONE YEAR SUBSEQUENT TO THE DATE OF RECORDING OF THIS PLAT IN ACCORDANCE WITH IDAHO CODES 50-1331, 50-1332 AND 50-1333.
 - FOUND 1/2" REBAR WITH ORANGE PLASTIC CAP MARKED "164 917" UNLESS OTHERWISE NOTED.
 - FOUND 2/8" REBAR WITH YELLOW PLASTIC CAP MARKED "LS 7019"
- SECTION CORNER (AS NOTED)
- 1/4 CORNER (AS NOTED)

COEUR D'ALENE PLACE SIXTEENTH ADDITION
BEING A REPLAT OF LOT 2, BLOCK 5 OF COEUR D'ALENE PLACE FIFTEENTH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

LINE TABLE

LINE	LENGTH	BEARING
L1	14.75	S01°22'27"W
L2	10.32	S10°00'00"W
L3	1.00	S88°34'34"E
L4	7.06	S88°34'34"E
L5	9.97	N00°10'00"E
L6	19.34	N00°10'00"E

BASIS OF BEARINGS
THE BEARINGS OF THIS PLAT WERE OBTAINED FROM THE NORTH/SOUTH CENTER SECTION LINE OF SECTION 27, ACCORDING TO THE BEARINGS OF THIS PLAT.

SURVEY REFERENCES
A) COEUR D'ALENE PLACE SEVENTH ADDITION, RECORDED IN BOOK 235, PAGES 235, 236 & 238.
B) COEUR D'ALENE PLACE FIFTEENTH ADDITION, RECORDED IN BOOK 6 OF PLATS, PAGES 340, 340A AND 340B.
C) COEUR D'ALENE PLACE SEVENTH ADDITION, RECORDED IN BOOK 1 OF PLATS, PAGES 233 AND 234.
D) COEUR D'ALENE PLACE FIFTEENTH ADDITION, RECORDED IN BOOK 7 OF PLATS, PAGES 245, 254A, 254B, 254C AND 254D.

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CLC ASSOCIATES
12720 E. HARBOR BLVD. SUITE 100
BOISE, IDAHO 83749
PHONE (208) 333-1111
FAX (208) 333-1112
WWW.CLCSURVEY.COM

REGISTERED SURVEYOR
LAND SURVEYING

JANUARY 07-0025 CDA 161H
FOUND 3" ALUMINUM CAP IN JOURNAMENT REBAR PER CAP NO. 105154

1779

AGREEMENT TO PERFORM SUBDIVISION WORK

THIS AGREEMENT made this ____ day of July, 2007, between Greenstone-Kootenai, Inc., whose address is 1421 Meadowwood Lane, Liberty Lake, WA, 99019, with Jason Wheaton, President, hereinafter referred to as the "**Developer**," and the **City of Coeur d'Alene**, a municipal corporation and political subdivision of the state of Idaho, whose address is City Hall, 710 Mullan Avenue, Coeur d'Alene, ID, 83814, hereinafter referred to as the "**City**,"

WHEREAS, the City has approved, subject to completion of the required improvements, the Coeur d'Alene Place 16th Addition, a residential subdivision in Coeur d'Alene consisting of fifty one (51) buildable lots, and, four tracts (A, B, C & D), situated in the southwest quarter of Section 27, Township 51 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 public improvements: grading, trenching, storm water drainage facilities, asphalt paving, concrete curb & sidewalk, roundabout landscaping, asphalt bike trail, mail box relocation, and, survey monumentation as required under Title 16 of the Coeur d'Alene Municipal Code, on or before, the 31st day of August, 2009. Said improvements are more particularly described on the subdivision improvement plans entitled "Coeur d'Alene Place 16th Addition", dated April 3, 2007, stamped by Doug J. Desmond, PE, #10886, 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 Six Hundred Forty Three Thousand Seven Hundred Sixty Seven and No/100 Dollars (**\$643,767.00**) 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 and all costs that exceed the posted security for the public improvements noted herein.

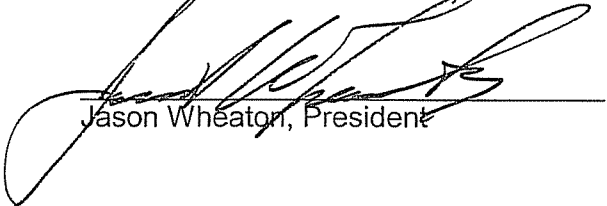
The Parties further agree that the City has utilized substantial staff time to prepare the agreement that will benefit the Developer's. The Parties further agree the City should be reimbursed a reasonable fee for its costs to prepare such agreement. The Parties further agree that such fee should be in 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

GREENSTONE-KOOTENAI, INC.

Sandi Bloem, Mayor



Jason Wheaton, President

ATTEST:

Susan K. Weathers, City Clerk

SUBDIVISION BOND

Bond No.: K07605857

Principal Amount: \$643,767.00

KNOW ALL MEN BY THESE PRESENTS, that we Greenstone Kootenai, 1421 N. Meadowood Lane, Suite 200, Liberty Lake, WA 99019 as Principal, and Westchester Fire Insurance Company, 436 Walnut Street, Philadelphia, PA 19106 a New York Corporation, as Surety, are held and firmly bound unto City of Coeur d'Alene, 710 E. Mullan Ave., Coeur d'Alene, ID 83814, as Obligee, in the penal sum of Six Hundred Forty Three Thousand Seven Hundred Sixty Seven and 00/100 Dollars (\$643,767.00), lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Greenstone Kootenai has agreed to construct in Coeur d'Alene, 16th Addition Subdivision, in Coeur d'Alene, ID the following improvements: Grading, Storm Drains, Sewer, Water, Paving, Curbing, Sidewalks, Landscape, Fencing, Street Trees, and Lighting.

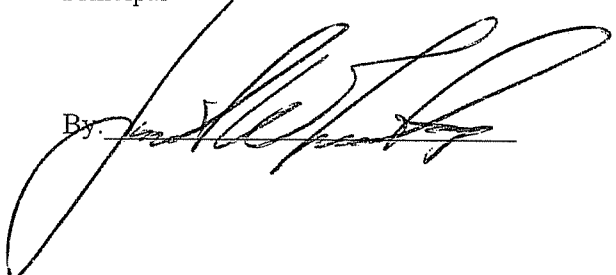
NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvements herein described, and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void, otherwise to remain in full force and effect, and the Surety, upon receipt of a resolution of the Obligee indicating that the improvements have not been installed or completed, will complete the improvements or pay to the Obligee such amount up to the Principal amount of this bond which will allow the Obligee to complete the improvements.

Upon approval by the Obligee, this instrument may be proportionately reduced as the public improvements are completed.

Signed, sealed and dated, this 3rd day of July, 2007

Greenstone Kootenai
Principal

Westchester Fire Insurance Company
Surety

By: 

By: Dawn L. Morgan
Dawn L. Morgan, Attorney-in-Fact

Power of Attorney

WESTCHESTER FIRE INSURANCE COMPANY



1187470

274045

Know all men by these presents: That WESTCHESTER FIRE INSURANCE COMPANY, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
(2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
(3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

FURTHER RESOLVED, that the Resolution of the Board of Directors of the Company adopted at the meeting held on November 8, 1999 relating to the authorization of certain persons to execute, for and on behalf of the Company, Written Commitments and appointments and delegations, is hereby rescinded.

Does hereby nominate, constitute and appoint JAMES I. MOORE, STEPHEN T. KAZMER, MARY BETH PETERSON, BONNIE KRUSE, DAWN L. MORGAN, IRENE DIAZ, JENNIFER J. MCCOMB, KELLY A. JACOBS, MELISSA SCHMIDT and PEGGY FAUST all of the City of Westmont, State of Illinois, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Ten Million Dollars (\$10,000,000) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said Stephen M. Haney, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said WESTCHESTER FIRE INSURANCE COMPANY this 29th day of December, 2006.



WESTCHESTER FIRE INSURANCE COMPANY

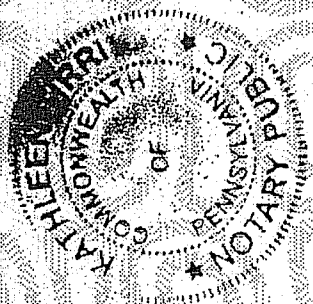
Handwritten signature of Stephen M. Haney

Stephen M. Haney, Vice President

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA ss.

On this 29th day of December, A.D. 2006, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came Stephen M. Haney, Vice-President of the WESTCHESTER FIRE INSURANCE COMPANY to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company, that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



NOTARIAL SEAL
Kathleen Tirri, Notary Public
Philadelphia, Philadelphia County
My commission expires September 22, 2007

Handwritten signature of Kathleen Tirri

Notary Public

I, the undersigned Assistant Secretary of WESTCHESTER FIRE INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 3rd day of July, 2007



Handwritten signature of William L. Kelly

William L. Kelly, Assistant Secretary

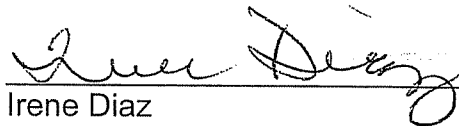
FORM NO. 8800S

STATE OF: ILLINOIS
COUNTY OF: DUPAGE

On July 3, 2007, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Dawn L. Morgan known to me to be Attorney-in-Fact of Westchester Fire Insurance Company, the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledge to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires March 14, 2011


Irene Diaz



**CITY COUNCIL COMMITTEE
STAFF REPORT**

DATE: July 12, 2007
FROM: Legal Department
SUBJECT: Council approval of agreement waiving opposition to annexation

=====

DECISION POINT:

Staff requests Council acceptance of an agreement waiving opposition to annexation by *Joseph Harrison*, a single man, owner of the property described as *Lot 10, Block 3 of Nob Hill* in exchange for water service outside City limits in accordance with City policy.

BACKGROUND:

Staff received a request for water service from the owners of property at *Lot 10, Block 3 of Nob Hill*. Legal Department staff and Water Department staff reviewed the request in light of the City's policy regarding water service to properties outside City limits. The property is allowed service under the policy as quoted below. Standard practice is to require the owners to properly execute an agreement waiving opposition to annexation in exchange for water service. A copy of the agreement is included in the packet.

POLICY REVIEW:

The request is consistent with Section 8 of the main extension policies as adopted by the City on February 3, 1981. That policy section states, "No new water service shall be provided to property outside the City Limits except for that property having prior approval in the form of a subdivision (approved prior to February 3, 1981), consumers order, property abutting or adjoining mains installed under refundable water extension contracts, or other written agreements."

DECISION POINT/RECOMMENDATION:

Staff requests Council acceptance of an agreement waiving opposition to annexation by *Joseph Harrison*, a single man, owner of the property described as *Lot 10, Block 3 of Nob Hill* in exchange for water service outside City limits in accordance with City policy.

AGREEMENT WAIVING OPPOSITION TO ANNEXATION

THIS AGREEMENT, made and dated this _____ day of July, 2007, by and between the **City of Coeur d'Alene**, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho, hereinafter referred to as the "City," and **Joseph Harrison**, a single man, whose mailing address is P.O. Box 1377, Coeur d' Alene, Idaho 83816 hereinafter referred to as the "Owner,"

WITNESSETH: That in consideration of the City permitting connection for water service to the property described as follows, to wit:

Lot 10, Block 3 of Nob Hill, according to the official plat thereof, filed in Book E of Plats at Pages(s) 23 Official Records of Kootenai County, Idaho

the Owner does hereby agree on behalf of himself, his heirs, assigns, and successors in interest, as follows:

1. That at such time as the City of Coeur d'Alene deems it advisable to annex the hereinbefore described property to the City of Coeur d'Alene, the Owner of said property agree and covenant that he will not oppose annexation of said property to the City of Coeur d'Alene and will cooperate to the fullest extent with the City in the annexation of such property.
2. That all costs and fees for connecting to and providing water service including but not limited to plumbing costs, connection fees (i.e., capitalization fees), hookup fees, excavation cost and fees shall be borne by the Owner and no cost whatsoever shall accrue to the City of Coeur d'Alene for the provision of such water service.
3. That the connection to the City's water service shall be done to City specifications.

It is further agreed that the foregoing covenants are covenants running with the land and shall be binding on the heirs, devisees and assigns of the undersigned Owners.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this agreement on behalf of said City, and the Owner has signed the same, the day and year first above written.

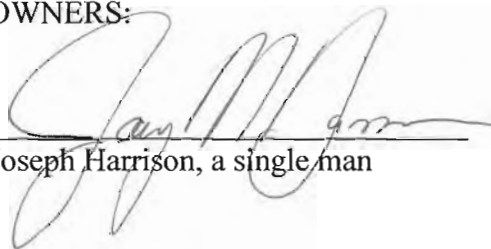
CITY OF COEUR D'ALENE,
KOOTENAI COUNTY, IDAHO:

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

OWNERS:



Joseph Harrison, a single man

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 17th day of July, 2007, 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 and the persons who executed the foregoing instrument and acknowledged to me that said city of Coeur d'Alene executed the same.

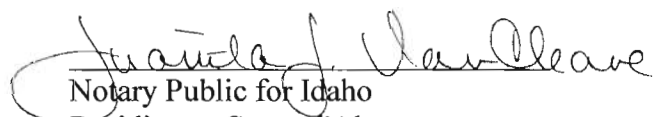
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

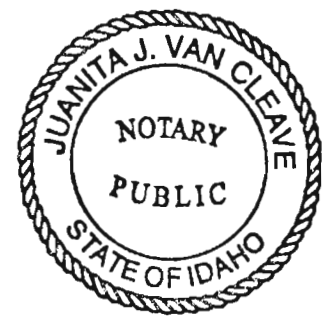
Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires:

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 10th day of July, 2007, before me, a Notary Public, personally appeared **Joseph Harrison**, a single man, known to me to be the person subscribed herein who executed the foregoing instrument and acknowledged that he voluntarily executed the same.

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


Notary Public for Idaho
Residing at Coeur d'Alene
My Commission expires: November 27, 2008



WARRANTY DEED

Order No.:2020702938DW

FOR VALUE RECEIVED

David G. Tabakman and Carole H. Tabakman, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Joe Harrison, a single man

whose current address is

PO Box 1377, Coeur d' Alene, ID. 83816

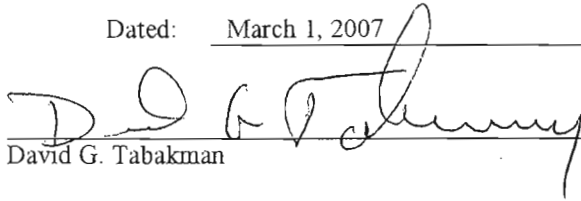
the grantee(s), the following described premises, in Kootenai County, Idaho, TO WIT:

Lot 10 in Block 3 of Nob Hill, according to the official plat thereof, filed in Book E of Plats at Page(s) 23 Official Records of Kootenai County, Idaho.

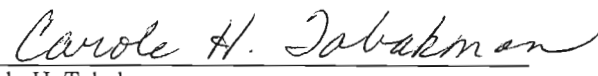
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s); that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 1, 2007



David G. Tabakman



Carole H. Tabakman

State of IDAHO }

RECEIPT

DATE 7-10-07 No. 201054

RECEIVED FROM BUILDERS CAPITAL MORT CK# 5131 \$130.00 (N.K.)
BARBARA YEAHER CK# 1197 \$1000.00 (AT)
50.00 (OFF CAP) DOLLARS

FOR RENT
 FOR

ACCOUNT			
PAYMENT			
BAL. DUE			

CASH
 CHECK
 MONEY ORDER

FROM _____ TO _____
BY (Signature)

Edwards 2701

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis / 06-29-07
Department Name / Employee Name / Date
Request made by: Naoma Deitz / 509-926-4910
Name / Phone
1115 East Boone Spokane Valley, WA 99206
Address

The request is for: / / Repurchase of Lot(s)
 Transfer of Lot(s) from John Dietz to Lois Calkins

Niche(s): _____
Lot(s): 313 _____ Block: D Section: Riverdew

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.

