



Coeur d'Alene

CITY COUNCIL MEETING

December 16, 2008

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
DECEMBER 2, 2008**

The Mayor and Council of the City of Coeur d'Alene met in a regular session of said Council at the Coeur d'Alene City Library Community Room, December 2, 2008 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

INVOCATION was led by Pastor Phil Muthersbaugh, Lifesource Community Church.

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

PUBLIC COMMENTS:

PARKS FOUNDATION FUNDING: Susan Snedaker, 821 Hastings, would like the the item of providing \$7,500 to the Parks Foundation be removed the Consent Calendar for further discussion based on the issues that they are a nonprofit organization and that their past costs have not exceeded \$3,000 per year and that this would be a precedent that other Foundations such as the Library Foundation, Tubbs Hill Foundation and Centennial Trail Foundation may also ask for permanent funding from the City. She also expressed her gratitude for the excellent work done by the Street Department.

SCHOOL WALKING ROUTES: Roy Wargi, 2022 E. Coeur d'Alene Ave, voiced his concern regarding the lack of sidewalks in the area of Fernan Elementary and corresponding school cross walks. He thanked the Police Department for checking cars in the school zones. He voiced his concern that since snow will be here soon and there is a lack of sidewalks on the east side 21st Street from Fernan Elementary down to Coeur d'Alene Avenue the Council should add more sidewalks along the east side of 21st Street. Councilman Kennedy asked if an ad hoc committee could review this issue and report back to Public Works Committee. Mayor Bloem directed staff to review the issue and report back to the Public Works Committee.

VARIOUS CONCERNS: Harold Hocker, 1314 E. Spokane Avenue, complained that he was refused what he felt was appropriate care from Kootenai Medical Center for a

recent infection he had contracted in that he had requested an IV but the nursing staff said he didn't need one. He noted that he believes that 15th Street is a "raceway" and believes it is due to a shortage of officers and every year LCDC continues to cheat the public out of other things such as additional police officers. He noted that in Sacramento, CA they enacted a law that requires builders to pay property taxes on new construction within a year, where here property taxes are not paid until the house is sold and one developer had 400 houses that didn't sell in a year and thus robbed the taxpayers of their money.

FEES IN LIEU OF PARKING: Art Williams, 718 E. Sherman Avenue, spoke in opposition to the fees in lieu of parking in that he feels additional parking spaces are needed in the downtown area. He believes that the city's parking requirements are very minimal and fees in lieu of parking will allow for less than adequate parking spaces. Deputy City Attorney Warren Wilson noted that the City Council will be holding a public hearing on January 6, 2009 on this matter. Councilman Goodlander noted that the Council will be setting a public hearing tonight on this matter and that it would be helpful if Mr. Williams would return at that time.

CONSENT CALENDAR: Motion by Kennedy, seconded by McEvers to approve the Consent Calendar as presented with the removal of Item 4 (miscellaneous allocation of the Parks Capital Improvement Funds).

1. Approval of minutes for November 18, 2008.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, December 8th at Noon and 4:00 p.m. respectively.
3. RESOLUTION 08-062: 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 LANDMARK LANDSCAPE ARCHITECTS FOR LANDINGS PARK, PHASE II; APPROVAL OF AN AMENDMENT TO DESIGN AGREEMENT FOR WWTP PILOT STUDIES; APPROVAL OF A MAINTENANCE AGREEMENT FOR TRAFFIC SIGNAL AT ATLAS AND PRAIRIE AND APPROVAL OF A MAINTENANCE AGREEMENT FOR TRAFFIC SIGNAL AT RAMSEY AND PRAIRIE.
4. ~~Approval of miscellaneous allocations of the Parks Capital Improvement Funds.~~
(removed from Consent Calendar)
5. Approval of participation in an intersection study with the City of Dalton Gardens for the intersection at 4th and Dalton Av.
6. SS-13-07 – Final plat approval of Verizon Office Condo's
7. Approval of beer/wine license for Shari's Restaurant at 331 Ironwood Drive
8. Setting of public hearing: O-8-08 – Amending fees in lieu of parking regulations for January 6, 2009.

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

MISCELLANEOUS ALLOCATIONS FROM PARKS CAPITAL

IMPROVEMENT FUND: Parks Director Doug Eastwood reported that 20 years ago the City had agreed to build the Centennial Trail and at that time he knew it would require some future capital repairs to the trail. Thus, each entity set aside some funds into the Centennial Trails Joint Powers Fund. These funds have since been exhausted. The City did the same thing with Tubbs Hill with the funds being held in the Parks Capital Improvement Fund which is reported on the monthly reports from the Tubbs Hill Foundation. The Parks Foundation was formed in 2004 to hold land in trust for future parks development. When the Landings parks property was acquired, the Foundation incurred some costs such as recording fees. The Foundation then asked the City if they would pay those costs. Since the City denied that request, the Foundation asked the property owner who donated the land to provide an additional \$1,000 to record the property. He reported that it is being recommended that \$7,500 be allocated to the Parks Foundation; however, those funds are to remain in the Parks Dept. budget and each request from the Parks Foundation would be reviewed and approved by the Parks Department and the Parks and Recreation Commission. He noted that the major purpose of the formation of the Parks Foundation was to allow the City to use the full value of donated park property in order to apply for grants. He added that if this foundation was not formed the City could not use the value of the land as a grant match and would have to come up with a cash match for grant applications.

Mr. Eastwood noted that the Federal grant funds to the Idaho Land and Conservation Fund has diminished to the point where a specific park such as the Landings could not be funded through grants.

Councilman Kennedy noted that the City has a Strategic Planning process and wanted to know why this issue was not brought up as part of that process. Mr. Eastwood responded that he received this after the planning process. He also noted that this is not a general fund item. Mr. Eastwood also noted that he is requesting a modification to the Foundation's request in that instead of giving the \$7,500 per year directly to the Foundation that the funds be placed in the Parks Budget so each request for funds can be reviewed and approved. Councilman Hassell expressed his support of having the funds remain with the Parks Department until funding requests can be validated by either the Parks Department or the Parks and Recreation Commission. Councilman McEvers asked if it is okay for the City to give money to non-profit organizations. Deputy City Attorney Warren Wilson responded that the City can give money to certain non-profits, but feels more comfortable that these funds stay in-house.

PUBLIC COMMENTS: Susan Snedaker, 821 Hastings, criticized the acoustics in the Library Community Room for her inability to hear what Councilman Hassell says. She commented that she understands Mr. Eastwood's comments but still feels it is a little "murky" for the City to be giving money to a non-profit foundation. She asked if the donated park land's title was in the name of the City or the Foundation. Mr. Eastwood responded that there were three parcels in the Landings Subdivision; two of the parcels had been given to the City but the 3rd parcel came in late since the school did not want the land but it will be transferred to the City.

MOTION: Motion by Goodlander, seconded by Hassell to approve a line item for the Parks Foundation for up to \$7,500 annually with the funding to remain in the Parks Capital Improvement fund until a request is made from the Foundation and approved by the Parks Dept and Parks and Recreation Commission.

DISCUSSION: Councilman Edinger noted that Steve Wetzel, an attorney, and Steve Flerchinger, an accountant, serve on the Parks Foundation and believes that the Foundation is in good hands. Councilman Kennedy asked how he could bring a request forward for the North Idaho Housing Coalition to allocate \$7,500 to cover their costs of doing business. Mayor Bloem responded that she believes he can make such a request. Councilman Kennedy asked how is the Council to differentiate between any non-profit that comes to the City and which ones they can authorize funds for and which ones they cannot.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER: Councilman Goodlander announced that the Kroc Center still has room on their Donor Wall and reminded citizens that there is still time to make a contribution to the Kroc Center.

COUNCILMAN EDINGER: Commended the Hagadone Corporation and the Downtown Association for the great fireworks display and parade last Friday.

APPOINTMENT – PEDESTRIAN/BICYCLE COMMITTEE: Motion by Kennedy, seconded by Hassell to appoint Mike Dolphin to the Pedestrian/Bicycle Committee. Motion carried.

ADMINISTRATOR’S REPORT: Deputy City Administrator Jon Ingalls announced the current job openings with the City. He congratulated Police Sergeants Walther and Walton for their recent promotions. Mr. Ingalls commended the Chamber of Commerce, Downtown Assoc. and Hagadone Corp. as well as the City’s Parks, Streets, Fire and Police Departments for all their work on the success of the Lighting Ceremony and parade conducted last Friday. He announced that the Library will have Santa Claus at the Library on Dec. 14th and the Library is currently hosting a traveling Smithsonian exhibit entitled “Between Fences”. He noted that the Recreation Dept. has been awarded a grant called the “Sticks for Kids” program which provides an opportunity for area youth to participate in a city youth golf program.

DECLARATION OF SOLE SOURCE PROCUREMENT FOR FIRST STAGE RAMPS AT THE FREESTYLE BMX PARK: Councilman McEvers reported that he has been working with the group of youth who participate in Freestyle BMX cycling. Motion by McEvers, seconded by Goodlander to accept the declaration of a sole source

procurement and direct staff to proceed with the purchase of the First Stage Ramps for the Freestyle BMX Park including having an additional \$5,000 taken from the Parks Capital Improvement fund for payment of the ramps. Motion carried.

