

Coeur d'Alene

CITY COUNCIL MEETING

October 16, 2007

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT COEUR D'ALENE CITY HALL
OCTOBER 2, 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 October 2, 2007 at 6:00 p.m., there being present upon roll call the following members:

Loren Ron Edinger, Mayor Pro Tem

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

Woody McEvers)	Members of Council Absent
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CALL TO ORDER: The meeting was called to order by Mayor Pro Tem Edinger.

INVOCATION was led by Doug Eastwood, Parks Director.

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

PROCLAMATION – OUTSTANDING CITIZEN AWARD: Doug Eastwood, Parks Director, presented an award given by the Idaho Recreation and Parks Association to the Lake City Development Corporation for their outstanding contributions to the Coeur d'Alene Parks system. Lake City Development Corporation Executive Director, Tony Berns, accepted the award. Councilman Reid added that if it were not for the partnership of LCDC, the City's new Library and the Kroc Center would not be a reality for our community today. Mayor Pro Tem Edinger extended their thanks and appreciation to the LCDC board for their contributions.

PUBLIC COMMENTS:

BREAST CANCER AWARENESS MONTH: Susan Snedaker, 821 Hastings, announced that this is Breast Cancer Awareness month. She distributed pink ribbons to the Council as a reminder of the benefits of annual mammograms.

COUNCIL MINUTES: Meredith Bryant, 1988 E. Gunther Ave., referred to the minutes of September 18th on page 16, and requested that the comments from Councilman Reid be removed from the minutes as she feels it is not appropriate.

GLOBAL WARMING: Bill Irving, 3132 N. Julia St. addressed his concerns about the world's global warming and in particular its effect in North Idaho. He asked that City Council attend a conference in Sandpoint at City Hall this Thursday from 6 p.m. to 8 p.m.

for the National Conversation on Climate Action. He requested that the Council accept a proclamation regulating certain emissions into our environment. He also asked that the Council accept a presentation on climate change that he and someone else could present.

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

1. Approval of minutes for September 18, 2007.
2. Setting the Public Works Committee and General Services Committee meetings for October 8, 2007 at 4:00 p.m.
3. RESOLUTION 07-061: 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 AN AGREEMENT WITH PANHANDLE AREA COUNCIL (PAC) FOR GRANT ADMINISTRATIVE SERVICES FOR THE RAMSEY ROAD / GOLF COURSE ROAD INTERSECTION SIGNALIZATION; APPROVAL OF AN AGREEMENT WITH PANHANDLE AREA COUNCIL (PAC) FOR GRANT ADMINISTRATIVE SERVICES FOR THE SAFE ROUTES TO SCHOOL (SR2S) PROJECT; APPROVAL OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE IDAHO DEPARTMENT OF LANDS (IDL); APPROVAL OF AMENDMENTS TO THE EMPLOYEE BENEFIT PLAN AND RENEWAL RATES; ACCEPTANCE OF RIGHT-OF-WAY DEDICATION ON FRUITLAND LANE; APPROVAL OF S-13-06 REVISED SUBDIVISION IMPROVEMENTS AGREEMENT AND PARTIAL ACCEPTANCE OF CERTAIN INSTALLED PUBLIC IMPROVEMENTS WITH A MAINTENANCE / WARRANTY AGREEMENT FOR RIVERSTONE PLAZA AND AUTHORIZING THE DESTRUCTION / TRANSFER OF CERTAIN PUBLIC RECORDS TO THE STATE ARCHIVES.
4. Setting of Public Hearing for ICDB Grant for Improvements to Ramsey Road and Golf Course Road for December 4, 2007.
5. SS-14-07 - Final Plat Approval for Village II Condos, 3rd Addition
6. RESOLUTION 07-063: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY IDAHO, AUTHORIZING AN EMPLOYEE CONSULTING SERVICES CONTRACT WITH WENDY CARPENTER AND TIM TROUT, WIFE AND HUSBAND.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER: The new Library has had record setting attendance since its grand opening. This past Sunday 1,000 patrons visited the Library. She commended the Library staff for the smooth operation of the Library.

COUNCILMAN HASSELL: Recognized the Northland Nursery who has donated to the Parks Dept. 150 shrubs and trees valued at over \$4,000 for North Pines Park and other areas. There were over 180 volunteer hours from neighbors who planted the trees at North Pines Park, along 15th Street and Tubbs Hill.

COUNCILMAN EDINGER: Announced that this Saturday beginning at 9 a.m. the Tubbs Hill Foundation will do their annual Clean Up on Tubbs Hill. Councilman Hassell added that Starbucks donates a \$10 coffee card to each person who participates in this clean up.

COUNCLMAN GOODLANDER: Announced that the annual Mayor's Awards in the Arts will be held at Brix on Thursday Oct. 11th at 6 p.m.

APPOINTMENT - CHILDCARE COMMISSION: Motion by Goodlander, seconded by Kennedy to accept the appointment of Jon Spranget to the Childcare Commission. Motion carried.

MUDGY AND MILLIE ARTWORK: Councilman Goodlander recapped the story of Mudgy the Moose and Millie the Mouse who were playing hide and seek. Mudgy travels to various places throughout the City looking for Millie who was hiding in Mudgy's antlers all the while. Parks Director Doug Eastwood presented an overview of the story's route throughout the downtown area. Mr. Eastwood noted that Susan Nipp is the author, Charles Reasoner is the book's illustrator and Terry Lee is the artist who will create the statues of Mudgy and Millie. It is hoped that the project will be in place by next Spring. Proceeds from the book will go to the Library Foundation. Judy Messina, representing the Cd'A Public Library Foundation, noted that the Foundation will sponsor this project and coordinate the fundraising of private donations for the funding of this project. Councilman Goodlander noted that Terry Lee is her brother but that she will receive no monetary value for the Mudgy project. Motion by Goodlander, seconded by Hassell to adopt the locations for the artwork as identified on the route map. Motion carried.

RESOLUTION 07-062

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A STATE AND LOCAL AGREEMENT FOR THE SAFE ROUTES TO SCHOOL (SR2S) PROJECT NO. A010(983), WITH THE IDAHO TRANSPORTATION DEPARTMENT.

Motion by Reid, seconded by Kennedy to adopt Resolution 07-062.

DISCUSSION: Councilman Reid noted that this grant provides \$100,000 in funding to place sidewalks from Lakes Middle School to Cherry Hill Park.

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

ORDINANCE NO. 3318
COUNCIL BILL NO. 07-1040

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING SECTIONS 1.16.030, 1.16.050, 1.16.120, 1.16.150 AND 1.16.170 AND ADDING NEW SECTIONS 1.16.030, 1.16.050, 1.16.120, 1.16.150 AND 1.16.170 TO UPDATE THE BOUNDARIES OF THE VOTING PRECINCTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell seconded by Goodlander to pass the first reading of Council Bill No. 07-1040.

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

Motion by Hassell, seconded by Reid to suspend the rules and to adopt Council Bill No. 07-1040 by its having had one reading by title only.

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

PUBLIC HEARING - ZC-11-07 - ZONE CHANGE AT 304 AND 306 W.

HAYCRAFT: Mayor Pro Tem Edinger read the rules of order for this public hearing. No conflict of interest was declared by any Council member. John Stamsos, Associate Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Michael and Linda Gunderson, the request as a zone change from R-12 to C-17L and the location as 304 and 306 Haycraft Avenue.

Mr. Stamsos went on to give the staff analyses for land use and zoning, Comprehensive Plan, public facilities and utilities, and traffic. He noted that on August 28, 2007 the Planning Commission approved the recommended zone change request by a vote of 3-0 with the following conditions:

1. Dedicate five feet (5') of right-of-way along the Haycraft Avenue frontage prior to the final approval of the zone change.
2. Prohibit access to Carriage Court.
3. Provide site-specific lighting.

4. Meet the buffering requirements on the north property line which are a 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 24 feet apart).

On September 14, 2007 a total of 47 notices for tonight's public hearing were mailed with 6 responses being received: 4 opposed and 2 neutral.

PUBLIC COMMENTS:

John Corcoran, 1356 Silver Beach Road, Coeur d'Alene, spoke as applicant and noted that they have agreed to the recommended buffering requirement and they are also willing to not have any access off of Carriage Court with their only ingress and egress on Haycraft Avenue.

James Raftery, 2841 N. Carriage Court, spoke as primary opponent, and presented a copy of the petition signed by the residents of Carriage Court. The residents believe that the additional traffic will increase the noise level in Carriage Court and the zone change would eliminate the two existing homes on the subject property that could be affordable housing. He believes that the C-17L zoning permitted uses are too varied to be placed next to a residential zone.

Mr. Raftery also commented that the Dead End sign is located half-way down the street on Carriage Court instead of that the corner of Haycraft and Carriage Court. Council questioned why the sign is placed half-way down the block.

Mr. Corcoran commented that at this time they have no specific plans for this site. Councilman Reid noted that if the zone change is made any of the permitted uses could be placed on this property.

MOTION: Motion by Reid, seconded by Goodlander to deny the requested zone change from R-12 to C-17L at 304 and 306 W. Haycraft.

DISCUSSION: Associate Planner John Stamsos noted that the Council could approve a lesser zoning such as Neighborhood Commercial that would further limit the type of activities that would be allowed on the property. Councilman Reid noted that the reason she made the motion was because of the permitted uses in the C-17L zoning. Councilman Goodlander believes that the proposed zone change is not the best zoning for this area and there must be better buffering and protection of residential areas, in particular noise and potential uses in C-17L zoning districts. Councilman Kennedy asked why the Council would go against the Planning Commission's recommendation to approve the requested zone change. Councilman Reid responded that the Council does not always agree with the Planning Commission's recommendation. Councilman Hassell responded that sometimes the highest and best use is in conflict with surrounding neighborhoods. He also noted that a 5-foot fence is not adequate as a buffer between residential and commercial zoning areas.

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

MOTION: Motion by Reid, seconded by Goodlander to adopt the Findings and Order as presented by Councilman Reid. ROLL CALL: Kennedy, Aye; Hassell, Aye; Reid, Aye; Edinger, Aye; Goodlander, Aye. Motion carried.

RECESS: Mayor Pro Tem Edinger called for a recess at 7:55 p.m. The meeting reconvened at 8:03 p.m.

PUBLIC HEARING - ZC-12-07 - ZONE CHANGE AT 1036 N. 15TH STREET:

Mayor Pro Tem Edinger read the rules of order for this public hearing. No conflict of interest was declared by any Council member. Associate Planner John Stamsos gave the staff report.

Mr. Stamsos gave the applicant's name as Puran Singh, the request as a zone change from R-12 to Neighborhood Commercial and the location as 1036 N. 15th Street.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities and traffic. He noted that on August 28, 2007 the Planning Commission approved the requested zone change. He noted that the existing property contains Jordan's Store that has been in existence prior to the zoning ordinances being created in 1946. This use is currently grandfathered into the existing residential zone.

On September 14, 2007, 67 notices of tonight's public hearing were mailed with a total 8 responses being received - 5 in favor, 1 opposed, 2 neutral.

PUBLIC COMMENTS:

John Corcoran, 1356 Silver Beach Road, explained that the reason for the request is to protect the existing business in that it currently is grandfathered in and if it burned down, the owner could not rebuild the store. Thus, by rezoning it Neighborhood Commercial the existing business is protected.

MOTION: Motion by Hassell, seconded by Reid to approve the requested zone change from R-12 to Neighborhood Commercial at 1036 N. 15th Street and to adopt the Findings and Order of the Planning Commission. ROLL CALL: Hassell, Aye; Reid, Aye; Edinger, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

PUBLIC HEARING - ZC-13-07 - ZONE CHANGE AT 1003 N. 15TH STREET:

Mayor Pro Tem Edinger read the rules of order for this public hearing. No conflict of interest was declared by any Council member. John Stamsos, Senior Planner, gave the staff report.

Mr. Stamsos gave the applicant's name as Singh and Singh Partnership, the request as a zone change from R-12 to Neighborhood Commercial and the location as 1003 N. 15th Street.

He went on to give the staff analyses for zoning, Comprehensive Plan, utilities and traffic. He noted that on August 28, 2007 the Planning Commission approved the requested zone change.

On September 14, 2007, 61 notices of tonight's public hearing were mailed with a total 6 responses being received - 4 in favor, 0 opposed, 2 neutral. Written comments were distributed for Council review.

PUBLIC COMMENTS: Mayor Pro Tem Edinger called for public comments with none being received.

MOTION: Motion by Goodlander, seconded by Hassell to approve the requested zone change from R-12 to Neighborhood Commercial at 1003 N. 15th Street and to adopt the Findings and Order of the Planning Commission. **ROLL CALL:** Hassell, Aye; Reid, Aye; Edinger, Aye; Goodlander, Aye; Kennedy, Aye. Motion carried.

EXECUTIVE SESSION: Motion by Reid, seconded by Kennedy to enter into Executive Session as provided by I.C. 67-2345 Subsection F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated.

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

The Council entered into Executive Session at 8:20 p.m. Members present were the Mayor Pro Tem, City Council, City Administrator, Deputy City Administrator, and City Attorney.

Matters discussed were those of litigation. No action was taken and the Council returned to regular session at 8:32 p.m.

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

The meeting adjourned at 8:32 p.m.

Loren R. Edinger, Mayor Pro Tem

ATTEST:

Susan K. Weathers, CMC, City Clerk

RESOLUTION NO. 07-064

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS; ADOPTING A MEETING ROOM USE POLICY FOR THE NEW LIBRARY; APPROVAL OF AN ENCROACHMENT PERMIT FOR A BENCH IN FRONT OF THE TORCH LOUNGE; APPROVAL OF AN ANNUAL WAIVER OF COVERED LOAD REGULATIONS FOR THE STREET DEPARTMENT DURING LEAF PICKUP AND APPROVAL OF A REQUEST FOR WATER SERVICE OUTSIDE CITY LIMITS ON NETTLETON GULCH ROAD AND AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH BRAD JORDAN.

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

- 1) Authorizing the Destruction of Certain records;
- 2) Adopting a Meeting Room Use Policy for the new Library;
- 3) Approval of an Encroachment Permit for a bench in front of the Torch Lounge;
- 4) Approval of an Annual Waiver of Covered Load Regulations for the Street Department during Leaf Pickup;
- 5) Approval of a request for water service outside city limits on Nettleton Gulch Road and an Agreement Waiving Opposition to Annexation with Brad Jordan;

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 6" 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 16th day of October, 2007.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER REID Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

GENERAL SERVICES COMMITTEE

DATE October 16, 2007

FROM: Susan Weathers, Municipal Services Director/City Clerk

SUBJECT: Destruction of City Records

DECISION POINT:

Would the City Council approve the destruction of records as requested by the Administration Department Finance Department, Police Department and Municipal Services Department?

HISTORY:

In order to optimize the space for storage of records, requests for destruction of records is processed. At this time there are four departments that are requesting destruction of records: Administration, Finance, Police and Municipal Services. Attached is a listing of those records requested for authorization to destroy.

FINANCIAL ANALYSIS:

By routinely reviewing records that have been stored and destroying those records no longer required to be maintained, we are creating a cost-avoidance in that the need to rent additional storage space would not be necessary.

PERFORMANCE ANALYSIS:

Storage space is always in demand and the destruction of outdated records frees some of that space for new records.

DECISION POINT/RECOMMENDATION:

Council adoption of a resolution authorizing the destruction of records as presented.

REQUEST FOR DESTRUCTION OF RECORDS

DATE: OCTOBER 16, 2007

DEPARTMENT: MUNICIPAL SERVICES

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
PERMIT APPLICATIONS	SEMI-PERM	1990-2002
LICENSE APPLICATIONS	SEMI-PERM	1999-2002
BID SPECIFICATIONS	TEMP	1997-1998
REQUEST FOR INFORMATION	TEMP	2001-2004

DEPARTMENT: MUNICIPAL SERVICES

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
CORRESPONDENCE	TEMP	2004-2005
COUNCIL PACKETS	COPIES	1979-1980
INSURANCE + BONDS	TEMP.	1996-1998

DEPARTMENT: FINANCE

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
INVOICES	TEMP	1997-1998
INVOICES	TEMP	2002-2003
VOICESTREAM BILLS	TEMP	1999-2000

REQUEST FOR DESTRUCTION OF RECORDS

DATE: OCTOBER 16, 2007

DEPARTMENT: ADMINISTRATION

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
MISC. CITY ADMINISTRATOR FILES, NOTES, CORRESPONDENCE + COPIES OF DOCUMENTS	Temp	1986 - 2004

DEPARTMENT: Police

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)
Code Enforcement File	Semi-Permanent	1986 to 1997

DEPARTMENT: _____

RECORD DESCRIPTION	TYPE OF RECORD (Perm./Semi-P/Temp)	DATES OF RECORDS (From - To)

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

DATE: October 8, 2007

FROM: Bette Ammon, Library Director

SUBJECT: New Library – Meeting Room and Display Policy as approved by the Library Board of Trustees in July 2007

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DECISION POINT:

It is requested that the General Services Committee consider recommending the City Council adopt the policy for usage of the Library meeting rooms.

HISTORY:

The former library building had no place for meetings to be held. The new library has three rooms – the Community Room with seating for up to 200 people; the Jameson Room with a capacity of 10-15; and the Gozzer Room which will hold up to 25 individuals. Establishing clear and concise policy to regulate use of the rooms is standard for public libraries. The attached policy is the result of research and refinement. It was vetted by the city legal department before board approval.

FINANCIAL ANALYSIS:

NA

PERFORMANCE ANALYSIS:

Having policies in place assists the library staff in scheduling eligible groups when rooms are available.

DECISION POINT/RECOMMENDATION:

The General Services Committee recommend City Council adopt a resolution approving the attached policy for usage of the Library Meeting rooms.

Meeting Room Policies

Coeur d'Alene Public Library

XI. Physical Facilities

A. Public Meeting Rooms. The Coeur d'Alene Public makes available meeting rooms and study rooms to groups and organizations complying with prescribed regulations. Meeting rooms are designed to meet general informational, educational, cultural, and civic needs including activities such as discussion groups, panels, lectures, conferences, seminars, exhibits, displays, films, etc. No fee will be charged for use of the meeting rooms.

- i. All meetings and programs must be free, open and accessible to any member of the public.
 1. The Library may deny the use of a meeting room to an applicant if in the Library's opinion:
 - a. the purpose of the meeting or activity is illegal or potentially hazardous,
 - b. the meeting presents health or security risks
 - c. the conduct of the meeting interferes with the functioning of the Library
 - d. the applicant has not provided satisfactory adult sponsorship and supervision for the meeting, or
 - e. the applicant has failed to comply with these or other library regulations.
 2. Library meeting rooms shall not be used for religious services.
 3. Library meeting rooms shall not be used for the purpose of assisting the campaign for election of any persons to any office, or for the promotion or opposition of any ballot issue. Library meeting rooms may be used for general political purposes, such as information sharing, organizational meetings, election issues, or candidate forums, and will be available on a non-discriminatory, equal-access basis.
- ii. Reservations
 1. Priority for use of the meeting will be given to Library and city sponsored meetings and programs, including City of Coeur d'Alene departments, boards, commissions and elected bodies as well as meetings and programs sponsored by groups and organizations affiliated with the library
 2. With the exception of the Library and the City of Coeur d'Alene, groups may not reserve the meeting rooms any further in advance than three months.
 3. No private parties such as wedding showers, birthday parties, etc. will be allowed.

4. When making a reservation, please provide: Name of organization and name, address, and telephone number of the responsible person.
 5. Individuals or groups using the meeting rooms must sign the meeting room agreement.
- iii. The meeting rooms are available for meetings during the hours the Library is open to the public. Exceptions include meetings authorized by library/city staff.
 - iv. Organizations holding meetings assume responsibility for any damage to the rooms or contents.
 - v. Smoking is not permitted.
 - vi. Cooking or food preparations are limited to the adjacent kitchen and coffee service area. Areas must be cleaned following use.
 - vii. Organizations or groups using the rooms are required to set up the chairs and tables needed for their meeting and store them in the closets after they are finished. The rooms must be left in as neat and orderly a condition as they are found.
 - viii. Group activities involving more than normal wear and tear will not be permitted.
 - ix. Use of the Library's meeting rooms does not constitute Library or City of Coeur d'Alene's endorsement of viewpoints expressed by participants in the program. Advertisements or announcements implying such endorsement are not permitted.
 - x. An admission or registration fee may not be charged at any meeting. Sales of goods or services are prohibited, but donations may be accepted to recover meeting materials costs.
 - xi. Equipment, supplies, materials, or other items owned by a community group or used by them in the Library are not the responsibility of the Library, nor can they be stored in the Library.
 - xii. A pay telephone is available in the lobby on the main level. The Library telephones are not available to meeting room users, nor can the Library staff page people who are in the meeting Rooms, except in an emergency.
 - xiii. Library meeting rooms are handicapped accessible. It is the responsibility of the group holding meetings to provide ADA compliance for their programs.
 - xiv. Groups must vacate the Library ten (10) minutes prior to the Library's regular closing time unless arrangements have been made in advance.
 - xv. Failure to abide by the library's meeting room policy and rules of conduct may result in the cancellation of or refusal of future reservations.
 - xvi. The Library Director is authorized to deny permission to use the Meeting Room or terminate any meeting in progress to any group which is disorderly in any way, or which violates these regulations.

B. Library Gallery Exhibition Policy. Although the Library may be providing space for a display or exhibit, this does not necessarily indicate that the Library endorses the position promoted by the exhibit or display.

- i. Purpose – To provide exhibition space for non-profit organizations, clubs, schools, community and youth groups, and artists' organizations, in order to allow them to publicize their activities, history and current projects.
- ii. Selection and Scheduling – Exhibits may be scheduled by contacting the Library. Display cases may be reserved up to three months in advance.
- iii. Sales – Exhibition items may not be priced for sale.
- iv. Installation – Exhibits will be installed and dismantled by members of the exhibiting organization. Exhibits can be installed on the 1st day of the month the Library is open, and must be removed by the last open day of the month.
- v. Publicity – All publicity will be the responsibility of the organization.
- vi. Security – Display facilities are designed to be reasonably secure. Exhibitors wishing to staff their displays may do so. The Library cannot provide personnel to guard displays. The Library is not financially responsible for loss of or damage to displays. Responsibility for damage to Coeur d'Alene Public Library display areas caused by exhibition resides with the exhibitors.
- vii. Insurance – The city's insurance does not cover property not owned by the Library. Exhibitors wanting insurance must arrange for it themselves.
- viii. Hours – The display area will be open to the public the same hours as the Library building is open to the public.
- ix. Restrictions
 1. Use of the gallery space and bulletin boards will be granted to **non-profit** community groups and organizations whose aims are educational, cultural, informational, and lawful.
 2. The space may not be used for exhibits which are commercial, promote a specific religious concept, or espouse partisan politics.
 3. Users may not exhibit information about political candidates or issues that are currently on the ballot or being heard in the Legislature.
 4. The exhibit shall include a clearly visible sign identifying the individual or group responsible for the exhibit, and exhibits will not be publicized in a manner that suggests Library sponsorship or affiliation.
 5. The Library reserves the right to remove time-dated material or materials which do not comply with guidelines established by the Library Director.
 6. Librarians may establish criteria regarding the size of material to be displayed or distributed, the length of time materials may remain, and/or the frequency with which material may be posted or distributed by the same individual or group.

To: General Services Committee and City Council
From: Kathy Lewis, Deputy City Clerk
Date: October 03, 2007
Re: Bench Placement on Sidewalk in front of the Torch Lounge

Decision Point: Should the City Council approve an encroachment agreement for the placement of black six foot long steel bench on the sidewalk in front of the Torch Lounge located at 216 Lakeside Avenue.

History: The business owner states that he has clients waiting for taxicabs that need a place to sit while waiting. He is requesting the City Council to approve the issuance of an encroachment agreement to allow him to anchor a six foot steel bench on Lakeside Avenue underneath the window - see attached photo indicating placement and bench specifications. This location has had numerous police calls.

Quality of Life: This could create a congregation of people on the sidewalk or increase loitering at this location, or it could be a viable place for people to wait for a ride. The request is to drill the bench into the sidewalk as a permanent type fixture. If the bench were not anchored, it could possibly result in a situation where the bench could be thrown through the window. It may entice younger people to try and stand on the bench to peer in the windows. Tourists may decide to use the bench in opposition to the purpose of the bench by the owners of this business, which could possibly result in a conflict. Another possibility is that someone may try and take an alcoholic beverage out the door to sit outside and consume. According to Police Captain Childers, the manager at this location has been is trying to work with the Police to manage better control in the business. One method is to obtain rides for people who may cause problems inside the business. The Police can envision both the positive and the negative of this placement.

Financial Analysis: If congregation occurred, or the bench used by people other than patrons, creating conflict, it might increase expenditure of resources used for control. If used as requested, it may not have any impact financially other than cost to repair sidewalk if bench later removed, or maintenance costs by owner.

Recommendation: Should the City Council approve the issuance of an encroachment agreement for an anchored bench to be placed on the sidewalk in front of the window at the Torch Lounge located at 216 Lakeside Avenue?

Sept. 25, 07

Dear Susan,

I am writing you today to ask permission to put a Park Bench in Front of my Business. The Torch Lounge Located at 2116 E. Coeur d'Alene Ave. I've enclosed a picture of the Bench we would like to purchase, also I've enclosed a picture of the location where the Bench would go. The color of the Bench will be black and would go directly up against the Building and be mounted. Please let me know. I think this would look nice and give people a place to sit while waiting for a Cab. Any Questions please call me.

Thanks,
Mans Montgomery

owner cell #208-841-2009

BEER PONG
MONDAY NIGHT
(Sept 2nd)
500 PBR RIDERS
Tons of Prizes

White
TRASH
BASH
SEP 8th
100 PBR 3rd Trailer
Lots of Prizes Bombs

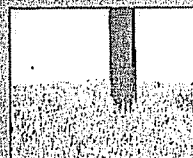
The Ranch
SOUTH FURNACE
STEADWARD



1 Bench 11

BENCHES

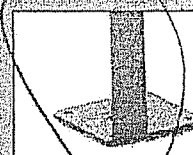
LEG MOUNT STYLES:



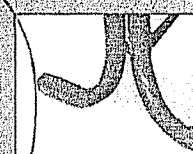
Inground Mount



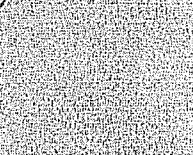
Gullwing Mount



Surface Mount



Surface Mount



Surface Mount



Surface Mount



Surface Mount



Surface Mount



Surface Mount

*Best
Seller!*

Customer Favorite — Guaranteed For SEVEN YEARS!

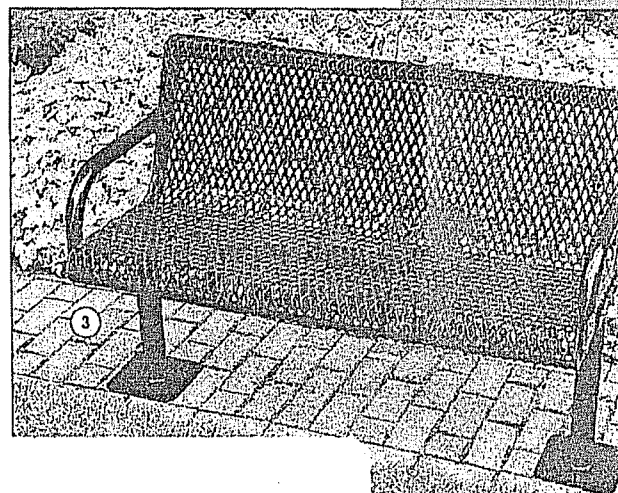
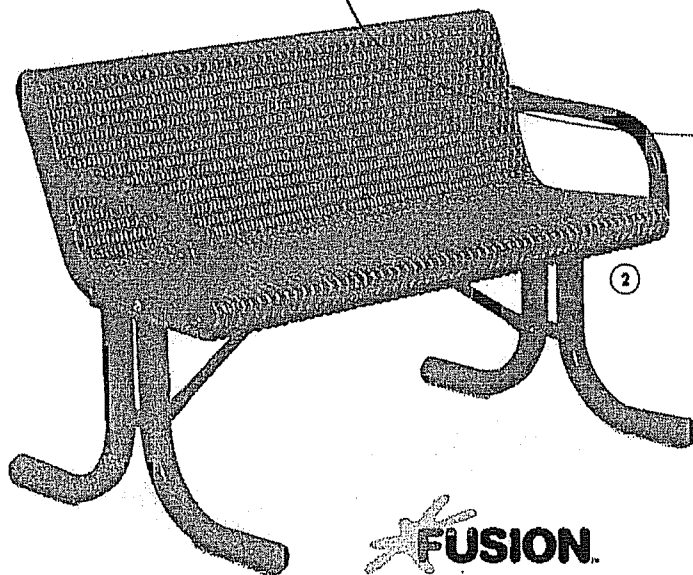
Heavy-gauge steel with a thick plastisol coating
Provides both comfort and durability

Mounting hardware not included.
Available in colors shown below.