[Signature]
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:
JOHN WESLEY DIETZ
3. The purchase price of the Lot(s) when sold to the owner of record was \$ 200.00 per lot.
D.E. by [Signature] / 7/6/07
Supervisor's Init. / Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: Yes / / No. [Signature] / 7/6/07
Person making request is authorized to execute the claim. 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.

[Signature] / 7-9-07
City Clerk's Signature / Date

COUNCIL ACTION

Council approved transfer/sale/repurchase of above-referenced Lot(s) in regular session on: _____
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.

ANNOUNCEMENTS

Memo to Council

DATE: July 9, 2007

RE: Appointments to Boards/Commissions/Committees

The following re-appointments are presented for your consideration for the July 17th Council Meeting:

ROLLY JURGENS
SHELLY SERVICK

PARKING COMMISSION
PARKING COMMISSION

Copies of the available data sheets are in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Troy Tymesen, Parking Commission Advisor

Memo to Council

DATE: July 6, 2007

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the July 17th Council Meeting:

LES GARRETSON

JEWETT HOUSE ADVISORY BOARD

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

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Steve Anthony, Jewett House Advisory Board Liaison

Memo to Council

DATE: July 12, 2007

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the July 17th Council Meeting:

PETER LUTTROPP

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
John Stamos, Planning Commission Liaison

OTHER BUSINESS

MEMORANDUM

DATE: JULY 11, 2007

TO: MAYOR BLOEM AND THE CITY COUNCIL

FROM: PAM MACDONALD, HUMAN RESOURCE DIRECTOR
RENATA MCLEOD, PROJECT COORDINATOR

RE: PERSONNEL RULE AND CLASSIFICATION COMPENSATION AMENDMENTS

DECISION POINT:

- To authorize Resolution No. 07- 051, authorizing amendments to amend **Rule I, Section 14, entitled “Department Heads”** to update the rules applicable to Department Heads, and to amend **Rule I, Section 15, entitled “FLSA Exempt Employees”** to amend Section 6 to be entitled “Promotional Appointments to Positions,” and to clarify the maximum pay increase; and to amend **Rule XXII, entitled “Police Payback Policy”** to clarify what items shall be included in the reimbursement and to amend the time frame to two and a half years from the date of hire rather than from completion of the field training program, and to remove the specific dollar amount from the rule and require it be included in the payback agreement. Additionally, authorizing the following amendment to the City’s Classification and Compensation Plan:

<u>CURRENT TITLE</u>	<u>PROPOSED TITLE</u>	<u>PAY GRADE</u>	
		<u>CURRENT</u>	<u>PROPOSED</u>
(Job Descriptions available in the Human Resources Department)			
Circ. Tech. Serv. Clerk	Cataloging Technician	5	6

HISTORY: The proposed Personnel Rule amendments were posted at a minimum of ten (10) consecutive days before this City Council meeting. Staff has discussed these amendments with the Associations and the Fire Union., as well as the Executive Team. Additionally, BDPA reviewed the requirements and made recommendations for the Circulation Technical Services Clerk.

FINANCIAL: There are no hard costs associated with these Personnel Rule amendments. The reclassification of the Circulation Technical Services Clerk position (from 5 to 6) is anticipated to result in an additional cost of \$432.00 for fiscal year 2006-2007, which will be absorbed in the Library Department budget.

QUALITY OF LIFE: Our goal is to provide a consistent and clear document for personnel rules.

DECISION POINT/RECOMMENDATION:

- To authorize Resolution No. 07- 051, authorizing amendments to amend **Rule I, Section 14, entitled “Department Heads;” Rule I, Section 15, entitled “FLSA Exempt Employees;” Rule XXII, entitled “Police Payback Policy.”** Additionally, authorizing the amendment to the City’s Classification and Compensation Plan as stated above.

RESOLUTION NO. 07-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AMENDING THE CITY OF COEUR D'ALENE PERSONNEL RULES MANUAL BY AMENDING TO AMEND **RULE 1, SECTION 14, ENTITLED "DEPARTMENT HEADS"** TO UPDATE THE RULES APPLICABLE TO DEPARTMENT HEADS, AND TO AMEND **RULE 1, SECTION 15, ENTITLED "FLSA EXEMPT EMPLOYEES"** TO AMEND SECTION 6 TO BE ENTITLED PROMOTIONAL APPOINTMENTS TO POSITIONS AND TO CLARIFY THE MAXIMUM PAY INCREASE; AND TO AMEND **RULE XXII, ENTITLED "POLICE PAYBACK POLICY"** TO CLARIFY WHAT ITEMS SHALL BE INCLUDED IN THE REIMBURSEMENT AND TO AMEND THE TIME FRAME TO TWO AND A HALF YEARS FROM THE DATE OF HIRE RATHER THAN FROM COMPLETION OF THE FIELD TRAINING PROGRAM, AND TO REMOVE THE SPECIFIC DOLLAR AMOUNT FROM THE RULE AND REQUIRE IT BE INCLUDED IN THE PAYBACK AGREEMENT; ADDITIONALLY, TO AUTHORIZE THE BELOW NOTED AMENDMENTS TO THE CITY'S CLASSIFICATION AND COMPENSATION PLAN.

WHEREAS, the need to revise various Personnel Rules, as noted above, has been deemed necessary by the City Council; and

WHEREAS, the following proposed classification and compensation changes were deemed necessary by the City Council and will be effective July 1, 2007:

<u>CURRENT TITLE</u>	<u>PROPOSED TITLE</u>	<u>PAY GRADE</u>	
		<u>CURRENT</u>	<u>PROPOSED</u>
Circulation Tech. Serv. Clerk	Cataloging Technician	5	6

**Job Descriptions available in the Human Resources Department

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

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof that such rules attached hereto as Exhibit "A," and plan amendments as noted above be adopted; NOW, THEREFORE,

DATED this 17th day of July, 2007.

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 MCEVERS	Voted _____
COUNCIL MEMBER KENNEDY	Voted _____
COUNCIL MEMBER GOODLANDER	Voted _____
COUNCIL MEMBER EDINGER	Voted _____
COUNCIL MEMBER HASSELL	Voted _____

_____ was absent. Motion _____.

RULE I: GENERAL PROVISIONS

SECTION 14. Department Heads

- (1) Department Heads shall be exempt from the personnel rules except the following:
- (i) Rule I, Section 11, “Standards of Conduct”
 - (ii) Rule XI, Section 3 entitled “Sick Leave”
 - (iii) Rule XI, Section 4 entitled “Bereavement Leave”
 - (iv) Rule XI, Section 5 entitled “Military Leave”
 - (v) Rule XI, Section 7 entitled “Witness and Jury Leave”
 - (vi) Rule XI, Section 9, entitled “Holidays”
 - (vii) Rule XI, Section 11, entitled “Family and Medical Leave”
 - (viii) Rule XI, Section 12, entitled “Retirement Medical Benefit”
 - (ix) Rule XVIII, ~~Section 4~~ entitled “City Property Employee not to be Party to Purchase of Sale of Property”
 - ~~(x) Rule XVIII, Section 5~~ entitled “Use of City Property”
 - ~~(xi)(x)~~ Rule XIX, entitled “Authorization and Procedures for Expense Reimbursement” and
 - ~~(xii)(xi)~~ Rule XXI, entitled “Drug Policy”
 - ~~(xiii)(xii)~~ Rule XXIII, entitled “Prohibition Against Harassment and Violence in the Workplace”
 - ~~(xiv)(xiii)~~ Any rule specifically applicable to Department Heads

SECTION 15. FLSA Exempt Employees

- (a) Purpose/Intent: The purpose of this rule is to create a section of the City of Coeur d’Alene Personnel Rules and Regulations that specifically pertain to FLSA Exempt Employees other than Department Heads.
- (b) Definition:
- (1) FLSA Exempt Employees shall mean an employee responsible for management within a city department, and under the day to day guidance of the Department Head, including the following positions; Assistant Street Superintendent, Assistant Wastewater Superintendent, Assistant Water Superintendent, Associate Planner, Attorneys,

Deputy Engineering Services Director, Deputy Finance Director, Deputy Fire Chief's, Deputy Library Director, IT Network Administrator, IT Database Application Developer, Police Captains, Project Coordinator, and Recreation Superintendent.

- (2) FLSA Exempt Employees are classified as Executive Exempt employees for FLSA purposes. As such, FLSA Exempt Employees shall be paid salary and are not eligible for compensatory or overtime pay.
- (c) Residency: Certain positions, at the discretion of the Deputy City Administrator, may be required to reside within a twenty (20) minute driving response time to the City limits.
- (d) Duties: FLSA Exempt Employee's duties and responsibilities shall be in accordance with the adopted job description, as well as all matters assigned by the Department Head.
- (e) Benefits/Compensation:
 - (1) FLSA Exempt Employees shall be regulated by the personnel rules except as specifically provided by this rule or as otherwise provided by written agreement.
 - (2) FLSA Exempt Employees shall abide by City policies and procedures approved by the City Council and any additional policies and procedures adopted by resolution not incorporated in the personnel rules.
 - (3) Vacation Accruals: Unless otherwise provided by written agreement, Vacation accruals shall be in accordance with the Personnel Rule XI, Section 2. The employee will not lose any vacation leave accrued at the time the employee becomes an exempt employee. Maximum accumulation of vacation leave will not exceed three-hundred-twenty (320) hours. Any accrued vacation leave in excess of this amount as of October 1st of each year must be used by January 15th of the following year or be forfeited, unless otherwise specifically approved by the Personnel Officer.
 - (4) Sick Leave: As FLSA Exempt Employees, the employees shall continue to accrue sick leave according to Rule XI, Section 3 (ten (10) hours per month). However, due to the exempt employee status, leave will only be required to be noted on time records when it is eight consecutive hours or

more. Employee shall be eligible to participate in the sick leave bank. Employee shall not receive compensation for accumulated sick leave unless the Exempt Employee retires from the City of Coeur d'Alene pursuant to the provisions of Idaho Code. Sick leave options 1 and 2, found in Rule XI, Section 3, are applicable.

- (5) Compensatory Time (comp time): FLSA Exempt Employees are not eligible for comp time. It is recommended that Exempt Employees use any comp time accrued at the time they became an Exempt Employee at a rate of at least 40 hours per fiscal year.
- (6) Promotional Appointment to position: The FLSA Exempt Employee is eligible for a pay increase twelve (12) months from their appointment date. ~~Promotional Appointments~~ will include a minimum of a 10% pay increase or to maximum of the position wage level.
- (7) Compensation/salary increases: FLSA Exempt Employees shall be paid a salary within the range identified in the City of Coeur d'Alene adopted pay/classification plan and as may be amended thereafter. Employees shall receive annual salary increases on a performance-based evaluation. Based on a performance evaluation from the Department Head, the employee shall receive a salary increase ranging 5% to 8% if the performance is rated standard or above. Salary shall not exceed the maximum amount authorized by the pay/classification plan currently in effect. Salary over the maximum of the pay/classification plan will remain at the current rate and will increase only as CPI adjustments permit, unless otherwise approved by the City Council.
- (8) Cost of living increases: Cost of living increases shall be based upon the July "Consumer Price Index (CPI) for "All Urban Consumers" based upon the U.S. City average for the preceding 12-month period with a three percent (3%) maximum increase, effective October 1 of each fiscal year.
- (9) Miscellaneous: The Deputy City Administrator shall authorize car assignments.
- (10) Fringe Benefits: FLSA Exempt Employees shall receive fringe benefits as those authorized in a given fiscal year by the City Council per the exempt

personnel resolution, unless otherwise provided by contract or written agreement, for the following: Social Security (F.I.C.A.), Idaho Public Employees Retirement System (I.P.E.R.S.), medical, dental, and vision insurance, long term disability insurance and medical savings account.

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

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

RULE XXII: POLICE PAYBACK PROGRAM

SECTION 1. Preamble

The City of Coeur d' Alene spends a great deal of money during the testing and background checks of potential police officers.

SECTION 2. Definitions

“Peace Officer” means any employee of the Coeur d’Alene Police Department and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or the City of Coeur d’Alene.

SECTION 3. Agreement

As a condition of employment, each applicant for peace officer with the City of Coeur d’Alene shall execute an agreement whereby said applicant promises to remain within employ of the City of Coeur d’Alene as a peace officer, on a full time basis, for a period of time not less than two and a half years after the date of hire successful completion of the Coeur d’Alene Police Department Field Training Program.

Also, as a condition of employment, each applicant who voluntarily leaves the employ of the City of Coeur d’Alene Police Department, prior to successfully completing two and a half years of employment after the Police Department Field Training Program, shall reimburse the City of Coeur d’Alene a sum equivalent to the costs, that may include, of all training, background investigation, uniforms, boots, nametags, body armor, medical,

hearing, vision, psychological, and polygraph testing administered to the applicant during the pre-employment process.

SECTION 4.

Pay Back

In the event that a peace officer of the Coeur d'Alene Police Department voluntarily resigns within two and a half years after the date of hire completing the Field Training Program, the peace officer shall be required to pay the City the sum set forth in the signed payback agreement up to \$3,600.00, prorated monthly. The amount shall be reduced proportionately for each month that the officer was employed within the Coeur d'Alene City Police Department ~~after the date of successful completion of the Field Training Program.~~

The amount owed by the employee to the City shall be deducted from the final pay check that the employee is owed. If the amount owed to the City is greater than the amount of the final pay check, the balance shall be owed to the City within 30 days of the final work day.

PUBLIC HEARINGS

**CITY COUNCIL
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER
DATE: JULY 17, 2007
SUBJECT: ZC-8-07 – ZONE CHANGE FROM R-12 TO NC
LOCATION – +/- 5,575 SQ. FT. PARCEL AT 1401 NORTH 3RD STREET

DECISION POINT:

Jeffrey D. Block is requesting a zone change from R-12 (residential at 12 units per gross acre) to NC (Neighborhood Commercial) at 1401 North 3rd Street.

SITE PHOTOS:

A. Aerial photo



- B. Subject property on west side of 3rd Street.

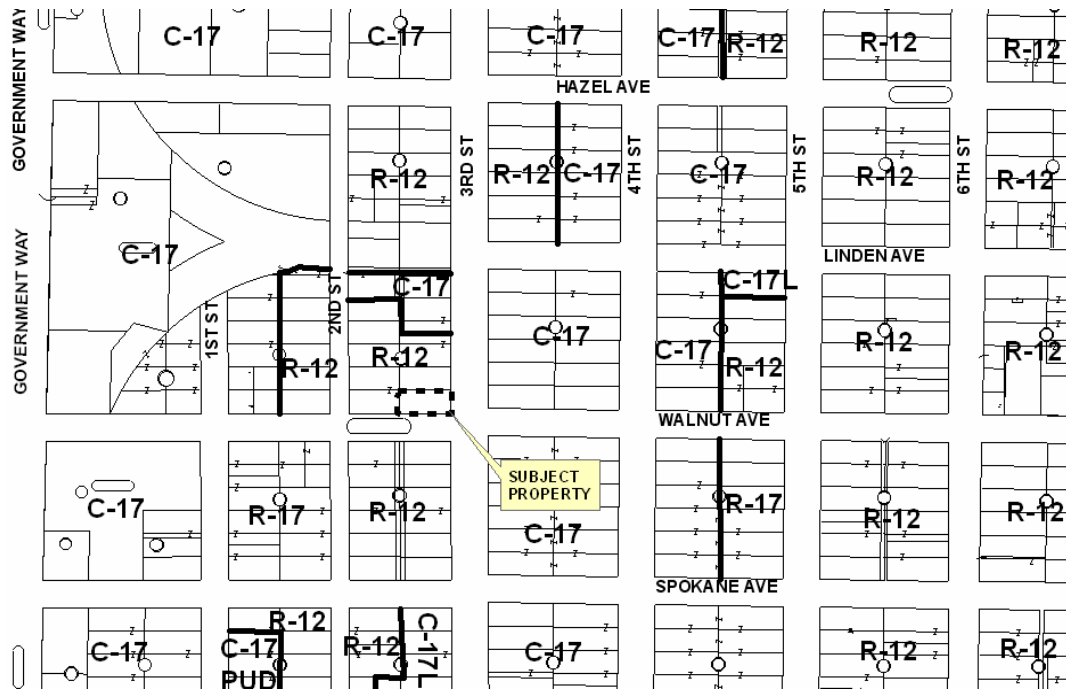


- C. Residences to north of subject property on west side of 3rd Street.