2008-2009 CITY SNOW PLAN: Tim Martin, Streets Superintendent, presented the City 2008-2009 Snow Plan and noted that the City has a brochure which contains a review the plan and it is available to interested citizens. Mr. Martin noted that he has presented the snow-gates program to the National ADWPA convention. He reported that he has had a tremendous response from other countries such as Canada and Europe inquiring into our snow gate program. Councilman Edinger asked why the snow gates are not used on 4th Street but rather the snow was pushed into the middle of the road up to Foster and then the snow is pushed off to the side of the road north of 4th and Foster. Mr. Martin responded that last winter's unusually large amount of snow did not give the Street Dept. the time, manpower, or equipment to keep up with the removal the snow so they had to split the snow and plow it to either side of the roadway on 4th Street. He did note that they did go back later and pick up the snow that had been plowed to the sides of the road on 4th Street. As for not using snow gates on 4th Street, Mr. Martin noted that the gates are only on one side of the blade and so they cannot cover two lanes of one-way traffic without going against the flow of traffic. Councilman Hassell asked why we don't tow cars that are in the streets when snow plows come through. Mr. Martin responded that they do address those vehicles that do become a danger to street crews and traffic flow. Jon Ingalls also noted that Steve Roberge from Waste Management had gone door to door last winter asking residents who have alleys to place their garbage cans at the street. Motion by Kennedy, seconded by Edinger to approve the 2008-2009 City Snow Plan. Motion carried.

RESOLUTION 08-063

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AGREEMENT FOR ADVANCED WATER RECLAMATION FACILITY PHASE 5 EXPANSION, WITH HDR ENGINEERING, INC., ITS PRINCIPAL PLACE OF BUSINESS AT 418 SOUTH 9TH STREET, SUITE 301, BOISE, IDAHO 83702.

Sid Fredrickson, Wastewater Superintendent, presented the proposal of the amendments to the contract with HDR Engineering, Inc. for engineering design services for the Phase 5A of the WWTP expansion and all of the Phase 5B and pre-design of Phase 5C of the WWTP expansion.

Motion by Hassell, seconded by Goodlander to adopt Resolution 08-063.

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

**ORDINANCE NO. 3347
COUNCIL BILL NO. 08-1024**

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 18, TOWNSHIP 50, NORTH, RANGE 3W, BOISE MERIDIAN; ZONING SUCH SPECIFICALLY DESCRIBED PROPERTY HEREBY ANNEXED; CHANGING THE ZONING MAPS OF THE CITY OF COEUR D'ALENE; AMENDING SECTION 1.16.160, COEUR D'ALENE MUNICIPAL CODE, BY DECLARING SUCH PROPERTY TO BE A PART OF PRECINCT #50; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Goodlander, seconded by Bruning to pass the first reading of Council Bill No. 08-1024.

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

Motion by Goodlander, seconded by McEvers to suspend the rules and to adopt Council Bill No. 08-1024 by its having had one reading by title only.

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

RECESS: Motion by Goodlander, seconded by Edinger to call for a 5 minute recess. Motion carried. The meeting recessed at 7:40 p.m. The meeting reconvened at 7:47 p.m.

PUBLIC HEARING – LID 149 – CREATION OF LID AND ACCEPTANCE OF PRELIMINARY ASSESSMENT ROLL FOR 4TH STREET IMPROVEMENTS: Mayor Bloem read the rules of order for this public hearing. Gordon Dobler, Engineering Services Director, gave the staff report.

Mr. Dobler reported that in January of this year the Council directed staff to pursue funding options for the improvements of 4th street, from Lakeside Ave to Harrison Ave. Lake City Development Corporation (LCDC) agreed to participate and they held stakeholder meetings this summer to identify place making alternatives and costs. As a result, LCDC has agreed to provide partial funding for the project. Staff has completed the preliminary cost estimates and the Engineers Report establishing the preliminary assessments. All of the adjacent property owners have been notified of the public hearing and of their respective preliminary assessments as required by Idaho Code.

The total project cost is estimated to be \$2,904,000. The City of Coeur d'Alene portion is \$1,000,000 (34%), LCDC will contribute \$1,654,000 (57%), and the LID will provide \$250,000 (8%). The City's funding sources are \$600,000 from the Overlay account, \$200,000 from the Stormwater utility, and \$100,000 from both Water and Wastewater utilities. Individual property assessments were calculated based on frontage foot and benefits derived. Properties adjacent to the Midtown place making improvements were assessed an additional amount. The base assessment for all properties was \$32/lineal foot and the additional assessment for Midtown properties was about \$15/lineal foot. Those assessments will be paid off over ten years, the term of the financing.

Mr. Dobler added that the project includes removal and replacement of all the paving, sidewalks, street trees, curbing, reconstruction of the storm sewer system, and upgrades to the water and wastewater facilities. In addition, the midtown place making improvements include pedestrian bulbs at selected intersections, accent paving at Foster, Roosevelt, Boise, Montana, and Miller, accent concrete on the sidewalks, widened sidewalks and a narrower road section from Roosevelt to Boise, accent street lights, additional street trees, benches and trash cans.

DISCUSSION: Councilman Edinger asked Mr. Dobler about Mr. McGray's comments of putting this project off a couple of years. Mr. Dobler responded that costs would increase and he could not be guaranteed that LCDC would provide the same funding. Councilman Goodlander asked about the sidewalk repairs that already have been made and are these property owners going to get a credit on their LID assessed amount. Mr. Dobler responded that assessments in the past were for improvements made but this LID is based on the benefit of the full project and not on removal and replacement of sidewalks or landscaping that is in place. He reiterated that the LID is only 8% of the total project cost and 92% of the costs are being paid through the City and LCDC. Councilman Bruning asked about the time line of the project. Mr. Dobler responded that there is a time-frame and the goal is to begin the work in March and to have all of the work done before Ironman which is June 21, 2009. If all the work is not completed by June 21st, work will be split and the remaining work will be held off until after the summer season so businesses will have the least amount of impact.

MOTION: Motion by Hassell, seconded by Bruning to accept the protests into the record from Gerry G. McCray, Williene Gagnon, and Ryan Averett, DPM . Motion carried.

PUBLIC COMMENTS:

Don Thompson, business owner at 701 N. 4th, opposes the LID in that he believes that LCDC should be paying for all of the improvements to 4th Street as he believes that LCDC was formed to pay for these types of projects. Councilman Kennedy noted that LCDC is also paying an additional \$800,000 to put in additional parking and workforce housing in the midtown area. Mayor Bloem noted that the urban renewal district is also for job creation and not just for infrastructure improvements and noted that businesses along Sherman Avenue pay into the urban renewal district and they are not getting a direct benefit for these roadway improvements.

James Koonis, 1006 N 4th, commented that his alley way drainage is not hooked up to the sewer and wanted to know if he will be required to hook up to the new sewer. Mr. Dobler noted that the stormwater system should take care of his water drainage.

Teresa Capone, 751 N. 4th, asked if there would be electrical outlets to the trees and if the LID does not cover it, can the property owners pay for that inclusion. Mr. Dobler responded that electrical outlets were not extended to trees but it could be added to the design on a case by case basis. Mrs. Capone noted that they are planning on remodeling her facility and wanted to know the specific dates that the project will be at her property so she can coordinate the two projects. She asked about sandwich signs directing traffic to their businesses. Mr. Dobler responded that he would work with owners regarding directional signage. She asked about the costs for improvements going around the corner of her business. Mr. Dobler responded that all costs have been included in the assessments and that would not change their assessment.

Don Regal, 505 N. 4th, noted that he has a dirt alley behind his business and asked if the alleys were going to be paved and taken care of. Mr. Dobler responded no.

DISPOSITION OF WRITTEN PROTESTS: Motion by Edinger, seconded by Hassell to deny the written protests received from Paris Flea Market, 4th Street Podiatry Clinic and Antique Corner. ROLL CALL: Goodlander, Aye; Kennedy, Aye; Bruning, Aye; McEvers, Aye; Edinger, Aye; Hassell, Aye. Motion carried.

**ORDINANCE NO. 3346
COUNCIL BILL NO. 08-1025**

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 149 OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE IMPROVEMENTS TO BE MADE THEREIN; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS PROVIDED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE DISTRICT BENEFITED THEREBY AND THE METHOD OF ASSESSMENT; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Motion by Hassell, seconded by Goodlander to pass the first reading of Council Bill No. 08-1025.

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

Motion by Edinger, seconded by McEvers to suspend the rules and to adopt Council Bill No. 08-1025 by its having had one reading by title only.

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

PUBLIC HEARING – AMENDING/CREATING CERTAIN CITY FEES: Mayor Bloem gave the rules of order for this public hearing. Troy Tymesen, Finance Director, gave the staff report.

Mr. Tymesen reported that City Departments recently completed a review of their fee structures to assure that the various fees are current with the actual cost for services/materials being provided. As a result of that review the following fees are being recommended for adoption.

FIRE/POLICE TRAINING TOWER FACILITY FEES: This is a new set of fees requested by the Fire Department and Police Department to cover the administrative and maintenance costs for the use of the Training Tower by other agencies. It is noted that the departments would like to reserve the right to waive these fees at any time for such reasons they so deem, which include the use/renter allowing the departments' employees to attend said classes training or seminars. The proposed fees for normal business hours are: Audio/Visual Classroom - \$35/hr (\$150/day); Maneuvers/Mat Room - \$25/hr (\$110/day); Weight Room - \$25/hr (\$110/day); Training Tower - \$50.00/hr (\$300/day); Training Grounds - \$25/hr (\$100/day). Additionally, non-business hours usage would require an additional \$50.00 maintenance fee.

FINGERPRINTING: The Police Department is recommending that the fee for fingerprinting be changed from \$5.00 for the card and \$5.00 for the second card to \$10.00 for the first card and \$5.00 for the second card.