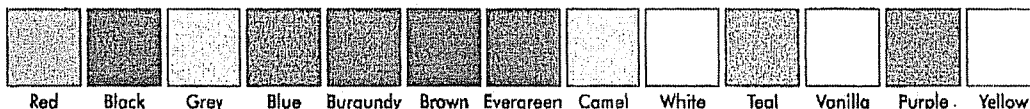
Courtyard Bench — Expanded Metal (34 3/4" H x 25 1/2" W)

		1	6+	6+
782FSC-F1034	6' Bench • Portable • 240 lbs	\$515	\$600	\$485
1. 782FSC-F1035	6' Bench • Gullwing • 240 lbs	\$515	\$600	\$485
782FSC-F1036	6' Bench • Inground Mount • 240 lbs	\$475	\$461	\$447
782FSC-F1037	6' Bench • Surface Mount • 240 lbs	\$475	\$461	\$447
2. 782FSC-F1030	4' Bench • Portable • 145 lbs	\$465	\$461	\$438
782FSC-F1031	4' Bench • Gullwing • 170 lbs	\$465	\$461	\$438
782FSC-F1032	4' Bench • Inground Mount • 135 lbs	\$410	\$398	\$386
3. 782FSC-F1033	4' Bench • Surface Mount • 140 lbs	\$410	\$398	\$386

* Height will vary based on installation depth.
F.O.B. Minnesota factory



METAL COLORS



ENCROACHMENT PERMIT

The **City of Coeur d'Alene**, Kootenai County, Idaho, a municipal corporation and political subdivision of the state of Idaho, hereinafter referred to as the "**City**", hereby grants permission to **Mans Montgomery**, owners of the **Torch Lounge**, hereinafter referred to as the "**Permittee**", to encroach on public right-of-way by placing a 6 ft. bench on the sidewalk in front of **216 Lakeside Avenue**, it's principal place of business at 216 Lakeside Avenue, Coeur d'Alene, Idaho 83814, as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

This permit is given upon the following terms:

1. This permit is granted solely for the placement of a 6 ft. bench attached to sidewalk on public property, and the use of a portion of public property more particularly described in Exhibit "A", attached hereto and by this reference incorporated herein.
2. The term of this permit is one year from the date of execution provided however that the **City** shall have the right to terminate this permit at the expiration of 7 days after giving written notice to the "**Permittee**" at 806 N. 4th Street, Coeur d'Alene, Idaho 83814, of the **City's** intention to terminate the permit. The **Permittee** shall be deemed to have received such written notice when such notice addressed to the **Permittee** at the location hereinbefore described is deposited in the United States mail so addressed, with proper postage affixed thereto and certified. The **Permittee** shall remove such encroachment within 180 days of receiving such notice. Should the **Permittee** fail to remove the encroachment and return the right-of-way to the condition existing before construction of the encroachment, at the **Permittee's** cost, within such time, the **City** may remove the same and charge the expense to the **Permittee**. **Permittee** agrees that any materials so removed shall be deemed quitclaimed to the **City**. **Permittee** also agrees that any materials removed by the **City** may be discarded or retained by the **City**, and **Permittee** shall have no claims to such materials and no claim for reimbursement for the value of the same.
3. Nothing herein contained shall imply or import a covenant on the part of the **City** for quiet enjoyment of the real estate upon which the encroachment is constructed, it being understood by the parties that the **City's** right and power to issue such permit is limited.
4. The **Permittee** shall identify, defend and hold the **City** harmless from any liability resulting from the encroachment including construction, placement, or maintenance thereof. **Permittee** further agrees that said encroachment shall be maintained by **Permittee** in a safe and clean condition so as not to constitute a public hazard. **Permittee** shall save the **City** harmless and defend the **City** from all claims for injury to person or property resulting from **Permittee's** actions or omissions in performance of this Encroachment Permit. The **Permittee** without delay shall obtain and thereafter shall maintain, at all times, liability insurance naming the **City** as one of the insureds in the amount of Five Hundred Thousand Dollars (\$500,000) for property damage or bodily or personal injury, death, or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants, it being the intention that the minimum limits shall be those provided for under Chapter 9, Title 6, Section 24 of the Idaho Code.

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

6. All costs for said encroachment including but not limited to construction, maintenance, use or operation now or in the future shall be borne by **Permittee**. During the term of this permit, **Permittee** shall maintain the property described in Exhibit "A". Should the **City**, its agents, or employees in any manner damage the bench on the sidewalk, in or on the **City**'s right-of-way described in paragraph one (1), whether or not occurring during regular maintenance of the **City**'s right-of-way, the **Permittee** agrees all repairs will be solely the responsibility of **Permittee** and at **Permittee**'s costs except where the damage was caused by the sole negligence of the **City**. **Permittee** further agrees that it shall not hold the **City**, its officers, agents, or employees liable for any such damage to the bench on **City**'s property.

7. **Permittee** agrees **Permittee** will not encroach beyond the maximum limits allowed herein and that said encroachment is allowed only for the purposes set forth herein and shall not be expanded.

8. The **Permittee** shall comply with all laws affecting the property described herein.

9. This agreement shall be binding on the **Permittee**, its heirs, assigns and successors in interest. The **Permittee** shall not assign any interest in this agreement and shall not transfer any interest in the same without the prior written consent of the **City**.

10. Assignment of this permit or delegation of duties as defined herein by the **Permittee**, without written consent of the **City**, shall entitle the **City** to terminate this permit as of the date of assignment or delegation.

IN WITNESS WHEREOF, the parties hereto have executed these presents this 16th day of October, 2007.

CITY OF COEUR D'ALENE

PERMITTEE

Sandi Bloem, Mayor

Mans Montgomery, Owner

ATTEST:

Susan K. Weathers, City Clerk

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 16th day of October, 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 that executed the foregoing instrument and acknowledged to me that said City of Coeur d’Alene executed the same.