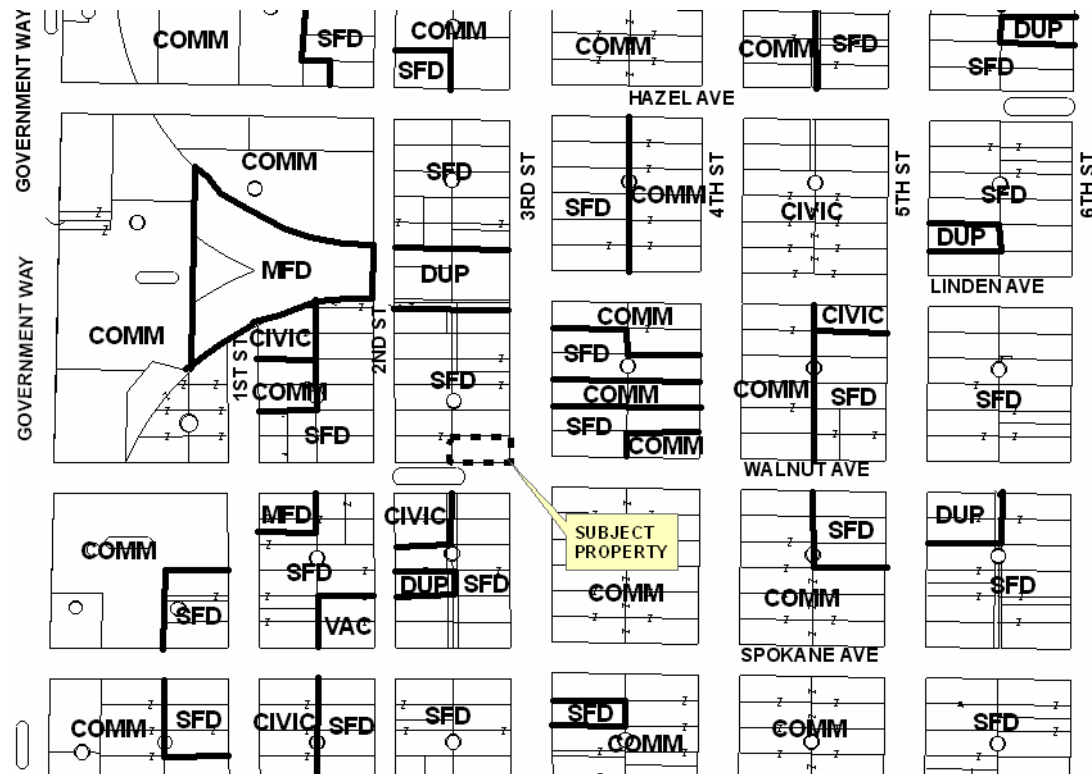


GENERAL INFORMATION:

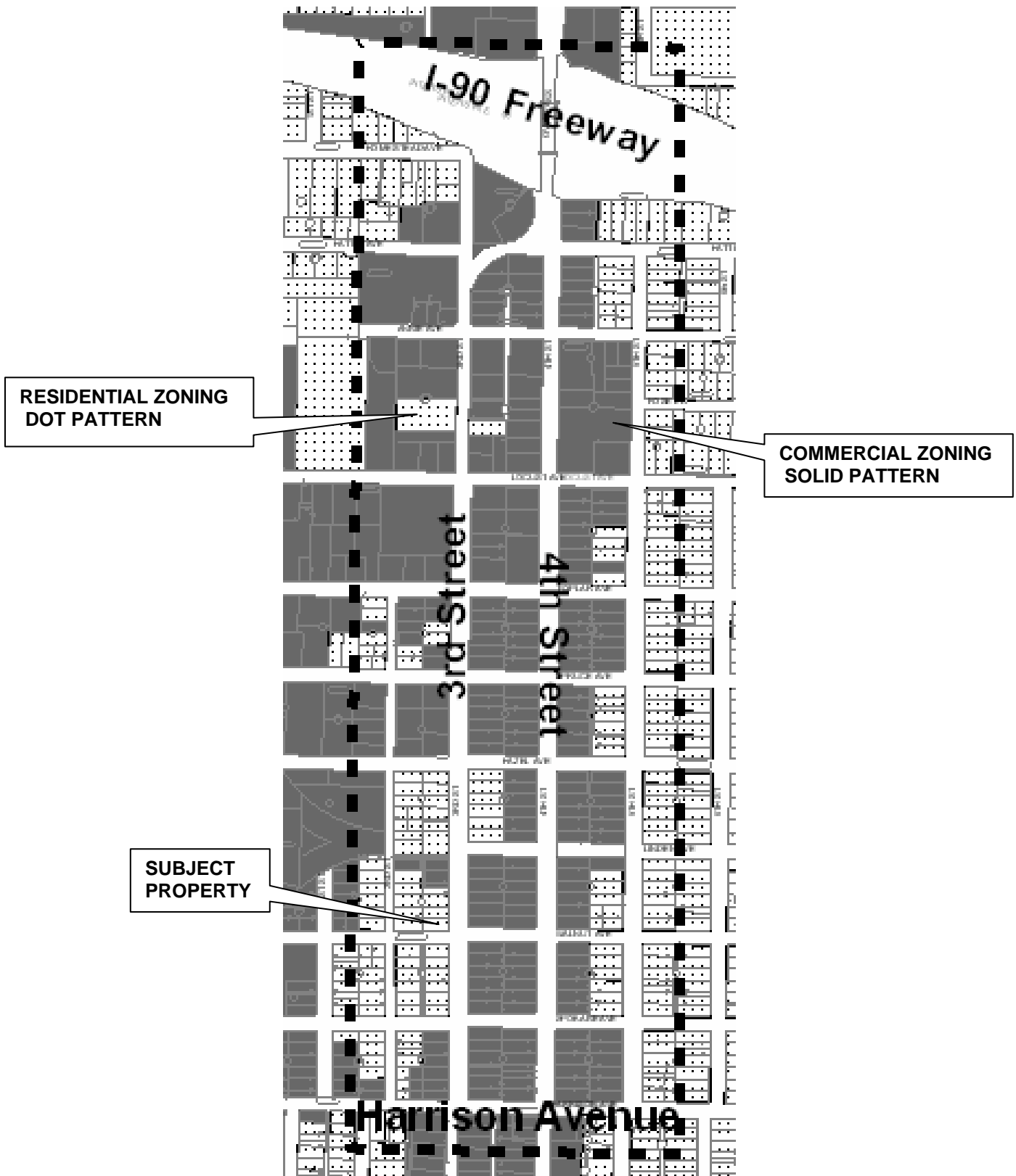
A. Zoning:



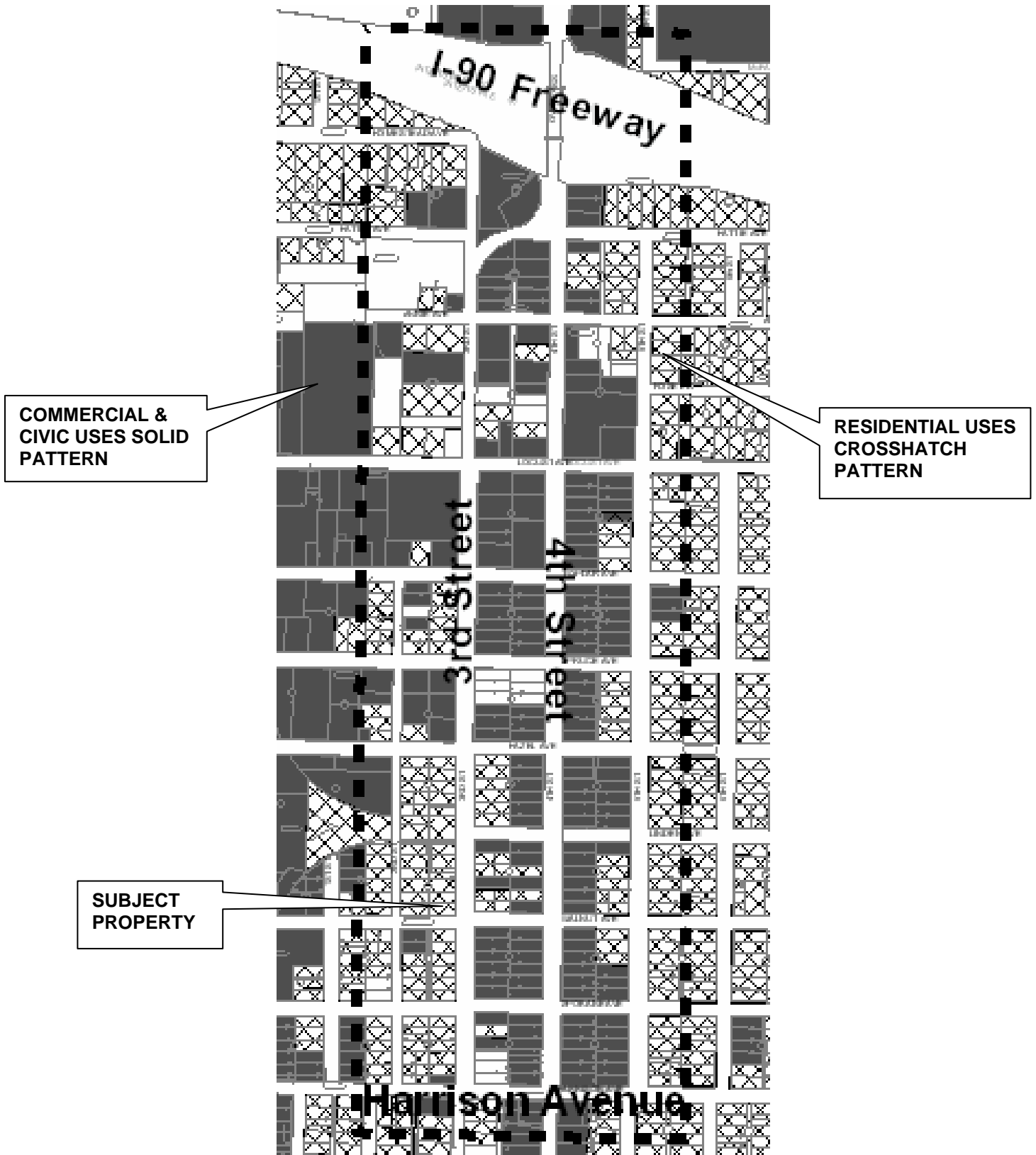
B. Generalized land use pattern:



C. Zoning pattern - 3rd/4th Street corridor:



D. Land uses along 3rd/4th Street corridor.



- E. Applicant: Jeffrey D. Block
Owner 112 East Hazel Avenue
Coeur d'Alene, ID 83814
- F. Land uses in the area include residential - single-family, duplex and multi-family, commercial – retail sales & service, civic and vacant land.
- G. The subject property is occupied by a single-family dwelling.
- H. Previous actions on surrounding property (See page 1):
 - 1. ZC-15-86 - R-12 to C-17.
 - 2. ZC-5-87 - R-12 to C-17L.
 - 3. ZC-6-88- R-12 to C-17.
 - 4. ZC-9-04 - R-12 to C-17L.
 - 5. ZC-6-07 - R-12 to C-17.
 - A. Denied by Planning Commission on April 20, 2007.
 - B. Planning Commission decision appealed by applicant to City Council.
 - C. City Council approves request on June 5, 2007.
- I. The Planning Commission heard the request on June 10, 2007 and approved it by a 5-0 vote.

PERFORMANCE ANALYSIS:

A. Zoning:

Approval of the zone change request would intensify the potential uses on the property by allowing commercial retail sales and service uses on a parcel that now only allows residential and civic uses.

The Neighborhood Commercial District is intended to allow for the location of enterprises that mainly serve the immediate surrounding residential area and that provide a scale and character that are compatible with residential buildings. It is expected that most customers would reach the businesses by walking or bicycling, rather than driving, as follows:

Principal permitted uses:

Retail
Personal Services
Commercial and Professional Office
Medical/Dental
Day Care
Residential (above the ground floor)
Parks

By special use permit:

Religious Institutions
Schools

Prohibited:

Industrial
Warehouses
Outdoor storage or Display of Goods, other than plants
Mini-storage
Sales, Repair or Maintenance of Vehicles, Boats, or Equipment
Gasoline Service Stations
Detention facilities
Commercial Parking

Maximum Building Height:

32 feet

Maximum Floor Area Ratio:

Non-Residential: 1.0
Total: 1.5

Maximum Floor Area;

4,000 sq. ft. for Retail Uses
8,000 sq. ft. for all Non-Residential Uses

Minimum Parking:

3 stalls per 1000 sq. ft. of non-residential floor area
1.5 stalls per dwelling unit

Setbacks from any adjacent Residential District:

8 inches of horizontal distance for every foot of building height.

Limited Hours of Operation:

Any use within this district shall only be open for business between 6am and 10pm.

Screening along any adjacent Residential District:

Minimum 10 foot wide planting strip containing evergreen trees
(Trees to be at least 15 feet tall at time of planting, and no more than 25 feet apart)

Landscaping:

One tree for every 8 surface parking stalls.
(Trees shall be at least 15 feet tall at time of planting)

Design Standards:

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.
- e. Buildings shall be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.
- f. Lighting greater than 1 footcandle is prohibited. All lighting fixtures shall be a “cut-off” design to prevent spillover.
- g. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted. *
- h. Signs shall not be internally lighted, but may be indirectly lighted. *

* Sign standards would be incorporated into sign code.

The maps showing zoning, land use and the commercial corridor (see maps on pages 3 & 4) depict the commercial corridor running along 3rd and 4th streets between the I-90 freeway and Harrison Avenue, as verified by the zoning and land use patterns.

Evaluation: The City Council, based on the information before them, must determine if the NC zone is appropriate for this location and setting.

B. Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies as follows:

- 1. The subject property is within the existing city limits.
- 2. The City Comprehensive Plan Map designates this area as a Transition Area and adjacent to 3 rd and 4th Streets, which are designated as High Intensity Corridors, as follows:

Transition Areas:

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

- Protect and/or enhance the integrity of existing residential areas.
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring uses.
- Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.
- Pedestrian/bicycle connections.

In reviewing all projects, the following should be considered:

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not

limited to:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

High Intensity Corridors:

“These corridors are established as the primary areas where significant auto oriented community sales / service and wholesale activities should be concentrated.”

- Encourage auto oriented commercial uses abutting major traffic corridors.
- Residential uses up to 34 du/ac may be encouraged. Low intensity residential uses are discouraged.
- The development should be accessible by pedestrian, bicycle and auto.
- Residential uses may be allowed but not encouraged. Low intensity residential uses are discouraged.
- Encourage manufacturing / warehousing uses to cluster into district served by major transportation corridors.
- Arterial / collector corridors defined by landscaping / street trees.
- Development may be encouraged to utilize large areas adjacent to these transportation corridors.

Significant policies for consideration:

- 4C: “New growth should enhance the quality and character of existing areas and the general community.”
- 6A: “Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.”
- 6A2: “Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise.
- 6A3: “Commercial development should be limited to collector and arterial streets.”
- 6A5: “Encourage renewal and enhancement of commercial sales and service corridors.”
- 46A: “Provide for the safe and efficient circulation of vehicular traffic.”
- 47C1: “Locate major arterials and provide adequate screening so as to minimize levels of noise pollution in or near residential areas.”
- 51A: “Protect and preserve neighborhoods both old and new.”
- 51A5: “Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects.”

62A: "Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects."

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

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

WATER:

Water is available to the subject property.

Evaluation: The lot currently has two ¾ inch services to it with a 6 inch and 8 inch main in the corresponding streets. A fire hydrant is present at the adjacent corner of the intersection.

Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available and of adequate size to support the applicants request.