ANIMAL CONTROL FINES: The Police Department is recommending that the fines for running at large increase from \$50.00 to \$75.00 and the fine for not having a current dog license increase from \$50.00 to \$75.00.

CDATV PRODUCTON COSTS: The CDA TV Committee is proposing establishing a \$50.00/hour fee for programming and facility use. Using the cost of the equipment, the number of years of life expectancy of the equipment, staff costs including programming time, the actual cost would be \$297/1st hour and then \$122/hr. each additional hour and if it also included the facility equipment use (projector, Elmo, etc.) the actual cost would be \$308.40/1st hour and then \$133.40/hr. each additional hour.

TAXI CAB COMPANY LICENSE FEES AMENDMENT: Currently the City issues licenses that include the VIN's of the vehicles approved for use by the taxicab companies. With increasing frequency, these companies are amending the license as they discontinue/add new vehicles to their fleets throughout the licensed year. To cover the

administrative and record-keeping costs for these changes, the Municipal Services Department is requesting initiating a \$10.00 fee to cover such costs.

USER FEES FOR USE OF CENTENNIAL TRAIL: We are receiving an increasing number of requests for special events to use the Centennial Trail and the proposed 50¢/user fee would be a means to generate revenue to the upkeep and maintenance of the Centennial Trail.

COPYING DOCUMENTS: The current cost for copying is \$.05/page. Over the 20 years since this fee was established, the cost of materials and equipment has significantly increased. An example of increased costs compared to 20 years ago, the City used to purchase copiers for approximately \$4,000; today, the purchased cost is approximately \$12,000. Thus, to help cover the current costs for copying, staff is requesting that the fee be increased to \$.10/page.

DESIGN REVIEW FEES: The Planning Department is requesting the establishment of Design Review Process fees. The first fee is for review of development proposals by the Design Review Commission. The proposed \$100 fee is for notification of three design review meetings (cost of 3 mailings, posting material/printing, and publication) This fee does not capture staff time as it was council's desire to keep these costs as low as practical to applicants. The second fee is for appeal of Design Review Decision. The proposed \$200 fee is for the appeal of a Design Review Decision. (This is the same as the existing appeal cost of Planning Commission Decision)

WATER FEES:

Charges for replacing damaged property (meter lids, hydrants, etc.)*

Old charge: Actual invoice cost plus labor

New charge: Actual invoice cost plus labor

This charge has historically been made but may not have authorizing Council policy to back it up.

Purpose: When public property is damaged and there is no question as to who is responsible we will bill the party causing the damage. We have done this for many years but would like to formalize the process with Council action. Typically these charges are assessed where someone has hit and damaged a fire hydrant. Occasionally someone will damage a meter box through negligence or vandalism. This category would also include vandalism against our tanks, wells, and other facilities. We do not typically bill for items (especially meter box lids) that need replacement due to normal use or where we cannot clearly identify the person causing the damage.

Justification: We do not want the rate payers to have to subsidize repairs where the need for the repairs has been caused by vandalism, negligence, or misuse and where the responsible party is known.

After hours call out charges:

Existing fees: \$57.00* and \$28.50**

Proposed fees: \$80.00* and \$40.00**

Purpose: These fees cover call outs after normal working hours. The original fee was approved by the Council approximately ten years ago. The fee covers the overtime incurred to call someone back in during off hours. The Council, in setting up the original charges, opted to only charge 50% where the need for the call out was caused by leaks or other emergency problems that could not have reasonably been predicted by the customer.

Justification: The personnel costs have risen over the past ten years. This changes updates the fee to match the actual cost.

*Where the call out was after hours due to customer not making appropriate prior arrangements.

**Where the call out was caused by leaks or other problems that could not have reasonably been predicted by the customer.

Water Hook Up Fees:

Size	Existing	Proposed
¾" meter:	\$1,200	\$1,930
1" meter:	\$1,200	\$2,050
1 ½" meter:	\$1,850	\$4,280
2" meter:	\$2,200	\$4,580

Purpose: This fee is charged when a customer asks us to install a water service. The fee includes tapping the main, running the service line to the box, installing the meter (and ancillary items) and running the pipe out from the back of the meter box. The customer always has the option of hiring their own plumber to do this work. The hook up fees were last updated approximately 10 years ago. A cost breakdown is attached to this report.

Justification: Material and labor costs have raised since this fee was last updated. Having the fee too low creates a subsidy from existing customers towards new customers. It also creates unfair competition against local plumbers who cannot compete with the currently outdated fee.

Asphalt Patching Fee:

Existing fee: \$360

Proposed fee: \$950

Purpose: This pays for patching of streets when we create new hookups. It is only charged when patching is required.

Justification: The fee is based on the actual average patching cost. Asphalt cost have risen sharply in the last year.

Bulk Water Setup fees:

New fee: Third and subsequent requests to move a bulk water station will be \$40 each.

Purpose: This covers personnel costs for us to move the fill stations. We include two setups in the bulk water fees.

Justification: We have had problems with some users of the bulk water stations who are asking us to move the station up to several times a day. This charge will help recover the costs of repeatedly moving the station and will encourage the bulk station users to be reasonable in their requests for moving the stations.

Portable Bulk Water Stations Deposits:

Existing deposit: \$600

Proposed deposit: \$1,000

Purpose: This damage deposit is intended to cover the costs to repair broken items in the portable bulk stations. The actual cost for replacement is \$1,700 but we are trying to keep the deposit as low as we can. (We have only had one case where the entire station needs to be replaced). We will be billing the costs beyond the damage deposit in that case and are hopeful that the contractor will pay the full amount without us needing to take further enforcement action. When stations are returned they are inspected. If the station is in good working order the full deposit is refunded. If only parts of the station are damaged we deduct the applicable required amount(s) and refund the rest. In a case where the entire station would need to be replaced, we will bill the actual replacement cost, over and above the damage deposit amount.

Justification: On occasion a contractor will damage part of a bulk station through carelessness or misuse. This deposit allows us to fund the repairs without needing to take further action to collect the money from the user of the station.

Tag / Reconnect Fees:

Old fee: \$20.00

New fee: \$25.00

Purpose: Every time we tag a property for non-payment and every time we turn a service back on after it has been turned off for non-payment it incurs personnel costs. This fee recovers some of that cost. The fee has been unchanged for approximately 10 years.

Justification: We are merely updating this fee to reflect higher personnel costs.

Special Read Fees:

Old fee: None is currently being collected although we may be authorized to charge \$10

New fee: \$25.00

Purpose: This fee is for special meter readings beyond ones that we would normally do. The typical situation is where a landlord wants an extra meter reading.

Justification: There are personnel costs incurred in making these reads. We are proposing that these fees match the tag fees.

FEES IN LIEU OF PARKING: Staff is proposing implementation of the Rich and Associates (parking consultant) recommendations. The fee is designed to be within 20% of the market value of the land with the property value per square foot multiplied by 350 square feet (the size of a parking stall and a portion of the access drive). The proposed Downtown in lieu of parking space fee would be \$10,000.00 per parking space. The Downtown property valuation analysis: $\$33.45/\text{sf} \times 350\text{sf} = \$11,707.50$. (Property valuation determined by reviewing tax assessed valuations.) The proposed Midtown fee

would be \$5,000.00 per parking space. The Midtown property valuation analysis \$14.79/sf X 350sf = \$5,176.50

Additionally, the Downtown fees in lieu recommendations are: 1) One (1) to eight (8) parking spaces required may be met by paying for all spaces in lieu. 2) Nine (9) to twenty (20) parking spaces required may be met by paying for 60% (rounded up to the next space) in lieu. 3) Twenty-one (21) to forty (40) parking spaces required may be met by paying for 50% (rounded up to the next space) in lieu.

Midtown fees in lieu recommendation are: 1) One (1) to eight (8) parking spaces required may be met by paying for all spaces in lieu. 2) Nine (9) to twenty (20) parking spaces required may be met by paying for 60% (rounded up to the next space) in lieu.

GARBAGE SERVICE FESS: Staff is proposed amending the 32-gallon residential cart from \$6.75 per month to \$7.15 per month, commercial 1-can from \$3.95 to \$4.80 per month; establishing a fee for locking/opening gates at \$2.50/pick-up; establishing new commercial 32-gallon cart service at \$4.80/month plus cart fee and a commercial 65-gallon cart service at \$9.60/month plus cart fee.

Councilman McEvers questioned why the City required gates to be placed on the commercial garbage service and now are asking to charge the customers to open and close the gates. Steve Roberge, Waste Management, responded that this is not an uncommon practice in the industry. He noted that it will affect about 100-150 customers out of the 1,200 commercial customers. He added that it costs about \$6.00 per hour of increased labor to unlock and relock the containers which over a year's period adds several thousand dollars in additional labor costs. Councilman McEvers commented that it appears that residential is subsidizing commercial users. Mr. Roberge noted that what does not appear on this proposal is that the County charges an additional \$4.00 to commercial users, so residential users are really not subsidizing commercial users. Councilman Hassell asked what percentage of residential garbage cans are the smaller residential carts. Mr. Roberge responded that 32% of the cans are the smaller cans. Mr. Tymesen commented that the smaller trash cans do not cash flow and are being subsidized by other users and thus the request for the rate increase.