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

Notary Public for Idaho
Residing at:
My commission expires:

~~~~~

STATE OF IDAHO                    )  
                                              ) ss.  
County of Kootenai                )

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me a Notary Public, personally appeared. **Mans Montgomery** known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

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

**CITY COUNCIL COMMITTEE  
STAFF REPORT**

**DATE:** October 10, 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 Brad Jordan, owner of the property on Nettleton Gulch in exchange for water service outside City limits in accordance with City policy.

**BACKGROUND:**

Staff received a request for water service from the owner of property at Nettleton Gulch Road. 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 owner 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 Brad Jordan, owner of the property on Nettleton Gulch Road in exchange for water service outside City limits in accordance with City policy.

October 4, 2007

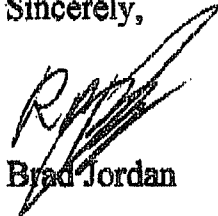
Brad Jordan  
2994 E. Nettleton Gulch Road  
Coeur d'Alene, ID 83815

Mr. Jim Markley-Superintendent  
Coeur d'Alene Water Department  
3800 N. Ramsey Road  
Coeur d'Alene, ID  
Fax 769-2336

Dear Mr. Markley,

I am applying for a domestic water hookup at 3112 E. Nettleton Gulch road.  
The property has an easement that I believe meets the water department's  
policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Jordan', with a stylized flourish extending from the end of the signature.

Brad Jordan

plat has been approved and is on file and of record in the office of the recorder of Kootenai County, Idaho, and then, subsequent thereto, the said Jordans, executed another plat and dedicated, according to law, what is known as "First Addition to Arrow Point".

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, its successors, and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises, that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: <sup>March</sup> February 27, 1962.

*Elmer E. Jordan*

*Virginia L. Jordan*

STATE OF IDAHO, COUNTY OF Kootenai  
On this 27th day of Feb. Mar. 1962,  
before me, a notary public in and for said State, personally  
appeared ELMER E. JORDAN and  
VIRGINIA L. JORDAN, husband  
and wife,

known to me to be the persons whose names are  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

*P. J. H. H.*  
Notary Public  
Reading at Coeur d'Alene, Idaho  
Comm. Expires 8-25-62

STATE OF IDAHO, COUNTY OF Kootenai  
I hereby certify that this instrument was filed for record at  
the request of *Wm. J. Hawkins*  
at 29 minutes past 4 o'clock p.m.,  
this 27th day of Feb.  
1962 in my office, and duly recorded in Book  
of Deeds at page

E. W. LARSON

Ex-Officio Recorder

By *Jeane L. L.* Deputy.

Fees \$ 1.00  
Mail to: *Wm. J. Hawkins*

INSTRUMENT NO

BOOK 188 PAGE 529

4-5-62  
188/529  
#401869

# EASEMENT AGREEMENT

BOOK 188 PAGE 529

THIS AGREEMENT made and entered into this 1st day of March,

1962, by and between HOWARD A. HUGHES and *LaVerne R.*

HUGHES, husband and wife, hereinafter the Parties of the First Part,

MARIE HAYDEN and M. LEONARD, hereinafter the Parties of the Second

Part, DALE UMPHENOUR and *Betty* UMPHENOUR, husband

and wife, and D. LOVITT and *Elizabeth M.* LOVITT, husband and

wife, hereinafter the Parties of the Third Part,

## WITNESSETH:

WHEREAS, the parties hereto have subscribed to an agreement with the Idaho Water Company for the installation of an eight inch water line to be constructed along the south side of the Nettleton Gulch road and terminating at a point between the properties of J. J. Fitzgibbons and the Parties of the Third Part, and

WHEREAS, by said agreement all parties have agreed that they will execute and deliver the necessary rights of ways and/or easements for service connections as may be necessary to carry into effect the acquisition and/or delivery of water within the intent and purview of said agreement hereinbefore referred to, now therefore,

~~RECEIVED~~  
~~FILED~~



188-1530

The Parties of the Third Part do hereby grant unto the Parties of the First Part and the Parties of the Second Part the right to construct, locate and maintain an easement not less than ten feet in width at the termination point of said water line as hereinbefore referred to and then to traverse easterly across the property of the Parties of the Third Part to the adjoining property owned by the Parties of the First Part. That said

line shall be maintained at sufficient depth so as not to interfere with normal use of the surface of said ground or agricultural use thereof, and the Parties of the First Part and the Parties of the Second Part shall have the right from time to time as necessary to go upon said right of way for the purpose of installing, maintaining, repairing and/or inspecting said water line.

The Parties of the First Part do hereby grant unto the Parties of the Second Part an easement or right of way ten feet in width to cross the property of the Parties of the First Part with water transmission lines at such places as are reasonably necessary to be located to transport water from the eight inch main hereinbefore referred to to their property lying east of the property of the Parties of the First Part and the Parties of the Second Part shall have additionally the right from time to time to go upon said property as is necessary to install, maintain and inspect said water line and/or right of way. Said pipe line or water line shall be buried to a depth as not to interfere with the surface use of the Parties of the First Part or agricultural pursuits normally carried on.

This agreement affects the following described property as follows:

The property of the Parties of the First Part is described as follows:

That part of the NE 1/4 of SE 1/4 of Section 6, Township 50 North, Range 3, W. B. M., Kootenai County, State of Idaho, described as follows:

Parcel #1.

Beginning at a point on North line of said SE 1/4 of said Section 6, 660 ft. west of the NE 1/4 of said SE 1/4, thence South 1043.5 feet, thence West 208.7 feet, thence North 1043.5 feet to said North line, thence East 208.7 feet to the place of beginning. Assessed as Tax #1066.

Parcel #2

Commencing at a point on the South boundary of county road at the NW corner of the above described parcel #1, said point being located by starting at the Easterly quarter corner of said section 6, thence West 880 feet along the East and West center line of said Section 6, thence South  $0^{\circ}45'$  East 54.8 feet to the point of beginning above noted, thence South  $66^{\circ}10'$  West 252.5 feet along the South boundary of the county road, thence South  $0^{\circ}45'$  East 326.7 feet, thence East 231 feet to a point on the West boundary on the above described parcel #1, thence North  $0^{\circ}45'$  West 429 feet to the point of beginning. Assessed as Tax #1067.

Parcel #3

Commencing at a point 614 feet North of the SW corner of said NE  $1/4$  of the SE  $1/4$  of said Section 6, thence East 206.6 feet to the point of beginning for this description, thence North 226.3 feet to the SW corner of Parcel #2 described above, thence East 231 feet more or less to the West line of Parcel #1 described above, thence South along the West line of Parcel #1, 226.3 feet thence West 231 feet to the point of beginning. Assessed as Tax #3097.

The property of the Parties of the Second Part is described as follows:

The East Half of the Northeast Quarter of the Southeast Quarter in Section 6, Township 50 North, Range 3, W. B. M., Kootenai County, Idaho.

The property of the Parties of the Third Part is described as follows:

Part of NE  $1/4$  of SE  $1/4$  of Section 6, North Range 3, W. B. M., beginning at a point on the South boundary of the county road, said boundary being definitely located as follows: Starting at the East  $1/4$  corner of said Section, thence West 880 feet along the quarter line to a point, thence South  $45^{\circ}$  min. East 54.8 feet thence South  $66^{\circ}10'$  West 252.5 feet to a point of beginning as above noted, thence South  $38^{\circ}30'$  West 338 feet to a point on the South boundary on the county road, thence South  $45^{\circ}$  min. East 288.5 feet, thence East 206.6 feet to a point on the West boundary of previously surveyed tract, thence North  $45^{\circ}$  min. West 555 feet to beginning. Assessed as Tax #3380.

This agreement shall be binding upon the heirs, administrators, executors or assigns of the parties hereto.

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

Howard A. Hughes

L. V. R. Hughes  
Parties of the First Part

Marion Hayden

M. Leonard  
Parties of the Second Part

W. L. V. Hughes

Betty Hughes

D. Lovitt

Emily M. Lovitt  
Parties of the Third Part



AGREEMENT WAIVING OPPOSITION TO ANNEXATION

THIS AGREEMENT, made and dated this 16<sup>th</sup> day of October, 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 **Robert Bradley Jordan**, sole heir and Personal Representative for the estate of Elmer E. Jordan, whose mailing address is 2994 E. Nettleton Gulch Road, Coeur d' Alene, Idaho 83814 hereinafter referred to as the "Owner,"

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

***Tax # 13285 in the Southeast Quarter of Section 6, Township 50 North, Range 3 West, Boise Meridian***

the Owner hereby agrees on behalf of the estate of Elmer E. Jordan, 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 agrees and covenants that they 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 the responsibility of 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 Owner.

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

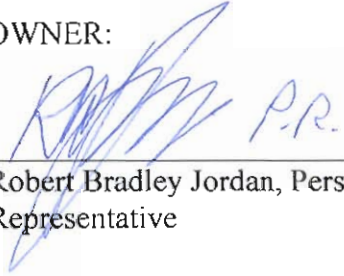
CITY OF COEUR D'ALENE,  
KOOTENAI COUNTY, IDAHO:

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

ATTEST:

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

OWNER:

  
\_\_\_\_\_  
Robert Bradley Jordan, Personal Representative

STATE OF IDAHO    )  
                                  ) ss.  
County of Kootenai    )

On this 16<sup>th</sup> day of October, 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.


---

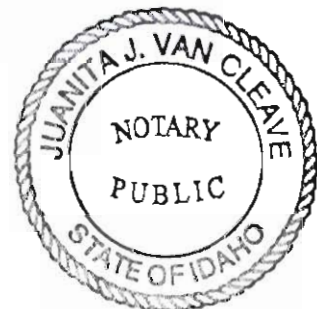
Notary Public for Idaho  
Residing at Coeur d'Alene  
My Commission expires:

STATE OF IDAHO    )  
                                  ) ss.  
County of Kootenai    )

On this 10<sup>th</sup> day of October, 2007, before me, a Notary Public, personally appeared **Robert Bradley Jordan**, known to me to be the persons 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: 11/27/08



RESOLUTION NO. 07-065

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO  
DECLARING AN ANNUAL LEAF OR GARDEN WASTE COLLECTION.

WHEREAS, the City of Coeur d'Alene has, for a number of years, conducted an annual leaf pickup program; and

WHEREAS, at the request of Kootenai County in 1990, the City Council of the City of Coeur d'Alene adopted a Covered Load Ordinance which contained provisions that the City Council might annually declare a leaf and garden waste collection period during which portions of the covered load ordinance would not apply; and

WHEREAS, it is in the best interests of the City of Coeur d'Alene and the citizens there of that during the annual leaf pickup program, certain provisions of the Coeur d'Alene Municipal Code Section 8.36.130 regarding covering loads of leaf or garden waste need not apply; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City hereby declares that from Thursday, November 1, 2007 to Saturday, December 1, 2007, individuals transporting leaves or garden waste need not comply with the covered load requirements of Coeur d'Alene Municipal Code Section 8.36.130A.

BE IT FURTHER RESOLVED, that the other provisions of Section 8.36.130B prohibiting the unlawful placing of litter and debris on the streets or property of the City of Coeur d'Alene shall remain in full force and effect.

DATED this 16<sup>th</sup> day of October, 2007.

---

Sandi Bloem, Mayor

ATTEST:

---

Susan K. Weathers, City Clerk

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

ROLL CALL:

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

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

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

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

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

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

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

**PUBLIC WORKS COMMITTEE  
STAFF REPORT**

**DATE:** October 8<sup>th</sup>, 2007  
**FROM:** Terry W. Pickel, Assistant Water Superintendent  
**SUBJECT:** Advertisement for bids to construct the replacement Armstrong Booster Station

=====

**DECISION POINT:** Staff requests Committee approval for the solicitation of bids for construction of a replacement above ground Armstrong Booster Station to replace a failing below ground booster station.

**HISTORY:** The Armstrong Park Water System was constructed in 1989 to 1990. The system consists of a small below ground booster station, over 3 miles of 6" piping and a 267,000 gallon steel reservoir. The Home Owners Association petitioned the City to purchase the private system in 2006. As a condition of City acquisition of the private water system, it is required to be brought to current City standards. This includes replacement of the existing below ground booster station, which is failing due to very poor maintenance and high humidity inherent to below ground stations.

**FINANCIAL ANALYSIS:** The new above ground booster station construction is expected to cost approximately \$450,800.00, mainly due to the solid rock and hillside conditions at the site. Construction will be funded from the operations and maintenance project budget. Per the approved agreement with the Armstrong Park Home Owners Association, a calculated surcharge has been assessed in addition to their standard water rates as a method of long term repayment to the City water fund for all necessary improvements so that the rest of the City customers will not be subsidizing the improvements to this isolated system in the long term.

**PERFORMANCE ANALYSIS:** Below ground booster stations were once the norm for systems such as Armstrong Park. However they present numerous problems for access and operation. The below ground stations often have unsuitable or even dangerous atmospheric conditions such as low oxygen content, toxic gases, extremely humid conditions, difficult access for replacement of pumps, as well as electrical hazards. Water Department policy no longer allows for below ground stations for these major safety reasons as well as ease of maintenance. Once the system was acquired, staff selected JUB Engineers as the project design and construction consultant for this project. Their task was to design an above ground station that would eliminate as many of the existing hazards and maintenance problems as possible. The new facility was designed and is ready for construction bids. The new station will be located entirely on ITD right-of-way per a pending lease agreement and will have direct street access.

**QUALITY OF LIFE ANALYSIS:** The existing booster station has had numerous pump failures since the City acquired the system in the fall of 2006. With the storage tank as the only emergency backup for this system, the City pump operators have worked diligently to keep the current station functional despite the ever present dangers previously mentioned. The new booster station will provide a long term solution for the current home owners with increased pumping capacity, pump redundancy, the capacity for backup power, the latest safety features for the operators as well as ground level access. The station will include additional water treatment capabilities to ensure peak water quality for the Armstrong Park customers should the need arise. The facility was also designed with the possibility for future expansion should adjoining land owners decide to develop their properties.

**DECISION POINT/RECOMMENDATION:** Staff requests Committee approval to proceed with solicitation of construction bids for the Armstrong Booster Station. To expedite project completion, staff also requests Committee approval to take the bid results directly to the November 6<sup>th</sup>, 2007 Council meeting for acceptance.



THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES IS SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

**CALL 48 HOURS  
BEFORE YOU DIG  
1-800-424-5555**

Engineers • Surveyors • Planners

**J-U-B ENGINEERS, Inc.**  
7825 Meadowlark Way  
Coeur d'Alene, Idaho 83815

Phone: 208.762.8787  
Fax: 208.762.9797  
[www.lub.com](http://www.lub.com)

# PRELIMINARY PLANS

NOT FOR  
CONSTRUCTION

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED THEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF J44 ENGINEERS, INC. AND IS NOT TO BE USED, IN WHOLE OR PART, FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF J44 ENGINEERS, Inc.

[illegible]

ARMSTRONG PARK  
CITY OF COEUR D'ALENE

CONCEPT: MECHANICAL PLAN

|                             |
|-----------------------------|
| CAD FILE: 20-06-089_CONCEPT |
| PROJ.#:                     |
| DRAWING NO.: Bxxxxxx        |
| DRAWN BY:                   |
| DESIGN BY:                  |
| CHECKED BY:                 |

ONE INCH  
AT FULL SIZE, IF NOT ONE  
INCH, SCALE ACCORDINGLY

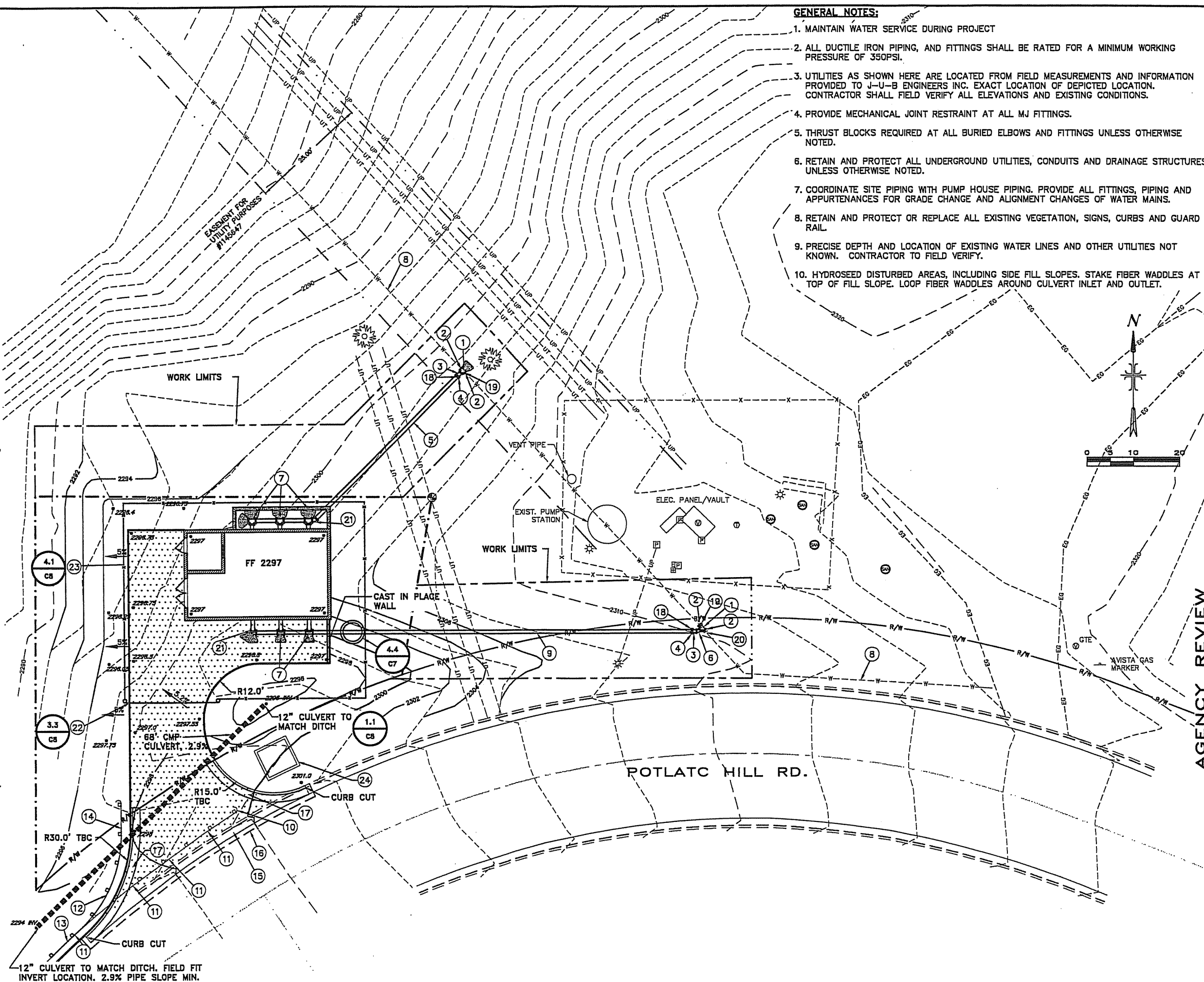
|                        |
|------------------------|
| SCALE OF SHEET         |
| HOR SCALE: AS SHOWN    |
| VER SCALE: NONE        |
| LAST UPDATED: 11/15/06 |

SHEET  
1  
OF 2



F:\Projects\20-06-089 Cda\_Armstrong\_Park\_Booster\DESIGN\dwg\20-06-089B.dwg, PLAN, 7/13/2007 10:28:19 AM, wholder, J-U-B CDA Office

- KEYED NOTES:**
- ① 6" DI TEE, FL, CONNECT TO EXISTING 6" DI PIPE.
  - ② 6" FLANGE COUPLING ADAPTOR
  - ③ 6" X 8" DI REDUCER, FL X FL
  - ④ 8" BUTTERFLY VALVE AND VALVE BOX, FL X FL
  - ⑤ 8" DI PIPE SUCTION PIPING, FULLY RESTRAINED MJ. PIPE SHALL BE CONTINUOUSLY RISING TO PUMP STATION. MAINTAIN TOP OF PIPE ELEVATION LESS THAN 2297 FEET.
  - ⑥ 6" 45° BEND, FL X FL
  - ⑦ 8" DI TEE, FL X FL
  - ⑧ EXISTING 6" LINE - APPROXIMATE LOCATION FIELD VERIFY.
  - ⑨ 8" DI DISCHARGE PIPING, FULLY RESTRAINED MJ.
  - ⑩ REMOVE W-BEAM END ROUNDED SECTION FROM EXISTING GUARDRAIL & REPLACE ON TERMINAL END OF NEW GUARDRAIL SECTIONS
  - ⑪ REMOVE 12.5' SECTION OF EXISTING GUARDRAIL
  - ⑫ PROVIDE 12.5' W-BEAM GUARDRAIL WITH POSTS (28' RADIUS) PER ITD STANDARDS
  - ⑬ PROVIDE 12.5' W-BEAM GUARDRAIL (WITH POSTS) HAVING 7'-10" TANGENT TO THE EXISTING GUARDRAIL AND 4'-8" WITH A 28' RADIUS.
  - ⑭ PROVIDE 12.5' W-BEAM GUARDRAIL (WITH POSTS) HAVING 7'-0" AT A 28' RADIUS AND 5'-6" BEING STRAIGHT.
  - ⑮ REMOVE AND DISPOSE 58 FT. OF CURB AND GUTTER
  - ⑯ SAWCUT 1.0 FT. OFFSET FROM EXISTING GUTTER
  - ⑰ CONSTRUCT CURB AND GUTTER PER COEUR D'ALENE STANDARD DRAWING C-1
  - ⑱ 8" FLANGE COUPLING ADAPTER
  - ⑲ 6" BUTTERFLY VALVE AND VALVE BOX, FL X FL
  - ⑳ 6" 45° FL, CONNECT TO EXISTING DISCHARGE PIPING.
  - ㉑ 8" 90° BEND, FL X FL
  - ㉒ 20' GATE
  - ㉓ 6' CHAIN LINK FENCE
  - ㉔ UTILITY TRANSFORMER PAD. COORDINATE INSTALLATION WITH AVISTA UTILITIES. SEE ELECTRICAL SHEETS.



- GENERAL NOTES:**
- 1. MAINTAIN WATER SERVICE DURING PROJECT
  - 2. ALL DUCTILE IRON PIPING, AND FITTINGS SHALL BE RATED FOR A MINIMUM WORKING PRESSURE OF 350PSI.
  - 3. UTILITIES AS SHOWN HERE ARE LOCATED FROM FIELD MEASUREMENTS AND INFORMATION PROVIDED TO J-U-B ENGINEERS INC. EXACT LOCATION OF DEPICTED LOCATION. CONTRACTOR SHALL FIELD VERIFY ALL ELEVATIONS AND EXISTING CONDITIONS.
  - 4. PROVIDE MECHANICAL JOINT RESTRAINT AT ALL MJ FITTINGS.
  - 5. THRUST BLOCKS REQUIRED AT ALL BURIED ELBOWS AND FITTINGS UNLESS OTHERWISE NOTED.
  - 6. RETAIN AND PROTECT ALL UNDERGROUND UTILITIES, CONDUITS AND DRAINAGE STRUCTURES UNLESS OTHERWISE NOTED.
  - 7. COORDINATE SITE PIPING WITH PUMP HOUSE PIPING. PROVIDE ALL FITTINGS, PIPING AND APPURTENANCES FOR GRADE CHANGE AND ALIGNMENT CHANGES OF WATER MAINS.
  - 8. RETAIN AND PROTECT OR REPLACE ALL EXISTING VEGETATION, SIGNS, CURBS AND GUARD RAIL
  - 9. PRECISE DEPTH AND LOCATION OF EXISTING WATER LINES AND OTHER UTILITIES NOT KNOWN. CONTRACTOR TO FIELD VERIFY.
  - 10. HYDROSEED DISTURBED AREAS, INCLUDING SIDE FILL SLOPES. STAKE FIBER WADDLES AT TOP OF FILL SLOPE. LOOP FIBER WADDLES AROUND CULVERT INLET AND OUTLET.

**J-U-B ENGINEERS, Inc.**  
Engineers • Surveyors • Planners  
7825 Meadowlark Way  
Coeur d'Alene, Idaho 83815  
Phone: 208.762.8767  
Fax: 208.762.9787  
www.jub.com

**PROFESSIONAL ENGINEER**  
REGISTERED  
7768  
STATE OF IDAHO  
STEPHEN P. JAMES

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF J-U-B ENGINEERS, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF J-U-B ENGINEERS, INC.

REVISION

AGENCY REVIEW

ARMSTRONG PARK BOOSTER STATION  
CITY OF COEUR D'ALENE, IDAHO

SITE PLAN

CAD FILE: 20-06-089B  
PROJ. #: 20-06-089  
DRAWING NO.: C01242007  
DRAWN BY: BSB  
DESIGN BY: MJ  
CHECKED BY: SPJ  
ONE INCH  
AT FULL SIZE, IF NOT ONE INCH, SCALE ACCORDINGLY  
SCALE OF SHEET  
HOR SCALE: AS SHOWN  
VER SCALE: NONE  
LAST UPDATED: 7/0/07  
SHEET  
C1  
OF

Request received by: Municipal Services / Kathy Lewis / 09/17/07  
Department Name / Employee Name / Date  
 Request made by: Debbie McCorkle / 208-753-5315  
Name / Phone  
PO Box 409 Osburn ID 83849  
Address

Cashier Receipt No.: 305046

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

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 10/19/2006  
 Department Name / Employee Name / Date  
 Request made by: Jennifer Allison 206 491-5113  
 Name / Phone  
230 23rd Avenue East #202 Seattle 98112  
 Address 8801 Aurora Ave North #10 98103

The request is for: / / Repurchase of Lot(s)  
☒ Transfer of Lot(s) from Irene Perrenoud to Jennifer Allison

Niche(s): \_\_\_\_\_  
 Lot(s): 03B, 03C, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. Block: 17 Section: F

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

Copy of / / Deed or / / Certificate of Sale must be attached. (purchased 1910)

Person making request is / / Owner ☒ Executor\* / / Other\* Executor papers not available

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

Title transfer fee (\$ 40.00) attached\*\*. issue 2 Deeds

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

**ACCOUNTING DEPARTMENT** Shall complete the following:

Attach copy of original contract.

Shere Carroll  
 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:

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

RDE 10/18/07  
 Supervisor's Init. Date

**LEGAL/RECORDS** shall complete the following:

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

Person making request is authorized to execute the claim:

[Signature]  
 Attorney Init.

10-8-07  
 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.

Susan K. Wothers  
 City Clerk's Signature

10-11-07  
 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.

*mailed new doc 9/26/07*

**CITY COUNCIL  
STAFF REPORT**

**DATE:** October 16, 2007  
**FROM:** Christopher H. Bates, Engineering Project Manager  
**SUBJECT:** Bellerive - Phase II, Final Plat Approval



---

**DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat document, a 7 lot residential development.

**HISTORY**

- a. Applicant: George Schillinger  
Bellerive Investments, LLC  
PO Box 3070  
Coeur d'Alene, ID 83815
- b. Location: Between Bellerive Lane and the Spokane River

**FINANCIAL ANALYSIS**

There are no financial agreements necessary for this development.

**PERFORMANCE ANALYSIS**


All of the site development issues were previously addressed with the underlying subdivision (Bellerive). Approval of the final plat document will allow for the sale of the lots and issuance of building permits.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat document.



**CITY COUNCIL  
STAFF REPORT**

**DATE:** October 16, 2007  
**FROM:** Christopher H. Bates, Engineering Project Manager   
**SUBJECT:** Riverview Condominiums, Final Plat Approval

---

**DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat document, a 4 unit commercial condominium development.

**HISTORY**

- a. Applicant: Glacier 2100 NW Boulevard, Inc.  
700 Ironwood Dr.  
Suite 300  
Coeur d'Alene, ID 83814
- b. Location: Northwest Boulevard, near Lakewood Drive

**FINANCIAL ANALYSIS**

There are no financial agreements necessary for this development.

**PERFORMANCE ANALYSIS**

All of the site development issues were previously addressed with the building permit for the subject property. Approval of the final plat document will allow for the sale of the sale and occupancy of the condominium units.

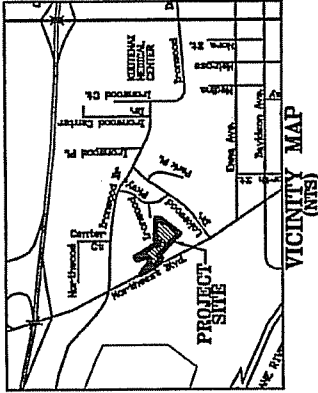
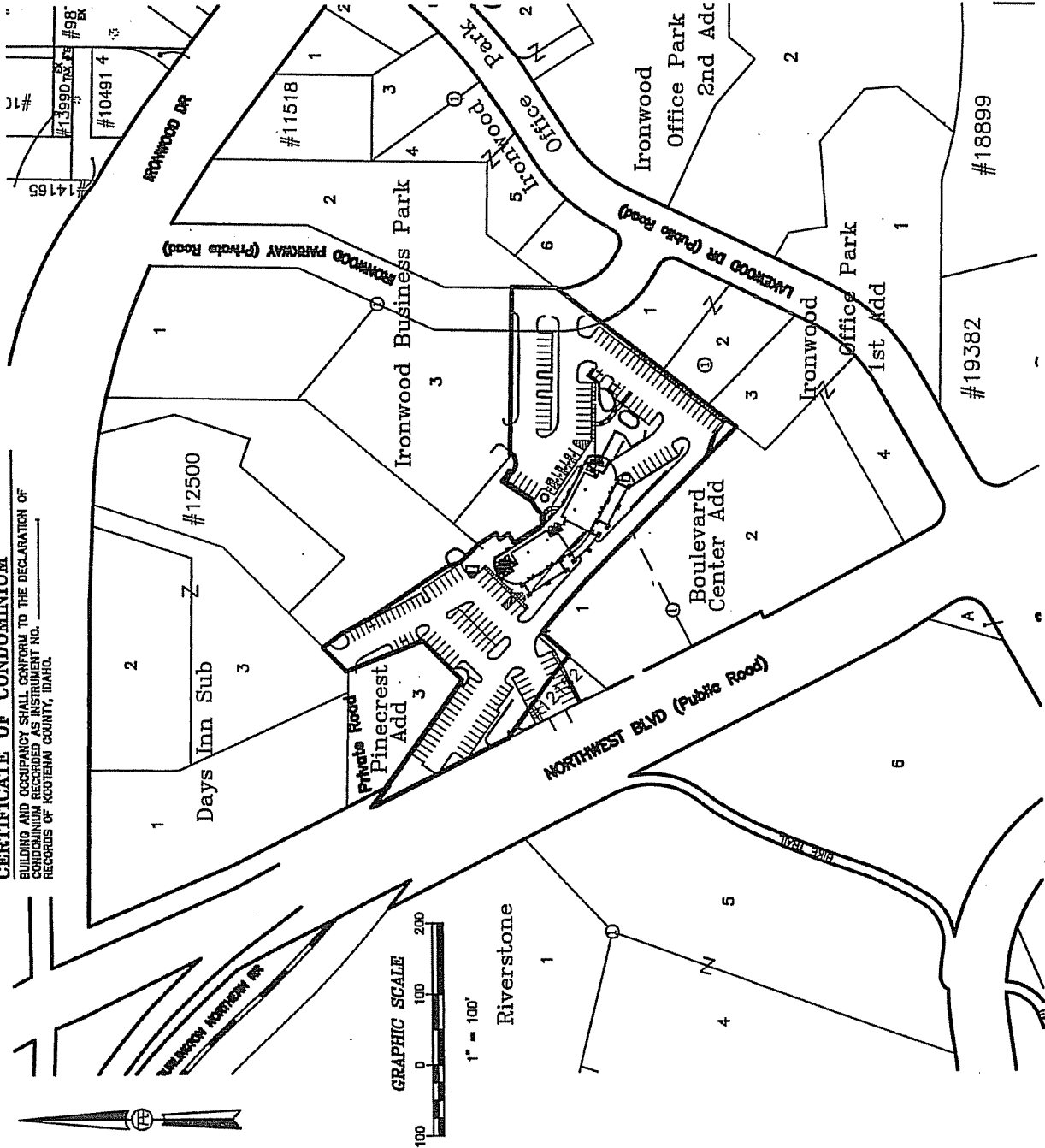
**DECISION POINT RECOMMENDATION**

1. Approve the final plat document.

# **RIVERVIEW CONDOMINIUMS** A PORTION OF THE NORTHWEST 1/4, SEC. 11, T.50N., R.4W., B.M., CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

## **CERTIFICATE OF CONDOMINIUM**

BUILDING AND OCCUPANCY SHALL CONFORM TO THE DECLARATION OF  
 CONDOMINIUM RECORDED AS INSTRUMENT NO. \_\_\_\_\_  
 RECORDS OF KOOTENAI COUNTY, IDAHO.



### **LEGEND**

- FD. AN IRON ROD/PIPE, IN. DIAM., WITH PLASTIC CAP MKD. PLS
- FD. AN ALUMINUM CAP, IN. DIAM., MARKED AS SHOWN
- SET AN IRON ROD, 30 INS. LONG, 5/8 IN. DIAM., WITH A PLASTIC CAP MKD. PLS 4885
- CALCULATED POINT (NOTHING FOUND OR SET)
- CA COMMON AREA
- LCA LIMITED COMMON AREA

### **BASIS OF BEARING**

BASES OF BEARING - RECORD OF SURVEY FOR NORTHWEST BOULEVARD - BOOK 21, PAGE 454.

### **SURVEYS OF RECORD & PRIOR SURVEYS**

- 1) PINECREST ADDITION TO COUVER D'ALENE - BOOK F, PAGE 80
- 2) IRONWOOD OFFICE PARK - BOOK F, PAGE 85
- 3) IRONWOOD OFFICE PARK 1ST ADDITION - BOOK F, PAGE 247
- 4) DAYS INN SUBDIVISION - BOOK F, PAGE 180
- 5) IRONWOOD BUSINESS PARK - BOOK F, PAGE 201
- 6) BOULEVARD CENTER ADDITION - BOOK 1, PAGE 107
- 7) RIVERSTONE - BOOK 1, PAGE 250
- 8) RECORD OF SURVEY - BOOK 18, PAGE 308
- 9) RECORD OF SURVEY - BOOK 21, PAGE 454

### **NOTES**

- 1) COMMON AREAS ARE TO BE MAINTAINED ACCORDING TO REQUIREMENTS AS SET FORTH IN THE COVENANTS.
- 2) EACH UNIT HAS A NONEXCLUSIVE RIGHT OF INGRESS, EGRESS AND SUPPORT THROUGH THE COMMON AREAS (IDAHO CODE SECTION 55-1609).
- 3) RESTROOMS, ELEVATORS AND STAIRS ARE PART OF ADJOINING COMMON AREAS.
- 4) AREAS AND ELEVATIONS SHOWN ARE BASED ON FIELD MEASUREMENTS AND BUILDING PLANS. EXACT VALUES MAY VARY FROM THE INFORMATION SHOWN.

### **SHEET INDEX**

|          |                                 |
|----------|---------------------------------|
| SHEET 1: | PLAT BOUNDARY                   |
| SHEET 2: | LEVEL 1 (PARKING - COMMON AREA) |
| SHEET 3: | LEVEL 2 (PARKING - COMMON AREA) |
| SHEET 4: | LEVEL 3                         |
| SHEET 5: | LEVEL 4                         |
| SHEET 6: | LEVEL 5                         |
| SHEET 7: | LEVEL 6                         |
| SHEET 8: | LEVEL 7                         |
| SHEET 9: | SIGNATURE SHEET                 |

**TATE ENGINEERING**  
 1103 N. 4TH STREET, COEUR D'ALENE, IDAHO, 83014  
 (208) 678-8708 FAX: (208) 687-2129

|                   |                |                  |             |
|-------------------|----------------|------------------|-------------|
| PROJECT NO: 04281 | DATE: 01/03/00 | SCALE: 1" = 100' | PAGE 1 OF 9 |
| DRAWING: 05281P   | CHECKED: ENW   | DRAWN BY: SCW    |             |

**CITY COUNCIL  
STAFF REPORT**

**DATE:** October 16, 2007  
**FROM:** Christopher H. Bates, Engineering Project Manager   
**SUBJECT:** Trails Edge, Final Plat Approval

---

**DECISION POINT**

Staff is requesting the following:

1. City Council approval of the final plat document, an 8 unit residential condominium development.

**HISTORY**

- a. Applicant: Charlie Moseley  
771 S. 11<sup>th</sup> Street  
Coeur d'Alene, ID 83814
- b. Location: Southwest corner of 10<sup>th</sup> Place and Mullan Avenue.

**FINANCIAL ANALYSIS**

There are no financial agreements necessary for this development.

**PERFORMANCE ANALYSIS**

All of the site development issues were previously addressed with the building permit for the subject property. Approval of the final plat document will allow for the sale of the sale and occupancy of the condominium units.

**DECISION POINT RECOMMENDATION**

1. Approve the final plat document.



# TRAIL'S EDCIE

CONDOMINIUM PLAT OF LOTS 4, 5 AND 6, BLOCK G, AMENDED PLAN OF THE CITY OF COEUR D'ALENE FILED IN BOOK A OF PLATS AT PAGE 79, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