Evaluation: Public sewer is available within the westerly alley abutting this property. The public main is of adequate capacity to support this zone change request. The sewer lateral servicing this lot will be reviewed for adequacy at the permit level.

Don Keil, Assistant Wastewater Superintendent

STORMWATER:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

Evaluation: Any site development that results in an increase in impervious area on the subject property will require the construction of stormwater treatment facilities (i.e.: swales).

TRAFFIC:

The ITE Trip Generation Manual estimates the project may generate approximately 2.9 trips during peak hour periods.

Evaluation: The adjacent streets will accommodate the additional traffic volume.

STREETS:

1. The subject property is bordered by Third Street on the east, and, Walnut Avenue on the south. The current right-of-way widths meet City standards, and the streets are developed

roadway sections.

Evaluation: There is no sidewalk on the Walnut Avenue frontage, and therefore, will need to be installed as a condition of the zone change and with any site development activity.

2. The proposed commercial use will require construction of a parking lot to serve the subject property.

Evaluation: Any parking area that is constructed which utilizes the adjoining alley for access, will require the paving of the alley across the subject property frontage. Alley design will require an inverted crown section, and, will be required to be submitted for approval prior to commencement of any work.

APPLICABLE CODES AND POLICIES:

UTILITIES

1. All proposed utilities within the project shall be installed underground.

STREETS

2. Site improvement plans conforming to City guidelines shall be submitted and approved by the City Engineer prior to construction.
3. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

STORMWATER

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

SUBMITTED BY CHRIS BATES, ENGINEERING PROJECT MANAGER

FIRE:

Prior to any site development, the Fire Department will address issues such as water supply, fire hydrants and access.

Submitted by Dan Cochran, Deputy Fire Chief

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is located on 3rd Street, which is identified as a High Intensity Corridor and identified in the Comprehensive Plan as an area where significant auto oriented community sales / service and wholesale activities should be concentrated." The zoning and land use patterns in the area show

Evaluation: The subject property is on the edge of an established commercial corridor so, the City Council must determine if commercial zoning is appropriate in this location and setting.

F. Proposed conditions:

Engineering

1. Construction of sidewalk along the Walnut Avenue frontage with any site development activity.
2. Any parking area that is constructed which utilizes the adjoining alley for access will require the paving of the alley across the subject property frontage.

G. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

Staff recommends the City Council take the following action:

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

If the Council approves the request, they may adopt the Planning Commission findings, create their own findings or use some of the Planning Commission findings and some of their own findings.

If the Council denies the request, a new set of findings must be made.

PROPERTY INFORMATION

1. Gross area: (all land involved): 0.128 acres, and/or 5575.7 sq. ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands) 0.128 acres, and/or 5575.7 sq. ft.
3. Total length of streets included: 0 ft., and/or _____ miles.
4. Total number of lots included: 1
5. Average lot size included: 0.128 Ac
6. Existing land use _____
7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 **(R-12)** R-17 MH-8
C-17 C-17L C-34 LM M
8. Proposed Zoning (circle all the apply): **(NC)** **(C-17)** R-1 R-3 R-5 R-8 R-12 R-17 MH-8
C-17L C-34 LM M

JUSTIFICATION

Proposed Activity Group: Administrative & Professional Offices

Please use this space to state the reason(s) for the requested zone change.

Appropriate Comprehensive Plan goals and policies should be included in your reasons.

The objective is to ~~stay~~ ^{change} upgrade the ^{existing} zone ^{classification} ~~to~~ ^{in order to} be representative of the predominate ^{C-17} zoning in the 3rd & 4th St. business corridor between Harrison Ave and Interstate 90.

Applicant: Jeffery D. Block
Location: 1401 N. 3rd Street
Request: Proposed zone change from R-12 (Residential at 12 units/acre)
to NC (Neighborhood Commercial)
QUASI-JUDICIAL (ZC-8-07)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 2 in favor, 0 opposed, and 2 neutral, and answered questions from the Commission.

Commissioner Messina inquired regarding the size of the lot.

Senior Planner Stamsos replied that the lot is 5,500 square feet.

Commissioner Razor inquired if the decision by the City Council on the zone change for Mr. Beaudry's property will affect a decision on this request, since it was in the same area.

Senior Planner Stamsos answered that a decision needs to be made on the information presented tonight.

Public testimony open.

Jeff Block, applicant, 112 Hazel Avenue, Coeur d'Alene, commented that staff did a great job explaining the project and that a zone change is needed to convert the house to a professional office. He added that he feels that this request will not have an impact to the neighborhood since there is high commercial activity in the area and it would be less desirable remaining as a residence.

Commissioner Razor inquired if the homes in this area are primarily owner-occupied.

Mr. Block commented that he is aware of a few renters on this block and would estimate that the occupancy is mixed.

Public testimony closed.

DISCUSSION:

Commissioner Bowlby explained the vision in this area has changed through the years from a residential corridor, and slowly progressed to commercial. She added that she understands the area is changing and it is hard to maintain existing pocket residential neighborhoods.

Commissioner Souza commented that a benefit of using the Neighborhood Commercial zone helps protect these pockets of older homes by providing services to benefit the neighborhood including the need for affordable housing.

Commissioner Messina commented that many of the homes in this area need to be fixed up, and concurs that using this new zoning designation does help fix-up the area.

Motion by Razor, seconded by Souza, to approve Item ZC-8-07. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Souza	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, June 12, 2007, and there being present a person requesting approval of ITEM ZC-8-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to NC(Neighborhood Commercial)

LOCATION : +/- 5,575 sq. ft. parcel at 1401 north 3rd Street

APPLICANT: Jeffrey D. Block

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

- B1. That the existing land uses are residential - single-family, duplex and multi-family, commercial – retail sales & service, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-12 (residential at 12 units per gross acre)
- B4. That the notice of public hearing was published on, May 26, 2007, and, June 5, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, June 4, 2007, which fulfills the proper legal requirement.
- B6. That 50 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, May 25, 2007, and 4 responses were received: 2 in favor, 0 opposed, and 2 neutral.
- B7. That public testimony was heard on June 12, 2007.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:
 - 6A: "Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses."

The area appears to be residential but the area is in transition to commercial with much of the area being zoned commercial and several commercial uses occupying the area. Third and Fourth Streets are designated as High Intensity Corridors, which are established as the primary areas where significant auto oriented community sales / service and wholesale activities should be concentrated."
 - 6A3: "Commercial development should be limited to collector and arterial streets."

Third and Fourth Streets are designated as collector streets on the Transportation Plan.
 - 62A: "Examine all new developments for appropriateness in regard to the character

of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects."

The new Neighborhood Commercial zone was requested by the applicant and limits the allowed uses better the C-17 or C-17L zones.

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

This is based on the staff report and conditions attached to the approval.

B10. That the physical characteristics of the site do make it suitable for the request at this time because the site is flat and has no topographical problems.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, or existing land uses because traffic would be carried by Third and Fourth Streets, these streets are High Intensity Corridors, the Neighborhood Commercial zone is compatible with the surrounding area and this new zone encourages low intensity commercial development.

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are as follows:

Engineering

1. Construction of a sidewalk along the Walnut Avenue frontage with any site development activity.
2. Any parking area that is constructed which utilizes the adjoining alley for access will require the paving of the alley across the subject property frontage.

Motion by Rasor, seconded by Souza, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Bowlby	Voted Aye
Commissioner Jordan	Voted Aye
Commissioner Messina	Voted Aye
Commissioner Rasor	Voted Aye
Commissioner Souza	Voted Aye

Commissioner George was absent.

Motion to approve carried by a 5 to 0 vote.


CHAIRMAN JOHN BRUNING

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

A. INTRODUCTION

This matter having come before the City Council on July 17, 2007, and there being present a person requesting approval of ITEM ZC-8-07, a request for a zone change from R-12 (residential at 12 units per gross acre) to NC(Neighborhood Commercial)

LOCATION : +/- 5,575 sq. ft. parcel at 1401 north 3rd Street

APPLICANT: Jeffrey D. Block

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

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

- B1. That the existing land uses are residential - single-family, duplex and multi-family, commercial – retail sales & service, civic and vacant land.

- B2. That the Comprehensive Plan Map designation is Transition

- B3. That the zoning is R-12 (residential at 12 units per gross acre)

- B4. That the notice of public hearing was published on June 30, 2007, and July 10, 2007, which fulfills the proper legal requirement.

- B5. That the notice of public hearing was posted on the property on July 6, 2007, which fulfills the proper legal requirement.

- B6. That 50 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 29, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.

- B7. That public testimony was heard on July 17, 2007.

- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are as follows:

Engineering

1. Construction of a sidewalk along the Walnut Avenue frontage with any site development activity.
2. Any parking area that is constructed which utilizes the adjoining alley for access will require the paving of the alley across the subject property frontage.

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.

MAYOR SANDI BLOEM

**CITY COUNCIL
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER
DATE: JULY 17, 2007
SUBJECT: ZC-9-07 – ZONE CHANGE FROM R-8 TO CC
LOCATION – +/- 34,456 SQ. FT. PARCEL AT THE SOUTHEAST CORNER OF
PLAYER DRIVE AND LOPEZ STREET - 4040 & 4042 NORTH PLAYER DRIVE

DECISION POINT:

Jerry Street for Viking Construction is requesting a zone change from R-8 (residential at 8 units per gross acre) to CC (Community Commercial) at 4040 & 4042 Player Drive.

SITE PHOTOS:

- A. Aerial photo



B. Subject property looking south from Lopez Avenue.

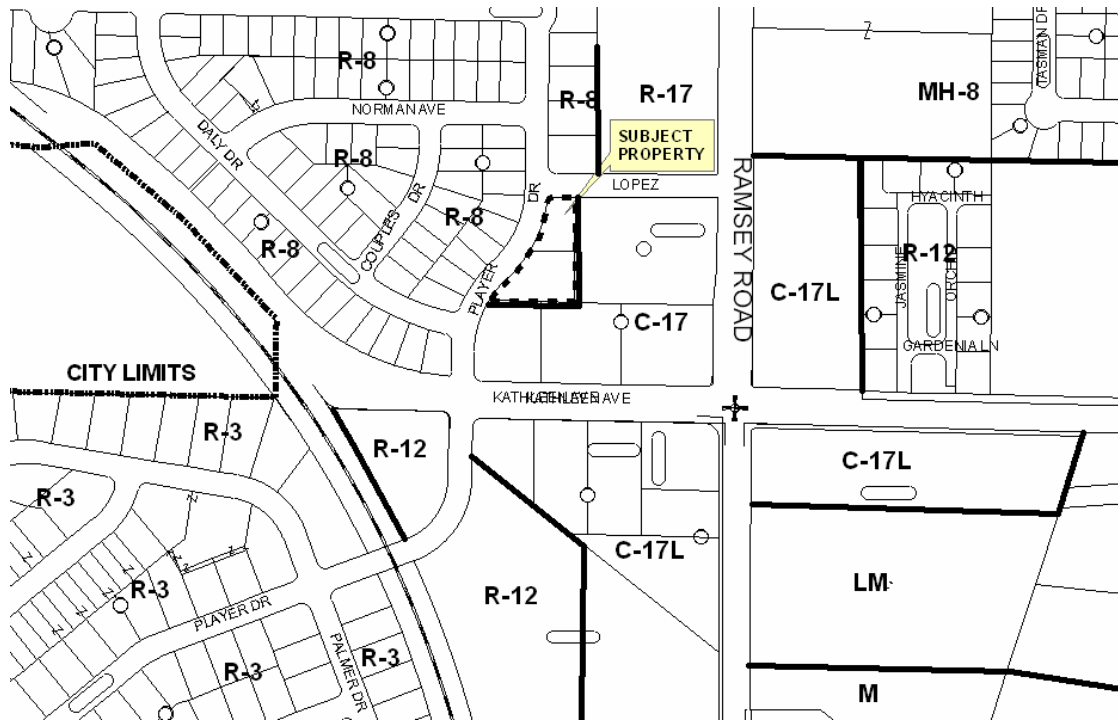


C. Residences along Player Drive across the street from subject property.

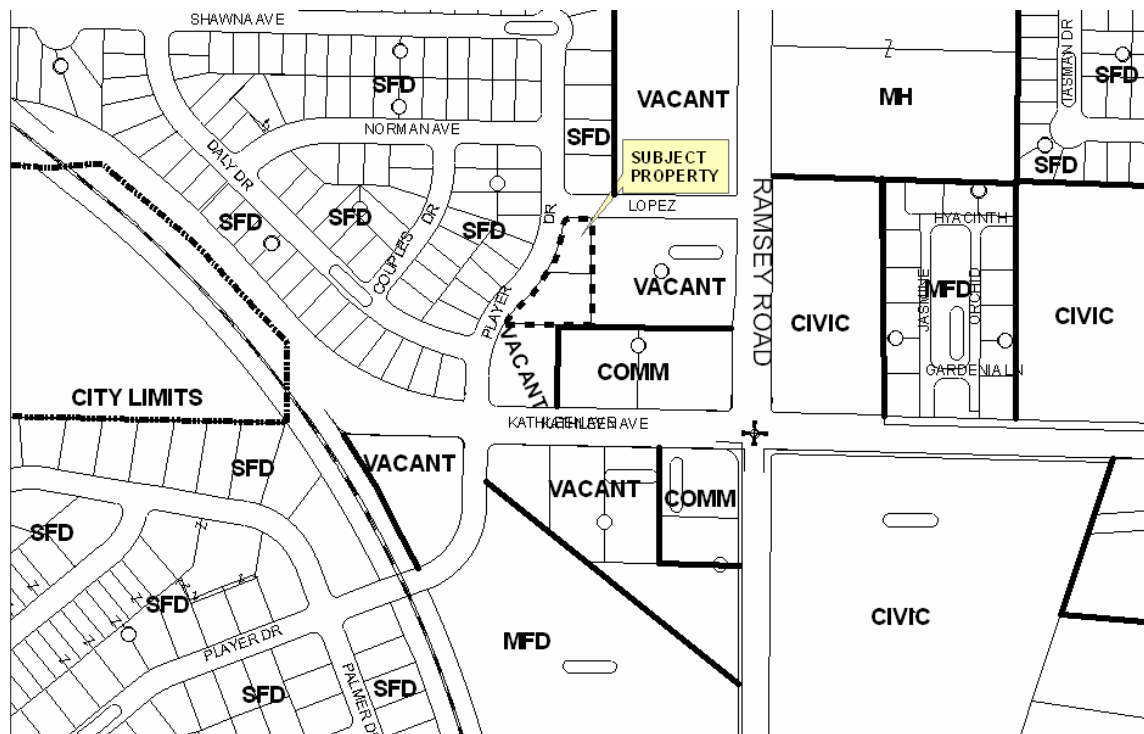


GENERAL INFORMATION:

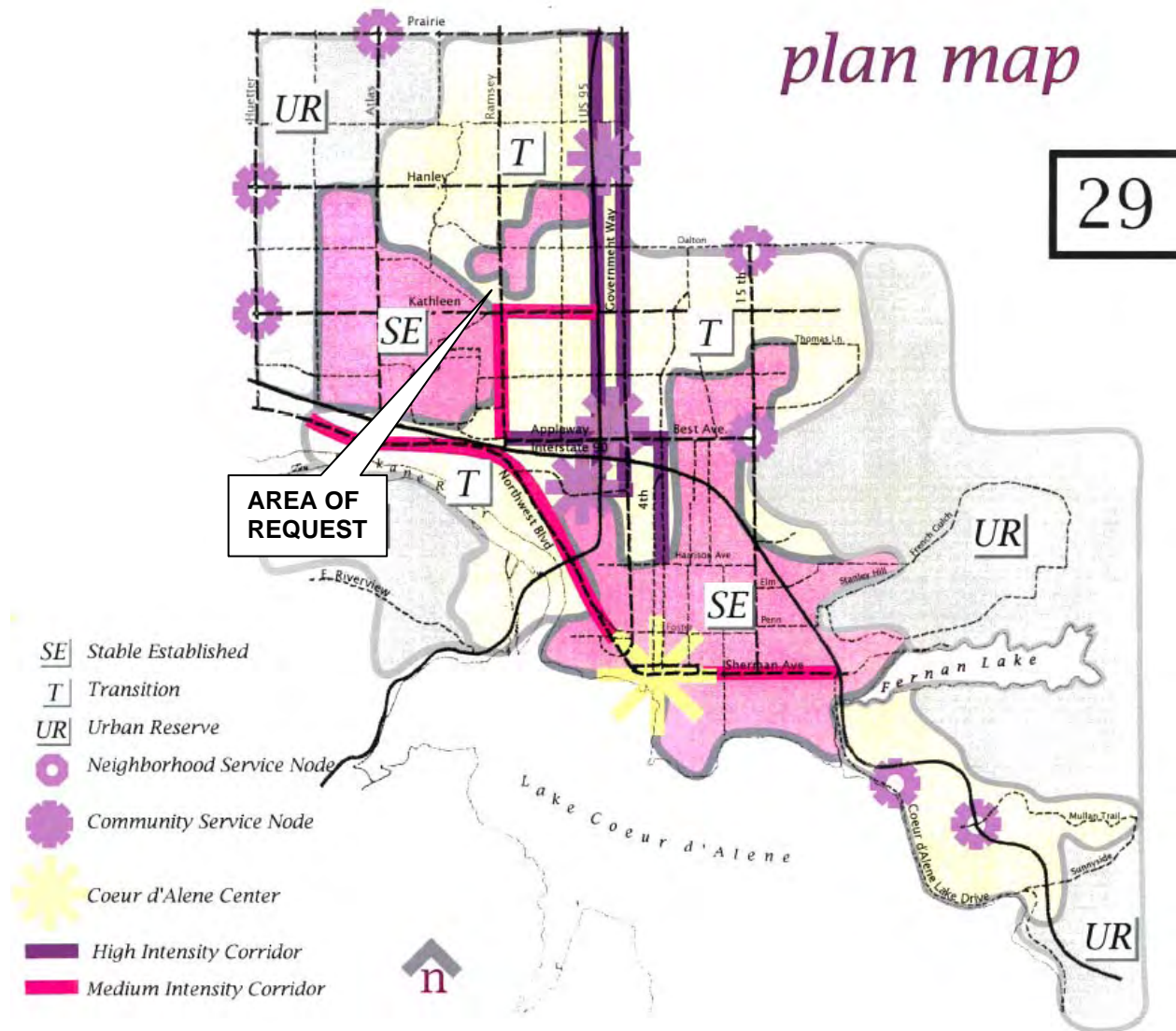
A. Zoning:



B. Generalized land use pattern:



C. 1995 Comprehensive Plan:



D. Applicant: Jerry Streeter for Viking Construction
 Owner: 2605 West Hayden Avenue
 Hayden, ID 83835

E. Land uses in the area include residential - single-family, mobile homes and multi-family, commercial – retail sales & service, civic and vacant land.

F. The subject property is vacant land.

G. Previous actions on surrounding property (See page 1):

1. ZC-13-92 - R-12 to C-17L.

2. ZC-4-95 - R-12 to C-17L.
 3. ZC-8-95- LM to C-17L.
 4. ZC-3-98 - R-8 to C-17.
- H. The Planning Commission heard the request on June 10, 2007 and approved the request by a 3-2 vote but recommended that the NC (Neighborhood Commercial) zoning designation be approved rather than the CC (Community Commercial) zoning designation.

PERFORMANCE ANALYSIS:

A. Zoning:

Approval of the zone change request would intensify the potential uses on the property by allowing commercial retail sales and service uses on a parcel that now only allows residential and civic uses.

Neighborhood Commercial Zone

The Neighborhood Commercial District is intended to allow for the location of enterprises that mainly serve the immediate surrounding residential area and that provide a scale and character that are compatible with residential buildings. It is expected that most customers would reach the businesses by walking or bicycling, rather than driving, as follows:

Principal permitted uses:

Retail
Personal Services
Commercial and Professional Office
Medical/Dental
Day Care
Residential (above the ground floor)
Parks

By special use permit:

Religious Institutions
Schools

Prohibited:

Industrial
Warehouses
Outdoor storage or Display of Goods, other than plants
Mini-storage
Sales, Repair or Maintenance of Vehicles, Boats, or Equipment
Gasoline Service Stations
Detention facilities
Commercial Parking

Maximum Building Height:

32 feet

Maximum Floor Area Ratio:

Non-Residential: 1.0
Total: 1.5

Maximum Floor Area;

4,000 sq. ft. for Retail Uses
8,000 sq. ft. for all Non-Residential Uses

Minimum Parking:

3 stalls per 1000 sq. ft. of non-residential floor area
1.5 stalls per dwelling unit

Setbacks from any adjacent Residential District:

8 inches of horizontal distance for every foot of building height.

Limited Hours of Operation:

Any use within this district shall only be open for business between 6am and 10pm.

Screening along any adjacent Residential District:

Minimum 10 foot wide planting strip containing evergreen trees
(Trees to be at least 15 feet tall at time of planting, and no more than 25 feet apart)

Landscaping:

One tree for every 8 surface parking stalls.
(Trees shall be at least 15 feet tall at time of planting)

Design Standards:

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.
- e. Buildings shall be designed with a residential character, including elements such as pitched roofs, lap siding, and wide window trim.
- f. Lighting greater than 1 footcandle is prohibited. All lighting fixtures shall be a "cut-off" design to prevent spillover.

- g. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted. *
- h. Signs shall not be internally lighted, but may be indirectly lighted. *

Community Commercial Zone

The Community Commercial District is intended to allow for the location of enterprises that mainly serve the surrounding residential areas and that provide a scale and character that are compatible with residential buildings.

Principal permitted uses:

Retail
Personal Services
Commercial and Professional Office
Medical/Dental
Day Care
Residential (above the ground floor)
Parks

By special use permit:

Religious Institutions
Schools
Gasoline Service Stations

Prohibited uses:

Industrial
Warehouses
Outdoor storage or Display of Goods, other than plants
Mini-storage
Sales, Repair or Maintenance of Vehicles, Boats, or Equipment
Detention facilities
Commercial Parking

Maximum Building Height:

32 feet

Maximum Floor Area Ratio:

Non-Residential: 1.0
Total: 1.5

Maximum Floor Area:

10,000 sq. ft. for Retail Uses
20,000 sq. ft. for all Non-Residential Uses

Minimum Parking:

3 stalls per 1000sq. ft. of non-residential floor area
1.5 stalls per dwelling unit

Setbacks from any adjacent Residential District:

8 inches of horizontal distance for every foot of building height.

Screening along any adjacent Residential District:

Minimum 10 foot wide planting strip containing evergreen trees
(Trees to be at least 15 feet tall at time of planting, and no more than 25 feet apart)

Landscaping:

One tree for every 8 surface parking stalls.
(trees shall be at least 15 feet tall at time of planting)

Design Standards:

- a. At least 50% of any first floor wall facing an arterial street shall be glass.
- b. If a building does not abut the sidewalk, there shall be a walkway between the sidewalk and the primary entrance.
- c. Surface parking should be located to the rear or to the side of the principal building.
- d. Trash areas shall be completely enclosed by a structure of construction similar to the principal building. Dumpsters shall have rubber lids.
- e. If a gasoline service station is approved, it shall be limited to 4 double-sided pumps. Lighting greater than 2 foot-candles is prohibited. All lighting fixtures shall be a "cut-off" design to prevent spillover.
- f. Wall-mounted signs are preferred, but monument signs no higher than 6 feet are allowed. Roof-mounted signs and pole signs are not permitted.
Sign standards would be incorporated into sign code

Except for the subject property, the entire block at the northwest corner of Kathleen Avenue and Ramsey Road bounded by Ramsey Road, Player Drive, Lopez and Kathleen Avenues is currently zoned C-17 and contains several community oriented commercial businesses including a convenience store with gas, tanning salon, cafe and bank. These uses are the start of a small commercial district that serves the surrounding residential neighborhoods.

Evaluation: The City Council, based on the information before them, must determine which zoning district is appropriate for this location and setting, the Neighborhood Commercial zone or the Community Commercial zone.

B. Finding #B8: That this proposal (is) (is not) in conformance with the Comprehensive Plan policies as follows:

- 1. The subject property is within the existing city limits.
- 2. The City Comprehensive Plan Map designates this area as a Transition Area and adjacent to Ramsey Road and Kathleen Avenue, which are designated as Medium Intensity Corridors, as follows:

Transition Areas:

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

- Protect and/or enhance the integrity of existing residential areas.
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring uses.
- Encourage commercial clusters that will serve adjacent neighborhoods vs. city as a whole.
- Pedestrian/bicycle connections.

Medium Intensity Corridor:

"These areas primarily consist of areas where commercial and residential uses may be encouraged."

- Residential/commercial mix.
- Possible residential density = 17/34 du/acre
- Encourage lower intensity commercial service and manufacturing uses close or abutting major transportation routes.
- Discourage uses that are detrimental to neighboring stable established neighborhoods.
- Arterial/collector corridors defined by landscaping/street trees.

In reviewing all projects, the following should be considered:

Page 28 – All requests for zone changes, special use permits etc., will be made considering, but not limited to:

1. The individual characteristics of the site;
2. The existing conditions within the area, and
3. The goals of the community.

Significant policies for consideration:

- 4C: "New growth should enhance the quality and character of existing areas and the general community."
- 6A: "Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses."
- 6A2: "Encourage high-intensity commercial development, including professional offices, to concentrate in existing areas so as to minimize negative influences on adjacent land uses, such as traffic congestion, parking and noise."
- 6A3: "Commercial development should be limited to collector and arterial streets."
- 6A5: "Encourage renewal and enhancement of commercial sales and service corridors."

- 46A: "Provide for the safe and efficient circulation of vehicular traffic."
- 47C1: "Locate major arterials and provide adequate screening so as to minimize levels of noise pollution in or near residential areas."
- 51A: "Protect and preserve neighborhoods both old and new."
- 51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."
- 62A: "Examine all new developments for appropriateness in regard to the character of the proposed area. Inform developers of City requirements and encourage environmentally harmonious projects."

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

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

WATER:

Water is available to the subject property.

Evaluation: The two parcels shown have 1-inch services stubbed to the property. There is a 12-inch main in Player Drive and a fire hydrant at the intersection of Player and Daly Drives.

Terry Pickel, Assistant Water Superintendent

SEWER:

Public sewer is available and of adequate capacity to support the applicant's request.

Evaluation: Public sewer is available in North Player Drive to serve lots 4 and 5, Fairway Meadows. The public line is of adequate capacity to support this zone change request. The sewer laterals servicing these lots will be reviewed for adequacy at the permit level.

Don Keil, Assistant Wastewater Superintendent

STORMWATER:

City Code requires a stormwater management plan to be submitted and approved prior to any construction activity on the site.

TRAFFIC:

Although there is no proposed use at this time, this proposed rezoning would in theory allow other uses that could generate additional traffic. Direct access to two major arterial roadways will

facilitate traffic movements from the subject property; however, eastbound turning movements onto Kathleen Avenue may be difficult at peak periods and have longer wait times.

Evaluation: Any change in use and related traffic impacts are evaluated prior to issuance of building permits. The Development Impact Fee Ordinance requires any extraordinary traffic impacts to be mitigated by the applicant as a condition of permit issuance. Therefore, potential traffic impacts need not be addressed at this time.

STREETS:

The proposed subdivision is bordered by Player Drive on the west, Lopez Avenue on the north and is adjacent to Kathleen Avenue and Ramsey Road. The current right-of-way widths meet City standards.

Evaluation: Both adjoining roadways are developed street sections without the presence of sidewalk. Development of the subject property will require the installation of sidewalk and pedestrian ramps.

APPLICABLE CODES AND POLICIES:

UTILITIES

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

STREETS

5. All required street improvements shall be constructed prior to issuance of building permits.
6. An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

STORMWATER

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

SUBMITTED BY CHRIS BATES, ENGINEERING PROJECT MANAGER

FIRE:

Prior to any site development, the Fire Department will address issues such as water supply, fire

hydrants and access.

Submitted by Dan Cochran, Deputy Fire Chief

POLICE:

I have no comments at this time.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is level with no significant topographic features.

Evaluation: There are no physical limitations to future development.

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

The subject property is located in an emerging commercial node and is adjacent to Kathleen Avenue and Ramsey Road, which are identified as medium intensity corridors on the Comprehensive Plan.

Evaluation: The Planning Commission must determine if commercial zoning is appropriate in this location and setting.

F. Proposed conditions:

None.

G. Ordinances and Standards Used In Evaluation:

Comprehensive Plan - Amended 1995.
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.
Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

Staff recommends the City Council take the following action:

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

If the Council approves the request, they may adopt the Planning Commission findings, create their own findings or use some of the Planning Commission findings and some of their own findings.

If the Council denies the request, a new set of findings must be made.

Applicant: Jerry Streeter, Viking Construction
Location: 4040 & 4082 N. Player Drive
Request: Proposed zone change from R-8 (Residential at 8 units/acre)
to CC (Community Commercial)
QUASI-JUDICIAL (ZC-9-07)

Senior Planner Stamosos presented the staff report, gave the mailing tally as 1 in favor, 4 opposed, and 2 neutral, and answered questions from the Commission.

Commissioner Razor inquired why Community Commercial was chosen over Neighborhood Commercial.

Senior Planner Stamosos commented that the applicant would be able to answer the question and explained that in earlier discussions with the applicant, they felt if the rest of the block was C-17, Community Commercial zoning designation would be a good transition for the area.

Commissioner Bowlby questioned the differences between the Neighborhood Commercial and Community Commercial zoning designations.

Senior Planner Stamosos explained that the FAR's are different and that the Neighborhood Commercial designation limits the hours of operation.

Commissioner Souza commented that she feels the Neighborhood Commercial zoning would be a better choice for this area and that limiting the hours of operation would be better for the existing neighborhood.

Public testimony open.

Joe Hassell, applicant representative, 1293 E. Post Avenue, Post Falls, commented that he has lived here since 1992 and the area has changed. He commented that staff has provided a great staff report explaining the entire project and commented that this property is the only piece left in this block zoned commercial. He explained that he chose the Community Commercial designations that allow the types of projects such as a daycare or professional office that would be convenient for the community. He added that he feels traffic would be minimized allowing people living close to this area to either walk or bike to the services offered from this project.

Commissioner Souza commented that she disagrees, and feels that the Neighborhood Commercial is a better choice for the reason that it limits the hours of operation protecting the existing neighborhood and minimizing traffic.

Mr. Hassell commented that this corridor has a lot of traffic already, and explained that a daycare or professional office fits within the hours of 8:00 to 5:00 that are normal business hours and similar to what exists in this area.

Commissioner Souza commented that another concern is that once this zone is granted, it stays with the property.

Joe Drobnock, 1817 W. Norman Avenue, Coeur d'Alene, commented that he lives around the corner from this parcel and is concerned for the neighborhood children who often play on Lopez Avenue, and feels that added traffic is a concern. He commented that he is opposed to another commercial business and would rather this parcel remain residential.

Commissioner Souza explained that these new zoning districts were created to provide services compatible with a residential community helping to minimize traffic by being able to walk to the services they provide, and not be a disturbance to the existing community.

Jim Koon, 6200 18th Street, Coeur d'Alene, explained that his clients are interested in this parcel with a desire to provide some type of a professional service. He explained that the Community Commercial zone was chosen because of concerns that if his client's were working past the normal business hours, it would not be a problem. He added that his client's have been looking for property for a long time that would meet their needs, and feels this location is perfect for this type of project.

Chairman Bruning commented that his concerns are with people parking in the lot and then crossing over to the lot directly behind this parcel.

Koon explained that they have two different proposals showing access located on Player Drive. He added that if this is a problem they could also use Lopez Avenue as an alternative.

Commissioner Messina commented that the applicant could subdivide this parcel allowing more buildings on the property.

REBUTTAL:

Joe Hassell commented that he feels that the Neighborhood Commercial zone is more restrictive and would need to talk with staff to see if the building they propose would fit within the guidelines of this zone.