Councilman Edinger asked why we are asking for the fees-in-lieu-of parking in the Midtown area since we have not had it before. Mr. Tymesen responded that the Midtown businesses have requested this fee since change of use of a building would not meet the existing off street parking requirements. Mr. Edinger asked if the parking lot that LCDC is placing will be a customer-paid parking lot. Mr. Tymesen responded that it could be a paid parking lot. Mr. Edinger commented that there was never any discussion about fees-in-lieu of parking so how did this come up. Mr. Tymesen responded that this issue came through the Parking Commission from the Planning Department since a proposed development could not meet the current off-street parking requirements which prompted the need to establish fees-in-lieu of parking. The Parking Commission endorsed this concept and thus the proposed fees are presented to Council for consideration.

Councilman Kennedy, regarding fees-in-lieu of parking, commented that there is a perception that there is a shortage of parking spaces in the Downtown area; however, the reality is that although there may be a shortage of parking in front of a particular business there is more than adequate parking spaces for the Downtown area. Councilman Hassell asked where the funds go from in-lieu-of parking fees. Mr. Tymesen responded that the money would be placed in the dedicated parking fund that goes toward the acquisition of additional parking and maintenance of existing parking. Councilman McEvers commented that the cost of constructing a parking garage established the cost per space for the fees-in-lieu of parking.

PUBLIC COMMENTS:

Susan Snedaker, 821 Hastings, questioned the timing of the public hearing for fees in-lieu-of parking spaces is in January yet the cost for the fees is being considered tonight. Additionally, she questioned the \$200.00 fee for an appeal of a Design Review decision. Deputy City Administrator Ingalls noted that the public hearing in January is for the regulations on the fees-in-lieu of parking and not the rate to be paid.

Harold Hocker, 1413 E. Spokane Ave. asked if the public is going to have to pay to park in the fees-in-lieu of parking spaces. Mayor Bloem responded that the fees-in-lieu of parking are for the purchase of land for parking spaces, improvements to existing parking and whether or not the public will be charged is something that will be determined at the time these future parking lots are constructed. Mr. Hocker commented that downtown Sacramento, CA went bankrupt because people went to the suburbs to shop where parking was free.

RESOLUTION NO. 08-064

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO ESTABLISHING AND AMENDING CERTAIN CITY FEES.

Motion by Hassell, seconded by Bruning to adopt Resolution 08-064.

DICUSSON: Councilman Kennedy reported that the only feedback that he received was that the public was not given enough time to provide feedback on these fees. City Clerk Susan Weathers responded that public notices were published in the newspaper twice – the first notice being published two weeks prior to tonight’s hearing and the second the week preceding tonight’s public hearing. Additionally she noted that the City Council had originally set the public hearing for the fee amendments in October for a November public hearing and then had postponed that public hearing to tonight.

Councilman McEvers asked about the Centennial Trail fees. Doug Eastwood responded that the fees are being established because of the wear and tear on the trail system due to these special events.

Councilman Kennedy noted that the only fees that most residents may be affected by are the garbage user fees.

Councilman Goodlander asked if the building contractors had been contacted about the water fees being proposed. Mr. Ingalls responded that the NIBCA is supportive of the fee adjustments.

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

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

The meeting adjourned at 9:35 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk

RESOLUTION NO. 08-065

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVAL OF A CONTRACT RENEWAL WITH THE CD'A PRESS FOR RECRUITMENT CLASSIFIED ADVERTISING; APPROVAL OF A LETTER OF AGREEMENT WITH KOOTENAI COUNTY FOR PUBLIC TRANSPORTATION; APPROVAL OF A BILLING SERVICES CONTRACT AMENDMENT WITH KOOTENAI COUNTY FOR COMMERCIAL SOLID WASTE ACCOUNTS; APPROVAL OF A CONTRACT WITH AVISTA FOR GAS METER UNLOCK PROCEDURES AND APPROVAL OF A CONTRACT WITH TML CONSTRUCTION FOR THE WWTP DIGESTER \$4 REFURBISHMENT.

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) Approval of a Contract Renewal with the Cd'A Press for Recruitment Classified Advertising;
- 2) Approval of a Letter of Agreement with Kootenai County for Public Transportation;
- 3) Approval of a Billing Services Contract Amendment with Kootenai County for Commercial Solid Waste accounts;
- 4) Approval of a Contract with Avista for gas meter unlock procedures;
- 5) Approval of a Contract with TML Construction for the WWTP Digester \$4 Refurbishment;

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 5" 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 December, 2008.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

MEMORANDUM

DATE: December 01, 2008
TO: Mayor and Council
FROM: Pam MacDonald, Human Resources Director
SUBJECT: Contract with Coeur d'Alene Press for Recruitment Classified Advertising

DECISION POINT:

City Council is requested to approve a recruitment classified advertising contract with the Coeur d'Alene Press which would decrease the amount of cost in classified ads.

HISTORY:

Currently, the City pays the open rate for classified ads.

FINANCIAL ANALYSIS:

Entering into a contract with the Coeur d'Alene Press will result in a 20% discount on the classified line-ad rate.

PERFORMANCE ANALYSIS:

If approved, we would enter into this contract as of January 1, 2009. The contract is reviewed quarterly to evaluate needed changes.

DECISION POINT/RECOMMENDATION:

City Council is requested to approve a contract with the Coeur d'Alene Press for classified advertising.

Coeur d' Alene Press

201 N. Second St., PO Box 7000, Coeur d' Alene, Idaho 83816
Phone 208-664-0235- Fax 208-765-4263

Classified Advertising Agreement

We hereby authorize the Coeur d' Alene Press to publish every Sunday, a **minimum of one Classified advertisement** in all editions for a **four month period**.

In return, the Coeur d' Alene Press will extend a **20% discount** from their established classified line-ad rates for each classified line ad that we run.

This contract is automatically canceled after a four month period and can be renewed at that time with the current rates.

Statements rendered by the Coeur d' Alene Press will be accepted as correct, both as the amount of space and rate unless the Coeur d' Alene Press is notified within a reasonable time that it is incorrect and in what amount. The Coeur d' Alene Press reserves the right to edit or reject all copy and to restrict ads to proper classification for the protection and convenience of its readers.

The Coeur d' Alene Press reserves the right to amend the terms, conditions, rates, etc., specified in this contract upon fourteen days notice in writing and if said revision is not acceptable to the advertiser, advertiser shall have the right to terminate this contract upon the date of change without penalty.

The advertiser may terminate this contract within seven days notice. If the advertiser so terminates, he/she shall be liable to publisher for all advertising published during the term hereof at the transient rate which would have been applicable for that amount of space for the number of insertions in the period of time actual covered from the beginning date of the current applicable period to date of termination.

Accepted For Advertiser:

Authorized
By: _____
Address: _____

Newspaper Info:

Effective Date: _____
Salesperson: _____
Manager:

General Services Committee

Date: December 8, 2008
From: Troy Tymesen, Finance Director
Subject: Public Transportation Agreement

Decision Point:

To approve the agreement and funding for the City's portion of the public transportation within the urbanized area of Kootenai County.

History:

The 2000 census designated the cities of Coeur d'Alene, Post Falls, Hayden, Huetter and Dalton Gardens to be an urbanized area within Kootenai County. These cities have partnered over the past three years in conjunction with Kootenai County and Panhandle Area Council (PAC) to provide public transportation, administration and planning. The exact same agreement was signed last year.

Financial Analysis:

The City is being asked to fund \$43,983.00, last year the investment was \$52,245.00. The money is in the financial plan. Last year's investment included the 20% match to purchase a new handicap accessible van. The City's portion is based on its population within the urbanized area. This money is being used as a match for funds from the Federal Transit Administration (FTA) Section 5307 funds. The total budget for the fiscal year is \$1,684,586.00 and the portion funded by the FTA is \$1,000,932.00 (59%).

Performance Analysis:

The funding of the requested \$43,983.00 is just 3.0% of the total budget. This is an exceptional value to the constituents of the City of Coeur d'Alene.

Quality of Life Analysis:

This expenditure will assist to enhance the public transportation in our City. This program continues to expand because of positive partnerships throughout the area. It is anticipated that there will be a passenger count of over 400,000 people boarding public transportation vehicles in Kootenai County in the next twelve months

Decision Point/Recommendation:

To approve the agreement and funding for the City's portion of the public transportation within the urbanized area of Kootenai County.

LETTER OF AGREEMENT

THIS AGREEMENT is entered into between the county of Kootenai, hereinafter "COUNTY" and the city of Coeur d'Alene, hereinafter "CITY", and shall be effective on the date all parties have affixed their signatures to this Agreement.

WHEREAS, the Urbanized Area of Kootenai County has been designated to include lands within the cities of Coeur d'Alene, Post Falls, Hayden, Dalton Gardens and Huetter; and

WHEREAS, federal funds under a Federal Transit Administration (FTA) Section 5307 grant are available to provide public transportation services, including public transportation administration and planning, within the Urbanized Area; and

WHEREAS, the COUNTY has been designated by the Governor of the state of Idaho as the grantee for Federal Transit Administration (FTA) Section 5307 funds; and

WHEREAS, having access to public transportation is a benefit to the citizens within the Urbanized Area; and

WHEREAS, municipalities are authorized to participate in the funding of public transportation;

NOW THEREFORE, It is agreed as follows:

1. The COUNTY shall be responsible for contracting with a public transportation service provider, providing for transportation planning and administration and for the distribution of the Section 5307 grant monies in order to provide for public transportation within the Urbanized Area of Kootenai County.
2. The CITY agrees to provide funding in the amount of \$43,983 (Forty-three Thousand, Nine Hundred and Eighty-three Dollars) as part of the match that is required for the Section 5307 grant for the grant year beginning on April 1, 2008 and ending on March 31, 2009. The CITY further agrees to provide one-half said funding on or before the 30th day of June, 2008, with the balance due no later than the 31st day of October 2008.
3. The City also agrees to provide the services of their Senior Recreation Van, obtained via their match for FTA 5307 funds, to all residents within the urbanized area of Kootenai County, upon coordination with the other public transit providers of the COUNTY.
4. The proposed FTA budget is attached as Table 1 and is incorporated into this Agreement by this reference.