NORTH QUARTER CORNER  
FND 1/2" ALUMINUM CAP IN  
CITY OF COEUR D'ALENE  
PLS 4555  
2009  
PLS 4100

(S89°55'32"E 2658.71' R-2)  
(S89°55'32"E 2658.63' R-3)  
N89°55'32"E 2658.53'

NORTH QUARTER CORNER  
FND 3/4" ALUMINUM  
CAP PER CITY OF  
COEUR D'ALENE  
PLS 4555  
2009  
PLS 4100

NORTH QUARTER CORNER  
FND 2-1/2" ZINC  
CAP PER CITY OF  
COEUR D'ALENE  
PLS 4555  
2009  
PLS 4100

NORTH QUARTER CORNER  
FND 2-1/2" ZINC  
CAP PER CITY OF  
COEUR D'ALENE  
PLS 4555  
2009  
PLS 4100

LOT 1  
ICE PLANT, FILED IN  
BOOK 1 OF PLATS AT  
PAGE 468

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## Memorandum

**To:** Honorable Mayor and City Council Members  
**From:** Christopher H. Bates, Engineering Project Manager   
**Date:** October 16, 2007  
**Re:** Scheduling of a Public Hearing for V-07-2, Vacation of a portion of excess Seltice Way right-of-way adjoining the Coeur d'Alene Honda auto dealership.

---

Staff is requesting that a public hearing for the vacation of a portion of excess Seltice Way right-of-way at the Coeur d'Alene Honda automobile dealership be scheduled for November 20, 2007.

DATE: OCTOBER 10, 2007  
TO: MAYOR AND CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
RE: SETTING OF PUBLIC HEARING DATE: NOVEMBER 20, 2007

---

Mayor Bloem,

The Planning Department has forwarded the following item to the City Council for scheduling of a public hearing. In keeping with state law and Council policy, the Council will set the date of the public hearing upon receipt of recommendation.

| <u>ITEM NO.</u> | <u>REQUEST</u>                                                  | <u>COMMISSION ACTION</u> | <u>COMMENT</u> |
|-----------------|-----------------------------------------------------------------|--------------------------|----------------|
| 0-3-07          | Applicant: City of Coeur d'Alene<br>Request: Comprehensive Plan | Recommended approval     | Legislative    |

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **November 20, 2007**

JS:ss

## ANNOUNCEMENTS

# Memo to Council

DATE: October 3, 2007

RE: Appointments to Boards/Commissions/Committees

The following re-appointment is presented for your consideration for the October 16th Council Meeting:

JOHN KELLY

PEDESTRIAN & BICYCLE 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  
Mike Gridley, Ped/Bike Committee Liaison

# Memo to Council

DATE: October 9, 2007

RE: Appointments to Boards/Commissions/Committees

The following appointment is presented for your consideration for the October 16th Council Meeting:

ED EICHWALD

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: October 9, 2007

RE: Appointments to Boards/Commissions/Committees

The following re-appointments are presented for your consideration for the October 16th Council Meeting:

|                 |                                        |
|-----------------|----------------------------------------|
| IRIS SIEGLER    | Childcare Commission                   |
| BRIAN HALVORSON | Childcare Commission (representing FD) |
| GREGORY PEAK    | Sign Board                             |

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

Sincerely,

Amy Ferguson  
Executive Assistant

cc: Susan Weathers, Municipal Services Director  
Kathy Lewis, Childcare Commission and Sign Board Liaison

OTHER COMMITTEE MINUTES  
(Requiring Council Action)



**GENERAL SERVICES COMMITTEE  
MINUTES**

Monday October 8, 2007  
4:00 p.m., Council Chambers

**COMMITTEE MEMBERS PRESENT**

Deanna Goodlander, Chairman  
Ron Edinger  
A.J. "Al" Hassell, III

**CITIZENS PRESENT**

Bob Bennett, HREI Director  
Lucy Dukes, Coeur d' Alene Press  
John Frazier, Torch Lounge Manager

**STAFF PRESENT**

Capt. Steve Childers, Police  
Chief Wayne Longo, Police  
Renata McLeod, Project Coordinator  
Wendy Gabriel, City Administrator  
Bette Ammon, Library Director  
Kathy Lewis, Deputy City Clerk  
Troy Tymesen, Finance Director  
Jon Ingalls, Deputy City Administrator  
Mike Gridley, City Attorney

**Item 1. Library Facility / Proposed Meeting Room Use Policy.  
(Consent Resolution No. 07-064)**

Bette Ammon, Library Director, presented a proposed Policy for Library meeting room use as approved by the Library Board of Trustees. Ms. Ammon stated that establishing a clear and concise policy to regulate use of meeting rooms is standard for public libraries. Having policies also assists the library staff in scheduling eligible groups when rooms are available.

Councilman Goodlander indicated that the policy states that *All meetings and programs must be free, open and accessible to any member of the public*. She asked if this would preclude a group such as the Film Festival, as they charge an admission fee. Ms. Ammon said "not necessarily". She spoke with someone from the Film Festival and what they would do is find an underwriter for that programming and allow the programs for free, yet they will received the fees they need to fund the program. Councilman Goodlander also noted the policy states *sales of goods or services are prohibited, but donations may be accepted to cover meeting materials costs*. She asked if the library has a visiting author and the author has a book(s) for sale, how would the library handle that? Ms. Ammon stated that they have an Author visiting tonight. Because most people will want a book autographed by the Author and because it's a library sponsored event, the Author will be allowed to sale the books as 10% of the book sales will be returned to the Friends of the library.

**MOTION: THE COMMITTEE is recommending that the City Council adopt Resolution  
No. 07-064 approving the Policy for usage of the Library meeting rooms.**

**Item 2. Police Department / Personnel Action Plan.  
(Agenda Presentation – For Information Only)**

Wayne Longo, Chief of Police, reported that as part of the 07/08 Strategic Planning process, on April 12, 2007 the Council voted as 'high priority' goals, to add positions in the Police Department. Chief Longo indicated that the 07/08 financial plan appropriated \$251,677.00 for the cost of these new positions. After weighing the findings of the Organizational Assessment by the Results Group and meeting with key city staff, the conclusion was made that the following added positions will provide the best value to the City.

- 2 - Additional Police Officers
- 1 – Civilian Report Taker

- ½ - part-time Property Specialist
- ½ - part-time Records Specialist
- Increase (1) part-time administrative position in Investigations to full-time

Chief Longo stated that the positions will meet the immediate needs of the PD and will be funded within available budgeted funds from the appropriated \$251,677 with an additional \$11,856 from funds budgeted for Temporary positions.

Councilman Hassel asked if the PD still utilizes volunteers in Records. The Chief Logo responded that they do and they are invaluable. However, they don't want to rely on them too much as they are not guaranteed positions.

### **FOR INFORMATION ONLY**

#### **Item 3. Addendum to Agreement / Human Rights Education Institute. (Resolution No. 07-066)**

Renata McLeod, Project Coordinator, is asking the Council to approve an addendum to the Lease Agreement with the Human Rights Education Institute. She reported that on July 1, 2003, the City authorized a Lease Agreement for the sub-station building to the HREI. Recently, the HREI has requested confirmation of the tenant improvement expenses in exchange for their rent payment and clarification of the Lease term, based on actual occupancy. Renata noted that the proposed Lease Addendum will clarify said issues. Renata also noted that the Lease states that the rent shall be \$12,144 annually, and that cost will be credited with tenant improvements. To date the HREI has completed \$149,574.42 in tenant improvements. Therefore, the addendum states that the improvements are acceptable to the City as credit for rent December 10, 2005 through December 10, 2017 (provided the Lessee requests additional lease terms). Renata added that in addition to relieving the City of the operating costs of the sub-station building, the HREI provides citizens with cultural exhibits, community gatherings, and education regarding human rights.

Bob Bennett, Director for the HREI, gave a presentation that outlined exhibits, programs and events held by the Institute during 2006 and 2007; gave greater detail of the improvements made to the sub-station building; and provided HREI goals for the future.

Councilman Edinger asked Mr. Bennett if there are plans to expand the facility. Mr. Bennett indicated, not at this time.

Councilman Hassell noted that it is unusual to credit dollar for dollar towards rent. Councilman Goodlander stated that the improvements made to the sub-station building is well worth the cost. Mr. Bennett added that the benefits from the programs also adds to the value of the facility.

Councilman Edinger asked Troy Tymesen, Finance Director, if the Centers financial problems from a few years back had been taken care of. Mr. Tymesen affirmed that they had. Mr. Tymesen added that there are a limited number of groups that would qualify to use this facility, thus lending us to partner with this group. It's truly a partnership to make sure that their investment would have a long term result as they've put a considerable amount of money into a building that they have no vested interest, except for a five year lease.

**MOTION: THE COMMITTEE is recommending that the City Council adopt Resolution No. 07-066 approving the Addendum to the Lease Agreement with HREI for use of the City owned sub-station building located at 414 ½ Mullan Road.**

**Item 4. Encroachment Request / Bench placement in front of Torch Lounge.  
(Consent Resolution 07-064)**

Kathy Lewis, Deputy City Clerk, is requesting approval of an Encroachment Permit for the placement of an anchored bench on the sidewalk directly in front of the Torch Lounge located at 216 Lakeside Avenue. Kathy indicated the business owner has clients waiting for taxicabs that need a place to sit while waiting. Kathy expressed concern that a bench may entice younger people to try and stand on the bench to peer in the window, tourists may use the bench in opposition to the purpose intended by the business which may result in a conflict, or patrons may try to take alcoholic beverages out of the business and consume them on the bench.

Councilman Hassel asked if the bench could be moved to the corner of the block. Mr. Frazier stated that his staff can better monitor the patrons waiting for a ride if the bench is next to the front door.

Councilman Edinger asked what happens if other establishments now want a bench. Mike Gridley, City Attorney, responded that it will go back to the encroachment permit process. If they meet the requirements, they could have one.

Capt. Childers commented that the PD can envision both the positive and negative of this request. However, Torch management has been working with the PD to better control disturbances at the establishment. One method is to obtain rides for people who may cause problems and have a place outside of the establishment for them to wait for a ride.

**MOTION: THE COMMITTEE is recommending that the City Council adopt Resolution No. 07-064 approving the Encroachment Permit with the following conditions. 1) permit must be renewed annually, 2) the City shall have the right to terminate said permit at any time, for any cause.**

The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Juanita Van Cleave  
Recording Secretary

## **GENERAL SERVICES STAFF REPORT**

**DATE:** October 2, 2007  
**FROM:** Wayne Longo, Chief of Police

**SUBJECT: ADDITIONAL STAFFING IN POLICE DEPARTMENT**

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### **DECISION POINT:**

None. The information provided in this staff report is for information only.

### **HISTORY:**

As part of the 2007-2008 Strategic Planning process, the Council voted on April 12, 2007 as “high priority” goals the following positions in the Police Department:

- Increase (1) part-time administrative position in Investigations to full time and add a ½ time position in Records.
- Additional (2) Police Officers and (1) Civilian Report Taker.
- In-house Code Enforcement Officer (1) in Police.

Subsequent to the Strategic Planning session, several influences have caused a re-evaluation of these priorities. The retirement of Wendy Carpenter and the hiring of a new Chief, along with the conclusion of the Organizational Assessment by the Results Group were reasons to carefully re-examine the positions listed for Police during strategic planning. Because of the assessment and transition of the Chief, during the budget process an undesignated sum of \$251,677 was earmarked to additional personnel in Police after the new Chief had a chance to digest the assessment and better understand the needs.

### **FINANCIAL ANALYSIS:**

In the 2007-08 Financial Plan, a total of \$251,677 has been earmarked for additional Police Personnel. This report outlines the proposed added positions. Funds are already appropriated for the costs of these new positions.

### **PERFORMANCE ANALYSIS:**

After carefully weighing the findings of the Organizational Assessment and meeting with key staff, the conclusion was made that the following added positions will provide the best value to the City in meeting the objectives:

- Additional Police Officers (2).
- Civilian Report Taker (1).
- Part-time Property Specialist (1/2).
- Part-time Records Specialist (1/2).
- Upgrade part-time administrative position in Investigations to full-time (1)

The positions listed will meet our immediate needs and can be funded within the available earmarked budgeted funds. Human Resources, the Finance Department, and the Personnel Officer have been consulted, and they are supportive of recruiting the above-listed positions.

### **DECISION POINT:**

None. The information provided in this staff report is for information only.

## **M E M O R A N D U M**

DATE: OCTOBER 3, 2007

TO: THE GENERAL SERVICES COMMITTEE

FROM: RENATA MCLEOD, PROJECT COORDINATOR

RE: ADDENDUM TO THE LEASE AGREEMENT WITH THE HUMAN RIGHTS EDUCATION INSTITUTE, INC. FOR THE CITY OWNED BUILDING AT 414 1/2 MULLAN ROAD

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### **DECISION POINT:**

- To approve an addendum to the Lease Agreement with the Human Rights Education Institute, Inc. (HREI) for use of the City-owned building located at 414 ½ Mullan Road.

### **HISTORY:**

On July 1, 2003, the City authorized a Lease Agreement pursuant to Resolution No. 03- 067. The HREI has requested confirmation of the tenant improvement expenses in exchange for their rent payment and clarification of the Lease term, based on actual occupancy. The attached Lease Addendum should clarify the above noted issues.

### **FINANCIAL:**

The Lease states that the rent shall be \$12,144.00 annually (\$1,012.00/month), and that cost will be credited with tenant improvements. To date the HREI has completed \$149,574.42 in tenant improvements.

### **QUALITY OF LIFE ANALYSIS:**

In addition to relieving the City of the operating costs of the Sub-station building, the HREI provides our citizens with cultural exhibits, community gatherings, and education regarding human rights.

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

- To approve an addendum to the Lease Agreement with the Human Rights Education Institute, Inc. (HREI) for use of the City-owned building located at 414 ½ Mullan Road.

RESOLUTION NO. 07-066

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ADDENDUM TO THE LEASE AGREEMENT WITH THE HUMAN RIGHTS EDUCATION INSTITUTE, INC. FOR CITY OWNED SUB-STATION BUILDING AT 414 ½ MULLAN ROAD.

WHEREAS, the General Services Committee of the City of Coeur d'Alene has recommended that the City of Coeur d'Alene enter into an Addendum Lease Agreement with HREI, pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

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

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

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

DATED this 16<sup>th</sup> day of October, 2007.

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Sandi Bloem, Mayor

ATTEST:

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Susan K. Weathers, City Clerk

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

ROLL CALL:

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

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

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

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

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

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

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

**ADDENDUM No. 1  
TO A LEASE AGREEMENT  
WITH  
HUMAN RIGHTS EDUCATION INSTITUTE, INC.**

THIS ADDENDUM entered into this 16<sup>th</sup> day of October, 2007, between the **City of Coeur d'Alene**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Idaho, and the **Human Rights Education Institute, Inc.**

W I T N E S S E T H:

WHEREAS, pursuant to Resolution No. 03-067 adopted the 1<sup>st</sup> day of July, 2003, the City of Coeur d'Alene entered into a Lease Agreement with the Human Rights Education Institute, Inc.; and

WHEREAS, Human Rights Education Institute, Inc. has requested clarification of the lease term and acceptance of tenant improvements,

NOW THEREFORE, the City of Coeur d'Alene and Human Rights Education Institute, Inc. hereby execute Addendum No. 1 to said Lease Agreement. The City of Coeur d'Alene hereby agrees that the tenant improvements totaling One Hundred Forty Nine Thousand Five Hundred Seventy Four and 42 cents (\$149,574.42) are acceptable as credit for rent December 10, 2005 through December 10, 2017 (provided the Lessee requests additional lease terms), tenant improvements are itemized in Exhibit "A," attached hereto and incorporated herein by reference. Terms of the Lease shall continue to be in accordance to Section 3, entitled Option to Renew of the original Lease Agreement.

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

CITY OF COEUR D'ALENE

HUMAN RIGHTS EDUCATIONAL  
INSTITUTE, INC.

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

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

ATTEST:

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

\_\_\_\_\_  
Secretary



STATE OF IDAHO     )  
                                  ) ss.  
County of Kootenai     )

On this 16<sup>th</sup> day of October, 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 that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

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

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STATE OF IDAHO)
) ss.
County of Kootenai)

On this _____ day of October, 2007, before me, a Notary Public, personally appeared _____ and _____, known to me to be the President and Secretary, respectively, of the **Human Rights Education Institute, Inc.**, and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

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

Human Rights Education Institute

Building Renovation Expenses

2004, 2005, 2006

<u>Description</u>	<u>Vendor</u>	<u>date billed</u>	<u>amount</u>	<u>donation</u>
architectural fees	Cranston	12/5/2003	\$1,025.00	
	Cranston	2/19/2004	\$250.00	
	Cranston	7/8/2004	\$1,325.00	
	Cranston	1/27/2005	\$1,175.00	
	Cranston	11/15/2005	\$1,725.00	
	Cranston	12/12/2005	\$700.00	
	Cranston			\$4,410.00
	Cranston	1/16/2006	\$1,350.00	
	Cranston	1/16/2006	\$92.30	
landscape architectural fees	Hatch Mueller	11/15/2005	\$3,262.00	
	Hatch Mueller			\$2,100.00
	Hatch Mueller	12/12/2005	\$1,398.00	
	Hatch Mueller	1/16/2006	\$1,785.00	
structural engineering fees-plinth	Hatch Mueller	1/10/2006	\$332.98	
schematic design and color renderings	Hatch Mueller	2/6/2006	\$333.90	
	Hatch Mueller	3/2/2006	\$157.50	
	Hatch Mueller	4/3/2006	\$1,395.00	
	Hatch Mueller	6/22/2006	\$23.80	
structural engineering fees	JUB	2/19/2004	\$1,250.00	
	JUB	4/27/2004	\$1,250.00	
	Shelter	12/22/2005	\$14,953.00	\$2,000.00
	Shelter	7/28/2005	\$750.00	
	Shelter	7/28/2005	\$19,680.00	
	Shelter	12/12/2005	\$2,098.00	
	Shelter	8/30/2005	\$6,630.00	
supervision fees	Shelter		\$5,000.00	\$5,000.00
profit/overhead reduction	Shelter			\$5,000.00
construction fees- plinth	Shelter	1/1/2006	\$16,110.00	\$1,000.00
	Shelter	5/31/2006	\$2,712.33	
	Shelter	9/19/2006	\$15.70	

Human Rights Education Institute

Building Renovation Expenses

2004, 2005, 2006

	Shelter	9/19/2006	\$2,500.00	
	Shelter	9/19/2006	\$15.00	
	Shelter.	9/19/2006	\$1,490.00	
	Shelter	9/19/2006	\$343.00	
waster removal & Labor	CDA Tribe	8/23/2006		\$306.00
	CDA Tribe	8/24/2006		\$306.00
rods and draperies for room dividers	Bed. Bath & Beyond	11/11/2006	\$317.91	
towing signs	Rainbow towing	10/13/2006	\$45.00	
Underground Wiring	lunited Electrical Contractors	6/12/2006	\$50.00	
tecnology/sound system	Navimation	1/6/2006		\$3,000.00
	Navimation	10/20/2006		\$17,000.00
brick masonry	Ed Pierce Masonry	11/1/2005		\$1,500.00
rebar	Forest Steel	11/1/2005		\$500.00
excavating and hauling	GGI Excavating	11/1/2005		\$1,800.00
asphalt and concrete cutting	Gordon Concrete Cutting	11/1/2005		\$700.00
gutters and downspouts	Jimbo's Seamless Raingutters	11/1/2005		\$100.00
	Hometown Construction	11/1/2005		\$400.00
footings/foundation concrete- Plinth	Interstate Concrete & Asphalt	11/1/2005		\$350.00
drywall	Kootenai Lakes Drywall	11/1/2005		\$100.00
storefront system and glazing	Modern Glass	11/1/2005		\$400.00
water coolers and kitchen sink	R.L. Jacobs Plumbing	11/1/2005		\$350.00
adjust heating equipment	Shafers Heating and Cooling	11/1/2005		\$100.00
stain concrete floor	Stone-Crete, Inc.	11/1/2005		\$400.00
painting	TL Painting	11/1/2005		\$800.00
electrical	United Electrical Contractors	11/1/2005		\$400.00
kitchen cabinets	Warmwood Interiors	11/1/2005		\$1,800.00
carpet	Great Floors	11/1/2005		\$1,680.00
Steel Arch materials and labor	NIC Technical Welding Class	11/1/2005		\$6,532.00
		TOTAL	\$91,540.42	\$58,034.00
			TOTAL	\$149,574.42

October 8, 2007
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Mike Kennedy
Council Member Woody McEvers
Council Member Dixie Reid

CITIZENS PRESENT

Brad Jordan, Item #4
Doug Busko, CM2Hill

STAFF PRESENT

Warren Wilson, Chief Deputy City Attorney
Dave Yadon, Planning Director
Amy Ferguson, Committee Liaison
Terry Pickel, Asst. Water Supt.
Jim Markley, Water Supt.

Item 1 Dangerous Dog Ordinance Options
For Information Only

Warren Wilson, Chief Deputy City Attorney, presented information in regarding to proposed amendments to the City's existing animal control ordinances regarding dangerous dogs. Mr. Wilson explained that he presented the same information to the General Services Committee two weeks and was requested to bring the information forward to the Public Works Committee. He further reminded the committee that earlier this year, Council was approached by a citizen requesting that the City ban pit bulls. Staff was asked to research options for addressing dangerous dogs including a potential ban of pit bulls and/or other breeds based on insurance lists. Staff spent a considerable amount of time researching the issue and gathering input from various sources. Staff also met with a representative of the Best Friends Animal Society, which is a national organization aimed at protecting animals. In addition, staff also received a tremendous amount of public input from the local area and from around the county. Mr. Wilson discussed the pros and cons for three options for moving forward which include (1) adopting breed specific ordinances, (2) adopting a "multiple classification" ordinance that would allow the City greater flexibility in dealing with problem dogs based on the risk created by the dog, or (3) keeping the existing ordinance structure with minor housekeeping amendments to streamline the process and clarify intent. It was the recommendation of staff to proceed forward with the "multiple classification" ordinance. Councilman Reid stressed the importance of making owners more responsible, and Mr. Wilson stated that additional provisions could be added to the "multiple classification" ordinance that would place more emphasis on being a responsible dog owner. Councilman Reid also stated that she would like to see licensing fees increased for dangerous dogs, and also increasing licensing fees for unlicensed dogs.

MOTION: NO MOTION. For Information Only.

Item 2 Proposed Annexation Process

Warren Wilson, Chief Deputy City Attorney, presented a request to amend the City's annexation request process to including a "check in" with council. Mr. Wilson explained that the City's current practice is to process an annexation request along with any other land use request, such as a subdivision or PUD. Under this process, the applicant can often spend a significant amount of money preparing a plat or other

land use request without knowing whether the City Council is even interested in annexing the property. Staff is recommending that some or all annexation requests should be brought to the City Council first to determine if the Council is interested in annexing the parcel at that time. The proposed process would require a small amount of staff time in preparing a staff report, which would include information regarding infrastructure and water systems, emergency services, whether the property is contiguous, whether it is orderly development, etc. Mr. Wilson stressed that the Council would not be committing to anything at that time, and likened the proposed procedure to a “gate” in that once you go through the gate, you can work through the process. Mr. Wilson commented that the cities of Hayden, Rathdrum, and Post Falls are all following a similar process with some success. Mr. Wilson further stated that council could decide to either review all requests for annexation, or only those applications that present unique infrastructure or other problems.

MOTION: RECOMMEND Council approve the amendment of the City’s annexation request process to include the requirement of a City Council “check in” on all annexation requests.

Item 3 Approval to Advertise for Bids to Construct Replacement Armstrong Booster
Consent Calendar

Terry Pickel, Assistant Water Superintendent, presented a request for approval for the solicitation of bids for construction of a replacement above ground Armstrong Booster Station to replace a failing below ground booster station. Mr. Pickel explained that as a condition of the City’s acquisition of the private Armstrong Park Water System, it is required to be brought to current City standards. This includes replacement of the existing below ground booster station, which is failing. Construction of the new above ground booster station will be funded from the operations and maintenance project budget. Per the approved agreement with the Armstrong Park Home Owners Association, a calculated surcharge has been assessed in addition to their standard water rates as a method of long term repayment to the City water fund for all necessary improvements so that the rest of the City customers will not be subsidizing the improvements. Mr. Pickel stated that the new booster station will be designed with the possibility for future expansion at their cost should adjoining land owners decide to develop their properties.

MOTION: RECOMMEND Council authorize staff to proceed with solicitation of construction bids for the Armstrong Booster Station, and authorization to take bid results directly to the November 6, 2007 Council meeting for acceptance.

Item 4 Water Service Outside City Limits on Nettleton Gulch Road
Consent Calendar

Jim Markley, Water Superintendent, presented a request for water service outside City limits on Nettleton Gulch Road. Mr. Markley explained in his staff report that the City has a policy limiting new water connections outside City limits, one of the expectations is that if the property owner has appropriate evidence of a prior agreement with either the City or with the City’s predecessor, Idaho Water. He further explained that the applicant, Brad Jordan, has produced a recorded document granting a water main easement to Idaho Water and that language from the easement refers to service connections. As a result, it appears that the request for water service outside City limits would meet the requirements for approval. Mr. Markley confirmed that the owner will be required to sign a waiver of protest to annexation.