**Public Testimony closed
DISCUSSION:**

Commissioner Jordan commented that he advises people buying across from an open field to not assume the property will remain vacant. He continued that traffic is a concern, but is not opposed to this request. He added that he would rather see a multi-family project on that parcel than an office building.

Commissioner Souza commented that if a residence is built on that property that it would be abutting commercial property.

Commissioner Rasor commented that he concurs with Commissioner Jordan, and feels this area should remain as R-8 to protect this neighborhood.

Commissioner Jordan commented that he is surprised that there are not many comments in opposition from people living in this area.

Commissioner Messina commented that traffic in this area will always be a problem and feels that children living in this area need to be protected. He added that 75% of this area is C-17 and feels that leaving this residential would be generating more traffic. He commented that he is not opposed to the applicant requesting Community Commercial.

Commissioner Souza commented that she disagrees and feels that the Neighborhood Commercial zone allows more protection by limiting the hours of operation.

Commissioner Bowlby commented that in comparing the two zones, the Community Commercial has the potential of acquiring more square footage because the FAR calculations are higher for that zone.

Chairman Bruning commented he is not concerned with the square footage and feels that the traffic is already intense because of the existing commercial uses in the area. He added that he is not concerned with limiting the hours of operations and is in favor of the applicant's request.

Commissioner Souza inquired if a recommendation was made by the Commission to the City Council that Neighborhood Commercial would be a better choice, and questioned if another public hearing would be required.

Deputy City Attorney Wilson answered that if the Commission felt that the Neighborhood Commercial would be a better choice for this project, another hearing is not required since this item was originally advertised as a more intense use. He added that if the applicant does not like that decision they have the option to file an appeal.

Motion by Souza, seconded by Bowlby, to approve Item ZC-9-07 with the recommendation for Neighborhood Commercial rather than Community Commercial. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Nay
Commissioner Rasor	Voted	Nay
Commissioner Souza	Voted	Aye

Motion to approve carried by a 3 to 2 vote.

Zone Change Request Narrative

The subject property consists of two vacant R-8 lots in the Fairway Meadows 2nd Addition having frontage on Player Drive and Lopez Avenue within the Fairway Meadows development. These two roads collect the residential traffic from the Fairway Meadows development and direct this traffic to Kathleen Avenue to the south and Ramsey Road to the east. Both Player Dr. and Lopez Ave. separate the subject property from the developed residential (R-8) lots on the opposite side of the street. This property does however abut against the existing C-17 commercial lots to the South and East. With this application, the owner is proposing to change the zoning of the subject property from R-8 to Community Commercial District for reasons outlined below.

As outlined in the Comprehensive Plan, this area is considered stable established, where it is encouraged to develop lower intensity commercial service uses close to or abutting major transportation routes such as Ramsey Road and Kathleen Avenue. A zoning of CC will provide for lower intensity commercial uses where development is sensitive to the neighboring single family residential and commercial retail neighborhood, and it will provide for a better transition to the adjoining lots in the Fairway Meadows 2nd Addition. Additionally, approval of this zone change will promote the orderly development of this commercial cluster and enhance the commercial services provided to the surrounding neighborhoods.

Public facilities and utilities are present and have adequate capacity to serve such a zone change. These services include the existing roadways that provide access to the site as well as existing water and sewer in the adjacent roadways and existing services to the property which will be upgraded as required. On-site development for this property will be subject to the city requirements for commercial development including on-site parking availability and stormwater management requirements of the City of Coeur d'Alene. The existing site grade of the subject property will provide no physical limitations to future development of the site.

The approval of this zone change request to CC would allow for much needed, neighborhood service oriented practices, such as dental, family doctors, physical therapists and general office space for small businesses, to be added to this area of the City.

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

A. INTRODUCTION

This matter having come before the Planning Commission on, June 12, 2007, and there being present a person requesting approval of ITEM ZC-9-07, a request for a zone change R-8 (residential at 8 units per gross acre) to CC (Community Commercial)

LOCATION – +/- 34,456 sq. ft. parcel at the Southeast corner of Player Drive and Lopez Street - 4040 & 4042 North Player Drive

APPLICANT: Jerry Street for Viking Construction

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 multi-family, commercial – retail sales & service, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-8 (residential at 8 units per gross acre)
- B4. That the notice of public hearing was published on, May 26, 2007, and, June 5, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, May 31, 2007, which fulfills the proper legal requirement.
- B6. That 58 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, May 25, 2007, and 7 responses were received: 1 in favor, 4 opposed, and 2 neutral.
- B7. That public testimony was heard on June 12, 2007. The applicant's representatives Joe Hassell and Jim Koon testified as well as Joe Drobnock, a neighbor living in the area.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:
 - 4C: "New growth should enhance the quality and character of existing areas and the general community."

We are hoping that through limiting the type of commercial that can go in this area that we will also protect the neighborhood because protecting the neighborhood is essentially what we are all about here so, with putting the Neighborhood Commercial zone in it limits not only the size and intensity of the development but also the hours of operation and the uses that can go in
 - 6A5: "Encourage renewal and enhancement of commercial sales and service corridors."

What we are trying to do here is keep the highest intensity uses toward Kathleen and Ramsey and encourage much lower more controlled intensity uses toward the neighborhood areas.

51A: "Protect and preserve neighborhoods both old and new."

This particular neighborhood has had this vacant land for quite some time and the uses here are going to hopefully protect this neighborhood from some of the high intensity uses to the east to be used as a buffer.

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

This is based on the staff report. There are no problems with water, sewer or stormwater in this area. Because there are high intensity traffic corridors on Kathleen and Ramsey, it will provide a way to circulate the traffic although we are very concerned about the neighborhood access on Player and Lopez. That's one of our concerns in limiting the amount and intensity of this commercial area.

B10. That the physical characteristics of the site do make it suitable for the request at this time because there are no topographical issues to deal with because this is flat land and has no problem with its buildable nature.

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

This is based on what we have said. The neighbor who testified was concerned about traffic and intensity and that is why we have opted to consider the less intense Neighborhood Commercial zone that would limit the hours of operation.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of JERRY STREETER for a zone change, as described in the application should be approved. Special conditions applied are as follows:

Motion by Souza, seconded by Bowlby, to adopt the foregoing Findings and Order.

ROLL CALL:

Commissioner Bowlby	Voted Aye
Commissioner Jordan	Voted Aye
Commissioner Messina	Voted Nay
Commissioner Rasor	Voted Nay
Commissioner Souza	Voted Aye

Commissioner George was absent.

Motion to approve carried by a 3 to 2 vote.


CHAIRMAN JOHN BRUNING

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

A. INTRODUCTION

This matter having come before the City Council on July 17, 2007, and there being present a person requesting approval of ITEM ZC-9-07 , a request for a zone change from R-8 (residential at 8 units per gross acre) to CC (Community Commercial)

LOCATION – +/- 34,456 sq. ft. parcel at the Southeast corner of Player Drive and Lopez Street - 4040 & 4042 North Player Drive

APPLICANT: Jerry Street for Viking Construction

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

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

- B1. That the existing land uses are residential - single-family, mobile homes and multi- family, commercial – retail sales & service, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Transition
- B3. That the zoning is R-8 (residential at 8 units per gross acre)
- B4. That the notice of public hearing was published on June 30, 2007, and July 10, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on July 3, 2007, which fulfills the proper legal requirement.
- B6. That 58 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 29, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on July 17, 2007.
- B8. That this proposal **(is) (is not)** in conformance with the Comprehensive Plan policies as follows:

B9. That public facilities and utilities **(are) (are not)** available and adequate for the proposed use. This is based on

Criteria to consider for B9:

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

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

Criteria to consider for B10:

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

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

Criteria to consider for B11:

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

C. ORDER: CONCLUSION AND DECISION

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

Special conditions applied are as follows:

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

ROLL CALL:

Council Member 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.

MAYOR SANDI BLOEM

**URBAN FORESTRY COMMITTEE
STAFF REPORT**

DATE: July 17, 2007
FROM: Karen Haskew, Urban Forestry Coordinator
SUBJECT: 314 N. 11th Street - Appeal for removal of an ash tree from right-of-way

DECISION POINT:

Should the City Council allow the removal of an ash from the 11th Street right-of-way at 314 N. 11th Street, and the planting of a replacement tree in the Indiana Avenue right-of-way?

HISTORY:

This tree has been growing under the power lines for many years, having reached 22" in trunk diameter. Previous to this request, the last time that the Urban Forestry Committee reviewed this ash tree was in 1994 as part of a Washington Water Power (now Avista) line clearance program. At that time the Urban Forestry Committee, WWP, and the property owner all agreed to retain the tree and continue to prune it to keep it away from the power lines.

Earlier this year the abutting property owners, Mr. & Mrs. Marvin Kelly, requested to remove the tree and plant a replacement tree within the Indiana Avenue right-of-way. The reasons given were that the tree continues to grow into the power lines and that trunk and root growth are causing sidewalk disturbance. Urban Forestry Committee inspection scores do not support the removal of the tree. (Inspection scores averaged -24, with -40 the score for allowing removal/replacement). Mr. & Mrs. Kelly are appealing to the City Council to allow the removal/replacement of this public tree.

FINANCIAL ANALYSIS:

Tree removal and replacement would be the responsibility of the abutting property owner. Because of the proximity to the power lines, Avista might agree to remove the tree with their crews. If not removed, Avista will continue to prune the tree to keep it out of the power lines, which is a maintenance cost for them.

PERFORMANCE ANALYSIS:

This tree is healthy, although utility pruning has caused pruning wounds and encouraged sprout growth. It does provide some values, such as shading, providing a home for birds, and a visual presence to people using the street. It could be further pruned to move branches away from the roof of the Kelly's home.

The utility pruning has given the tree an odd appearance. If retained, the tree roots will continue to crowd the sidewalk and driveway. It may be possible to replace the sidewalk while retaining the tree. Mr. & Mrs. Kelly also cite that the tree trunk is a traffic visibility problem for exiting their driveway.

Large trees provide more environmental values to communities than small trees. In the short term, removing this large tree and planting a smaller replacement tree will create a deficit for such benefits as shade and converting carbons into oxygen. In the long term, a similar species planted in the Indiana Avenue right-of-way may be able to achieve a larger mature size and provide more of these benefits. It would, however, have to be planted within 15' of the power lines and within the vision triangle of the intersection.

DECISION POINT:

Should the City Council allow the removal of an ash from the 11th Street right-of-way at 314 N. 11th Street, and the planting of a replacement tree in the Indiana Avenue right-of-way?



CITY OF COEUR D'ALENE

PARKS DEPARTMENT

City Hall, 710 E. Mullan Avenue
Coeur d'Alene, Idaho 83816-3964
208-769-2266 – Fax 208-769-2383

June 1, 2007

Mr. & Mrs. Marvin Kelly
314 N. 11th Street
Coeur d'Alene, ID 83814

Dear Mr. & Mrs. Kelly:

As we discussed over the telephone, members of the Urban Forestry Committee did inspect the ash tree within the 11th Street right-of-way abutting your property at the above address. They also discussed the tree at their May committee meeting. Enclosed are copies of the inspections forms. The city's street tree inspection form prompts inspectors to rate trees by giving negative values for health, condition, site and nuisance concerns. Ability to mitigate these concerns is considered in the values given. Trees can also be assigned positive points for things such as environmental benefits, wildlife values, and contributions to the streetscape, neighborhood and overall urban forest. A score of -40 is needed for approval to remove/replace a street tree.

Urban Forestry Committee members found the tree to be in generally good health. Its condition is fair, having been affected by the fact that there are overhead power lines. The power company has pruned the tree to keep it away from the power lines. In doing so they used techniques that are accepted as the standard for utility pruning. However, there are some large pruning wounds that can be an entry for decay. Since the tree is healthy, it has responded to pruning by growing lots of sprouts. Excess growth in the crown could be mitigated by selective pruning. Because of the overhead power lines, any tree work should be done by a professional. Another site conflict noted is the slight lifting of the sidewalk.

Committee members also looked at the values provided to the city's overall forest cover and to your neighborhood in particular. They did identify some assets in shading, screening, and being the only tree of size on the east side of the street for several blocks.

Another factor you mentioned is the appearance of the tree. The purpose of the utility pruning is to direct growth away from the power lines. This has given the tree an off-center appearance. The Urban Forestry Committee shies away from making assessments about the overall aesthetics of individual trees, since it is a subjective judgment.

The Urban Forestry Committee has recommended that your application for a permit to remove the ash tree be denied. (It received an average score of -24).

You have the right to a hearing before City Council to appeal the denial of a removal permit. If you would like a hearing, please send a written request to me within ten days of receipt of

this letter. I will then ask the City Clerk to put your appeal on the first available City Council hearing date. The appeals procedure is outlined in ordinance section 12.36.245B (enclosed).

Denial of the permit now does not preclude re-applying in the future. Repair/re-installation of the aging public sidewalk, decline of tree health, or future utility work would be appropriate times to re-assess the tree.

If you have any additional questions regarding the inspection findings, tree removal, or appeal procedure, please feel free to contact me at 769-2266.

Thank you for your interest and concern for the city's street trees.