IN WITNESS WHEREOF, the parties hereto have affixed the signature of their duly authorized official.

Rick Currie, Chairman
Kootenai County Commissioners

Date

ATTEST: _____
Dan English, County Clerk

Sandi Bloem, Mayor
City of Coeur d'Alene, Idaho

Date

ATTEST: _____
Susan Weathers, City Clerk

**Kootenai County Public Transportation
FTA 5307 Budget FY 2008-09 (Approved by
KMPO 2/07/08)**

EXPENDITURES:	Proposed Service	Contract Amount	% FTA	Total FTA 5307	Local Match
<u>Demand Response:</u>					
KATS	Operating	\$ 278,300	50%	\$ 139,150	\$ 139,150
KATS	Capital - Bus	78,800	80%	63,040	15,760
KATS	Capital -Fac.	17,900	80%	14,320	3,580
KATS	Prev. Maint.	24,420	80%	19,536	4,884
	TOTAL KATS	\$ 399,420		\$ 236,046	\$ 163,374
KMC	Operating	157,500	50%	78,750	78,750
KMC	Capital - Bus	19,750	80%	15,800	3,950
KMC	Prev. Maint.	12,000	80%	9,600	2,400
	TOTAL KMC	\$ 189,250		\$ 104,150	\$ 85,100
	TOTAL KATS, KMC	\$ 588,670		\$ 340,196	\$ 248,474
<u>Fixed Route:</u>					
CDA Tribe	Operating	\$ 694,988	50%	\$ 347,494	\$ 347,494
CDA Tribe	Capital - Bus	195,700	80%	156,560	39,140
CDA Tribe	Capital -Fac.	18,447	80%	14,758	3,689
CDA Tribe	Prev. Maint.	101,781	80%	81,424	20,357
	TOTAL TRIBE	\$ 1,010,916		\$ 600,236	\$ 410,680
<u>Other:</u>					
PAC	Grant Admin.	\$ 25,000	50%	\$ 12,500	\$ 12,500
PAC	Planning	60,000	80%	48,000	12,000
	TOTAL PAC	\$ 85,000		\$ 60,500	\$ 24,500
	TOTAL	\$ 1,684,586		\$ 1,000,932	\$ 683,654
	Plus: 5307 funds obligated to 5311 for Tribe rural			\$ 96,699	

REVENUES:

FTA 5307	\$ 1,000,932	\$ 1,000,932	
<u>Match (In-Kind):</u>			
PAC	\$ 12,000		\$ 12,000
<u>Match (Cash):</u>			
CDA Tribe (1)	\$ 427,190		
KMC	157,600		
KMPO Cities (please see below)	86,864		\$ 671,654
TOTAL	\$ 1,684,586	\$ 1,000,932	\$ 683,654

<u>Cities Share (2)</u>	<u>Proposed</u>	<u>Change from Prior</u>
City of Coeur d'Alene	\$ 43,983	\$ 3,038
City of Post Falls	21,950	1,516
City of Hayden	11,696	808
City of Rathdrum	6,166	426
City of Dalton Gardens	2,904	201
City of Huetter	165	11
Total City Funding	\$ 86,864	\$ 6,000

(1) Includes Tribe match increase of \$11,300 for expanded CityLink routes.

(2) Includes \$6,000 match increase for expanded CityLink routes.

SUMMARY:

<u>ITD CODE</u>	<u>FUNCTION</u>	<u>TOTAL</u>	<u>%</u>	<u>5307</u>	<u>LOCAL</u>
10732	Operating	\$ 1,155,788	50%	\$ 577,894	\$ 577,894
10759	Capital - Bus	294,250	80%	235,400	58,850
10760	Capital - Facility	36,347	80%	29,078	7,269
10758	Preventative Maint.	138,201	80%	110,560	27,641
10761	Planning	60,000	80%	48,000	12,000
	TOTAL	\$ 1,684,586		\$ 1,000,932	\$ 683,654

Finance Department
Staff Report

Date: December 8, 2008
From: Troy Tymesen, Finance Director
Subject: Coeur d'Alene Billing Services Contract

Decision Point:

To approve the extension of the contract with Kootenai County to continue to provide billing services for commercial solid waste accounts within the City limits of Coeur d'Alene.

History:

Since October of 2000 the City has worked in partnership with Kootenai County in a Joint Powers Agreement regarding solid waste. The City is already billing customers on a monthly basis for residential garbage service and the commercial container rent. This agreement will continue the contract that has been in place since 2006 commercial billing services. The commercial garbage customers in Coeur d'Alene are accustomed to this billing method, prior to the contract they received a separate bill from Kootenai County.

Financial Analysis:

The City has added the new line item to its existing utility bill post card at no additional cost and has not needed to add any staff. The County, in exchange for these services, will allow the City to place up to 200 tons of street sweepings, leaves or other waste debris at the Kootenai County transfer station at no cost.

Performance Analysis:

This agreement has enhanced customer service because the customers in the City receive one bill for garbage service. The contracted waste hauler has been instrumental in assisting with the information conversion. The County Sanitation Department has received increased monthly cash flow. Some of the commercial accounts were billed quarterly in the past.

Decision Point/Recommendation:

To approve the contract extension with Kootenai County to continue to provide billing services for commercial solid waste accounts within the City limits of Coeur d'Alene.

COEUR D' ALENE BILLING SERVICES CONTRACT

This agreement is entered into this 7th day of February, 2006 for the mutual benefit of the respective parties hereto: **Kootenai County**, a political subdivision of the State of Idaho, (mailing address P.O. Box 9000, Coeur d' Alene, Idaho 83816) hereinafter referred to as County, and the **City of Coeur d' Alene** (mailing address 710 Mullan Avenue, Coeur d' Alene, Idaho 83814) hereinafter referred to as City.

This agreement is for billing services for commercial solid waste accounts within the City limits of Coeur d' Alene. This agreement does not replace the Joint Powers Agreement between the City and County enacted October 2000. This agreement does expand the City's role to provide for collection of commercial disposal fees for the County.

1.0 Purpose

This contract is for billing services for commercial solid waste accounts within the City Limits as they exist now or in the future. Garbage Service for the City will be accomplished through an existing contract entitled "Coeur d' Alene Solid Waste Services Contract". Commercial businesses collected under the Solid Waste Services Contract shall be billed through the City's Finance Department.

2.0 Definitions

1.1 City: Means the City of Coeur d' Alene, a political subdivision of the State of Idaho (mailing address: 710 Mullan Ave. Coeur d' Alene, Idaho 83814).

1.2 Commercial Account or Commercial Customer: All improved properties used for other than residential use that generate garbage for disposal in the County's solid waste system.

1.3 County: Means Kootenai County, a political subdivision of the State of Idaho (mailing address: P.O. Box 9000, Coeur d' Alene, Idaho 83816).

3.0 Term and Termination

2.1 Term: This Agreement shall be in effect for calendar years 2006, 2007 and 2008. The term may be extended by the parties for an additional three (3) calendar year term.

2.2 Termination: Unless the parties mutually agree to extend the term of this Agreement, it will automatically terminate on the last calendar day of 2008. In addition either party may terminate this Agreement for any reason by giving the other party ninety (90) days written notice to the address for each party contained herein.

4.0 City's Responsibility

Subject to the additional terms of this Agreement, the City shall be responsible to:

- 4.1 Establish all new accounts after the effective date of this Agreement.
- 4.2 Provide billing of all commercial solid waste accounts on a monthly basis.
- 4.3 Provide customer service staff during business hours to answer questions and concerns on accounts.
- 4.4 Maintain a billing system that allows the County and the contracted solid waste collector to reconcile charges for solid waste collections.
- 4.5 Work with the County and Customer to resolve past due payments.
- 4.6 The City may charge a late charge or fee for all delinquent accounts in accordance with the established City policies and procedures. All late fees collected by the City shall be retained by the City.
- 4.7 Provide the County with a monthly list of all delinquent accounts.
- 4.8 Provide the County, upon request, account information maintained by the City for any delinquent account.
- 4.9 In the event that the City shuts off an account, the City will notify the County of the shutoff within one business day. The City will subsequently notify the County within one business day of the account being reactivated.
- 4.10 Provide a monthly comprehensive account status report of all accounts to the County's Auditor and Solid Waste Department.
- 4.11 City agrees to indemnify, defend and hold the County harmless for any liability that may accrue by reason of any act or omission in the performance of this agreement on the part of the City, its agents, employees, assignees or anyone subcontracting with the City for the performance of this contract.

5.0 County's Responsibility

Subject to the additional terms of this Agreement, the County shall be responsible to:

5.1 Maintain a billing interface between the contracted solid waste service and the City to assist in reconciliation of accounts and to notify the customers of the billing change.

5.2 Coordinate delinquent accounts with the City so that solid waste disposal services are not provided to delinquent accounts until such time as they are no longer delinquent.

5.3 In exchange, for the City agreeing to provide the contracted billing services, the County will receive for disposal, without charge, up to 200 tons of street sweepings, leaves and other waste debris per calendar year from the City.