MOTION: RECOMMEND Council approval of RESOLUTION No. _____, approving Mr. Jordan's request for water service outside city limits, and approving a waiver of protest to annexation.

The meeting adjourned at 5:16 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison

**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: October 8, 2007

FROM: Dave Yadon, Planning Director
Warren Wilson, Chief Deputy City Attorney

SUBJECT: Proposed Process for Annexation Requests

DECISION POINT:

Provide a recommendation to the full City Council regarding whether the City should amend its annexation request process.

HISTORY:

Over the past month members of the Development Review Team have been discussing possible changes to our process for handling annexation requests. Our current practice is to process an annexation request along with any other land use request, such as a subdivision or PUD. Under this process, the applicant can often spend a significant amount of money preparing a plat or other land use request without knowing whether the City Council is even interested in annexing the property. Similarly, staff can spend a significant amount of time on a request that ultimately is denied by the Council. Given this problem, the DRT staff is recommending that some or all annexation requests should be brought to the City Council first to determine if the Council is interested in annexing the parcel at that time.

FINANCIAL ANALYSIS:

The proposed process would require a small amount of staff time in presenting the proposed annexation to the City Council. However, this cost should be offset in savings in staff time on projects that would currently reach the City Council and be denied. Additionally, as noted above, the applicant will get a chance to see if the Council is interested in pursuing the application before going to the expense of preparing a land use application.

PERFORMANCE / QUALITY OF LIFE ANALYSIS:

Most of our surrounding City's follow a similar process where all requests for annexation are first brought to the City Council. This is one possibility that we could adopt. Alternatively, we could require this "check in" only for those applications that present unique infrastructure or other problems. One way to define this approach would be to require the "check in" for all annexation requests in the "urban reserve" areas or those areas that are not completely contained in the area of city impact. Staff favors the latter approach since there are areas, such as unannexed islands that are completely surrounded by the City, that don't present the same difficulties and are obvious candidates for annexation. Regardless, staff would be supportive of either alternative.

DECISION POINT/RECOMMENDATION:

Recommend that the Council adopt a process requiring a “check in” on some or all annexation requests.

OTHER BUSINESS

COUNCIL BILL NO. 07-1042
ORDINANCE NO. _____

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), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .248 ACRE PARCEL AT 1036 NORTH 15TH STREET AND LEGALLY DESCRIBED AS THE NORTH 73 FEET OF LOT 7, WILLIAMS PARK ADDITION IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 50N, RANGE 3W, 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.

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

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

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

a +/- .248 acre parcel at 1036 North 15th Street and legally described as The North 73 feet of Lot 7, Williams Park Addition in the Northwest 1/4 of Section 18, Township 50N, Range 3W, Boise Meridian, Kootenai County, Idaho.

is hereby changed and rezoned from R-12 (Residential at 12 Units/Acre) to NC (Neighborhood Commercial).

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

NONE

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

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

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

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

APPROVED this 16th day of October, 2007.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____

Zone Change – ZC-12-07

a +/- .248 acre parcel at 1036 North 15th Street

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), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .248 ACRE PARCEL AT 1036 NORTH 15TH STREET AND LEGALLY DESCRIBED AS THE NORTH 73 FEET OF LOT 7, WILLIAMS PARK ADDITION IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 50N, RANGE 3W, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, ZC-12-07 - a +/- .248 acre parcel at 1036 North 15th Street, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 16th day of October, 2007.

Warren J. Wilson, Chief Civil Deputy City Attorney

COUNCIL BILL NO. 07-1043
ORDINANCE NO. _____

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), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .372 ACRE PARCEL AT 1003 NORTH 15TH STREET AND LEGALLY DESCRIBED AS LOTS 1 & 2, BLOCK 1, BIRCH PARK ADDITION IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 50N, RANGE 4 W, 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.

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

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

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

a +/- .372 acre parcel at 1003 North 15th Street and legally described as Lots 1 & 2, Block 1, Birch Park Addition in the Northeast 1/4 of Section 13, Township 50N, Range 4 W, Boise Meridian, Kootenai County, Idaho.

is hereby changed and rezoned from R-12 (Residential at 12 Units/Acre) to NC (Neighborhood Commercial).

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

NONE

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

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

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

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

APPROVED this 16th day of October, 2007.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____

Zone Change – ZC-13-07

a +/- .372 acre parcel at 1003 North 15th Street

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), SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: A +/- .372 ACRE PARCEL AT 1003 NORTH 15TH STREET AND LEGALLY DESCRIBED AS LOTS 1 & 2, BLOCK 1, BIRCH PARK ADDITION IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 50N, RANGE 4 W, BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, ZC-13-07 a +/- .372 acre parcel at 1003 North 15th Street, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 16th day of October, 2007.

Warren J. Wilson, Chief Civil Deputy City Attorney

COUNCIL BILL NO. 07-1043
ORDINANCE NO. 3295

REPLACING ORDINANCE NO. 3295 ADOPTED MAY 1, 2007

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, TO REPLACE ORDINANCE NO. 3295 AS THE ORDINANCE ANNEXING SPECIFICALLY DESCRIBED PORTIONS OF THE SW ¼ SE ¼ SECTION 4, TOWNSHIP 50, NORTH, RANGE 4W, BOISE MERIDIAN AND LOTS 7 & 8 BLOCK 4 OF "ORCHARDLANDS", AND ADJOINING HIGHWAY RIGHT OF WAYS IN ORDER TO CORRECT THE ZONING DISTRICT FOR THE ANNEXED PROPERTY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Coeur d'Alene did adopt Ordinance No. 3295 on May 1, 2007, annexing the property set forth in Exhibit "A" into the City limits; and

WHEREAS, Ordinance No. 3295 contained an error in the zoning district of the property to be annexed; and

WHEREAS, This ordinance is intended to replace the original Ordinance No. 3295.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene, Idaho as follows:

SECTION 1. That the property as set forth in Exhibit "A", attached hereto and incorporated herein, contiguous and adjacent to the City of Coeur d'Alene, Kootenai County, Idaho, be and the same is hereby annexed to and declared to be a part of the City of Coeur d'Alene, Kootenai County, Idaho, and the same is hereby zoned C-17 (COMMERCIAL AT 17 UNITS/ACRE).

SECTION 2. That the Zoning Act of the City of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the City of Coeur d'Alene, be and the same is hereby amended as set forth in the preceding section hereof.

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

SECTION 4. That the above described property be and the same is hereby declared to be and shall be a part of Precinct #35, and that Section 1.16.030, Coeur d'Alene Municipal Code, be and the same is hereby amended to include the herein annexed property within the described boundaries of Precinct #35.

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

SECTION 6. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 7. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 8. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 16th day of October, 2007.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

K.A. Durtschi & Assoc. Inc.

P.O. Box 700
9751 Govt. Way, Suite 5
Hayden, Idaho 83835
- Western Property Annexation A-3-06]

Phone 208-772-2233
Fax. 208-772-9231
[0000 CB 07-1016 Ex A

April 20, 2007

LEGAL DESCRIPTION WESTERN PROPERTY ANNEXATION (Rude Property)

PORTIONS OF THE SW 1/4 SE 1/4 SECTION 4, T.50N., R.4W. B.M. and Lots 7 & 8 Block 4 of "ORCHARD LANDS", and adjoining Highway Right of Ways in Kootenai County, Idaho and more particularly described as follows;

Commencing at the South 1/4 Corner of said Section 4; Thence N01°34'25"W a distance of 625.27' to a point on the South Right of Way of old Highway #10 and the True POINT OF BEGINNING FOR THIS DESCRIPTION; Thence continuing N01°34'38"W a distance of 1190.79' to a point on the Northerly Right of Way of Interstate highway # 90; Thence along said Right of Way the following courses, S73°30'08"E a distance of 939.92' to an angle point; Thence S87°32'19"E a distance of 103.08' to an angle point; Thence S73°30'08"E a distance of 159.15' to a point; Thence leaving said Right of Way; S01°08'57"E a distance of 733.46' to an I. pin; Thence S71°30'37"E a distance of 61.75' to an I. pin; Thence S01°08'57"E a distance of 216.21' to an I. pin; Thence N66°58'12"W a distance of 219.23' to an I. pin; Thence S01°08'57"E a distance of 445.93' to a point on said Southerly Right of Way of old Highway #10; Thence along said Right of Way the following courses; N69°09'21"W a distance of 236.77' to a point of curve; Thence around a 5679.58' radius curve to the right through a central angle of 08°22'01" an arc distance of 829.39' a chord bearing of N64°58'21"W a distance of 828.66' to a point of tangent; Thence N60°47'20"W a distance of 42.05' to the Point of Beginning.
Contains 1435480 square feet or 32.9541 acres More or Less



PUBLIC HEARINGS

MEMORANDUM

TO: MAYOR BLOEM AND THE CITY COUNCIL

DATE: OCTOBER 9, 2007

FROM: RENATA MCLEOD, PROJECT COORDINATOR

RE: CONSOLIDATED PLAN FOR HUD COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING

DECISION POINT: Should the Council authorize the Mayor to sign the CPMP Grantee Certification and the SF 424 form required to submit the consolidated plan to HUD.

HISTORY: In June of this year, the City Council authorized an agreement with BBC Research and Consulting, Inc. to complete a consolidated plan for the City of Coeur d'Alene. The BBC consultant will present the draft plan at the public hearing on October 16, 2007 and the City will continue to accept public comments until October 31, 2007. The consolidated plan is due to HUD by November 17, 2007 in order for the City to be eligible for funding in January 2008.

The Grantee Certification documents will certify that the City will further fair housing, comply with the anti-displacement and relocation act, is a drug free workplace, will not utilize HUD dollars for lobbying, included the community in the planning efforts, had an excessive force policy, and will comply with the use of funds regulations. The SF 424 document will serve as the submittal document for the 2008 HUD action plan. This document also sets out general City information and contact person information.

FINANCIAL ANALYSIS: The City anticipates annual CDBG funding of \$300,000.00 from HUD.

PERFORMANCE ANALYSIS: Authorizing this action will allow the City to submit the consolidated plan to HUD and begin receiving annual allocation of CDBG funding, which will be used to assist low to moderate income persons within our community.

DECISION POINT/RECOMMENDATION: To authorize the Mayor to sign the CPMP Grantee Certification and the SF 424 form required to submit the consolidated plan to HUD.



SF 424

The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

November 15, 2007	Applicant Identifier	Type of Submission	
Date Received by state	State Identifier	Application	Pre-application
Date Received by HUD	Federal Identifier	<input type="checkbox"/> Construction	<input type="checkbox"/> Construction
		<input type="checkbox"/> Non Construction	<input type="checkbox"/> Non Construction
Applicant Information			
City of Coeur d'Alene		UOG Code	
710 E. Mullan Avenue		Organizational DUNS 063905418	
		Organizational Unit	
Coeur d'Alene	Idaho	Administration	
83814	U.S.A.	Division	
Employer Identification Number (EIN):		Kootenai	
82-6000176		Program Year Start Date (1/1/2008)	
Applicant Type:		Specify Other Type if necessary:	
Local Government: Township		Specify Other Type	
Program Funding		U.S. Department of Housing and Urban Development	
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding			
Community Development Block Grant		14.218 Entitlement Grant	
CDBG Project Titles; affordable housing, neighborhood revitalization, code enforcement, economic development		Description of Areas Affected by CDBG Project(s): City wide target to LMI	
\$CDBG Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for CDBG-based Project(s)			
Home Investment Partnerships Program		14.239 HOME	
HOME Project Titles		Description of Areas Affected by HOME Project(s)	
\$HOME Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	

\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOME-based Project(s)			
Housing Opportunities for People with AIDS		14.241 HOPWA	
HOPWA Project Titles		Description of Areas Affected by HOPWA Project(s)	
\$HOPWA Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOPWA-based Project(s)			
Emergency Shelter Grants Program		14.231 ESG	
ESG Project Titles		Description of Areas Affected by ESG Project(s)	
\$ESG Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for ESG-based Project(s)			
Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
Applicant Districts	Project Districts		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		<input type="checkbox"/> Yes	This application was made available to the state EO 12372 process for review on DATE
		<input type="checkbox"/> No	Program is not covered by EO 12372
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Program has not been selected by the state for review

Person to be contacted regarding this application Renata McLeod; Project Coordinator		
First Name Renata	Middle Initial M.	Last Name McLeod
Title Project Coordinator	Phone 208-666-5741	Fax 208-769-2366
eMail Renata@cdaid.org	Grantee Website www.cdaid.org	Other Contact Troy Tymesen
Signature of Authorized Representative		Date Signed



CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

- ☐ This certification does not apply.
☒ This certification is applicable.

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about --
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will --
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted --
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Jurisdiction

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Sandi Bloem

Name

Mayor

Title

710 E. Mullan Avenue

Address

Coeur d'Alene, ID 83814

City/State/Zip

(208) 769-2300

Telephone Number

- ☐ This certification does not apply.
☒ This certification is applicable.

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2008, 2009, 2010, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Jurisdiction

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Sandi Bloem

Name

Mayor

Title

710 E. Mullan Avenue

Address

Coeur d'Alene, Idaho 83814

City/State/Zip

(208) 769-2300

Telephone Number

Jurisdiction

- ☐ This certification does not apply.
☒ This certification is applicable.

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
City Hall	710 E. Mullan	Coeur d'Alene	Kootenai	ID	83814

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

Jurisdiction

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;
- b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

Signature/Authorized Official

Date

Sandi Bloem

Name

Mayor

Title

710 E. Mullan Avenue

Address

Coeur d'Alene, ID 83814

City/State/Zip

(208) 769-2300

Telephone Number

**CITY COUNCIL
STAFF REPORT**

FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: OCTOBER 16, 2007
SUBJECT: ZC-2-94M - MODIFICATION OF CONDITIONS APPROVED WITH ZC-2-94
LOCATION – +/- 15,769 SQ. FT. PARCEL AT 702 NORTH 4TH STREET

DECISION POINT:

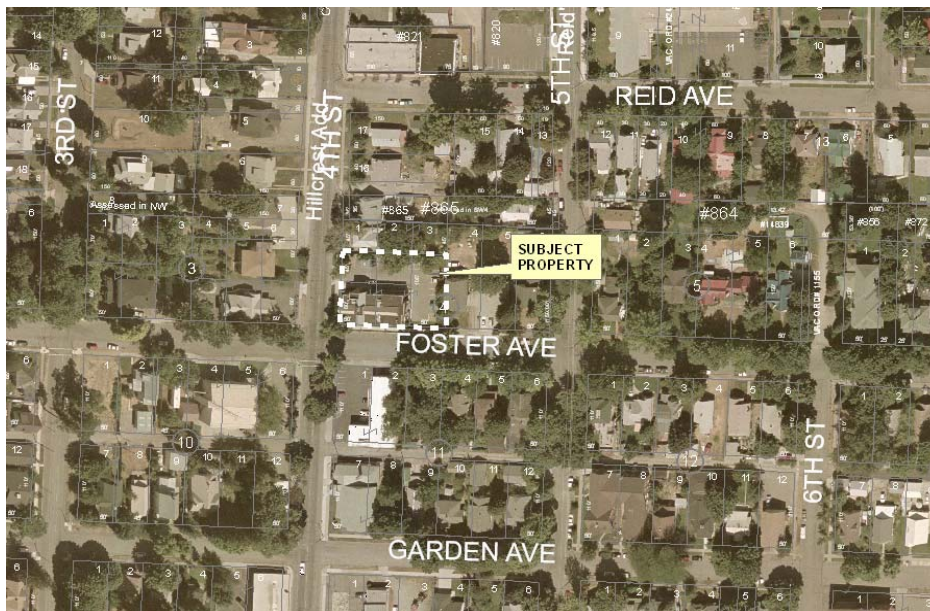
Amendola, Anderson & Doty, PLLC & 4th Street, LLC are requesting removal or modification of conditions one, two and four of Zone Change ZC-2-94 in the C-17L (Commercial Limited at 17 units/acre) zoning district pertaining to access from the existing parking lot to Foster Avenue and buffering of said parking lot along Foster Avenue. The applicant's reasons are stated in the narrative. Conditions requested to be removed or modified include:

1. Provide a six (6) foot sight obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, two (2) inches or more in caliper, planted at a distance between centers as determined by the Urban Forestry Committee.
2. Restrict Lot 3 so as not to allow a curb cut.
4. Restrict signage to 4th Street only.

NO OTHER CHANGES TO ZC-2-94 ARE REQUESTED WITH THIS APPLICATION.

SITE PHOTOS:

- A. Aerial photo



B. Proposed driveway to Foster Avenue



C. Looking west on Foster Avenue.

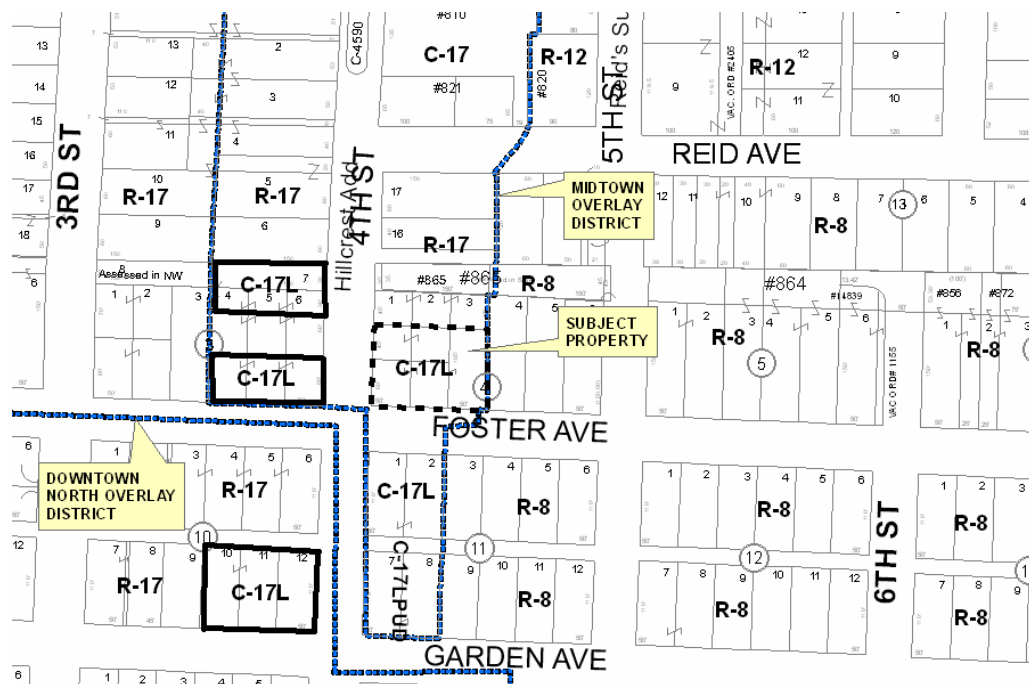


D. Driveway accessing 4th Street.

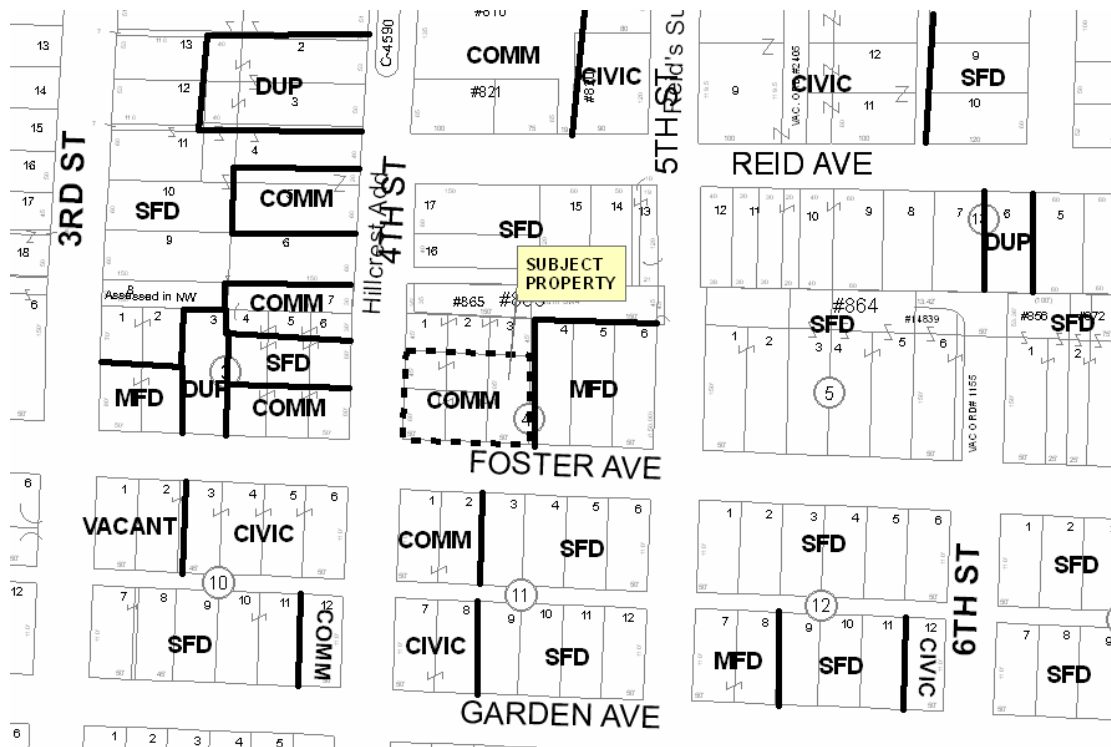


GENERAL INFORMATION:

A. Zoning:



B. Generalized land use pattern:



C. Applicant: Amendola, Anderson & Doty, PLLC & 4th Street, LLC
 Owner: 702 North 4th Street
 Coeur d'Alene, ID 83814

D. Land uses in the area include residential - single-family, duplex and multi-family, commercial – retail sales, civic and vacant land.

E. The subject property is occupied by a professional office building.

F. Encroachment permit:

1. On May 25, 2007, The City Engineering Department issued an encroachment permit to work in the public right-of-way to modify the sidewalk, approach and curb for a new driveway into the existing parking lot from Foster Avenue.
2. On June 4, 2007 a stop work order was served by the City's Code Enforcement Officer, halting work on the project, citing violation of conditions one and two of ZC-2-94 as the reason for issuance of the stop work order.

G. Previous actions on subject property:

ZC-2-94 - R-12 to C-17L, with the following conditions:

1. Provide a 6-foot sight-obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, 2" or more in caliper, planted a distance

between centers as determined by the Urban Forestry Committee.

2. Restrict Lot 3 so as not to allow a curb cut.
3. All exterior lights on the property, including illuminated signs and parking lot lights, shall be turned off by 10:00 p.m. As an alternative, parking lot lights may be movement-activated.
4. Restrict signage to 4th Street only.
5. All refuse areas shall be located and buffered in such a way as to not be visible to residents on adjacent properties to the north and south.

H. Planning Commission action:

The Planning Commission heard the request on August 20, 2007 and took the following action:

1. Motion to deny approved by a 4 to 0 vote.
2. On August 24, 2007, an appeal of the Planning Commission's decision was filed with the City.
3. The City Council continued the public hearing to October 16, 2007.

PERFORMANCE ANALYSIS:

A. **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 Comprehensive Plan Map designates this area as Stable Established, as follows:

Stable Established Areas:

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

- For areas below the freeway, overall buildout density approximately = 5 du/acre. Individual lot size is typically not smaller than 5,500 sq. ft. (12 du/acre).
- Encourage residential when close to jobs and other services.
- Discourage uses that are detrimental to neighboring uses.
- Pedestrian/bicycle connections.
- Encourage vacant lot development that is sensitive to neighboring uses.

3. **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.

4. **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."
- 46A: "Provide for the safe and efficient circulation of vehicular traffic."
- 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."

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

STORMWATER:

Stormwater management was previously addressed at the time of construction on the subject property. No alterations are necessary to the site.

TRAFFIC:

The ITE Trip Generation Manual estimates the project will generate approximately 68 trips per day or 9.8 trips per day during the peak hour periods (utilizing 19 employees and an average 0.52 trips/employee). Actual counts taken at the sole point of ingress/egress on 4th Street averaged 57 trips/day, with the majority of the trips (18 & 10 respectively) occurring during the evening peak hour period.

Evaluation: The adjacent and connecting streets will accommodate the noted traffic volume. On an average, the subject property contributes between 3-4 trips/hour to the

adjoining streets, which is not a significant increase to traffic volumes.

Foster Avenue is classified as a major collector street per the Kootenai County Transportation Plan (KCAT) 1997-2017 study and its function is to guide traffic to the arterial system. It serves as a main connection between 11th Street and Lincoln Way which has the capacity to manage between 5,200 & 8,750 vehicle trips (collector 2 lanes+ parking, level of service A – F).

Actual daily counts were 682.5 vehicles eastbound and 775 vehicles westbound, at an average speed of 23 mph, with peak hour trips (7-9 a.m./4-6 p.m.) at 92 eastbound trips and 120 westbound trips.

Access to Foster Avenue would provide options to vehicles utilizing the subject property that are not available at this time.

STREETS:

The subject property is bordered by 4th Street on the west and Foster Avenue on the south. The current right-of-way widths are City standard sixty feet (60') with street widths of thirty four feet (34') on 4th Street, and, forty feet (40') on Foster respectively.

Evaluation: Fourth Street is in need of widening to bring it to a uniform width of forty feet (40') and this may occur when 4th Street is reconstructed. Foster Avenue is presently constructed to current collector street width and no changes are anticipated to its street section.

APPLICABLE CODES AND POLICIES:

STREETS:

An encroachment permit shall be obtained prior to any work being performed in the existing right-of-way.

WATER, SEWER, FIRE, POLICE

Not applicable

C. **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.

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

The subject property is part of the commercial corridor along 4th Street and is adjacent to the residential neighborhood to the east.

Evaluation: The City Council must determine what affect removal or modification of these conditions would have on traffic, neighborhood character and existing land uses.

E. Proposed conditions:

As previously approved in ZC-2-94:

1. Provide a 6-foot sight-obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, 2" or more in caliper, planted a distance between centers as determined by the Urban Forestry Committee.
2. Restrict Lot 3 so as not to allow a curb cut.
3. All exterior lights on the property, including illuminated signs and parking lot lights, shall be turned off by 10:00 p.m. As an alternative, parking lot lights may be movement-activated.
4. Restrict signage to 4th Street only.
5. All refuse areas shall be located and buffered in such a way as to not be visible to residents on adjacent properties to the north and south.

F. 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): 3620 acres, and/or _____ sq.ft.
2. Total Net Area (land area exclusive of proposed or existing public street and other public lands): 3620 acres, and/or _____ sq. ft.
3. Total length of streets included: N/A ft., and/or _____ miles.
4. Total number of lots included: 3
5. Average lot size included: .121 acres
6. Existing land use: Commercial
7. Existing Zoning (circle all that apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
NC CC C-17 C-17L DC LM M
8. Proposed Zoning (circle all the apply): R-1 R-3 R-5 R-8 R-12 R-17 MH-8
NC CC C-17 C-17L DC LM M

*** We are asking for ^{the} conditions to rezoning set forth in Section 2 (1) & (2) of ordinance No. 2615, be removed or modified to allow for ingress/egress onto Foster.*

Proposed Activity Group; _____

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.

*With the growing number of employees of our firm, and customers who visit our firm during business hours Mon. thru Fri, our parking lot is often full. Since we do not have egress out onto Foster and there is nowhere to turn around safely in our parking lot, customers have been seen backing out onto Fourth Street to exit our parking lot. In addition, the Waste Mgmt trucks and ^{the} large trucks from the company we use to shred our documents have been seen driving past our driveway on Fourth Street and backing into our parking lot. In light of the safety concerns and our desire to free up parking spaces on Foster we applied for ^{+ were granted} a permit to allow for egress onto Foster. A lot of our employees currently park on Foster in order to have a straight drive to the courthouse. If we had egress onto Foster we could have these employees park **3** in our lot during business hours.*

Gary I. Amendola
Clayton Andersen
Julie L. Doty*
Jennifer K. Brumley-Moore*
Clark A. Peterson**
Tiffany J. Jensen*

*Also Admitted in Washington
**Also admitted in California & Nevada

AMENDOLA
ANDERSEN &
DOTY PLLC
ATTORNEYS AT LAW

702 N. 4th Street
Coeur d'Alene, Idaho 83814
(208) 664-8225
Fax: 765-1046
email: attorney@aadlawoffice.com

July 23, 2007

HAND DELIVERED

Mr. John Stamsos
Associate Planner
Planning Department
City of Coeur d'Alene

RE: Amendment to Zone Change Application Submitted by
Fourth Street LLC regarding Ordinance No. 2615

Dear Mr. Stamsos:

On June 29, 2007, we submitted a zone change application to the Planning Department requesting the conditions to re-zoning, set forth in Section 2(1) & (2) of Ordinance No. 2615, be removed or modified.

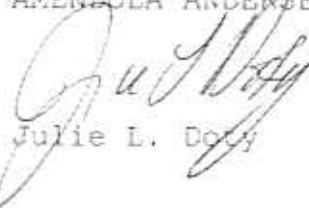
We would also request that Condition #4 of Ordinance No. 2615, "Restrict signage to 4th Street only" be removed or modified.

It is our desire to address all of these issues at the same time.

Thank you in advance for your consideration of this request.

Your truly,

AMENDOLA ANDERSEN & DOTY, PLLC



Julie L. Doty

JLD/srp

Applicant: Amendola, Andersen & Doty, PLLC
Location: 702 N. 4th Street
Request: A modification to Section 2 (1) & (2) of ordinance 2615
allowing for ingress/egress onto Foster Avenue.
QUASI-JUDICIAL (ZC-2-94m)

Associate Planner Stamsos presented the staff report, gave the mailing tally as 4 in favor, 3 opposed, and 2 neutral, and answered questions from the Commission.

Commissioner Luttrupp inquired if staff could explain how this mistake happened, with the applicant requesting to modify the conditions approved at the original hearing.

Deputy City Attorney Wilson explained the history behind the original zone change and how the minutes and the findings reflected differences to the conditions proposed at the original hearing.

Public testimony open.

Steve McCrea, applicant representative, 507 W. Lakeshore Drive, Coeur d'Alene, explained that they did apply for a sign permit and showed a photo of that permit to the Commission. He continued that they were aware of the error between the findings and minutes from the meeting in 1994, but feels that the primary issue is the recent curb cut at the property. He explained the reasons the curb cut was needed, as it would allow access in and out of the property safely, and employees currently parking on the street could park in the lot which would reduce traffic onto Foster Avenue. He commented that he has witnessed trucks backing onto 4th street, because there is not enough room in their parking lot for them to turn around. He added if these changes are approved, it will eliminate this congestion. He commented that the traffic study in this area estimates 50 trips a day, which will be greatly reduced, if approved. He understands that Foster Avenue is considered a collector street, allowing for more traffic. He concluded safety is a concern, and by approving these modifications, it corrects what was previously approved by the Planning Commission, impacting the safety issues.