Sincerely,



Karen Haskew
Urban Forester

Enclosures
File #07-045

INDIANA

Planting Spot

ALLEY

314

1104

1116

1118

11TH

11th St

1028

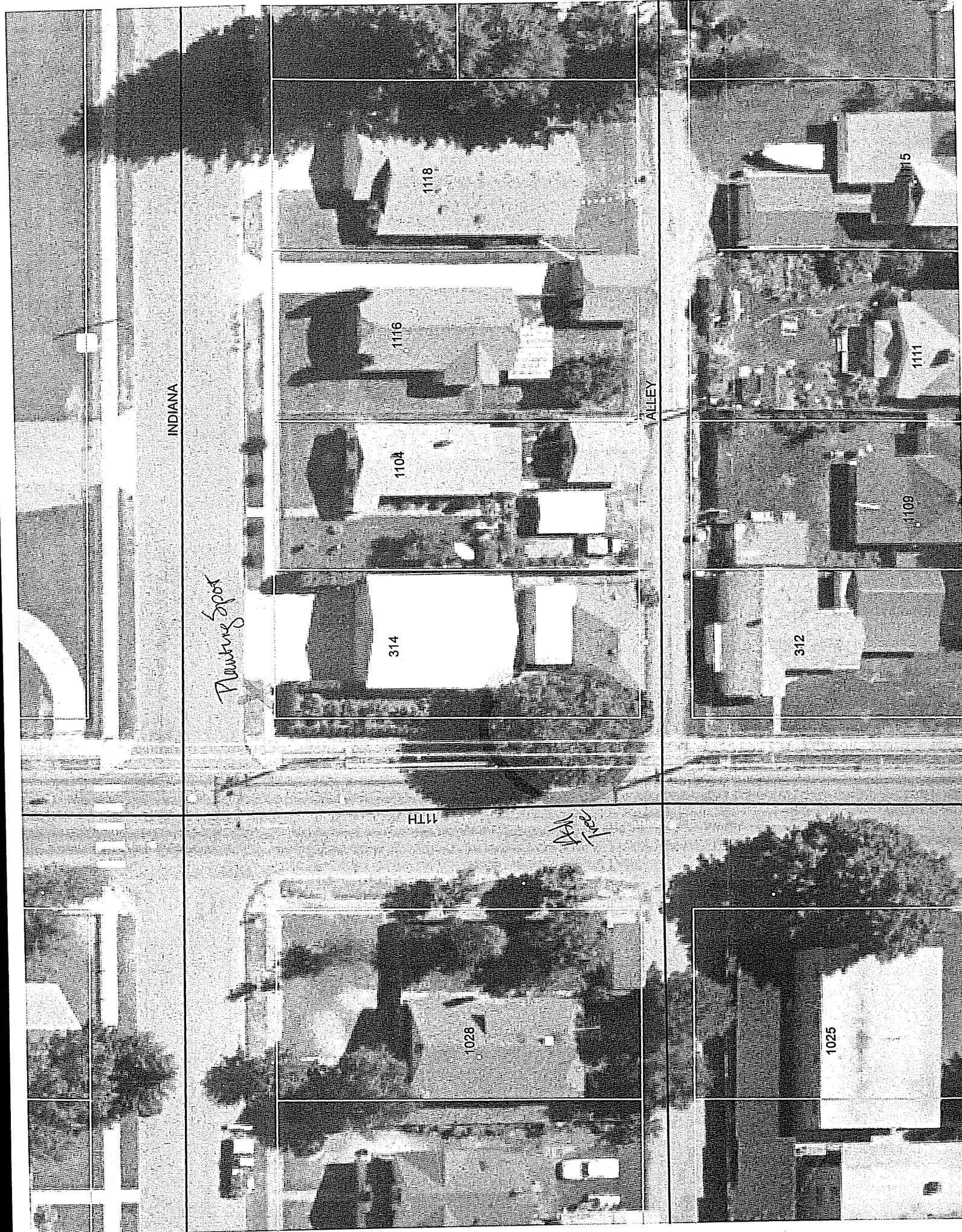
1025

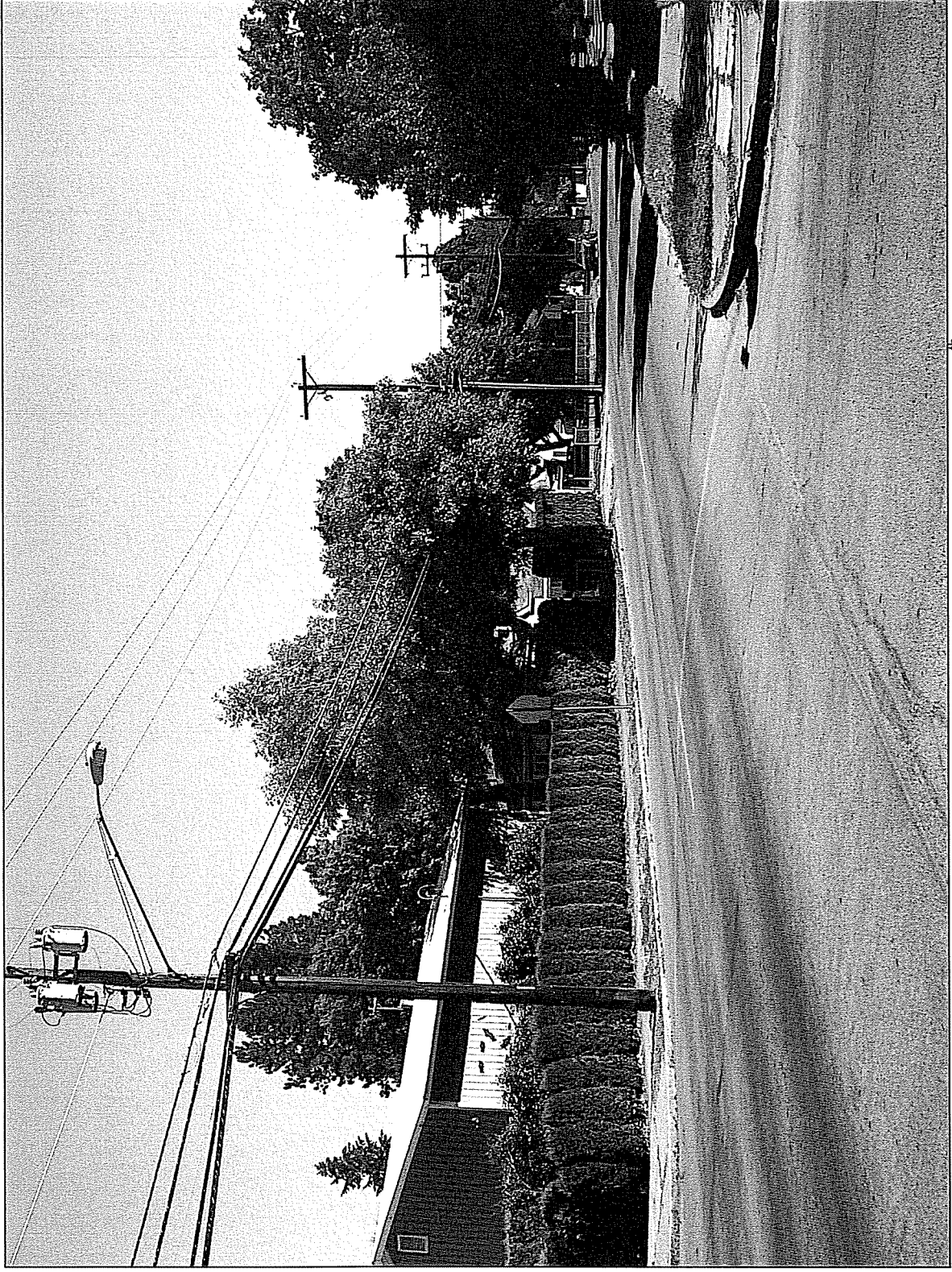
312

1109

1111

1115





Neighborhood View – Ash tree under power lines at 314 N. 11th Street

TREE INSPECTION FORM

Address: 314 N. 11th Tree Location: between curb & sidewalk
 Species: Ash DBH: 20" Approx. Height: 18-25'
 Reason(s) For Request: severely pruned portion under powerline
 Inspection Date: 18 May 07 Inspector(s): Ladd Livingston

Each tree is to be evaluated by assigning points for negative and positive factors. The possible point range for each major category is listed. Take into consideration if a poor health or condition factor can be mitigated when assigning points. If the points given assume a mitigation, list the needed mitigation in the Comments section at the bottom of the page. Note: a total score of -40 points is necessary for **approved** tree removal.

TREE HEALTH (Biological) Points (Range)
 - 10 (0 to -40)
 Crown and Branches: (% live, green) crown significantly reduced
 Diseases: (List) none but all remaining is alive } healthy looking
 Insects: (List) none
 Root Rot Problems: none

TREE CONDITION (Structural Integrity) - 5 (0 to -40)
 Trunk: (rot, sweep, lean, cankers, forks) _____
 Branches/Wounds (damage, stubs, rot) possibly some rot at old pruning sites
 Root Damage _____
 Existing Wind/Elements Problems _____
 Branch Condition _____

SITE CONFLICTS - 10 (0 to -40)
 Interference with overhead utilities not currently due to previous pruning
 Roots (sidewalk, driveway, curb) small amount of sidewalk lifting
 Obstruction: (traffic signs, vision triangle at intersection) none
 Competing Trees none

NUISANCE FACTORS (list) _____ - _____ (0 to -10)

UNDESIRABLE SPECIES (Not on city list) _____ - _____ (0 to -10)

VALUES PROVIDED (Trees with the following values may receive up to 5 points credit for each category)

Environmental (shade, etc.): _____ + 5
 Visual Screen: _____ + _____
 Historic: _____ + _____
 Wildlife: _____ + _____
 Aesthetic: (texture, form, line, color) _____ + _____
 Urban Forest Value (big picture): _____ + 5

TOTAL POINTS -15

Comments and recommendations: Retain
 While the tree is not the most aesthetically tree in the area, and with significant ~~suckering~~ suckering of branches in the pruned area, the tree, especially ~~now~~ that the leaves are coming out, does provide ~~some~~ much shade to the house at the address. Also, this is the only tree on the block between Coeur d'Alene and Indiana Avenues - on the east side.

TREE INSPECTION FORM

TREE DATA

Address: 314 N. 117th Tree Location: _____
 Species: white oak DBH: 22" Approx. Height: _____
 Reason(s) For Request: power line
 Inspection Date: 5/10 Inspectors: [Signature]

Each tree is to be evaluated by assigning points for negative factors. If a tree condition could be fatal and/or a threat to **public safety**, the point range is 0 to -40. A total score of -40 points is necessary for **approved** tree removal

TREE HEALTH (Biological)	Points (Range)
Crown and Branches: (% live, green)	- _____ (0-40)
Diseases: (List) _____	- _____ (0-40)
Pests: (List) _____	- _____ (0-40)
Root Rot Problems: _____	- _____ (0-40)

TREE CONDITION (Structural Integrity)	Points (Range)
Trunk: (rot, sweep, lean, cankers, forks) _____	- _____ (0-40)
Branch Wounds (stubs, rot): Max. 5pts, unless a public hazard.	- _____ (0-5)
Root Damage _____	- _____ (0-40)
Existing Wind/Elements Problems: _____	- _____ (0-10)
Branch Condition: _____	- _____ (0-10)

SITE CONFLICTS	Points (Range)
Interference With Overhead Utilities: <input checked="" type="checkbox"/> _____	- <u>20</u> (0-40)
Roots: (sidewalk, driveway, curb) _____	- _____ (0-40)
Adequate Terrace Width: _____	- _____ (0-40)
Obstruction: (traffic signs, vision triangle at intersection) _____	- _____ (0-40)
Competing Trees: _____	- _____ (0-40)
Undesirable Species: (Not on city list, up 20 points) List species: _____	- _____ (0-20)

VALUES PROVIDED Trees with the following values may receive up to 5 points credit for each category.

Shade: _____	+ <u>5</u>
Visual Screen: _____	+ <u>5</u>
Historic: _____	+
Wildlife: _____	+

TOTAL POINTS

Comments and recommendations:

retain - they were really
miss the push

07-045

TREE INSPECTION FORM

Address: 314 N 11th St Tree Location: between curb and sidewalk.
 Species: White Ash DBH: 23.4 Approx. Height: 35 ft
 Reason(s) For Request: Major tree decline
 Inspection Date: 05-05-07 Inspector(s): Bruce Martinek

*Each tree is to be evaluated by assigning points for negative and positive factors. The possible point range for each major category is listed. Take into consideration if a poor health or condition factor can be mitigated when assigning points. If the points given assume a mitigation, list the needed mitigation in the Comments section at the bottom of the page. Note: a total score of -40 points is necessary for **approved** tree removal.*

	Points (Range)
TREE HEALTH (Biological)	- <u>10</u> (0 to -40)
Crown and Branches: (% live, green) <u>100% such as it is.</u>	-10
Diseases: (List) <u>None Apparent</u>	
Insects: (List) <u>None Apparent</u>	
Root Rot Problems: <u>None Apparent</u>	
TREE CONDITION (Structural Integrity)	- <u>25</u> (0 to -40)
Trunk: (rot, sweep, lean, cankers, forks) _____	-10
Branches/Wounds (damage, stubs, rot) <u>old large pruning wounds</u>	-5
Root Damage: <u>None Apparent</u>	
Existing Wind/Elements Problems: _____	- 5
Branch Condition _____	
SITE CONFLICTS	- <u>5</u> (0 to -40)
Overhead lines Interference with tree: _____	- 5
Roots (sidewalk, driveway, curb) <u>Seems more like the drive subsided than the tree has lifted the sidewalk</u>	No
Obstruction: (traffic signs, vision triangle at intersection) _____	No
Competing Trees _____	No
NUISANCE FACTORS (list): _____	- <u>0</u> (0 to -10)
which may fall on street, sidewalk and business <u>write-over error</u>	
UNDESIRABLE SPECIES (Not on city list) _____	- <u>0</u> (0 to -10)
VALUES PROVIDED (Trees with the following values may receive up to 5 points credit for each category)	
Environmental (shade, etc.): _____	+ <u>5</u>
Visual Screen: _____	+ <u>2</u>
Historic: _____	+ <u>0</u>
Wildlife: _____	+ <u>3</u>
Aesthetic: (texture, form, line, color) _____	+ <u>2</u>
Urban Forest Value(big picture): <u>Such as it is,, its a live tree.</u>	+ <u>2</u>
TOTAL POINTS	-24

Comments and recommendations:

This is a tough one, while the tree has had a power company "Broccoli" prune job, it does yet appear thrifty with no apparent root or rot problems. The biggest issues I see are the power line interfering with the tree, the power company's hack job pruning, and the subsequent response by the tree to sprout new branches in response to the hack job. This leads to poor branch angle and shallow incorporation of large branches prone to wind breakage. While I agree the tree doesn't look like much, neither does it appear to be in imminent danger of short term death unless by chainsaw.

I disagree with the statement that the tree is lifting the sidewalk. On the contrary, it appeared to me more like a case of the driveway/sidewalk have subsided causing uneven surface and breakage of some of the sidewalk slabs.

This is a tough one, my first option would be to correctly prune and thin the tree to take out weak branches and direct subsequent growth.

If there is consensus by the UFC to remove I would not dig in my heels to fight over this one, but I think its salvable but will take some thoughtful pruning, and not the typical hurry up production of just cut out of the way conflicting growth.

TREE INSPECTION FORM

Address: 314 N. 11th St Tree Location: Behind CURB
 Species: ASH DBH: 18" Approx. Height: 35'
 Reason(s) For Request: tree severely pruned under power lines
 Inspection Date: 5/18/07 Inspector(s): Bob Hallors

Each tree is to be evaluated by assigning points for negative and positive factors. The possible point range for each major category is listed. Take into consideration if a poor health or condition factor can be mitigated when assigning points. If the points given assume a mitigation, list the needed mitigation in the Comments section at the bottom of the page. Note: a total score of -40 points is necessary for **approved** tree removal.

	Points (Range)
TREE HEALTH (Biological)	- <u>0</u> (0 to -40)
Crown and Branches: (% live, green) _____	
Diseases: (List) _____	
Insects: (List) _____	
Root Rot Problems: _____	
TREE CONDITION (Structural Integrity)	- <u>5</u> (0 to -40)
Trunk: (rot, sweep, lean, cankers, forks) _____	
Branches/Wounds (damage, stubs, rot) _____	
Root Damage _____	
Existing Wind/Elements Problems _____	
Branch Condition _____	
SITE CONFLICTS	- <u>20</u> (0 to -40)
Interference with overhead utilities _____	
Roots (sidewalk, driveway, curb) <u>UP LIFT SIDEWALK</u>	
Obstruction: (traffic signs, vision triangle at intersection) _____	
Competing Trees _____	
NUISANCE FACTORS (list) _____	- <u>5</u> (0 to -10)
UNDESIRABLE SPECIES (Not on city list) _____	- <u>0</u> (0 to -10)
VALUES PROVIDED (Trees with the following values may receive up to 5 points credit for each category)	
Environmental (shade, etc.): _____	+ <u>5</u>
Visual Screen: _____	+ _____
Historic: _____	+ _____
Wildlife: _____	+ _____
Aesthetic: (texture, form, line, color) _____	+ _____
Urban Forest Value(big picture): _____	+ _____
TOTAL POINTS	-25

Comments and recommendations:

The tree is the only large tree along this side of street for two blocks. The tree was trimmed by Arista using the drop crotch method. This is the preferred trimming technique since it encourages tree growth away from the overhead power lines and is healthier for the tree.

TREE INSPECTION FORM

Address: 314 N 11TH ST Tree Location: _____
Species: White Ash DBH: 22" Approx. Height: _____
Reason(s) For Request: topped
Inspection Date: 5/17/07 Inspector(s): Anneke Conway

Each tree is to be evaluated by assigning points for negative and positive factors. The possible point range for each major category is listed. Take into consideration if a poor health or condition factor can be mitigated when assigning points. If the points given assume a mitigation, list the needed mitigation in the Comments section at the bottom of the page. Note: a total score of -40 points is necessary for approved tree removal.