5.4 Pursue payment for those delinquent accounts requested by the City.

5.5 Provide City staff with training on the County's solid waste billing procedures and fee structures.

5.6 Provide the City with at least thirty (30) days notice of all rate changes and/or adjustments.

5.7 Provide the City with a monthly report detailing all adjustments or changes to accounts for the next months bill. To ensure that the City has sufficient time to prepare bills, the report must be received by the City no later than the first week of the billing month.

5.8 Pay for all custom programming required to the City's computer system needed to implement this Agreement along with all necessary maintenance of the software.

5.9 County agrees to indemnify, defend and hold the City harmless for any liability that may accrue by reason of any act or omission in the performance of this agreement on the part of the County, its agents, employees, assignees or anyone subcontracting with the County for the performance of this contract.

6.0 General Provisions

6.1 Time is of the Essence: Time is of the essence in this Agreement.

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

6.3 Promise of Cooperation: Should circumstances change, operational difficulties arise or misunderstandings develop, the parties agree to meet and confer at the request of either party to discuss the issue and proposed solutions. Further, each party agrees not to bring claim, initiate other legal action or suspend performance without meeting directly with the other party regarding the subject matter of the disagreement.

6.4 Venue and Choice of Law: Should any legal claim or dispute arise between the parties, the proper place of venue shall be in the First Judicial District, Kootenai County, Idaho and laws of Idaho shall apply.

6.5 Attorney Fees: If any action shall be brought to enforce any provision of this Agreement, the prevailing party shall be entitled to recover from the other party as part of the prevailing party's costs, reasonable attorney's fees the amount of which shall be fixed by the court and shall be made a part of any judgment or decree rendered.

6.6 Assignment: Neither party may assign its rights or obligations under this Agreement without the other party's express consent.

6.7 Integration. This instrument and all appendices and amendments hereto embody the entire agreement of the parties regarding the subject matter hereof. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties.

6.8 Severability. If any section, subsection, sentence, clause, or phrase of this agreement is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of the agreement are not affected thereby. It is the intent of the parties that no portion of it, or provision or regulation contained in it, become inoperative or fail by reason of unconstitutionality or invalidity of any other section, subsection, sentence, clause, phrase, provision, or regulation of this Agreement.

6.9 Amendments: The Parties agree that this Agreement may only be amended in writing and signed by both parties. The parties agree that this Agreement shall not be amended by a change in any law.

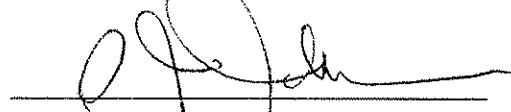
IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d'Alene have executed this contract on behalf of said CITY, and the COUNTY has caused the same to be signed, the day and year first above written.

CITY OF COEUR D'ALENE,




Sandi Bloem, Mayor

**KOOTENAI COUNTY:
BOARD OF COMMISSIONERS**



S. J. "Gus" Johnson, Chairman

ATTEST:



Susan K. Weathers, City Clerk

ATTEST:

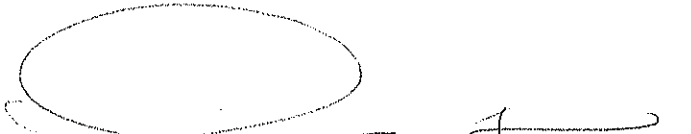
DANIEL J. ENGLISH, CLERK

By: 
Deputy Clerk

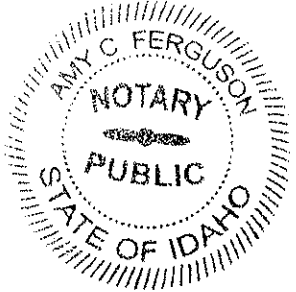
STATE OF IDAHO)
) ss.
County of Kootenai)

On this 7th day of February, 2006, before me, a Notary Public, personally appeared **Sandi Bloem** and **Susan K. Weathers**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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



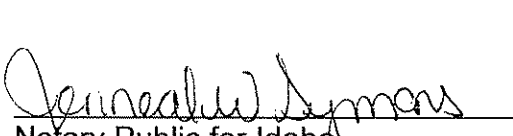
Notary Public for Idaho
Residing at Post Falls
My Commission expires: 12-6-09



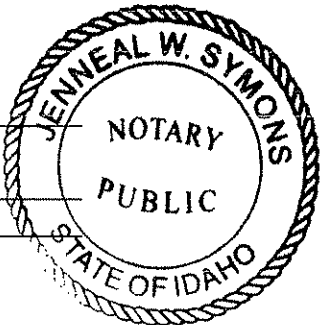
STATE OF IDAHO)
) ss.
County of Kootenai)

On this 15th day of February, 2006, before me, a Notary Public, personally appeared **S.J. Johnson**, known to me to be the Chairman, of Kootenai County, and the person who executed the foregoing instrument on behalf of the County, and acknowledged to me that the County 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 CDA Id
My Commission Expires: 1/25/07



COEUR D' ALENE BILLING SERVICES CONTRACT

CONTRACT AMENDMENT

October 30, 2008

By mutual agreement, both parties agree to exercise a three year contract extension for the Coeur d' Alene Billing Services Contract in accordance with the provisions in 3.0, sub paragraph 2.1. Said amendment shall become effective on January 1, 2009 through a completion date of December 31, 2012. The remainder of said contract is unchanged.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Coeur d' Alene have executed this contract on behalf of said **CITY** , and the **COUNTY** has caused the same to be signed, as described below

CITY OF COEUR D' ALENE

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Sandi Bloem, Mayor

Elmer R. Currie, Chairman

Date

Date

ATTEST:

ATTEST:

Susan K. Weathers, City Clerk

By: _____
Deputy Clerk

GENERAL SERVICES

STAFF REPORT

DATE: December 8, 2008
FROM: Ed Wagner, Building Services Director
SUBJECT: Avista Gas Meter Unlock/Training Contract

DECISION POINT To approve the proposed contract that provides the City with indemnification provisions for the current procedure unlocking Avistas' gas meters and provides training for contractors, building department personnel, and Avista staff.

HISTORY IDAPA 31.11.01 rules 202 and 203 require Avista to verify gas installations comply with the International Mechanical and Fuel Gas Codes unless these systems have been inspected and approved by authorized agencies. This proposed contract formalizes our current verbal gas meter unlock procedure agreement with Avista as the authorized agency. Gas meter unlocks is a service the City has provided for Avista since approximately 1994. City inspectors are on the job site to verify the gas appliances are installed properly through the mechanical permit process. After this approval, our inspectors can unlock the gas meter to allow the contractor to complete the connection to the appliances and complete the equipment installation. It is proven this process reduces the project inspection timeframes and promotes good customer service since the contractor is not required to schedule another entity to unlock the meter after our approval. Training has been included to assist all affected parties with code requirements for City inspectors unlocking Avistas' gas meters. It is also anticipated continuing education units may be a requirement in the future for mechanical licensing requirements.

FINANCIAL ANALYSIS There is no additional cost to the City or contractors.

PERFORMANCE ANALYSIS This contract will maintain our current level of customer service to the contractors and/or building owners.

SUMMARY / RECOMMENDATION Recommend approval of the proposed contract with Avista to continue our current gas meter unlock procedure and Avista to provide training.

**CONTRACT TO PROVIDE SERVICES
CITY OF COEUR D'ALENE and AVISTA UTILITIES**

This Contract to Provide Services (“Contract”) is entered into by and between the City of Coeur d’Alene (CITY”) and AVISTA CORPORATION, a Washington Corporation (“AVISTA”), which is registered to do business in Idaho, collectively referred to herein as “Parties.”

WHEREAS, IDAPA 31.11.01 rules 202 and 203 allow a local jurisdiction to inspect and approve to connect for service for AVISTA; and

WHEREAS, CITY personnel are charged with enforcing within Coeur d’Alene city limits building regulations adopted by the Coeur d’Alene City Council; and

WHEREAS, CITY personnel inspect each installation for which a mechanical permit has been issued; and

WHEREAS, in order to complete the inspection and confirm that the gas fixtures in the building are operating properly, it is necessary for the pin lock to be removed by AVISTA and the gas turned on by the Building Contractor to allow the gas services to customer facilities to commence; and

WHEREAS, AVISTA has requested that CITY direct their International Code Council (ICC) certified mechanical inspectors (inspector) to provide this service as the inspectors are well-situated, both in terms of time and proximity, to remove the pin lock after the mechanical inspections and approval of the gas system on the downstream side of the gas meter ; and

WHEREAS, the Parties desire to expedite the process by which the inspections can be completed for AVISTA customers; and

WHEREFORE, the Parties agree as follows:

**I.
SERVICES**

- 1 The Parties agree that the CITY is authorized to remove the pin lock from the AVISTA Gas Meter Set Assembly on the downstream side of the gas meter when the inspector has completed the required mechanical inspection of the HVAC and gas piping installation downstream of the meter and has found it to be in compliance with the applicable state and CITY codes.