Commissioner Bowlby questioned if the applicant could explain how these conditions were overlooked.

Mr. McCrea commented that this was unfortunate and that the applicant was not aware of the restriction to put in the ingress and egress since the City approved the permit and felt everything was ok.

Commissioner Bowlby inquired how staff can prevent this kind of incident from occurring again.

Assistant Deputy Attorney Wilson commented what has happened in the past is unfortunate, and that the Commission's decision should be made on the facts presented tonight and not what was done in the past. He suggested that if the Commission wanted, he would discuss the issues associated with this property at a later date, but not tonight.

Commissioner Luttrupp inquired if the building was a new building and if the way the building was designed could have been the problem.

Mr. McCrea commented that he feels a finger can not be pointed on who is to blame, but rather on how the current issues can be resolved.

He explained when this request was originally approved, the conditions were placed as a test to see if they would work, and they do not work.

Commissioner Messina commented since safety is a concern, could a sign could be placed on the property allowing a right turn only.

Mr. McCrea commented they would not be opposed to a right-turn-only sign, but realizes how hard it would be to regulate.

Clayton Anderson 702 N. 4th Street, Coeur d'Alene, commented that he feels his reasons for approval is to promote safety and decrease traffic flows to the area. He added that he was surprised when a stop work notice was posted on this property, since the city had already approved the permits.

Gary Amendola, 702 N. 4th Street, Coeur d'Alene, commented that he would like to address Commissioner Bowlby's question, and explained that in 1994, when the ordinance was passed, that the prior owner was not aware of the conditions proposed with the building. He explained that after reviewing several documents and finding the previous conditions, and realized they needed a permit for egress and ingress. He added that it was not their intent to ignore the law and wants to make it right. He commented that they have had no complaints from the neighborhood and wishes to be a good neighbor.

Julie Doty, 940 Armstrong Drive, Coeur d'Alene, commented that she is the current owner of the building and has worked at this location since 2003. She commented that safety is a concern, and feels the wall located on the property needed to come down for safety reasons. She explained that she has witnessed numerous trucks pulling into the property from 4th Street and having to back out onto the street since there is not enough room for the truck to turn around. She commented that this is dangerous. She agrees that a sign placed on the property for a right turn only on Foster Avenue makes sense, so traffic is eliminated going through the neighborhood.

Commissioner Messina inquired if the ingress/egress was approved by the City Engineer, could staff approve of a right-turn only sign placed on the property.

Engineering Services Director Dobler commented that in the past, a right-turn-only sign was placed as a "feel good" approach to the problem and hard to regulate. He advised that the entry be made wider so that it will be safe.

Commissioner Bowlby inquired if staff is concerned with headlights shining into the resident's homes located directly across from the property.

Engineering Services Director Dobler commented that staff is not concerned with the headlights, but with traffic counts in the area. He explained that the traffic counts in this area were between three and four cars during the peak hours of the day, which is considered low. He added that Foster Avenue is classified as a major collector street, per the Kootenai County Transportation Plan.

Glenn Vaughn, 416 Foster Avenue, Coeur d'Alene, commented that he has lived in this area for many years and is keeping a diary on the day-to-day activities on this property. After the work started, he notified the City to file a complaint, and directly talked with the Mayor, explaining the history behind this property. He was told by the Mayor that the City would call him back after looking into this complaint. He continued that the city did call him back and was told that a stop work order had been posted on the property, which was ignored. He commented that he approached Mr. Amendola about his concerns and was told by Mr. Amendola to get off his property. He added that a condition approved with the original zone change that there would be a 10 p.m. cut off for lights, and that condition has been ignored with the lights on continually.

Commissioner Messina inquired if the lights directly shine onto his property.

Mr. Vaughn explained that the lights do not directly shine on his property and that the outside lighting is recessed. He commented that the problem is the external lights, which are continually on throughout the evening.

Martin Stacy, 424 Foster Avenue, Coeur d'Alene, commented that these modifications should not be approved, and explained that this is an old neighborhood similar to Fortgrounds and should be preserved.

Commissioner Messina inquired if parking has been an issue in the past.

Mr. Stacy explained that it does take some patience to exit onto 4th Street, and commented that there is minimal congestion in the neighborhood. He commented that he does not see any hardship described by the applicant and was surprised that the trees were removed from the property.

Commissioner Messina inquired if there is ample parking for the neighborhood.

Mr. Stacy answered that parking has not been a problem and commented that the applicant has been a good neighbor.

Darren Murphy, 420 E. Foster Avenue, Coeur d'Alene, commented he has lived at his residence for 6 years and is uncomfortable complaining, but feels the neighborhood needs to be protected. He explained that he has a young child and safety is a concern when it comes to traffic. He commented that he feels that the applicant does not have enough reasons to try and change the original conditions and that this request should be denied.

Scott Wenzel, 502 E. Foster Avenue, Coeur d'Alene, commented that he agrees with the neighbors to leave the original conditions alone. He added that he is concerned with the increased traffic in the neighborhood and the encroachment of commercial development into the residential neighborhood.

Susie Snedaker, 821 Hastings, Coeur d'Alene, commented that this is a historical part of town, and that she had lived on 5th street for many years. She added that mid-block is an issue. She added when this request originally came before the Planning Commission, lights were a problem and feels that the original conditions should not be modified for reasons such as lighting. She added that the City should look at a way conditions are added as part of the title so these incidents do not keep happening.

REBUTTAL:

Steve McCrea noted that Mr. Shepard, who lives across the street from this property, approves this request as mentioned in his written testimony and that he sympathizes with the neighborhood. He commented that traffic has changed since the approval of this zone change in 1994, and feels adding this curb cut will not be an impact.

He added that the information in the staff report and testimony from the City Engineer stated that there will be a minimal affect based on the traffic study done by staff.

Commissioner Bowlby questioned if an area could be dedicated on the property for trucks to safely turn around.

Commissioner Jordan commented that this is an unfortunate incident and remembers the reasons for this zone change from the original hearing, and the conditions placed in order to protect the neighborhood. He added that Mr. Shepard, who lives across the street from this property, does not have a problem with this and feels torn on his decision.

Commissioner Bowlby commented that the neighbors see this request as a problem and by approving the ingress and egress; it goes against the neighborhood integrity. She commented

that she needs to think of future planning and is hesitant approve this request and will have to go with the neighbors feelings for this project.

Public testimony closed.

DISCUSSION:

Commissioner Luttrupp commented that he feels the goals for this neighborhood is stability and concurs things have not changed and will not support this request. He added that he feels it would be helpful if staff could give the Commission additional training so this will not happen again in the future.

Chairman Bruning commented that he feels the mistake was made and now the question is how to fix the problem. He added that in 1994, when this zone change was originally heard, the decision for approval was based on a verbal contract made by the City and the neighbors to preserve the neighborhood.

Commissioner Messina concurs, and feels that the changes requested should not be approved. He added that the conditions approved in 1994 were approved for a reason and should not be changed.

Commissioner Bowlby commented that it is unfortunate this has happened, and will want to work with staff to see if future conditions can be placed with properties, so this does not happen again.

Motion by Bowlby, seconded by Luttrupp, to deny Item ZC-2-94m, Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Jordan	Voted	Aye
Commissioner Messina	Voted	Aye

Motion to deny carried by a 4 to 0 vote.

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

A. INTRODUCTION

This matter having come before the City Council on October 16, 2007, and there being present a person requesting approval of ITEM ZC-2-94m, a request for removal or modification to conditions one, two and four of Zone Change ZC-2-94 in the C-17L (Commercial Limited at 17 units/acre) zoning district

LOCATION: +/- 15,769 sq. ft. parcel at 702 North 4th Street

APPLICANT: Amendola, Anderson & Doty, PLLC

**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, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is C-17L (Commercial Limited at 17 units/acre)
- B4. That the notice of public hearing was published on September 29, 2007, and October 9, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on October 8, 2007, which fulfills the proper legal requirement.
- B6. That 66 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on September 28, 2007, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on October 16, 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 **AMENDOLA, ANDERSON & DOTY, PLLC**, 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

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

A. INTRODUCTION

This matter having come before the Planning Commission on, August 20, 2007, and there being present a person requesting approval of ITEM ZC-2-94m, a request for removal or modification to conditions one, two and four of Zone Change ZC-2-94 in the C-17L (Commercial Limited at 17 units/acre) zoning district

LOCATION: +/- 15,769 sq. ft. parcel at 702 North 4th Street

APPLICANT: Amendola, Anderson & Doty, PLLC

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, civic and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is C-17L (Commercial Limited at 17 units/acre)
- B4. That the notice of public hearing was published on, August 4, 2007, and, August 14, 2007, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was posted on the property on, August 13, 2007, which fulfills the proper legal requirement.
- B6. That 66 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on, August 3, 2007, and 9 responses were received: 4 in favor, 4 opposed, and 1 neutral.
- B7. That public testimony was heard on August 20, 2007.

We had a representative for the applicant and the applicants and they gave their reasoning for the change in their request and removal of conditions one, two and four and it was more in terms of safety from their view point and the consideration of large trucks being able to ingress and egress and the flow of traffic out of their office building.

We also had significant testimony from individuals who lived within the neighborhood and theirs was more in terms of they have not seen significant change in the neighborhood and that this is a stable established neighborhood and asked us to look at the long term interests and what had been contracted out in 1994 and again it was always what has changed and what has changed is the ownership of the building from the original but, that does not mean that the configuration needs to change and that the actual trend is towards residential and not more commercial. Also, another comment was made that we have to keep in consideration the historical aspects and heart of our community and think in terms of the residential with the commercial and think in terms of compatible uses.

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

This is a stable established area and what the staff report and comprehensive plan states is:

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

The characteristic of this neighborhood has not changed and the building has not changed.

6A: "Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses."

The original building with the conditions did look at orderly development, did look at compatible public facilities and residential so, that's why I would have to cite policy 6A.

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."

This includes traffic congestion, parking, noise and let's say lights also. This is already a commercial area on 4th Street. To have it go further to keep the barrier is what we are looking at and not to have it bleed into the residential area.

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

This is an old neighborhood. This neighborhood has been around a long time. I would call it one of our "jewels", as far the streets Garden, Foster and there are several but the homes have been kept up quite well and it has a beauty in the community that I would like us to continue with and to protect and respect.

51A5: "Residential neighborhood land uses should be protected from intrusion of incompatible land uses and their effects."

This is a major change for this neighborhood because it lets flow go and we don't know what will happen in the future with this building and with commercial you could have 24 hour use, we don't know, so we have to protect the neighborhood, respect what was done in 1994 and the discourse that has happened because there has not been any significant change in this neighborhood.

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

This is according to the staff report.

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

It eliminates the vegetative cover; it would eliminate the asked for fencing which was brick. Also, in neighborhood testimony there was a change in water flow that would have to have been mitigated and, at this time, you have an adequate grassy swale that potentially could have been removed because of the curb cuts.

- B11. That the proposal would adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because

It was more in terms of the curb cut and the lights and I was more concerned with the ingress and egress and affects of the neighborhood with the lighting, with potential of the uses with the driveway and just being able to access Foster. It is so much easier and the parking lot should go onto 4th because it is commercial and 4th is an arterial and Foster is not, it is a neighborhood arterial, and should not be used for businesses.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of AMENDOLA, ANDERSON & DOTY, PLLC for a zone change, as described in the application should be denied

Special conditions applied are as follows:

1. Provide a 6-foot sight-obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, 2" or more in caliper, planted a distance between centers as determined by the Urban Forestry Committee.
2. Restrict Lot 3 so as not to allow a curb cut.
3. All exterior lights on the property, including illuminated signs and parking lot lights, shall be turned off by 10:00 p.m. As an alternative, parking lot lights may be movement-activated.
4. Illuminated signage to 4th Street only.
5. All refuse areas shall be located and buffered in such a way as to not be visible to residents on adjacent properties to the north and south.

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

ROLL CALL:

Commissioner Bowlby	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Jordan	Voted Aye
Commissioner Messina	Voted Aye

Commissioners Rasor and Souza were absent.

Motion to deny carried by a 4 to 0 vote.


CHAIRMAN JOHN BRUNING

**ZONE CHANGE
APPLICATION FROM
FOURTH STREET LLC
JULY 27, 2007
AMENDOLA ANDERSEN &
DOTY, PLLC
(SUPPLEMENT - EXHIBITS)**

EXHIBIT "1"

RIGHT-OF-WAY ENCROACHMENT PERMIT

City of Coeur d'Alene

Permit No. 1104360-075

☒ Misc work ☐ Sewer connection ☐ Street cut ☒ Approach ☒ Curb/Sidewalk ☐ Utility Co ☐ Centennial Trail

Obstructions ☐ Street/Alley ☒ Sidewalk ☐ Sidewalk seating

UNTIL RESOLVED

Job Address 702 N 4TH ST

Date Issued 05/22/07

Expiration Date 06/21/2007

AKC

OWNER

Name GARY AMENDOLA

Address 702 N 4TH ST, CDA, ID

Phone () 818-5800

APPLICANT

Applicant Leason Custom Homes

Address PO Box 3198 Coeur d Alene Id 83816

Phone (208) 765-2502

FEES	Misc work	\$25.00	Sewer conn.	\$0.00	Street cut	\$0.00	Sidewalk/App/Curb	\$50.00	
			Street/alley	\$0.00	Sidewalk	\$25.00	Sidewalk seating	\$0.00	Total \$100.00

NOTIFICATION REQUIREMENTS: BEFORE PROCEEDING WITH ANY UNDERGROUND EXCAVATION, YOU ARE REQUIRED BY STATE LAW TO PROVIDE 48 HOURS NOTICE TO ALL AGENCIES WHICH OWN OR OPERATE UNDERGROUND UTILITIES (I.C. §55-2203). THE ONE-CALL LOCATOR SERVICE FOR KOOTENAI COUNTY CAN BE CONTACTED AT 1-800-428-4950.

FOR STREET OR ALLEY CLOSURES, YOU MUST NOTIFY THE ADJACENT RESIDENCES/BUSINESSES AND THE FOLLOWING AGENCIES:

Emergency Services (208) 664-2615 • School Transportation (208) 667-3451 • Fire Department (208) 769-2245

INSPECTION REQUIREMENTS: The following inspections are required for this work. Please call the Engineering Division at (208) 769-2285 a minimum of 48 hours in advance to schedule the inspections.

<input checked="" type="checkbox"/> Sidewalk finish	<input checked="" type="checkbox"/> Approach finish	<input checked="" type="checkbox"/> Curb finish	<input type="checkbox"/> Trench pavement patch
<input checked="" type="checkbox"/> Approach forms	<input checked="" type="checkbox"/> Curb forms	<input type="checkbox"/> Trench subgrade (submit compaction test)	

City inspection of the work and work site does not relieve the permittee of the duty to keep the site safe at all times and to perform work in a manner required by City ordinances and other applicable laws.

PAID

MAY 25 2007

COMMENTS / SPECIAL CONDITIONS

PERMIT IS TO CREATE NEW APPROACH/ENTRANCE-EXIT INTO BUSINESS PARKING LOT AS PER ATTACHED PLAN. C.D.A. GROWTH SERVICES

MAINTENANCE OF WORK AREA: All equipment, materials, excavated soil, and any other items related to the work shall be confined within the work area. At the end of each day, the trench shall be backfilled and the work area shall be cleaned of all debris, materials, equipment, etc. except traffic control devices. After completion of the work, the work area must be maintained in a clean and safe condition until the permanent patch is placed.

TRAFFIC CONTROL DEVICES: Traffic control devices shall be placed around the work area in accordance with the MUTCD Manual on Uniform Traffic Control Devices, Section II. A traffic control plan shall be submitted with the encroachment permit and reviewed by the Engineering Division. Traffic control devices shall be maintained in their appropriate location and in good working order until all work is completed. The contractor shall provide the City with a contact person responsible for maintaining the traffic control devices.

WORK HOURS: In residential areas all work will be performed between the hours of 7:00 a.m. and sunset, Monday through Friday, unless authorized by the City Engineer. In all other areas there are no general restrictions on work hours; however, work days shall be limited to Monday through Friday. Work hour restrictions may be required by the City Engineer.

ADA COMPLIANCE: Work in row must comply with requirements of Americans With Disability. Please consult for further info.

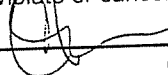
HOLD HARMLESS: Applicant / permittee hereby covenants to protect the City and save the City harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation, or property by reason of the performance of any work done under this permit, character of materials used, or manner of installation, maintenance and operation, or by the improper occupancy of right-of-way or public place or public structure, and in case any suit or action is brought against said City for damages arising out of, or by reason of any of the work or construction done under this permit, the applicant / permittee, its successors or assigns will, upon notice to it of commencement of such action, defend the same at applicant / permittee's sole cost and expense, and will satisfy any judgement after said permit or action shall have been finally determined, if adverse to the City.

WARRANTY: The applicant hereby agrees to warrant all work within the right-of-way against all defects in material or workmanship for a period of three years from the date of this permit. The applicant agrees to correct all such defects to the satisfaction of the City within 30 calendar dates of receipt of notice of such defects. The applicant shall be responsible for all costs associated with the corrections and/or repairs.

Traffic Control Plan Required? ☐ Yes ☒ No Centennial Trail? ☐ Yes ☒ No Cap Fees Paid:

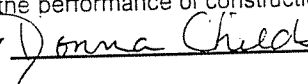
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

SIGNATURE



(APPLICANT / PERMITTEE)

ISSUED BY



Page 1 of 2

CONTRACTOR COPY

EXHIBIT "2"

Leason Custom Homes

PO Box 3198.
Coeur D' Alene, ID 83816
Phone: 208.818.5800



Date	Proposal Number
5-10-2007	1450

Bill To
Amendola Andersen & Doty 702 North 4th St Coeur d Alene ID 83814

P.O Number	Terms	Project
	Due Upon Receipt	702 N. 4th St Coeur d Alene ID

Quantity	Description	Rate	Amount
1	Excavate to accommodate saw cutter		450.00
1	Saw cut curb for apron		550.00
1	Saw cut wall		450.00
	Demo Wall		
	- Excavator		1250.00
	- Breaker		650.00
	- Trucking		1300.00
	- Landfill fees		850.00
	- Labor		450.00
1	Install Culvert per city's request		530.00
1	Install Cross Drain per city's request		550.00
	Relocate Sprinklers		125.00
	Relocate Tree in Blvd		125.00
	Pour Approach and Driveway		2475.00
	Repair Masonry on Wall		475.00
	Top Soil		175.00
	Sod Swale		125.00
	Repair Asphalt if necessary		550.00
	Labor		1350.00
	Profit 10%		1243.00
	*Owners will be responsible for any required bldg plans and permit fees.		
	*Please note: Any unknown utilities or sub-surface items that are uncovered during excavation will be billed additional to this proposal on a time and material + 10% basis.		
	TOTAL		\$ 13,673.00

EXHIBIT "3"

STOP WORK

CITY OF COEUR D'ALENE BUILDING DEPARTMENT

DO NOT REMOVE THIS NOTICE

JOB SITE ADDRESS: 702 North 4th Street

NATURE OF WORK: ☐ NEW ☐ RENOVATION ☐ REPAIR ☐ ADDITION ☐ RE-ROOF
☐ PLUMBING ☐ MECHANICAL ☐ DEMO ☐ OTHER: _____

Description: _____

THIS BUILDING HAS BEEN INSPECTED AND THE FOLLOWING ITEMS FOUND DO NOT
COMPLY WITH CITY ORDINANCES AND/OR BUILDING CODES:

Section 17.09.140 - Conditional Re-Zoning
Violation of Condition #3 of ZC-2-94
Condition #3 - Restrict lot 3 so as to not allow a Curly
Cut.

NO FURTHER WORK SHALL BE DONE
WITHOUT AUTHORIZATION FROM THE BUILDING OFFICIAL:

Continuation of work or removal of this notice is a misdemeanor under Idaho State Code (39-4126),
punishable by fines of not more than \$300 per day and/or imprisonment of not more than 90 days per
offense with each day constituting a separate offense.

DATE

TIME

BUILDING INSPECTOR

-----DETACH HERE-----

In order to obtain authorization to continue work, detach and bring this portion of card with you to the
Coeur d'Alene Building Department, City Hall, 710 E. Mullan Ave., Coeur d'Alene 208-769-2267.

Resumption of work at _____
Job Address

Is hereby authorized _____
Building Official Date

EXHIBIT "4"



CITY OF COEUR D'ALENE

PLANNING

Post-it® Fax Note 7671		Date 6-1-07	# of pages 1
To Gary Amendola		From John Stawson	
Co./Dept.		Co.	
Phone #		Phone # 769-2271	
Fax # 765-1046		Fax #	

May 18, 1994

Chris Bates 769. 2228

Mr. John Beutler
618 N. 4th Street
Coeur d'Alene, Idaho 83814

Re: Item ZC-2-94: Request for Zone Change from R-17 to C-17-L
Location: Northeast corner of 4th and Foster

Dear Mr. Beutler:

On May 17, 1994, the Coeur d'Alene City Council, by a vote of 5 to 0, approved a zone change from R-17 (multi-family residential at 17 units/acre) to C-17-L (limited commercial) for the above-referenced property. The approval contained the following conditions:

1. Provide a 6-foot sight-obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, 2" or more in caliper, planted a distance between centers as determined by the Urban Forestry Committee.
2. Restrict Lot 3 so as not to allow a curb cut.
3. All exterior lights on the property, including illuminated signs and parking lot lights, shall be turned off by 10:00 p.m. As an alternative, parking lot lights may be movement-activated.
4. Restrict signage to 4th Street only.
5. All refuse areas shall be located and buffered in such a way as to not be visible to residents on adjacent properties to the north and south.

The aforementioned conditions will be required to be met during the building permit process.

Action on the official zone change ordinance should begin at the June 7, 1994, City Council meeting. After three readings and publication, the actual zone change will take effect. Attendance is not required, but please exercise your own discretion.

Mr. John Beutler
May 18, 1994
Page Two

A copy of the City Council's Findings and Order (decision) will be available from this department if you would like to have a copy. Should you have any questions in the meantime please do not hesitate to contact us.

Sincerely,

Jean A. De Barbieris
JEAN A. DE BARBIERIS
Associate Planner

JDB:daw

[B:ZC294.3/FORMLTRS.WP]

EXHIBIT "5"

ORDINANCE NO. 2615

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-17 (RESIDENTIAL AT 17 UNITS/ACRE TO C-17-L AND PLACING CERTAIN CONDITIONS UPON THE PROPERTY, SAID PROPERTY BEING DESCRIBED AS FOLLOWS, TO WIT: THE SOUTH 105 FEET OF LOTS 1, 2, AND 3, BLOCK 4, TOWN OF COEUR D'ALENE AND KINGS ADDITION, KOOTENAI COUNTY, IDAHO; MORE COMMONLY KNOWN AS THE NORTHEAST CORNER OF FOURTH STREET AND FOSTER AVENUE (.361 ACRES), CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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

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

Section 1

That the following described property, to wit:

THE SOUTH 105 FEET OF LOTS 1, 2, AND 3, BLOCK 4, TOWN OF COEUR D'ALENE AND KINGS ADDITION, KOOTENAI COUNTY, IDAHO; MORE COMMONLY KNOWN AS THE NORTHEAST CORNER OF FOURTH STREET AND FOSTER AVENUE (.361 ACRES), CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; be and the same is hereby changed and rezoned from R-17 (residential at 17 units/acre) to C-17-L (limited commercial).

Section 2

That the following conditions to rezoning are placed upon the rezone of the property:

1. Provide a six (6) foot sight obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, two (2) inches or more in caliper, planted at a distance between centers as determined by the Urban Forestry Committee.
2. Restrict lot 3 so as not to allow a curb cut.

3. All exterior lights on the property, including illuminated signs and parking lot lights, shall be turned off by 10:00 P.M. As an alternative, parking lot lights may be movement-activated.
4. Restrict signage to 4th Street only.
5. All refuse areas shall be located and buffered in such a way as to not be visible to residents on adjacent properties to the north and south.

Section 3

That the Zoning Act of the city of Coeur d'Alene, known as Ordinance No. 1691, Ordinances of the city of Coeur d'Alene, be and the same is hereby amended as set forth in Section 1 hereof.

Section 4