TREE HEALTH (Biological) Points (Range)
Crown and Branches: (% live, green) no branch structure - 15 (0 to -40)
Diseases: (List) all shoots
Insects: (List) _____
Root Rot Problems: _____

TREE CONDITION (Structural Integrity) - 15 (0 to -40)
Trunk: (rot, sweep, lean, cankers, forks) shoots will be
Branches/Wounds (damage, stubs, rot) weakly attached
Root Damage as grow -
Existing Wind/Elements Problems hazard increases
Branch Condition _____

SITE CONFLICTS - 15 (0 to -40)
Interference with overhead utilities yes
Roots (sidewalk, driveway, curb) yes
Obstruction: (traffic signs, vision triangle at intersection) no
Competing Trees no

NUISANCE FACTORS (list) _____ - _____ (0 to -10)

UNDESIRABLE SPECIES (Not on city list) _____ - _____ (0 to -10)

VALUES PROVIDED (Trees with the following values may receive up to 5 points credit for each category)

Environmental (shade, etc.):	_____	+	_____
Visual Screen:	_____	+	_____
Historic:	_____	+	_____
Wildlife:	_____	+	_____
Aesthetic: (texture, form, line, color)	_____	+	_____
Urban Forest Value (big picture):	_____	+	_____

TOTAL POINTS -45

Comments and recommendations:

June 25, 2007

For Council Review

Enclosed:

Original letter scheduling city council meeting

List of reason for removal of tree

5 photographs of tree and replacement area



CITY OF COEUR D'ALENE

PARKS DEPARTMENT

City Hall, 710 E. Mullan Avenue
Coeur d'Alene, Idaho 83816-3964
208-769-2266 – Fax 208-769-2383

June 14, 2007

Mr. & Mrs. Marvin Kelly
314 N. 11th Street
Coeur d'Alene, ID 83814

Dear Mr. & Mrs. Kelly:

I have received your request for a hearing before City Council to appeal the denial of a tree removal/replacement permit. At their meeting next week, the City Council will be scheduling that public hearing. It is tentatively scheduled to be held at the July 17th City Council meeting.

The City Council meetings are held in Council Chambers at City Hall (710 E. Mullan Avenue) starting at 6:00 p.m. You are welcome to attend the meeting to present information to the City Council. If you would like to have any information included in the Council packet, which will give Council members time for review before the Council meeting, please submit it to me or to the City Clerk's office by noon on Wednesday, July 11th.

If you have any questions, you can reach me at 769-2266.

Sincerely,

Karen Haskew
Urban Forester

Kelly 11th St tree removal/replant permit

I. Safety

1. Tree has been safety trimmed so many times that the tree has become unbalanced.
2. Tree is leaning over house and shop.
3. Because of required safety trimming the tree supports too many sucker branches, and root system has damaged sidewalk and driveway apron.
4. Width of tree has grown over the years that now is difficult to see around tree to back out on 11th street.
5. Tree is only 12 inches from driveway entrance. Sidewalk is raised up to 3" and driveway entrance 4 inches.
6. After the tree had been examined by committee, it now has a very bad case of aphids. Costs for spraying and pruning on a yearly basis have become a hard-ship on us with limited income.

II. Proposal

1. Respectfully request that council overturn Urban Forestry's denial of request to remove tree.
2. Upon removal of tree on 11th street, will plant replacement on Indiana Street where lines would not interfere with growth of tree.

2

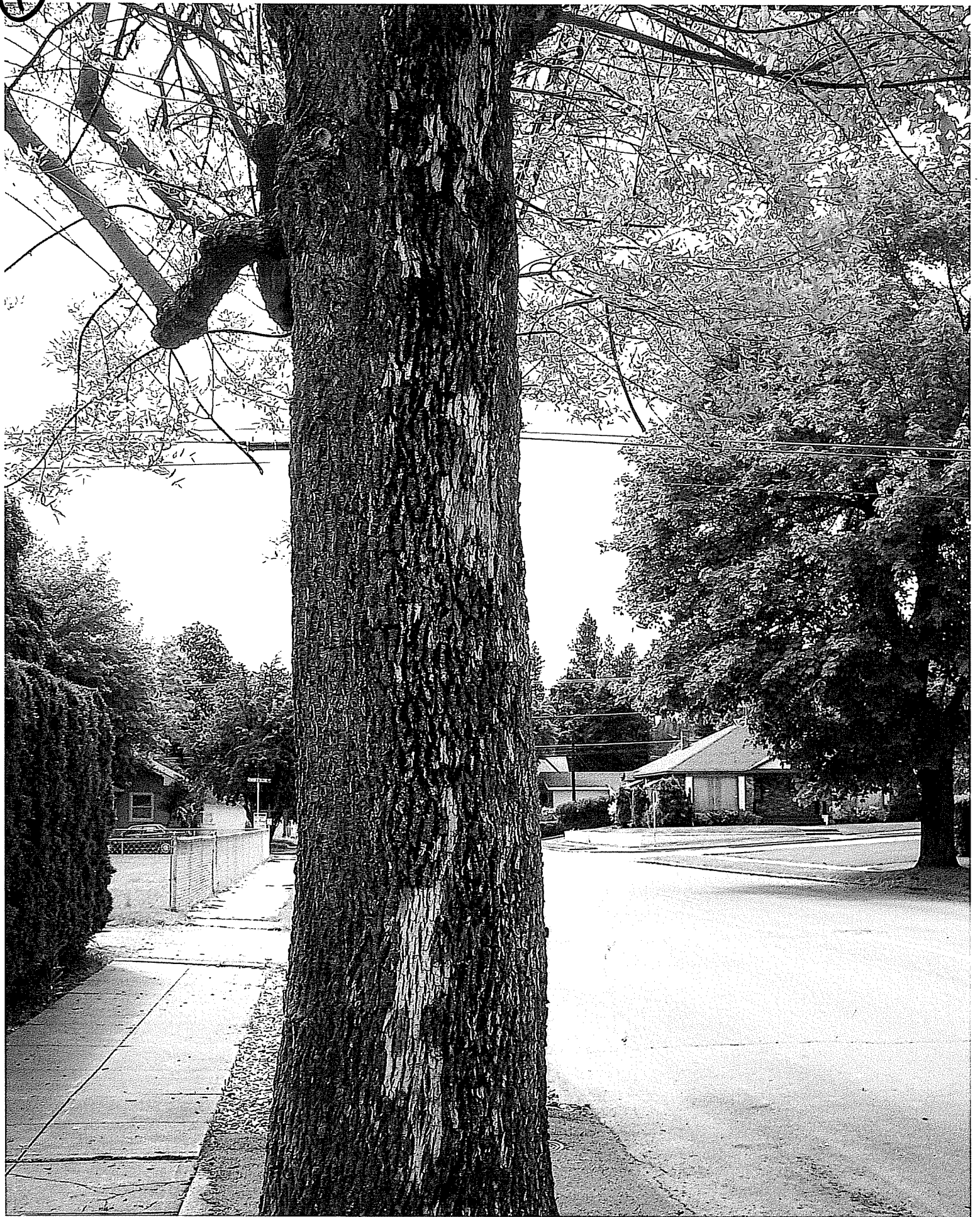


(3)

X 331 NW TREE



4



view
Blocks exiting from Driveway



INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

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

FUND	BALANCE 5/31/07	RECEIPTS	DISBURSE- MENTS	BALANCE 6/30/07
General-Designated	\$1,181,874	\$12,722	\$13,457	\$1,181,139
General-Undesignated	2,538,436	12,094,894	12,904,440	1,728,890
<u>Special Revenue:</u>				
Library	(44,249)	17,687	85,518	(112,080)
Cemetery	29,287	7,763	22,287	14,763
Parks Capital Improvements	815,150	10,509	48,534	777,125
Impact Fees	2,920,145	131,590		3,051,735
Annexation Fees	231,594	973		232,567
Insurance	1,969,243	37,790	27,515	1,979,518
<u>Debt Service:</u>				
2000, 2002 & 2006 G.O. Bonds	726,441	18,999	1,600	743,840
LID Guarantee	172,046	2,213		174,259
LID 124 Northshire/Queen Anne/Indian Meadows	61,342			61,342
LID 127 Fairway / Howard Francis	65,046	168		65,214
LID 129 Septic Tank Abatement	232,840	172		233,012
LID 130 Lakeside / Ramsey / Industrial Park	243,847	26,357	107,032	163,172
LID 133 E Sherman/Gravel Sts/Forest Prk Paving	19,485	901		20,386
LID 137 Govt Way / Kathleen / WWTP Cap Fees	26,988			26,988
LID 143 Lunceford / Neider	37,588	405		37,993
LID 145 Government Way	69,454	1,073		70,527
LID 146 Northwest Boulevard	172,860	1,982	500	174,342
LID 148 Fruitland Lane Sewer Cap Fees	21,315			21,315
<u>Capital Projects:</u>				
Street Projects	1,027,404	8,766	29,906	1,006,264
2006 GO Bond Capital Projects	3,197,842	1,042,399	2,046,803	2,193,438
<u>Enterprise:</u>				
Street Lights	(19,303)	36,722	53,398	(35,979)
Water	914,009	233,647	536,416	611,240
Water Capitalization Fees	1,665,659	96,186	2,120	1,759,725
Wastewater	6,797,879	451,817	485,120	6,764,576
Wastewater-Reserved	1,663,193	27,500		1,690,693
WWTP Capitalization Fees	2,751,018	225,226		2,976,244
WW Property Mgmt	60,668			60,668
Sanitation	305,420	240,652	273,949	272,123
Public Parking	546,403	12,712	14,246	544,869
Stormwater Mgmt	413,999	100,511	167,709	346,801
Water Debt Service	148			148
Wastewater Debt Service	802	4		806
<u>Trust and Agency:</u>				
Kootenai County Solid Waste Billing	177,631	163,862	177,647	163,846
LID Advance Payments	1,058	4,342		5,400
Police Retirement	1,323,555	23,542	38,392	1,308,705
Cemetery P/C	1,980,752	2,225	9,722	1,973,255
Sales Tax	1,585	1,083	1,585	1,083
Fort Sherman Playground	6,288	26		6,314
Jewett House	19,077	1,512	1,341	19,248
KCATT	3,203	13		3,216
Reforestation	190,669	8,801	7,219	192,251
CdA Arts Commission	1,684	1,779	318	3,145
Public Art Fund	38,244	161	75,920	(37,515)
Public Art Fund - LCDC	119,065	500	18,626	100,939
Public Art Fund - Maintenance	72,950	307	37	73,220
KMPO - Kootenai Metro Planning Org	65,582	276	28,818	37,040
BID	85,850	29,683		115,533
Homeless Trust Fund	268	270	268	270
GRAND TOTAL	\$34,903,335	\$15,080,722	\$17,180,443	\$32,803,614

CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 NINE MONTHS ENDED
 30-Jun-2007

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 6/30/2007	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$159,272	\$121,063	76%
	Services/Supplies	32,250	24,281	75%
Administration	Personnel Services	432,434	319,353	74%
	Services/Supplies	51,988	35,928	69%
Finance	Personnel Services	559,360	388,653	69%
	Services/Supplies	123,577	106,216	86%
Municipal Services	Personnel Services	628,167	469,232	75%
	Services/Supplies	417,560	295,910	71%
	Capital Outlay		(1,221)	
Human Resources	Personnel Services	179,426	136,184	76%
	Services/Supplies	52,552	26,346	50%
Legal	Personnel Services	996,154	766,417	77%
	Services/Supplies	86,461	77,980	90%
	Capital Outlay			
Planning	Personnel Services	444,304	331,132	75%
	Services/Supplies	77,000	61,500	80%
Building Maintenance	Personnel Services	193,815	114,978	59%
	Services/Supplies	209,000	154,352	74%
	Capital Outlay			
Police	Personnel Services	7,073,406	5,320,816	75%
	Services/Supplies	558,508	394,900	71%
	Capital Outlay	220,994	177,050	80%
Fire	Personnel Services	4,837,284	3,647,873	75%
	Services/Supplies	371,774	275,904	74%
	Capital Outlay			
General Government	Personnel Services	49,649	4,171	8%
	Services/Supplies	126,982	3,189,445	2512%
Byrne Grant (Federal)	Services/Supplies	77,303	38,450	50%
COPS Grant	Services/Supplies	154,241	77,962	51%
K.C.J.A. Drug Task Force	Services/Supplies	24,140	65,380	271%
	Capital Outlay			
US Streets	Personnel Services	1,686,466	1,149,495	68%
	Services/Supplies	483,126	332,958	69%
	Capital Outlay	340,000	103,965	31%
Growth Services	Personnel Services	544,329	267,683	49%
	Services/Supplies	653,500	64,790	10%
	Capital Outlay			

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
NINE MONTHS ENDED
30-Jun-2007

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 6/30/2007	PERCENT EXPENDED
Parks	Personnel Services	981,686	635,545	65%
	Services/Supplies	344,450	216,849	63%
	Capital Outlay	89,000	82,069	92%
Recreation	Personnel Services	530,273	341,465	64%
	Services/Supplies	160,400	115,681	72%
	Capital Outlay	36,500	134,891	370%
Building Inspection	Personnel Services	751,928	538,912	72%
	Services/Supplies	40,650	38,787	95%
Total General Fund		<u>24,779,909</u>	<u>20,643,345</u>	<u>83%</u>
Library	Personnel Services	786,169	566,258	72%
	Services/Supplies	139,205	126,305	91%
	Capital Outlay	51,000	30,971	61%
Cemetery	Personnel Services	155,252	111,482	72%
	Services/Supplies	103,230	69,317	67%
	Capital Outlay	42,000	39,713	95%
Impact Fees	Services/Supplies	2,014,920	686,830	34%
Annexation Fees	Services/Supplies	100,000	100,000	100%
Parks Capital Improvements	Capital Outlay	443,259	146,262	33%
Insurance	Services/Supplies	295,500	229,021	78%
Total Special Revenue		<u>4,130,535</u>	<u>2,106,159</u>	<u>51%</u>
Debt Service Fund		<u>2,537,634</u>	<u>2,168,206</u>	<u>85%</u>
Ramsey Road	Capital Outlay	1,660,200	165,080	10%
Govt Way	Capital Outlay		6,925	
Atlas Signals	Capital Outlay			
Ped Ramps	Capital Outlay			
Atlas Road	Capital Outlay	200,000	330,131	165%
4th St - Anton to Timber	Capital Outlay		3,246	
Ironwood	Capital Outlay			
15th Street - Best to Dalton	Capital Outlay	823,000	9,149	1%
Seltice Way	Capital Outlay			
Atlas Signals	Capital Outlay	200,000	250,481	125%
Front Street	Capital Outlay			
GO Bond - Refunding & Misc	Capital Outlay			
Library Building	Capital Outlay		3,341,809	
Fire Dept GO Bond Expenditure	Capital Outlay		1,852,459	
Total Capital Projects Funds		<u>2,883,200</u>	<u>5,959,280</u>	<u>207%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
NINE MONTHS ENDED
30-Jun-2007

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 6/30/2007	PERCENT EXPENDED
Street Lights	Services/Supplies	505,592	351,972	70%
Water	Personnel Services	1,174,554	827,390	70%
	Services/Supplies	2,817,514	811,734	29%
	Capital Outlay	2,961,000	2,437,487	82%
	Debt Service	338,000	341,405	101%
Water Capitalization Fees	Services/Supplies	1,160,000		
Wastewater	Personnel Services	1,791,255	1,235,721	69%
	Services/Supplies	3,307,741	1,152,997	35%
	Capital Outlay	5,388,114	2,680,432	50%
	Debt Service	417,850	70,000	17%
WW Capitalization	Services/Supplies	1,293,611		
Sanitation	Services/Supplies	2,806,353	1,971,810	70%
Public Parking	Services/Supplies	160,132	123,310	77%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	341,865	244,574	72%
	Services/Supplies	506,603	272,915	54%
	Capital Outlay	500,000	214,864	43%
Total Enterprise Funds		<u>25,470,184</u>	<u>12,736,611</u>	<u>50%</u>
Kootenai County Solid Waste			1,360,196	
Police Retirement		242,150	178,371	74%
Cemetery Perpetual Care		101,500	75,884	75%
Jewett House		29,038	12,466	43%
Reforestation		54,000	36,882	68%
CdA Arts Commission		4,600	1,337	29%
Public Art Fund		100,000	106,797	107%
Public Art Fund - LCDC		60,000	23,670	39%
Public Art Fund - Maintenance		1,000	299	30%
Fort Sherman Playground		2,000	138	7%
KMPO		190,400	393,862	207%
Business Improvement District		126,000	60,000	48%
Homeless Trust Fund		5,000	2,211	44%
Total Trust & Agency		<u>915,688</u>	<u>2,252,113</u>	<u>246%</u>
TOTALS:		<u>\$60,717,150</u>	<u>\$45,865,714</u>	<u>76%</u>