2. The parties agree that the obligation of the inspectors will extend only to those installations for which a mechanical permit have been issued by the city and for which inspections have been completed and found to be in compliance with the applicable state and CITY codes. It is not the intent of this Contract that the CITY inspector will be required to make a special trip to the property for the sole purpose of removing the pin lock.
3. The parties agree that the placement and setting of the gas meters is the responsibility of AVISTA and AVISTA shall comply with all of their established guidelines and requirements. The CITY is not responsible to approve or disapprove the meter installation or the receipt of AVISTA gas service. The meter installation and placement is not regulated by the CITY adopted mechanical and fuel gas codes and is outside of the CITY'S jurisdiction. Any deviation by AVISTA or its Contractors in regards to meter placement, including but not limited to, proximity to openings into the building or other types of installations, or what AVISTA may construe to be "hazardous" is solely the responsibility and/or liability of AVISTA.
4. The Parties also agree that by the removal of the pin lock gas service to the structure will be able to commence. AVISTA agrees that the CITY is entitled to rely on the placement of the meter by AVISTA as evidence that gas service to the property has been approved by AVISTA, and the CITY shall not be responsible to confirm that approval. The CITY shall not be responsible for any gas bill generated by the removal of the pin lock.
5. If CITY personnel arrive on the job site and observe a pin lock removed for any reason prior to final inspection of the mechanical system by the CITY, the CITY will not proceed with the final mechanical inspection until AVISTA has been notified and had an opportunity to inspect the meter to confirm that the meter has not been damaged or tampered with and is safe to activate the gas fixtures from the perspective of the gas utility. The CITY will notify AVISTA within 24-hours that the pin lock has been removed. Nothing in this agreement is intended to prohibit AVISTA from instituting a process assessing fines to the persons or company found to be responsible for the removal of the pin lock.
6. The parties agree that AVISTA will, in return for having this service provided by the CITY sponsor a minimum of one (1) day of training per calendar year which qualifies for International Code Council (ICC) sanctioned continuing education units (CEU) beginning with the date of acceptance of this contract. This training shall be based on the current editions of the International Mechanical Code, International Fuel Gas Code, and other training approved by AVISTA and building officials representing the participating jurisdictions. In advance of any training, AVISTA shall initiate discussions regarding the amount and type of annual training between the building officials representing jurisdictions in Kootenai County and Bonner County Idaho who have entered into agreements with AVISTA that are substantially similar to this contract. This training shall be designed for contractors, jurisdictional inspectors, and AVISTA personnel who inspect or service mechanical systems. All training costs incurred up to four thousand dollars (\$4000) annually, including but not limited to speaker fees, material costs, any hard costs for

notification, and facility costs shall be the responsibility of AVISTA, with assistance and guidance from the participating jurisdictions.

**II.
INDEMNIFICATION**

In exchange for CITY’S services, AVISTA agrees to defend, indemnify, and hold harmless the CITY, and its officers, agents, inspectors, and employees from and against any and all liability, claims, damages, losses, expenses, actions, attorneys’ fees and suits whatsoever caused by or arising out of any and all of the acts or omissions of the CITY, it’s elected officials, officers and employees and agents in performance of this Contract and the acts of AVISTA in the placement and installation of the gas meter. This indemnification shall include not only any future unlocks that the CITY or its employees perform for AVISTA Utilities but also any unlocks previously performed by the CITY in good faith and at the oral request of AVISTA.

**III.
TERM**

This Contract shall become effective as of the last date of execution written below, and shall continue in effect unless terminated by ninety (90) days’ prior written notice given by either Party. AVISTA’S indemnification obligation pursuant to this Contract shall remain in full force and effect after the termination of the Contract.

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

AVISTA CORPORATION

By: _____
Sandi Bloem, Mayor

By: _____
Its: _____

ATTEST:

ATTEST:

Susan K. Weathers, City Clerk

By: _____

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 16th day of December, 2008, 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 _____)
) ss.
County of _____)

On this _____ day of _____, 200_, before me, a Notary Public, personally appeared _____, known to me to be the _____, of **Avista Corporation**, and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for _____
Residing at _____
My Commission Expires: _____

**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: December 8, 2008
FROM: David E. Shults, Capital Program Manager *DES*
SUBJECT: Agreement with TML Construction for Refurbishment of WWTP Digester #4

=====

DECISION POINT:

The City Council is requested to approve the proposed agreement with TML Construction for refurbishment of WWTP Digester #4 for a cost of \$372,000.

HISTORY:

Digester #4 was constructed in 1994, and due to its corrosive environment, is now in need of coating refurbishment. Interior and exterior coatings are failing and are subjecting the structural components to deterioration. Because the plant's digester volume is nearing maximum capacity, digester #4 work must be accomplished in the winter months when production of the city's biosolids is at its lowest amount. Work should commence as soon as possible in January 2009 so that the digester is available to receive the increased volume of biosolids that are produced by the plant when chemicals are added in the early spring for phosphorus removal. The City's wastewater engineering consultant, HDR Engineering contracted with the City to provide specifications and other engineering services for refurbishment of this process structure. Contractor bids have been received and local contractor, TML Construction submitted the lowest responsive, responsible bid. Because TML's bid of \$372,000 is substantially more than the engineer's estimate of \$194,350, the details of TML's bid were reviewed by city staff and HDR engineers, and discussed with TML. TML believes their bid is fair and reasonable considering the City's requirement for fast-track completion during unknown winter weather conditions, and considering their inability to see inside the digester while it is in service. HDR and wastewater staff considered the options of bearing the cost which is higher than predicted, or to reject all bids and readvertise in hopes of obtaining lower bids. After consideration that rebidding will not allow sufficient time for completion of the work before the digester is needed in March, and that the engineer's estimate did not consider some of the factors that increase costs for this type of work in North Idaho, and that there is no guarantee that rebidding would result in a lower bid from a qualified contractor willing to do the work, wastewater staff recommends award of the work to TML.

FINANCIAL ANALYSIS:

<u>Estimate for Coating Refurbishment on Digester #4</u>	
Engineering	\$40,000
Construction by TML	372,000
Contingency 3%	<u>11,160</u>
	Total \$423,160

Funding The current year FY 2008-09 budget includes \$200,000 for this project.
Sufficient reserves exist in the Wastewater Fund to fund this expenditure.

DISCUSSION:

Digester #4 is a cylindrical concrete tank 40 feet in diameter, with a sidewall 31 feet tall and a steel dome cover. This anaerobic digester is one of three that process biosolids to reduce harmful bacteria and pathogens. Work will include removal of some of the contents, dismantling and reassembly of exterior piping and equipment, tenting and heating, sand blasting of existing coatings, application of new coatings and insulation, and special inspection to assure adequate surface preparation and coverage. Refurbishment of the digester coatings must be accomplished between January and March to avoid further deterioration and to restore the critically necessary digester capacity when needed in March. The work during cold weather will require more expensive painting techniques that involve tenting and heating.

Wastewater staff reviewed details of the three bids received and interviewed the two lowest bidders to understand any discrepancies between the bid results and the engineer's estimate, and to understand the issues that affected the bids. Ginno Construction of Coeur d'Alene submitted the lowest bid of \$184,980, but withdrew their bid when they found that a \$40,000 error was made on their bid and that they did not have the appropriate license as an industrial contractor to bid or perform the work. TML shared their bid breakdown with the City and HDR and explained their reasoning for their projected costs. Although the \$372,000 bid seems high, TML and wastewater staff believe the engineer's estimate of \$194,350 seems low after considering the unknowns within the digester that has not been drawn down and cleaned for several years, and considering several requirements that add a measure of complexity to the work. Although the engineer's estimate is a guide for determining funding requirements and reasonableness of contractor bids, actual contractor bids and their willingness to perform the work dictates the final cost. The third bid from RSCI of Meridian, Idaho for \$483,694 gives another perspective regarding contractor interest and competition for the work.

Wastewater staff recommends that TML be awarded the work to allow refurbishment without delay. The successful and timely refurbishment of the digester is too critical to the operation of the treatment plant to risk being out of service when it is needed. The alternative of rebidding would result in delay of the project for another year, and would result in additional engineering costs for repackaging the specifications and compiling a more detailed cost estimate that is likely to show a magnitude closer to that of TML. If conditions inside the digester prove to be better than anticipated, TML and HDR believe there are a few ways to decrease the final contractor cost.

DECISION POINT/RECOMMENDATION:

The City Council is requested to approve the proposed agreement with TML Construction for refurbishment of WWTP Digester #4 for a cost of \$372,000.

Attachment

des1267

AGREEMENT

THIS AGREEMENT, made and entered into this **16th day of December, 2008**, between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Idaho, hereinafter referred to as the "**CITY**", and **TML Construction, Inc.**, a corporation duly organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at **P.O. Box 2970, Hayden, Idaho 83835**, hereinafter referred to as "**CONTRACTOR**",

WITNESSETH:

THAT, WHEREAS, the said **CONTRACTOR** has been awarded the contract for: **Digester No. 4 Coatings**, according to Contract Documents on file in the office of the City Clerk of said city, which documents are entitled: "**Digester No. 4 Coatings**" and are incorporated herein by reference.

IT IS AGREED that for and in consideration of the covenants and agreements to be made and performed by the **CITY OF COEUR D'ALENE**, as hereinafter set forth, the **CONTRACTOR** shall make improvements in said City, furnishing all labor and materials therefor according to said Contract Documents and under the penalties expressed in the performance bond bearing even date herewith, and which bond with said Contract Documents are hereby declared and accepted as parts of this Agreement. All material shall be of the high standard required by the said Contract Documents and approved by the Engineer, and all labor performed shall be of first-class workmanship.

The **CONTRACTOR** shall employ appropriate means to prevent accidents and shall save the city harmless from all claims for injury to person or property resulting from the **CONTRACTOR'S** actions or omissions in performance of this agreement. The **CONTRACTOR** shall purchase and maintain insurance of the type and the amount specified in the Contract Documents. Certificates of insurance providing at least thirty (30) days written notice to the City prior to cancellation of the policies shall be filed in the office of the City Clerk.