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

Section 5

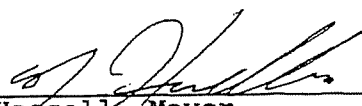
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6

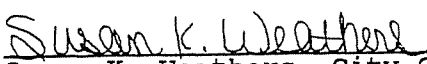
This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation published within the city of Coeur d'Alene and the official newspaper thereof.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the city of Coeur d'Alene at a regular session of the City Council, June 7, 1994.

APPROVED by the Mayor this 7th day of June, 1994.


A. J. Hassell, Mayor

ATTEST:


Susan K. Weathers, City Clerk

PUBLISHED

June 15, 1994

EXHIBIT "6"

PLANNING COMMISSION AGENDA

APRIL 12, 1994

COMMISSIONERS PRESENT

John Bruning, Chairman
 Steve Badraun
 Jeanine Burton
 Barb Christofferson
 Chris Copstead
 Dee Jameson
 Gordon Longwell

STAFF MEMBERS PRESENT

Jean DeBarbieris, Associate Planner
 Dee Ann Walker, Planning Secretary
 Steve Frampton, Asst. City Attorney
 Gordon Dobler, City Engineer

COMMISSIONERS ABSENT

Wally Adams
 Brad Jordan

OPENING:

Chairman Bruning opened the meeting at 6:08 p.m.

STAFF COMMENTS:

A. REPORT ON PUBLIC WORKS ACTION

Engineer Dobler reported that the City Council had requested the Public Works Department to prepare ordinance revisions that would require all deviations from street standards to be approved by the Council. This would remove the current authority from the Planning Commission as part of PUD's or preliminary plat approvals. Additionally, the City Council expressed interest in reviewing all requests for cul-de-sacs.

Staff clarified for the Commission that any changes in the regulations governing the current approval process would have to be acted upon by the Commission and forwarded to the Council with a recommendation.

B. COMMENTS FROM THE PLANNING DEPARTMENT

1. REPORT ON CITY COUNCIL ACTION

Planner De Barbieris noted that the Council had approved Item A-1-94, the request of Unity Church of North Idaho for an R-3 zoning in conjunction with annexation.

Ms. De Barbieris also reported that Item SP-14-93, special use permit for the Nazarene Church, had been heard on appeal by the City Council for the purpose of having the two right-of-way conditions removed. The Council agreed to remove only one condition having to do with additional right-of-way on Timber Lane.

Ms. De Barbieris then informed the Commission that the City Council had scheduled a joint workshop with the Council on the Comprehensive Plan for April 27, 1994, from 5:30 p.m. to 7:30 p.m.

2. SCHEDULE OF UPCOMING MEETINGS

Ms. De Barbieris also noted that the Commission was continuing its work of the Bed and Breakfast Regulations, and would hold its next meeting at noon on Monday, April 18, 1994. She noted that Commissioners who were not present at tonight's meeting would be notified of the Bed and Breakfast meeting.

The Planner also informed the Commission that an additional public hearing had been scheduled for April 26, 1994, due to unfortunate misplacement of an application.

3. INTERPRETATION FOR COMMERCIAL RECREATION PARKING REQUIREMENTS

Planner De Barbieris presented the recommendation. The Commissioners questioned Mr. Dobler about existing facilities, adequacy of paved area at the proposed location, and

requirements in the Ordinance for similar uses.

Motion by Badraun to accept the recommendation of 2.5 spaces per 1000 sq. ft., seconded by Christofferson; motion carried unanimously.

C. COMMENTS FROM LEGAL DEPARTMENT

Attorney Frampton, responding to an inquiry from Commissioner Copstead regarding the "Avon Lady," stated that the discovery process was taking place, after which, the Judge would decide to proceed with trial or a hearing on the complaint.

OLD BUSINESS:

ITEM NO. S-10-92
(Administrative)

Final plat approval "The Village"
Applicant: Stan Huffaker
Location: West side of 4th St., south of
Whispering Pines Lane

Commissioner Jameson declared a conflict of interest and left the room.

City Engineer Dobler presented an abbreviated report and responded to questions from Commissioner Badraun who wondered if any substantial changes had taken place in the area; specifically pointing to the Ulrich Ranch annexation.

Stan Huffaker, 315 Garden, stated for clarification purposes that the name of the subdivision was "The Village," not "The Village of Coeur d'Alene."

Motion by Badraun, seconded by Longwell, to approve the final plat and adopt conditions listed in the staff report; motion carried unanimously.

Commissioner Jameson returned to the meeting.

ITEM NO. S-6-93
(Administrative)

Final plat approval "Wide Horizons 1st Addition"
Applicant: Kelly Gorden
Location: Columbus Avenue

City Engineer Dobler presented an even "briefer" report on this request and answered any questions from the Commission.

Dave Wright, 5771 Isabella, thanked the Commission for its original denial of this item and urged the Commission to be cautious in granting the final plat since there had been rumors that the agreement (limiting it to duplexes) was going to be changed.

Discussion ensued on the additional conditions applied by Council and consideration given to the CC&R stipulation.

Motion by Longwell, seconded by Jameson, to approve the final plat affirming the remaining conditions, adding that the staff verify that the CC&R's reflect the conditions imposed by the City Council of the location of the triplexes prior to recordation of the final plat; motion carried unanimously.

ITEM NO. S-5-92
(Administrative)

Extension of preliminary plat approval
"Hoffman 3, 4, 5 Additions"
Applicant: North Idaho Engineering
Location: 15th and Margaret

Planner De Barbieris gave a very brief report. Discussion ensued as to the missed extension, the nature of this extension and the maximum time period for all extensions.

Motion by Badraun, seconded by Jameson, to grant a second six-month extension to S-5-92; motion carried unanimously.

ITEM NO. S-5-93
(Administrative)

Extension of preliminary plat approval
"Trinity Estates"
Applicant: North Idaho Engineering
Location: Dalton and Hoffman

Planner De Barbieris gave the briefest report.

Motion by Christofferson, seconded by Burton, to grant the first six-month extension to S-5-93; motion carried unanimously.

NEW BUSINESS:

ITEM NO. ZC-2-94
(Quasi-judicial)

Requested zone change from R-17
to C-17-L
Applicant: John Beutler
Location: NEC 4th and Foster

Planner De Barbieris summarized the request and the staff report, noting that there were a number of conditions that the Commission might choose to consider after public testimony was heard. She also gave the mailing tally and distributed copies of written comments.

John Beutler, 3804 Shoreline Drive, was sworn in and noted that compatibility with existing land uses in the area was the main issue. He noted that the three other corners were commercial.

Dean Roland, 417 Garden, was sworn in and stated that he wanted to see specific plans for the property.

Chairman Bruning noted that the Commission should not look at specific plans for building designs, but should only look at the allowable land uses in the proposed districts.

Commissioner Jameson noted that the only way to know specifically what would be built was through the PUD process, and that the Ordinance did not allow that on such a small piece of property.

Glenn Vaughn, 416 Foster Avenue, was sworn in and stated that he might well be in favor of the request, but was uncomfortable with giving a blank check. He noted opposition to restricting access to Foster, and discussed past problems with school children walking to school in the street. Mr. Vaughn was questioned as to any particular uses that he objected to in the C-17-L district, and was given time to review those uses.

Martin Stacey, 424 Foster Avenue, was sworn in and stated that the Commission should look at which compelling reasons in the Comprehensive Plan support the request. He addressed traffic and noted the recent traffic accident involving a child.

Mr. Vaughn was recalled to testify, and noted that he would have some concern with the traffic generated by banks and financial institutions, and asked what a rehabilitative facility was. Dialogue ensued.

John Beutler spoke in rebuttal noting his willingness to cooperate with the neighbors. He answered questions from the Commission as to possible conditions.

Motion by Copstead, seconded by Jameson, to approve Item ZC-2-94.

Chairman Bruning sympathized with the neighbors and related that he had been in a similar situation many years ago. The commercial re-zone that he and his neighbors successfully resisted would probably have been preferable to the multi-family use that was built on the property instead.

Commissioner Badraun made a motion to amend the motion by the addition of the following conditions; seconded by Burton for the sake of discussion:

- 1) Illuminated signage facing 4th Street only; all other signs to be non-illuminated.

Discussion ensued. The question was called.

ROLL CALL: On Amendment #1:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Aye
Commissioner Christofferson	Voted Aye
Commissioner Copstead	Voted Aye
Commissioner Jameson	Voted Aye
Commissioner Longwell	Voted Aye

Motion to approve Amendment #1 carried by a vote of 7 to 0.

- 2) All machinery to service the site prohibited on the east and north sides of the site; namely, compressors, all HVAC systems, etc.

Discussion ensued. The question was called.

ROLL CALL: On Amendment #2:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Nay
Commissioner Christofferson	Voted Nay
Commissioner Copstead	Voted Nay
Commissioner Jameson	Voted Nay
Commissioner Longwell	Voted Nay

Motion to approve Amendment #2 failed by a vote of 6 to 1.

- 3) All garbage pick-up areas shall be restricted to the front half of the property near the corner of 4th and Foster.

Discussion ensued. The question was called.

ROLL CALL: On Amendment #3:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Nay
Commissioner Christofferson	Voted Aye
Commissioner Copstead	Voted Nay
Commissioner Jameson	Voted Aye
Commissioner Longwell	Voted Nay

Chairman Bruning	Voted Aye (tie breaker)
------------------	-------------------------

Motion to approve Amendment #3 carried by a vote of 4 to 3.

The question on the Main Motion was called.

ROLL CALL: On the Main Motion:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Aye
Commissioner Christofferson	Voted Aye
Commissioner Copstead	Voted Aye
Commissioner Jameson	Voted Aye
Commissioner Longwell	Voted Aye

Motion to approve Item ZC-2-94 carried by a vote of 6 to 0.

A ten-minute recess was called. Commissioner Longwell left the hearing at 8:00 p.m.

ITEM NO. ZC-3-94
(Quasi-judicial)

Requested zone change from MH-8
to C-17
Applicant: Kenneth Clark
Location: Fruitland Lane

Planner De Barbieris gave a brief report, the mailing response tally and distributed copies of written comments.

Michael Reagan, 213 Lakeview Drive, was sworn in and discussed the reasons for the C-17 zoning, noting that the creation of the Neider Avenue extension would change the character of the area to such an extent that commercial zoning would be the only district that would be compatible with the corridor. He responded to questions from the Commission.

Motion by Badraun, seconded by Christofferson, to deny the request without prejudice.

ROLL CALL:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Aye
Commissioner Christofferson	Voted Aye
Commissioner Copstead	Voted Nay
Commissioner Jameson	Voted Aye

Motion to deny without prejudice carried by a vote of 4 to 1.

ITEM NO. SP-3-94
(Quasi-judicial)

Requested manufacturing special use permit
Applicant: Glenn Kinloch
Location: 3210 Government Way

Planner De Barbieris gave a brief report, the mailing response tally and distributed copies of written comments.

Glen Kinloch, 4301 Ramsey Road, was sworn in and addressed the site plan given to the Commission. He spoke to the building currently being erected on the property, noting that all buffering and parking requirements were being met as a result of that permit.

Motion by Jameson, seconded by Copstead, to approve Item SP-3-94.

ROLL CALL:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Aye
Commissioner Christofferson	Voted Aye
Commissioner Copstead	Voted Aye
Commissioner Jameson	Voted Aye

Motion to approve Item SP-3-94 carried by a vote of 5 to 0.

ITEM NO. A-3-94
(Legislative)

Requested zoning prior to annexation
Applicant: City of CDA and the Hudson
Estate
Location: NWC Kathleen/Ramsey

Planner De Barbieris gave a brief report, the mailing response tally and distributed copies of written comments.

John Austin, 3560 W. Estate Drive, stated that he was representing the Mayor and City Council as co-applicant of the annexation request in order to acquire the necessary right-of-way for the improvements planned for Kathleen and Ramsey.

Craig Nelson, 11970 Kelly Rae Drive, gave a brief history of the reason this request has come forward, and spoke to the issue of the particular zoning requested.

Jack Beebe, 4250 Whitetail Crossing, testified in favor of the request stating that the Trustee had an obligation to the Hudson Estate to develop the property with the best

return for the estate, and keeping in mind the character of the existing surrounding neighborhoods.

Gary Rahm, 3847 Palmer, spoke in favor of the annexation and the R-8 designation. He did speak in opposition to the proposed R-17 and the C-17 designations.

Rod Burnell, 3867 Player Drive, supported a C-17-L designation instead of C-17. He did not support the R-8, calling for an R-5, and would like to see changes to the other districts requested to a lesser density.

Pauline Rahm wished to go on record in opposition to the request, but did not wish to testify.

Gary Carnes, 3837 Palmer Drive, told the Commission that he was an employee of First Security Bank, but that he was speaking as a resident of the affected area and not as a bank employee. He spoke in support of the proposed zoning.

Bruce Market, 1938 Hogan, stated that this area had become too dependent on the construction industry. He noted that homeowners would cast the deciding votes at the next election, not the construction industry, because there were many more homeowners than workers: "alienated homeowners will become alienated voters."

Jim Duff, 3882 Player Drive, spoke in favor of the request, but expressed concerns about the R-17 and, specifically, the C-17 designation's incompatibility with the surrounding area.

Ruth Longacre and Mary McDaniel wished to go on record in opposition, but did not wish to testify.

Dave Wright, 5771 Isabella Drive, stated that the neighborhood had come before the Planning Commission last October to discuss development rights and issues in that neighborhood and at the same time discussed retail opportunities that were occurring across the street (Ramsey Road) and approval of a retail outlet in Oak Crest. He further stated that he hoped Ramsey Road would not turn into another Highway 95; he addressed the intersection of Ramsey and Kathleen being signalized, and that although he supported the annexation, he did not want to see a commercial corridor begin to materialize in that area, especially with the church and school nearby.

Bob Larimore, 5749 Isabella Drive, testified in opposition stating that the usual trend was that one business begot another and so on and did not wish to see the area change, and urged the Commission to take a hard look at this when making their decision.

Rich McKernan wished to go on record in favor, but did not wish to testify.

Holly Duff wished to go on record in opposition, but did not wish to testify.

Wendell Olson, 510 Shore Pines Court, Post Falls, spoke in opposition.

Craig Nelson spoke in rebuttal stating that the C-17-L was possibly the best zone for that southwest corner at the time it came before the Planning Commission 18 months ago, and that because of the development in that area, a C-17 district was not inappropriate and would be minimized shortly with a new development that will act as a buffer on the south side of Kathleen.

Motion by Christofferson, seconded by Jameson, to approve Item A-3-94.

Discussion ensued and centered on the C-17 designation.

ROLL CALL:

Commissioner Badraun	Voted Aye
Commissioner Burton	Voted Aye
Commissioner Christofferson	Voted Aye
Commissioner Copstead	Voted Nay
Commissioner Jameson	Voted Aye

Motion to approve the requested zoning designations of Item A-3-94 carried by a vote of 4 to 1.

ITEM NO. 0-3-94
(Legislative)

Proposed amendments to Zoning Ordinance
re: "Rule of Gittel" nonconforming uses

Motion by Jameson, seconded by Burton, to continue this item to April 26, 1994, at 6:00 p.m.; motion carried unanimously.

SHORT PLATS:

ITEM NO. SS-5-94
(Administrative)

Proposed short plat: "Freewater II"
Applicant: Kelly Gorden
Location: Honeysuckle and Lunceford

Engineer Dobler presented the staff report.

Motion by Jameson, seconded by Christofferson, to approve with findings and conditions; motion carried unanimously.

ADJOURNMENT/CONTINUATION:

Motion by Burton, seconded by Christofferson, to continue the meeting to April 18, 1994, at noon for the purpose of discussing Bed and Breakfast Regulations; motion carried unanimously.

The meeting recessed at 10:25 p.m.

Respectfully submitted,

JEAN A. DE BARBIERIS
Clerk of the Commission

EXHIBIT "7"

MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD IN CITY HALL, MAY 17, 1994 AT 7:00 P.M.

The Mayor and Council of the City of Coeur d'Alene met in regular session of said Council at City Hall, May 17, 1994 at 7:00 p.m., there being present upon roll call the following members:

A. J. Hassell, III, Mayor

Nancy Sue Wallace)	Members of Council Present
Michael G. McDowell)	
Kevin Packard)	
Dan English)	
Loren R. Edinger)	
Dixie Reid)	

Ken Thompson, City Administrator
Jeff Jones, City Attorney
Susan Weathers, City Clerk

THE MEETING WAS CALLED TO ORDER by Mayor Hassell.

THE PLEDGE OF ALLEGIANCE was led by Councilwoman Reid.

INVOCATION led by Councilman Packard.

PUBLIC HEARING - O-7-93 - STORMWATER MANAGEMENT REGULATIONS: Mayor Hassell noted that it has been recommended by staff that this public hearing be continued to June 21, 1994. Mayor Hassell called for public comments with none being received. Motion by Edinger, seconded by Wallace to continue this public hearing to June 21, 1994. Motion carried.

PUBLIC HEARING - PROPERTY EXCHANGE WITH MR. PETERSON ON MEDINA AVENUE: City Attorney reported that this is the result of negotiations with Mr. Peterson to exchange certain property in order to complete the access to the North Idaho Cancer Center through Medina Avenue. Mayor Hassell called for public comments with none being received.

RESOLUTION 94-133

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH WILLIAM L. PETERSON AND FLORENCE PETERSON, HUSBAND AND WIFE.

Motion by Edinger, seconded by Packard to adopt the foregoing resolution.

ROLL CALL: English, Aye; Wallace, Aye; McDowell, Aye; Packard, Aye; Reid, Aye; Edinger, Aye. Motion carried.

V-94-1 - VACATION - BLOCK 10, ROCHE PARK ADDITION: Mayor Hassell announced that this is a public hearing continued from May 3, 1994 regarding the vacation request at Roche Park Addition. City Engineer, Gordon Dobler, presented a revised map indicating the locations of respondents to the vacation request.

Public Comments: Richard Breightenberg, 1407 N. 12th presented a petition which had been signed by 56 residents who opposed the proposed vacation. Jan Sylte, E. 11400 Nunn Rd., Athol, spoke on behalf of the applicant and in favor of the proposed vacation.

Motion by Edinger, seconded by English to deny the vacation. ROLL CALL: Edinger, Aye; Packard, No; English, Aye; McDowell, Aye; Wallace, No; Reid, No; Mayor Hassell, Aye. Motion carried by the tie-breaking vote of Mayor Hassell.

PUBLIC HEARING - A-3-94 - ZONING/ANNEXATION - HUDSON PROPERTY AT THE NW CORNER OF KATHLEEN AND RAMSEY ROAD: Mayor Hassell gave the rules of order for this public hearing. Jean DeBarbieris, Associate Planner, gave the staff report.

Ms. DeBarbieris gave the applicant's name as First Security Band, Trustee for the Hudson Estate, Craig Nelson, representative, the location as approximately 42 acres located at the northwest corner of Ramsey Road and Kathleen Avenue and the reason for the request as annexation with zoning at R-8, R-17 and C-17.

She briefly reviewed the staff report noting the location of each requested zoning designation. She reported that on April 12, 1994 the Planning Commission recommended approval of the zoning with no conditions being applied to this request.

Ms. DeBarbieris stated that a total of 272 notices were mailed with a total of 11 responses, 5 in favor, 5 opposed and 1 neutral. She distributed written comments for Council review.

Public Comments: Craig Nelson, 11970 Kelly Ray Dr., Hayden Lake, spoke on behalf of the applicant.

Jack Beebe, 4250 White Tail Crossing, Cd'A, John Austin, 3560 W. Estate Dr. Cd'A, spoke in support of the proposed annexation and zoning. Gary Rahm, 3847 Palmer Dr., Cd'A and Deanne Goodlander, 2901 Ramsey Rd., Cd'A spoke in opposition to the C-17 zoning designation.

Motion by Reid, seconded by Packard to approve the annexation as described with the requested zoning and to adopt the Findings and Order of the Planning Commission. ROLL CALL: Edinger, No; English, Aye; McDowell, No; Packard, Aye; Reid, Aye; Wallace, Aye. Motion carried.

RESOLUTION 94-138

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN ANNEXATION AGREEMENT WITH FIRST SECURITY BANK, N.A., AS TRUSTEE OF THE HUDSON TRUST.

Motion by Packard, seconded by Reid to adopt the foregoing resolution.

ROLL CALL: Wallace, Aye; McDowell, Aye; English, Aye; Reid, Aye; Edinger, No; Packard, Aye. Motion carried.

ORDINANCE NO. 2608

AN ORDINANCE ANNEXING TO AND DECLARING TO BE A PART OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO SPECIFICALLY DESCRIBED PORTIONS OF SECTION 34, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE COEUR D'ALENE COMPREHENSIVE PLAN MAP DESIGNATION THEREON; CHANGING THE ZONING MAPS AND THE COMPREHENSIVE PLAN MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.180, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #7; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

Motion by Reid, seconded by Packard to pass the first reading of Ordinance No. 2608.

ROLL CALL: Reid, Aye; Edinger, No; English, Aye; Wallace, Aye; Packard, Aye; McDowell, Aye. Motion carried.

Motion by Packard, seconded by Reid to suspend the rules and to adopt Ordinance No. 2608 by its having had one reading by title only.

ROLL CALL: Reid, Aye; Edinger, No; English, Aye;
Wallace, Aye; Packard, Aye; McDowell, Aye.
Motion carried.

RECESS: Mayor Hassell called for a recess at 8:28
p.m. The meeting reconvened at 8:40 p.m.

PUBLIC HEARING - ZC-2-94 - ZONE CHANGE AT 4TH AND
FOSTER: Mayor Hassell read the rules of order for
this public hearing. Councilman English declared a
conflict of interest. Jean DeBarbieris, Associate
Planner, gave the staff report.

Ms. DeBarbieris gave the applicant's name as John
Beutler, the location as the first four lots on the
northeast corner of 4th and Foster and the reason
for the request as a zone change from R-17 to C-
17-L.

She went on to give a brief summary of the staff
analyses of land use/neighborhood characteristics,
comprehensive plan and zoning. She reported that
the Planning Commission recommended approval of the
zone change with the following recommended
conditions:

1. Provide a 6-foot sign obscuring fence on the
east and north ends of the property together with a
dense vegetative screen, including a minimum of
five columnar deciduous trees, 2" or more in
caliper, planted at a distance between centers as
determined by the Urban Forestry Committee;
2. No light that may unreasonably affect the
neighborhood may be placed on the Foster Avenue
frontage;
3. Restrict illuminating signage on 4th Street
only; all other signs to be nonilluminated;
4. Locate all refuse areas as far on the western
half of the property as reasonably possible.

Ms. DeBarbieris reported that a total of 81
mailings were sent with a total of 15 responses, 10
in favor, 4 opposed, and 1 neutral. She
distributed copies of written responses to the
Council for their review.

Public Comments: John Beutler, 3804 Shoreline Dr.,
Post Falls, spoke as applicant. Those speaking in
opposition to the requested zone change were Martin
and Carol Stacey, 424 Foster, Cd'A and Glenn
Vaughn, 416 Foster, Cd'A.

Motion by Reid, seconded by Edinger to approve the
zone change and to adopt the Findings and Order of
the Planning Commission with the following
conditions: 1) To provide a 6-foot sight obscuring

fence on the north, east and on the easterly 75 feet of the southern end of the property together with a dense vegetative screen, including a minimum of five columnar deciduous trees, 2" or more in caliper, planted at a distance between centers as determined by the Urban Forestry Committee; 2) No curb cuts on the eastern 75 feet of the south end of the property running along Foster Avenue; 3) No light that may unreasonably affect the neighborhood may be placed on Foster Avenue frontage and all lights are to be turned off at 10 p.m. and lighting is to include a system that turns off the parking lot lights at night; 4) Restrict illuminating signage to 4th Street only; 5) Refuse area is to be buffered so that it is not visible to the residents on Foster or to the residents on the north property line.

Motion by McDowell, seconded by Packard to amend the motion to change the condition of providing a vegetative barrier on the south to the eastern 50 feet or Lot 3 and that the condition of no curb cuts is also to be restricted to the eastern 50 feet of the southern property line. Motion carried with Reid and Wallace voting no.

ROLL CALL ON AMENDED MOTION: Edinger, Aye; English, Abstain; McDowell, Aye; Packard, Aye; Reid, Aye; Wallace, Aye. Motion carried.

Findings and Order and other details of this public hearing can be found in the transcript file in the City Clerk's Office.

PUBLIC HEARING - ZC-3-94 - APPEAL HEARING FOR ZONE CHANGE AT FRUITLAND LN./HOWARD STREET: Mayor Hassell read the rules of order for this public hearing. Councilwoman Reid declared a conflict of interest. Jean DeBarbieris, Associate Planner, gave the staff report.

Ms. DeBarbieris gave the applicant's name as Kenneth and Barbara Clark, the location as the property situated between Fruitland Lane and Howard Street directly west of the end of Neider Avenue and the reason for the request as an appeal to the denial of a zone change from MH-8 to C-17.

She reported that a total of 67 notices were mailed with a total of 9 responses, 3 in favor, 4 opposed and 2 neutral. A copy of the written responses were distributed to the Council for their review.

Public Comments: Mike Reagan, 213 Lakeview Dr., representing the applicant spoke on behalf of same.

Motion by Packard, seconded by English to deny the requested zone change and to adopt the findings and order of the Planning Commission. ROLL CALL: Edinger, Aye; English, Aye; McDowell, Aye; Packard, Aye; Reid, Aye; Wallace, Abstain. Motion carried.

Motion by Reid, seconded by Packard to refer this item back to the City Council for a possible zone change to C-17-L on June 7, 1994. ROLL CALL: Edinger, Aye; English, Aye; McDowell, Aye; Packard, Aye; Reid, Aye; Wallace, Abstain. Motion carried.

VOLUNTEERS FOR CITY COMMITTEES REQUESTED: Mayor Hassell noted that several openings are becoming available on various City committees and asked any Council who may have a recommendation and or anyone interested in volunteering to contact him.

ADMINISTRATOR'S REPORT: City Administrator Ken Thompson requested the Council set a public hearing date for 0-4-94. He also announced that the next General Services Committee meeting will be held May 24th at 5:00 p.m. and the next Public Works Committee meeting will be held May 23rd at 7:00 p.m.

SETTING OF PUBLIC HEARING - 0-4-94: Motion by Reid, seconded by Packard to set the public hearing for 0-4-94 (Amending the subdivision regulations) for June 7, 1994. Motion carried.

RESOLUTION 94-128

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH MAHON AND SONS, AUCTIONEERS.

Motion by Edinger, seconded by English to adopt the foregoing resolution.

ROLL CALL: Packard, Aye; Wallace, Aye; McDowell, Aye; English, Aye; Reid, Aye; Edinger, Aye. Motion carried.

SURPLUS PROPERTY: Motion by Edinger, seconded by Packard to declare the listed property as surplus to the City's need and directed staff to dispose of it at auction or as scrap as recommended. Motion carried.

RESOLUTION 94-134

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE PURCHASE OF A CANON NP2120 COPIER.

Motion by Edinger, seconded by English to adopt the foregoing resolution.

ROLL CALL: Edinger, Aye; English, Aye; McDowell, Aye; Packard, Aye; Reid, Aye; Wallace, Aye. Motion carried.

NATIONAL SOFTBALL TOURNAMENT APPLICATION: Motion by Edinger, seconded by Packard to approve the national tournament committee's bid for the 1996 Major Co-Ed Softball Tournament as requested. Motion carried.

SKATEBOARD PARK/MEMORIAL FIELD: Motion by Edinger, seconded by English to approve staff's proposed solutions to the access problems in the Garden Avenue East right-of-way and that Ms. Fahey's driveway be marked with appropriate "no parking" signage and provide for parallel parking along the fence. Motion carried.

RESOLUTION 94-135

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING CHANGE ORDER #7 TO THE CONTRACT WITH ELLSWORTH PECK CONSTRUCTION FOR WASTEWATER TREATMENT PLANT EXPANSION, PHASE 3C REPACKAGED.

Motion by Reid, seconded by McDowell to adopt the foregoing resolution.

ROLL CALL: Reid, Aye; Edinger, Aye; English, Aye; Packard, Aye; Wallace, Aye; McDowell, Aye. Motion carried.

CURB AND GUTTER INSTALLATION - WEST 650 CLAYTON AVENUE: Motion by Reid, seconded by McDowell to require Mr. Patzer to sign an agreement stating that he will install curb and sidewalk either at the time of the formation of an LID or further development in the area including installation of curbs and direct staff to prepare an ordinance change to allow areas zoned M and LM not to be required to do site improvements if site is developed prior to annexation but to require curbs and sidewalks when an L.I.D. is formed. ROLL CALL: Edinger, Aye; Packard, No; English, Aye;

McDowell, Aye; Wallace, Aye; Reid, Aye. Motion carried.

PURCHASE - STREET STRIPING EQUIPMENT: Motion by Reid, seconded by Wallace to approve the purchase of a paint striping unit to be mounted on a one-ton truck at a cost of \$26,200.00. Motion carried.

STREET IMPROVEMENTS - NW BLVD. AND DAVIDSON AVE.: Motion by Reid, seconded by Wallace to direct staff to continue with the development of the project and to contact the State concerning who will have jurisdiction of this project. ROLL CALL: Edinger, No; Packard, Aye; English, Aye; McDowell, No; Wallace, Aye; Reid, Aye. Motion carried.

BID SPECIFICATIONS - 1994 STREET OVERLAY: Motion by Reid, seconded by Wallace to approve the final list of streets for the 1994 Overlay Project and authorize staff to advertise for bids. Motion carried.

RESOLUTION 94-137

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT WITH COEUR D'ALENE ANSWERING SERVICE, INC. DBA PASS WORD.

Motion by McDowell, seconded by Wallace to adopt the foregoing resolution.

ROLL CALL: English, Aye; Wallace, Aye; McDowell, Aye; Packard, Aye; Reid, Aye; Edinger, Aye. Motion carried.

RESOLUTION 94-139

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO APPROVING RIGHT-OF-WAY CONTRACTS AND ACCEPTING GRANTS OF RIGHTS-OF-WAY BY DEED AND/OR PERMANENT EASEMENT ON RAMSEY ROAD FROM Z CORPORATION, WILLIAM ZANETTI, LARRY COON AS TRUSTEE OF THE TRUST OF FRED W. COON, SUSAN JANE SCHREIBER, THE WASHINGTON WATER POWER COMPANY, LUTHERAN CHURCH OF THE MASTER, INC., WILD FLOWER DEVELOPMENT, INC., UNITED METHODIST CHURCH, INC., RICHARD ANDREWS LAPOINTE AS TRUSTEE OF THE UAD, ROBERT W. YANDT AND BARBARA MAE YANDT, AND COEUR D'ALENE PUBLIC GOLF COURSE, INC.

Motion by Packard, seconded by English to adopt the foregoing resolution.

ROLL CALL: English, Aye; McDowell, Aye; Wallace, Aye; Packard, Aye; Reid, Aye; Edinger, Aye.

Motion carried.

CONSENT CALENDAR: Motion by Packard, seconded by Edinger to approve the Consent Calendar as presented and which contained the following items:

1. Approval of minutes for April 17, May 3, 1994.
2. Correction to May 3 minutes, page 7, to include Councilman McDowell in voting no on denying the Waiver for St. Vincent DePaul.
3. Approval of bills as submitted and on file in the City Clerk's office.
4. Approval of SS-14-93 - Short Plat for Garden Park Subdivision.
5. Approval of motorized mobile food concession for American Legion Baseball.
6. Approval of Taxi Driver license for David Barton, Jr.

ROLL CALL: Reid, Aye; Edinger, Aye; English, Aye; Wallace, Aye; Packard, Aye; McDowell, Aye.
Motion carried.

EXECUTIVE SESSION: Motion by Wallace, second by Packard to enter into Executive Session as provided by Idaho Code Section 67-2345 Subsection (C) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency; and (F) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

ROLL CALL: Edinger, Aye; English, Aye; Wallace, Aye; Packard, Aye; McDowell, Aye; Reid, Aye.
Motion carried.

The session began at 10:25 p.m. Matters discussed were those of property acquisition and litigation. No action was taken.

The Council reconvened back into the regular meeting at 11:26 p.m.

CLASSIFICATION PLAN CHANGES: Motion by McDowell, seconded by Wallace to authorize staff to post the classification plan changes. Motion carried.

FISHER RIGHT-OF-WAY: Motion by Packard, seconded by English to approve the acceptance of the deeds, the contract and payment of approximately \$12,000.
ROLL CALL: Edinger, Aye; Packard, Aye; English, Aye; McDowell, Aye; Wallace, Aye; Reid, Aye;

Motion carried.

STONE ANNEXATION: Motion by Edinger, seconded by Packard to authorize an offer of compromise in the Stone annexation lawsuit and direct the Legal Department to file a motion of disqualification of the Judge assigned to the lawsuit. Motion carried with Reid abstaining.

HOFFMAN MATTER: Motion by Packard, seconded by Edinger to authorize staff to meet with those involved in the Hoffman matter. Motion carried.

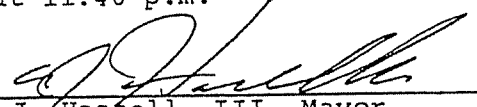
DEGENHARDT MATTER: Motion by Packard, seconded by Wallace to credit Mr. Degenhardt with 4.5 hours of sick leave and transfer those hours to bereavement leave on the condition that the Fire Department signs the agreement. Motion carried.

PARKING ENFORCEMENT: Motion by Wallace, seconded by Packard to accept staff's recommendations regarding parking enforcement. Motion carried.

REGISTRATION FEE: Motion by Wallace, seconded by Edinger to agree to the joint powers agreement and approve the 60/40 split with the highway district for distributing the \$15 registration fee for street improvements. Motion by Reid, seconded by Packard to table this issue until May 26th at which time the Council can further discuss this issue with the County Commissioners. Motion carried.

RECESS: Motion by Packard, seconded by Wallace to continue this meeting to May 26th at 8:00 a.m. and then to June 1, 1994 at 12:15 p.m. Motion carried.

The meeting recessed at 11:40 p.m.


A. J. Hassell, III, Mayor

ATTEST:

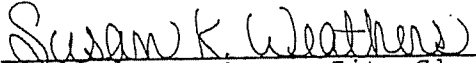

Susan K. Weathers, City Clerk

EXHIBIT "8"

COEUR D'ALENE CITY COUNCIL

FINDINGS AND ORDER

A. INTRODUCTION

This matter having come before the City Council on May 17, 1994, and the members of the Council present being: Mayor A.J. Hassell, III, and Councilmembers Ron Edinger, Dan English, Mike McDowell, Kevin Packard, Dixie Reid, and Nancy Sue Wallace, and there being present a person requesting approval of ITEM ZC-2-94: a request for a zone change from R-17 (residential at 17 units/acre) to C-17-L (limited commercial) zoning district.

LOCATION: NEC 4th and Foster

APPLICANT: JOHN BEUTLER

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

1. That the existing land uses in the area are single-family residential, commercial, civic and vacant land as shown on the existing Land Use Map (Exhibit C).
2. That the official Comprehensive Plan Map designation is R-17.
3. That the existing zoning of the property is R-17 as shown on the official Zoning Map.
4. That notice of the hearing was published on April 30, 1994, and on May 7, 1994, which fulfills the proper legal requirement.
5. That the notice was posted on the property on May 6, 1994, which fulfills the proper legal requirement.
6. That 81 notices of the hearing were mailed on April 29, 1994, and 15 responses were received: 10 in favor, 4 opposed, and 1 neutral.
7. That public testimony was heard on April 12, 1994, and on May 17, 1994, and significant public testimony included the following statements: from the applicant, John Beutler, stating that he had no immediate plans for the use of the property; that he had met with the neighbors to the north and they stated they were in favor of his request, and during his rebuttal, he addressed concerns expressed by his neighbors regarding the future development of the property and stated that he would concentrate his efforts in working closely with them.

Additional testimony was given by Martin and Carol Stacey and Glenn Vaughn, who expressed concerns about the zoning and the development of the property, the traffic generated from the request, and 4th Street access.
8. That the proposal is not in conflict with the provisions of adopted

regulations. Those regulations are the Zoning Ordinance.

9. That this proposal is not in conflict with the intent of adopted policies. Those are the Comprehensive Plan policies as follows:

8A: Promote the orderly development of land use at locations that are compatible with public facilities and adjacent land uses.

Fourth Street is in strong transition to general and limited commercial activities, even though there are some residential uses remaining, and the property is adjacent to similar land uses.

37A: The physical development of Coeur d'Alene should be directed by consistent and thoughtful decisions, recognizing alternatives, effects and goals of citizens.

The land uses are going through a change in the area in a direction of commercial uses.

46A: Protect and preserve neighborhoods, both old and new.

This development will provide an ideal buffer for the other uses in the area; specifically, for the residential neighborhood to the east.

47B: Promote a high standard of landscaping, building design, and community development.

The landscaping included in the following conditions will provide an ideal buffer.

10. That the requested opportunity is suitable within the proposed zoning district because of the similar uses in the area--limited commercial uses located on two corners and a civic use on the other corner.

11. That the physical characteristics of the site make it suitable for the request at this time because the site is currently vacant land and is compatible with adjacent uses in the area.

12. That the proposal would not adversely affect the surrounding neighborhood at this time with regard to traffic, neighborhood character, or existing land uses. This proposal would generate less traffic than a general commercial activity.

13. That the proposal does supply a desirable or essential component of the overall land use development plan for the designated planning area.

14. That the proposal is in harmony with the general purpose as set forth in Section 17.01.015.

15. ADDITIONAL FINDINGS: This request does provide an appropriate transition between classifications.

C. ORDER: CONCLUSION AND DECISION

The City Council, pursuant to the aforementioned, finds that the request of JOHN BEUTLER for a zone change as described in the application should be approved, with the following conditions:

1. Provide a 6-foot sight-obscuring fence on the east and north ends of the property and along the frontage of Lot 3 together with a solid, dense vegetative screen, including a minimum of five (5) columnar deciduous trees, 2" or more in caliper, planted a distance between centers as determined by the Urban Forestry Committee.
2. Restrict Lot 3 so as not to allow a curb cut.
3. All exterior lights on the property, including illuminated signs and parking lot lights, shall be turned off by 10:00 p.m. As an alternative, parking lot lights may be movement-activated.
4. Restrict signage to 4th Street only.
5. All refuse areas shall be located and buffered in such a way as to not be visible to residents on adjacent properties to the north and south.

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

ROLL CALL:

Councilmember Edinger	Voted Aye
Councilmember McDowell	Voted Aye
Councilmember Packard	Voted Aye
Councilmember Reid	Voted Aye
Councilmember Wallace	Voted Aye

Councilmember English declared a conflict of interest and was absent during this hearing.

Motion to approve carried by a 5 to 0 vote.

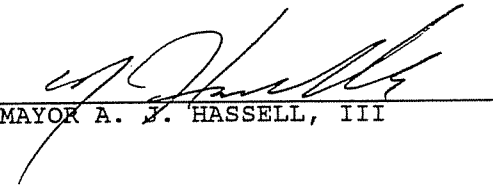

MAYOR A. J. HASSELL, III

EXHIBIT "9"

AFFIDAVIT OF STEVE ROBERGE

STATE OF IDAHO)
 : ss.
COUNTY OF KOOTENAI)

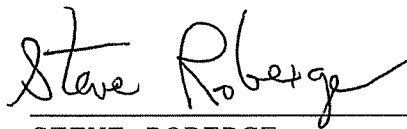
STEVE ROBERGE, being first duly sworn deposes and says:

1. That I am over eighteen years of age and I am competent to testify to the matters set forth herein.
2. I am the District Manager for *Waste Management of Idaho* and have been so employed for twenty four (24) years.
3. *Waste Management of Idaho* is under contract with the City of Coeur d'Alene to dispose of all the refuse for both residential and commercial properties throughout the city.
4. I am familiar with the business of *Amendola Andersen and Doty, PLLC* on the corner of Fourth and Foster in Coeur d'Alene. I have personally driven the waste management truck that picks up the refuse for this business and I currently hold a position in management overseeing other drivers that pick up the refuse at this location.
5. There are three (3) refuse receptacles for this business and they are both located in an enclosed area toward the rear of the parking lot.
6. One time per week, the driver of the Waste Management truck has to wait for traffic to clear and back the truck into the parking lot from Fourth Street (which is a one-way street),

since there is not an exit from the parking lot onto Foster and the trucks are too large to turn around in the parking lot.

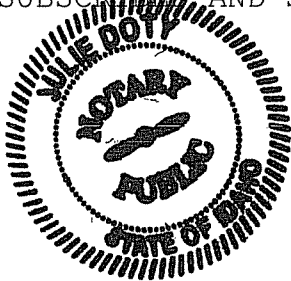
7. If the driver of the *Waste Management* trucks pull straight into the parking lot from Fourth street, he would have to back out onto Fourth Street after the refuse was picked up. This would be extremely dangerous since it would be difficult for the driver to see oncoming traffic while he was backing the truck out onto Fourth Street.
8. I feel it would be much safer if the trucks could pull straight into the parking lot from Fourth Street and exit onto Foster Avenue.
9. If the trucks were able to pull out of the parking lot onto Foster, they would proceed immediately to Fourth Street to continue their route for refuse pick up.

DATED this 12th day of July, 2007.



STEVE ROBERGE

SUBSCRIBED AND SWORN TO before me this 12 day of July, 2007.





Notary Public for Idaho
Residing in: CDA Hootnai County ID
Commission Expires: 12/12/09

EXHIBIT "10"

AFFIDAVIT OF ALAN GALLWAS

STATE OF IDAHO)
 : ss.
COUNTY OF KOOTENAI)

ALAN GALLWAS, being first duly sworn deposes and says:

1. That I am over eighteen years of age and I am competent to testify to the matters set forth herein.
2. I am employed with DeVries Information Management in Spokane, Washington, and have been so employed for approximately eighteen (18) months.
3. DeVries is contracted with Amendola Andersen & Doty, PLLC, to do all of the document shredding for their law firm.
4. Several times per month, I am required to drive a very large truck, which is used for the on-site document shredding, to the law office of Amendola Andersen & Doty. (See Exhibit "A" attached hereto.)
5. The only entrance and exit to the parking lot, where the shredding is performed, is located on 4th Street. It is, therefore, necessary for me to drive the truck past the entrance to the parking lot on 4th Street and back into the parking lot. Before I can back the truck into the lot, I have to wait for traffic on 4th Street to clear. I back into the parking lot because there is not an exit from the parking lot onto Foster Avenue and the truck is too large to

turn around in the lot itself. The only other option currently available would be to pull straight into the parking lot from 4th Street and then leave the parking lot by backing the truck out onto 4th Street. This would be extremely difficult and unsafe since I am unable to see the back of my truck until after it has entered 4th Street.

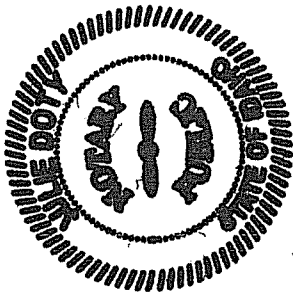
6. I feel it would be much safer if I could pull the truck straight into the parking lot from 4th Street and exit onto Foster Avenue.
7. I would then be able to proceed directly from Foster back onto the 4th Street corridor.

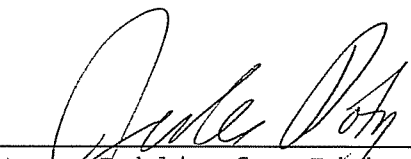
DATED this 10 day of July, 2007.



ALAN GALLWAS

SUBSCRIBED AND SWORN TO before me this 10 day of July, 2007.





Notary Public for Idaho
Residing in: CHA, Shoshone County, ID
Commission Expires: 12/12/09

6/12/07



EXHIBIT "11"

AFFIDAVIT OF MARC LYONS

STATE OF IDAHO)
 : ss.
COUNTY OF KOOTENAI)

MARC LYONS, being first duly sworn deposes and says:

1. That I am over eighteen years of age and I am competent to testify to the matters set forth herein.
2. I am a partner in the law firm of *Ramsden & Lyons, LLP*, located at 618 North Fourth Street in Coeur d'Alene, Idaho, which is directly across the street from *Amendola Andersen & Doty, PLLC*. I am also an owner of the building at this same location.
3. I am aware that *Amendola, Andersen & Doty, PLLC*, is attempting to obtain ingress and egress access onto Foster. In fact, they have already removed the wall that formerly prohibited access into and out of their parking lot from Foster and it has not detracted from the overall appearance of their building.
4. I am in favor of the City granting them access into and out of their parking lot onto Foster for several reasons.
5. If the parking lot to *Amendola Andersen & Doty, PLLC* is accessible from Foster, I believe their clients and employees will be more likely to park their vehicles in their parking lot, which will free up a lot of parking

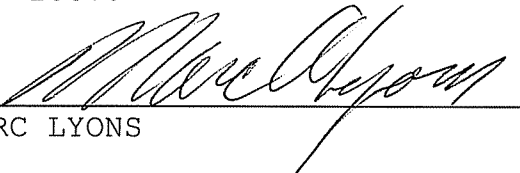
spaces on Foster. Currently, a lot of their employees and customers park their vehicles on Foster and sometimes they park their vehicles in our parking lot when there are no parking spaces available to them on Foster.

6. *Ramsden & Lyons, LLP* has ingress and egress access onto both Fourth Street and Foster. The *Fourth Street Fire Station* and *Alert Micro Systems*, located on the other two corners of Fourth Street and Foster, also have ingress and egress access to their buildings onto both Fourth Street and Foster. I do not feel it would have a negative impact to the residents on Foster to allow *Amendola Andersen & Doty, PLLC* ingress and egress onto Foster since they are located on the corner and most of the traffic will be coming and going on Fourth Street.
7. Further, I believe there are currently safety concerns on Fourth Street as a result of there being no access to and from the parking lot at *Amendola Andersen & Doty, PLLC* from Foster.
8. I have seen people turn into the far right lane from the stop sign, while heading eastbound from Foster onto Fourth Street, in order to get into their parking lot. I have also observed people leave the parking lot onto Fourth Street and drive straight across Fourth Street through the Alert Micro

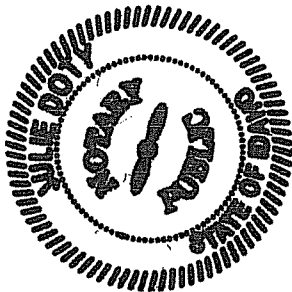
Systems parking lot so they can get onto Foster heading westbound.

9. For employees and clients of *Amendola Andersen & Doty, PLLC* who are parked on the south side of Foster, it is impossible to head westbound back to Fourth Street, or to travel to the Courthouse, without traveling several blocks out of their way to do so, or without performing a U-turn.

DATED this 12th day of July, 2007.


MARC LYONS

SUBSCRIBED AND SWORN TO before me this 12 day of July, 2007.




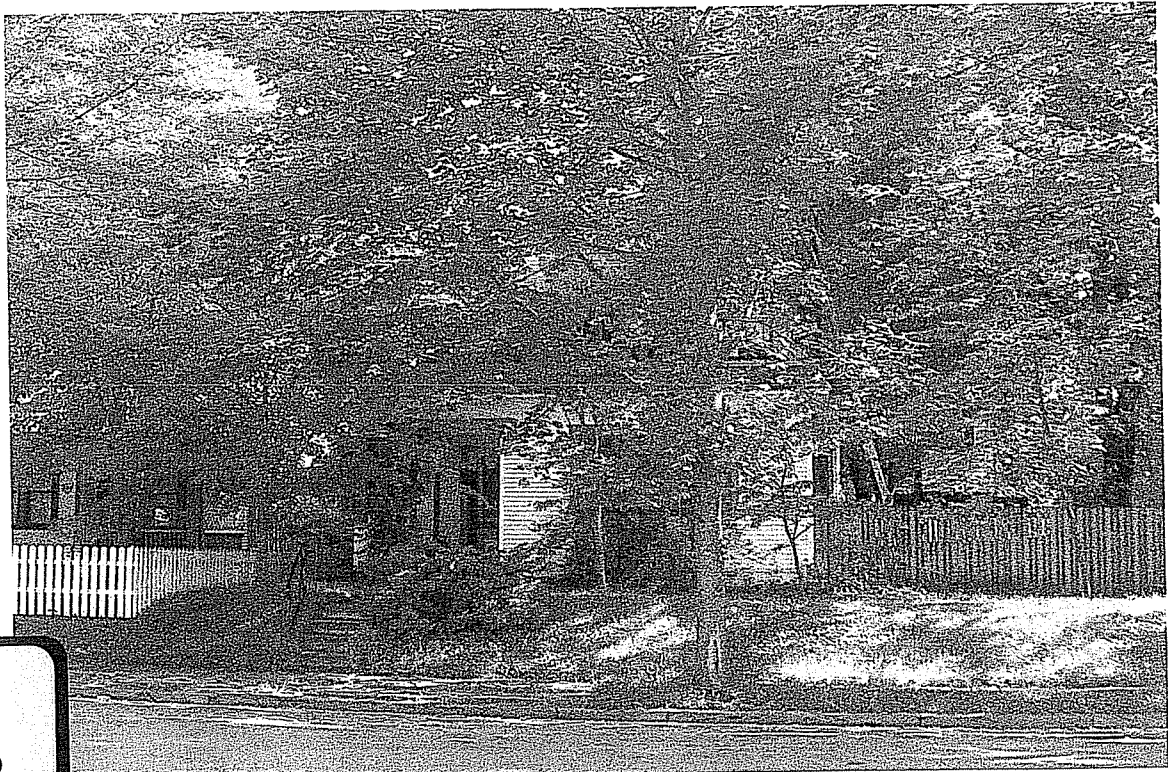
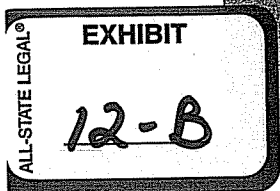
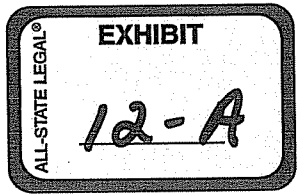
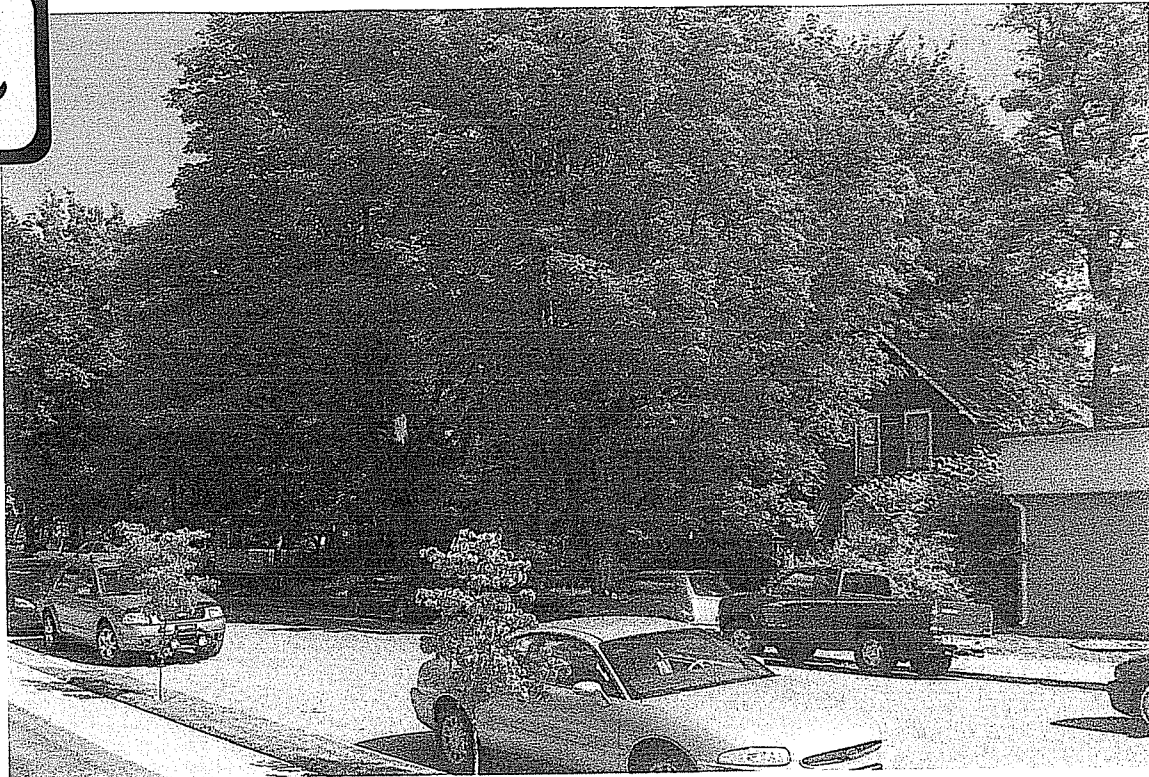

Notary Public for Idaho
Residing in: Cell A Kootenai County, ID
Commission Expires: 12/12/09

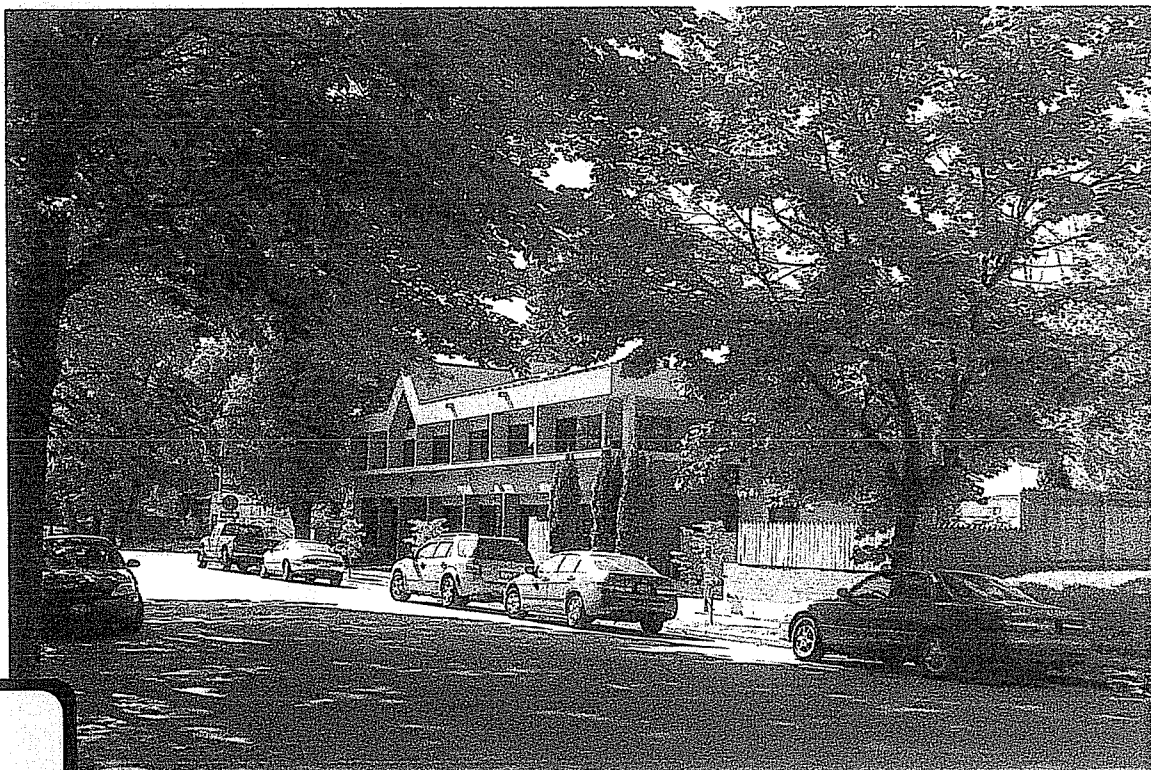
EXHIBIT "12"

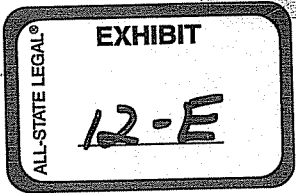


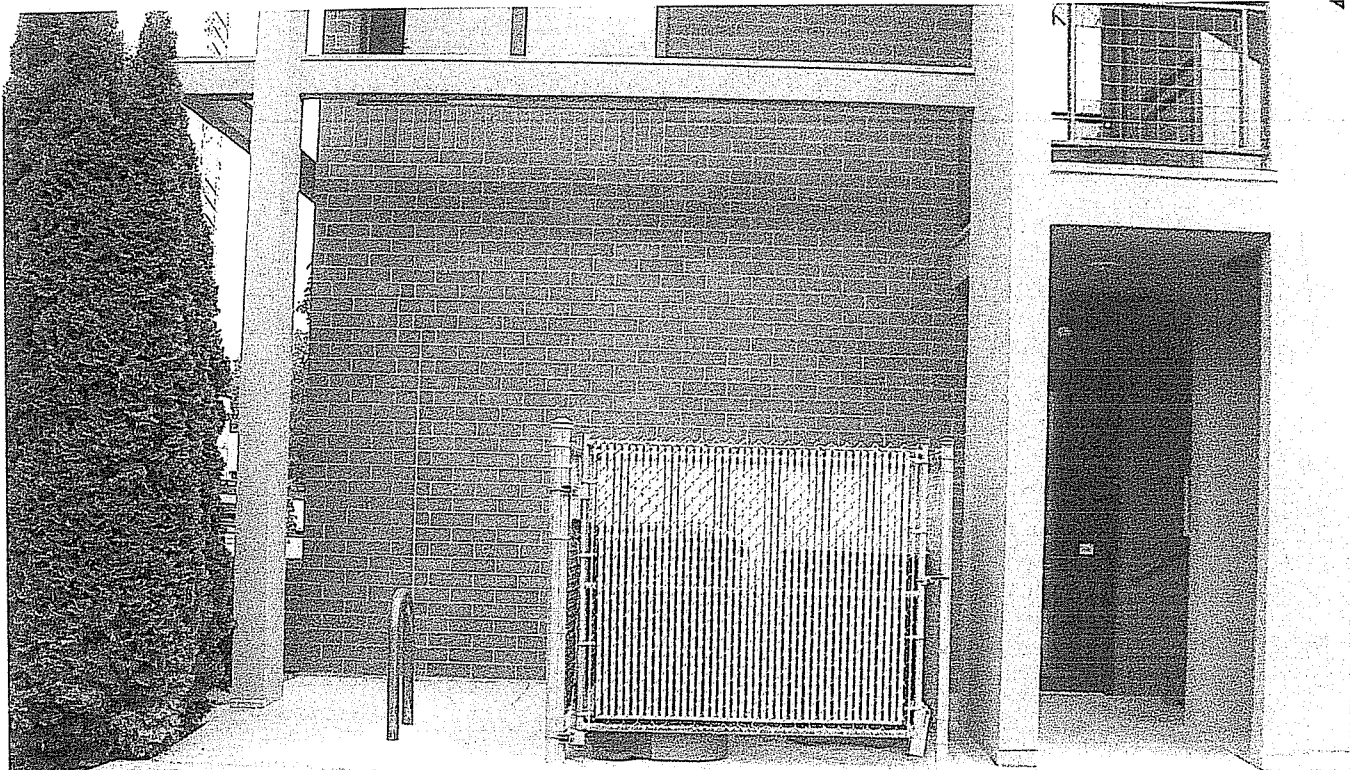
ALL-STATE LEGAL®
EXHIBIT
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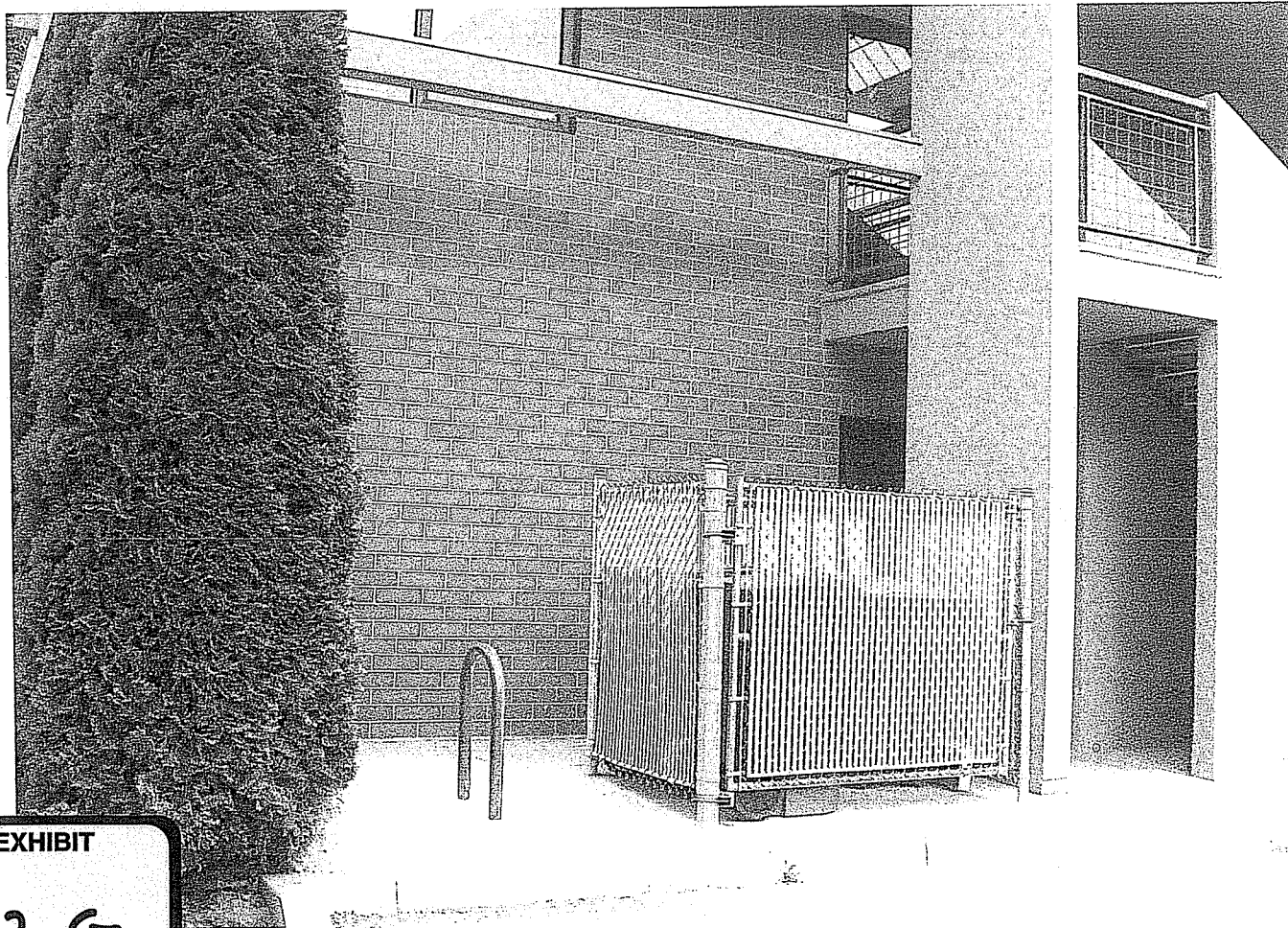
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EXHIBIT
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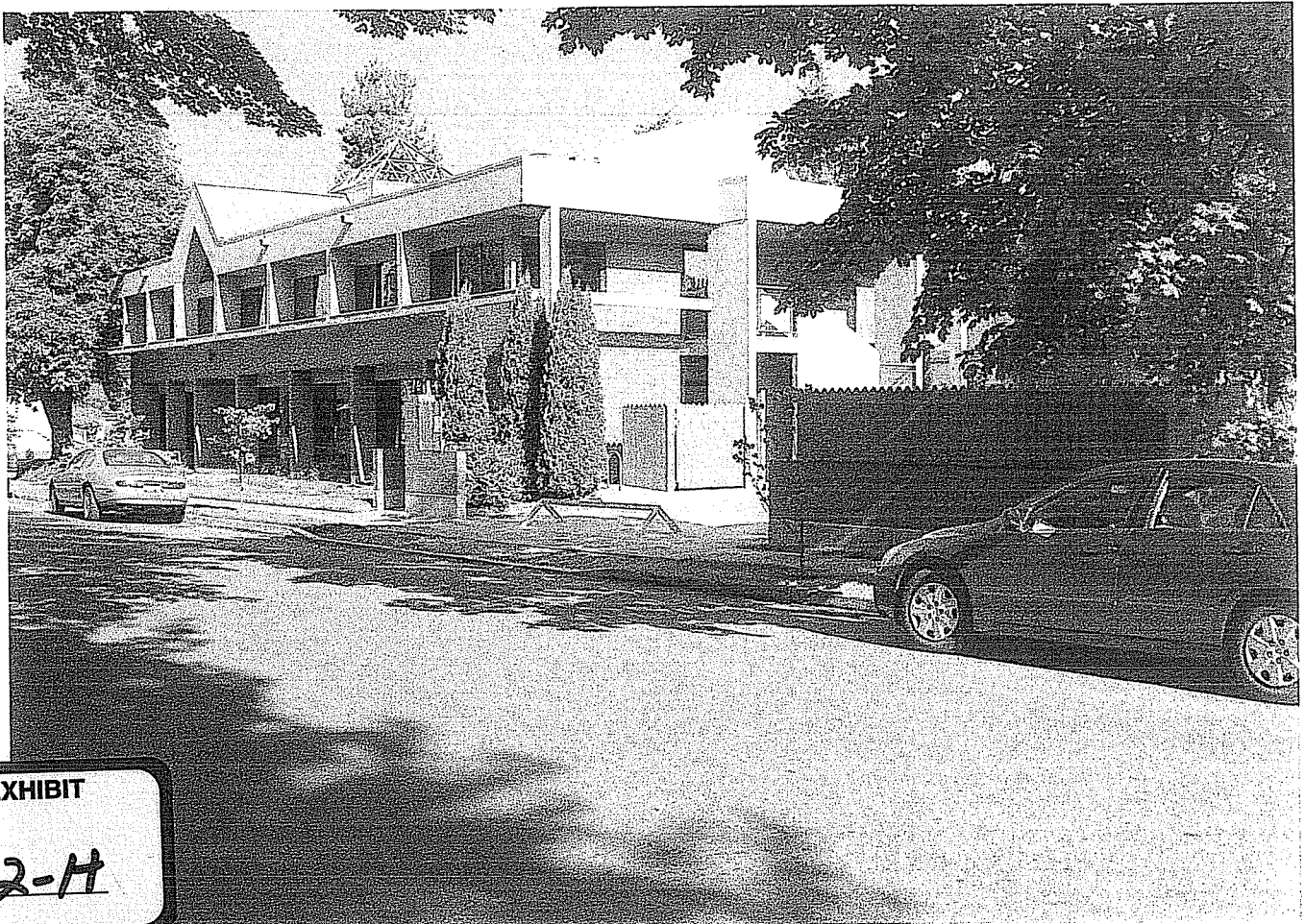




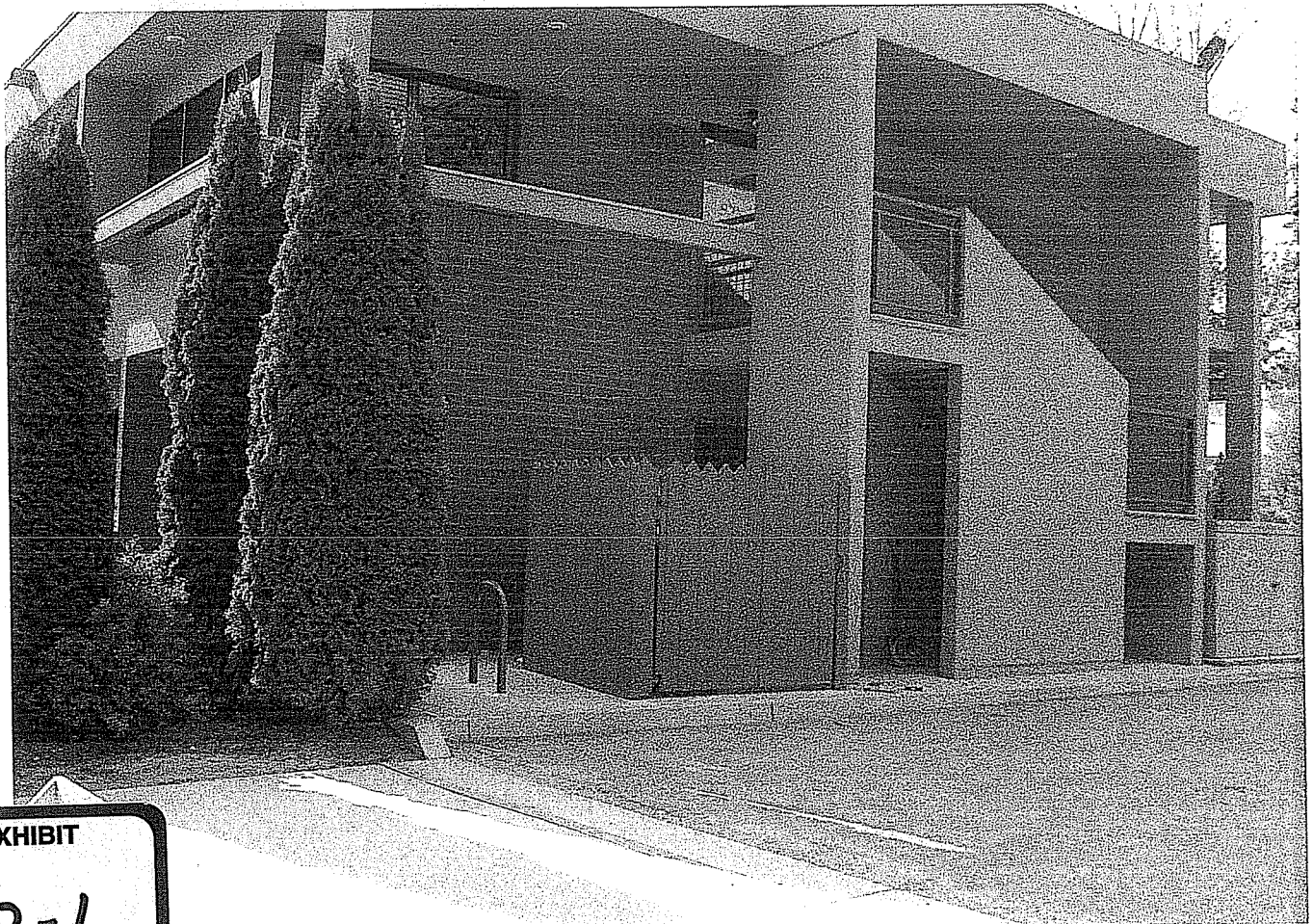
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EXHIBIT
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6/12/07



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EXHIBIT
12-J



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EXHIBIT

12-K

INFORMATION SECTION
Including
Correspondence
Board, Commission, Committee Minutes

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

FUND	BALANCE 8/31/07	RECEIPTS	DISBURSE- MENTS	BALANCE 9/30/07
<u>General-Designated</u>	\$1,233,919	\$4,694	\$90,776	\$1,147,837
<u>General-Undesignated</u>	3,339,971	19,607,381	21,133,431	1,813,921
<u>Special Revenue:</u>				
Library	119,927	13,540	84,529	48,938
Cemetery	8,967	18,024	22,862	4,129
Parks Capital Improvements	582,157	25,017	91,370	515,804
Impact Fees	3,063,527	54,927	25,000	3,093,454
Annexation Fees	310,930	1,305	1,409	310,826
Insurance	2,007,923	38,382	2,092	2,044,213
<u>Debt Service:</u>				
2000, 2002 & 2006 G.O. Bonds	441,326	12,243		453,569
LID Guarantee	204,603	859		205,462
LID 124 Northshire/Queen Anne/Indian Meadows	64,590	4,206	305	68,491
LID 127 Fairway / Howard Francis	65,214		486	64,728
LID 129 Septic Tank Abatement	234,753		911	233,842
LID 130 Lakeside / Ramsey / Industrial Park	163,567		1,220	162,347
LID 133 E Sherman/Gravel Sts/Forest Prk Paving	20,386		315	20,071
LID 137 Govt Way / Kathleen / WWTP Cap Fees	-			-
LID 143 Lunceford / Neider	38,996		23,455	15,541
LID 145 Government Way	72,373		3,094	69,279
LID 146 Northwest Boulevard	187,922		2,930	184,992
LID 148 Fruitland Lane Sewer Cap Fees	21,315	3,446	1,068	23,693
<u>Capital Projects:</u>				
Street Projects	296,870	235,298	107,284	424,884
2006 GO Bond Capital Projects	1,830,498		621,531	1,208,967
<u>Enterprise:</u>				
Street Lights	(21,535)	92,870	59,707	11,628
Water	555,894	902,989	710,595	748,288
Water Capitalization Fees	1,833,857	27,425	206,406	1,654,876
Wastewater	6,334,360	512,317	602,459	6,244,218
Wastewater-Reserved	1,744,593	27,500		1,772,093
WWTP Capitalization Fees	3,233,499	62,120		3,295,619
WW Property Mgmt	60,668			60,668
Sanitation	119,320	239,055	287,993	70,382
Public Parking	561,879	27,776	20,743	568,912
Stormwater Mgmt	253,453	99,899	96,798	256,554
Water Debt Service	150			150
Wastewater Debt Service	90			90
<u>Trust and Agency:</u>				
Kootenai County Solid Waste Billing	200,337	173,834	203,706	170,465
LID Advance Payments	571			571
Police Retirement	1,367,726	21,076	44,173	1,344,629
Cemetery P/C	1,979,655	39,073	1,000	2,017,728
Sales Tax	1,817	1,283	1,817	1,283
Fort Sherman Playground	6,367	27	1,577	4,817
Jewett House	18,298	1,011	3,704	15,605
KCATT	3,244	13		3,257
Reforestation	194,153	3,965	861	197,257
CdA Arts Commission	16	86	92	10
Public Art Fund	(45,015)	123,165		78,150
Public Art Fund - LCDC	78,785	63,788	34,575	107,998
Public Art Fund - Maintenance	73,764	31,054	93	104,725
KMPO - Kootenai Metro Planning Org	46,445	26,311	54,485	18,271
BID	146,593	4,152		150,745
Homeless Trust Fund	262	209	262	209
GRAND TOTAL	\$33,058,981	\$22,500,320	\$24,545,114	\$31,014,187

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
TWELVE MONTHS ENDED
30-Sep-2007

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 9/30/2007	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$167,572	\$163,329	97%
	Services/Supplies	35,050	28,624	82%
Administration	Personnel Services	439,144	430,073	98%
	Services/Supplies	51,988	64,878	125%
Finance	Personnel Services	563,860	529,436	94%
	Services/Supplies	173,577	133,963	77%
Municipal Services	Personnel Services	628,167	630,799	100%
	Services/Supplies	419,660	400,158	95%
	Capital Outlay			
Human Resources	Personnel Services	180,326	182,985	101%
	Services/Supplies	61,552	33,988	55%
Legal	Personnel Services	1,016,154	1,027,002	101%
	Services/Supplies	116,461	105,666	91%
	Capital Outlay			
Planning	Personnel Services	451,604	432,300	96%
	Services/Supplies	124,650	70,931	57%
Building Maintenance	Personnel Services	193,815	162,370	84%
	Services/Supplies	209,000	232,570	111%
	Capital Outlay			
Police	Personnel Services	7,184,717	7,197,417	100%
	Services/Supplies	623,863	599,172	96%
	Capital Outlay	220,994	216,737	98%
Fire	Personnel Services	4,861,284	4,865,473	100%
	Services/Supplies	371,774	361,761	97%
	Capital Outlay			
General Government	Personnel Services	49,649	6,257	13%
	Services/Supplies	3,321,177	3,334,960	100%
Byrne Grant (Federal)	Services/Supplies	133,425	39,390	30%
COPS Grant	Services/Supplies	154,241	77,962	51%
K.C.J.A. Drug Task Force	Services/Supplies	59,140	51,438	87%
	Capital Outlay		17,500	
US Streets	Personnel Services	1,697,466	1,584,072	93%
	Services/Supplies	512,072	509,449	99%
	Capital Outlay	340,000	237,110	70%
Engineering Services	Personnel Services	544,329	387,588	71%
	Services/Supplies	839,251	753,231	90%
	Capital Outlay			

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
TWELVE MONTHS ENDED
30-Sep-2007

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 9/30/2007	PERCENT EXPENDED
Parks	Personnel Services	986,186	924,171	94%
	Services/Supplies	349,450	356,939	102%
	Capital Outlay	89,000	96,314	108%
Recreation	Personnel Services	560,923	466,776	83%
	Services/Supplies	160,400	164,404	102%
	Capital Outlay	152,760	152,760	100%
Building Inspection	Personnel Services	770,928	729,116	95%
	Services/Supplies	56,000	49,576	89%
Total General Fund		<u>28,871,609</u>	<u>27,808,645</u>	<u>96%</u>
Library	Personnel Services	786,169	763,067	97%
	Services/Supplies	190,130	169,465	89%
	Capital Outlay	51,000	43,488	85%
Cemetery	Personnel Services	155,252	152,300	98%
	Services/Supplies	103,230	100,803	98%
	Capital Outlay	42,000	39,713	95%
Impact Fees	Services/Supplies	2,014,920	877,846	44%
Annexation Fees	Services/Supplies	100,000	100,000	100%
Parks Capital Improvements	Capital Outlay	443,259	455,649	103%
Insurance	Services/Supplies	325,500	260,384	80%
Total Special Revenue		<u>4,211,460</u>	<u>2,962,715</u>	<u>70%</u>
Debt Service Fund		<u>3,237,634</u>	<u>3,225,106</u>	<u>100%</u>
Ramsey Road	Capital Outlay	1,660,200	1,125,124	68%
Govt Way	Capital Outlay	7,000	6,925	
Ped Ramps	Capital Outlay			
Atlas Road	Capital Outlay	335,000	330,131	99%
4th St - Anton to Timber	Capital Outlay	4,000	3,558	
Ironwood	Capital Outlay			
15th Street - Best to Dalton	Capital Outlay	823,000	26,618	3%
Seltice Way	Capital Outlay			
Atlas Signals	Capital Outlay	252,000	254,878	101%
Front Street	Capital Outlay			
GO Bond - Refunding & Misc	Capital Outlay			
Library Building	Capital Outlay	6,700,000	4,660,850	
Fire Dept GO Bond Expenditure	Capital Outlay	2,917,000	2,745,067	
Total Capital Projects Funds		<u>12,698,200</u>	<u>9,153,151</u>	<u>72%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
TWELVE MONTHS ENDED
30-Sep-2007

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 9/30/2007	PERCENT EXPENDED
Street Lights	Services/Supplies	562,592	475,237	84%
Water	Personnel Services	1,184,554	1,127,767	95%
	Services/Supplies	2,923,414	1,392,733	48%
	Capital Outlay	3,356,000	3,123,279	93%
	Debt Service	338,000	341,405	101%
Water Capitalization Fees	Services/Supplies	1,160,000	206,406	18%
Wastewater	Personnel Services	1,801,255	1,662,206	92%
	Services/Supplies	3,497,041	1,686,962	48%
	Capital Outlay	5,388,114	3,573,130	66%
	Debt Service	417,850	418,200	100%
WW Capitalization	Services/Supplies	1,293,611		
Sanitation	Services/Supplies	2,969,853	2,951,593	99%
Public Parking	Services/Supplies	180,132	152,476	85%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	343,865	337,286	98%
	Services/Supplies	536,603	356,961	67%
	Capital Outlay	500,000	453,177	91%
Total Enterprise Funds		<u>26,452,884</u>	<u>18,258,818</u>	<u>69%</u>
Kootenai County Solid Waste		2,060,000	1,908,358	93%
Police Retirement		242,150	236,214	98%
Cemetery Perpetual Care		101,500	101,199	100%
Jewett House		29,038	17,463	60%
Reforestation		54,000	37,943	70%
CdA Arts Commission		4,600	5,393	117%
Public Art Fund		115,000	84,297	73%
Public Art Fund - LCDC		77,000	81,174	105%
Public Art Fund - Maintenance		1,000	463	46%
Fort Sherman Playground		2,000	1,883	94%
KMPO		490,400	490,379	100%
Business Improvement District		126,000	60,000	48%
Homeless Trust Fund		5,000	2,966	59%
Total Trust & Agency		<u>3,307,688</u>	<u>3,027,732</u>	<u>92%</u>
TOTALS:		<u><u>\$78,779,475</u></u>	<u><u>\$64,436,167</u></u>	<u><u>82%</u></u>