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

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

The **CITY** shall pay to the **CONTRACTOR** for the work, services and materials herein provided to be done and furnished by it, the sum of **\$372,000.00**, as hereinafter provided. Partial payment shall be made on the third Tuesday of each calendar month on a duly certified estimate of the work completed in the previous calendar month less five percent (5%). Final payment shall be made thirty (30) days after completion of all work and acceptance by the City Council, provided that the **CITY** has obtained from the Idaho State Tax Commission a release of liability for taxes (Form 10-248-79). Payment shall be made by the City Treasurer.

The **CONTRACTOR** shall complete all Work within **eighty (80) calendar days** of the commencement date given in the Notice to Proceed issued by the **CITY**.

The **CITY** and the **CONTRACTOR** recognize that time is of the essence and failure of the **CONTRACTOR** to complete the work within the time allowed shall result in damages being sustained by the **CITY**. Such damages are and will continue to be impractical and extremely difficult to determine. Therefore, in the event the **CONTRACTOR** shall fail to complete the work within the above time limit, the **CONTRACTOR** shall pay to the **CITY** or have withheld from moneys due, **liquidated damages** at the rate of **\$500.00 per calendar day**, which sums shall not be construed as a penalty.

CONTRACTOR shall submit applications for payment in accordance with the General Conditions.

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

1. To pay promptly when due all taxes (other than on real property), excises and license fees due to the State of Idaho, its subdivisions, and municipal and quasi-municipal corporations therein, accrued or accruing during the term of this contract, whether or not the same shall be payable at the end of such term.
2. That if the said taxes, excises and license fees are not payable at the end of said term but liability for said payment thereof exists, even though the same constitutes liens upon his property, to secure the same to the satisfaction of the respective officers charged with the collection thereof.

3. That in the event of his default in the payment or securing of such taxes, excises and license fees, to consent that the department, officer, board or taxing unit entering into this contract may withhold from any payment due him thereunder the estimated amount of such accrued and accruing taxes, excises and license fees for the benefit of all taxing units to which said CONTRACTOR is liable.

For the faithful performance of this agreement in accordance with the Contract Documents and payment for all labor and materials, the **CONTRACTOR** shall execute good and sufficient performance bond and payment bond each in the amount of one hundred percent (100%) of the total amount of the bid as herein before stated, said bonds to be executed by a surety company authorized to do business in the state of Idaho.

The terms "Project Manual" and "Contract Documents" are defined in Section 00700 of the Project Manual, entitled "Standard General Conditions of the Construction Contract".

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

IN WITNESS WHEREOF, the Mayor and City Clerk of the CITY OF COEUR D'ALENE have executed this contract on behalf of said city, the City Clerk has affixed the seal of said city hereto, and the **CONTRACTOR** has caused the same to be signed by its President, and its seal to be affixed hereto, the day and year first above written.

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

**CONTRACTOR:
TML Construction, Inc.**

**By: _____
Sandi Bloem, Mayor**

**By: _____
Title: _____**

ATTEST:

ATTEST:

**By: _____
Susan K. Weathers, City Clerk**

**By: _____
Title: _____**

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 16th day of December, 2008, 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 _____)
) ss.
County of _____)

On this _____ day of _____, 200_, before me, a Notary Public, personally appeared _____, known to me to be the _____, of **TML Construction**, and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for _____
Residing at _____
My Commission Expires: _____



CITY OF COEUR D'ALENE

FINANCE DEPARTMENT

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

Finance Department Staff Report

Date: December 10, 2008

From: Troy Tymesen, Finance Director

Subject: Annual Road and Street Financial Report

DECISION POINT:

The Council is being asked to review and to approve the Annual Road and Street Financial Report for the fiscal year ending September 30, 2008.

HISTORY:

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

FINANCIAL ANALYSIS:

The certification and timeliness of this report is critical to the City receiving funding from the State's Highway User tax disbursement. The revenue received during fiscal year 2007-08 was \$1,543,369.

PERFORMANCE ANALYSIS:

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

DECISION POINT:

The Council is being asked to review and to approve the Annual Road and Street Financial Report for the fiscal year ending September 30, 2008.

Annual Road and Street Financial Report

Reporting Entity Name - Enter below by entity type	Please return, not later than December 31 , to:
City or Coeur d'Alene, Idaho	DONNA M. JONES IDAHO STATE CONTROLLER
County or	ATTN: HIGHWAY USERS STATEHOUSE MAIL
Highway District	BOISE, ID 83720

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

Dated this _____ day of _____, _____.

ATTEST:

City Clerk/County Clerk/District Secretary (type or print name & sign)	Commissioners or Mayor (type or print name & sign)
Contact Phone Number:	

FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008

Line 1 BEGINNING BALANCE AS OF OCTOBER 1 PREVIOUS YEAR	(\$7,208,283)
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RECEIPTS

LOCAL FUNDING SOURCES

Line 2	Property tax levy (for roads, streets and bridges)	
Line 3	Sale of assets	
Line 4	Interest income	106,458
Line 5	Fund transfers from non-highway accounts.	264,873
Line 6	Proceeds from sale of bonds (include LIDs)	
Line 7	Proceeds from issue of notes (include loans)	
Line 8	Local impact fees	35,200
Line 9	Local option registration fee	
Line 10	All other LOCAL receipts or transfers in.	3,647,098
Line 11	Total Local Funding (sum lines 2 through 10).	\$4,053,629

STATE FUNDING SOURCES

Line 12	Highway user revenue	1,543,369
Line 13	Sales tax/Inventory replacement tax	
Line 14	Sales tax/Revenue sharing	
Line 15	Other state funds (specify)	
Line 16	All other STATE receipts or transfers.	
Line 17	Total State Funding (sum lines 12 through 16).	\$1,543,369

FEDERAL FUNDING SOURCES

Line 18	National forest reserve apportion.	
Line 19	Critical bridge	
Line 20	STP Rural	
Line 21	STP Urban.	25,186
Line 22	All other FEDERAL receipts or transfers	
Line 23	Total Federal Funding (sum lines 18 through 22).	\$25,186

Line 24	TOTAL RECEIPTS (sum lines 11, 17, 23).	\$5,622,184
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DISBURSEMENTS

	NEW CONSTRUCTION	
Line 25	Roads	
Line 26	Bridges, culverts and storm drainage	
Line 27	RR Crossing	
Line 28	Other (specify - including salaries and benefits).	
Line 29	Total New Construction (sum lines 25 through 28).	\$0
	RECONSTRUCTION/REPLACEMENT/REHABILITATION	
Line 30	Roads (rebuilt, realign, or 2" overlay upgrade).	144,421
Line 31	Bridges, culverts and storm drainage	960,652
Line 32	RR Crossing.	
Line 33	Other (specify - including salaries and benefits). ADA Si.	149,258
Line 34	Total Reconstruction/Replacement (sum lines 30 through 33).	\$1,254,331
	ROUTINE MAINTENANCE	
Line 35	Chip sealing or seal coating.	762,321
Line 36	Patching	377,311
Line 37	Snow removal	528,175
Line 38	Grading/blading	57,218
Line 39	RR Crossing.	
Line 40	Other (specify - including salaries and benefits). signals & signs, bike paths	662,770
Line 41	Total Routine Maintenance (sum lines 35 through 40)	\$2,387,795
	EQUIPMENT	
Line 42	New equipment purchase - automotive, heavy, other.	148,527
Line 43	Equipment lease - Equipment purchase	
Line 44	Equipment maintenance.	424,493
Line 45	Other (specify).	
Line 46	Total Equipment (sum lines 42 through 45)	\$573,020
	ADMINISTRATION	
Line 47	Administrative salaries and expenses.	\$267,356
	OTHER	
Line 48	Right-of-way and property purchases	
Line 49	Property leases	
Line 50	Street lighting	500,451
Line 51	Professional services - audit, clerical, and legal.	25,597
Line 52	Professional services - engineering.	49,604
Line 53	Interest - bond (include LIDs).	135,263
Line 54	Interest - notes (include loans).	
Line 55	Redemption - bond (include LIDs)	1,068,220
Line 56	Redemption - notes (include loans)	
Line 57	Payments TO other local government.	
Line 58	Fund transfers to non-highway accounts.	
Line 59	All other local expenditures	
Line 60	Total Other (sum lines 48 through 59)	\$1,779,135
Line 61	TOTAL DISBURSEMENTS (sum lines 29, 34, 41, 46, 47, 60).	\$6,261,637
Line 62	RECEIPTS OVER DISBURSEMENTS (line 24 - line 61).	(\$639,453)
Line 63	CLOSING BALANCE (sum lines 1, 62)	(\$7,847,736)
Line 64	Funds on Line 63 obligated for specific future projects.	
Line 65	Funds on Line 63 retained for general funds and operations.	
Line 66	OTHER ADJUSTMENTS (Audit adjustment and etc.).	
Line 67	ENDING BALANCE (line 63 minus the sum of lines 64, 65)	(\$7,847,736)

CITY COUNCIL STAFF REPORT

DATE: December 16, 2008
FROM: Jim Dunn, Wastewater Project Manager
SUBJECT: Purchase of New 1 Ton Truck & New Tandem Axle Dump Truck

=====

DECISION POINT:

The Council may wish to authorize staff to purchase a New 1 Ton Truck with Dump Body and a New Tandem Axle Dump Truck.

HISTORY:

Quotes were solicited for the New 1 Ton Truck by advertising in the CDA Press and phoning local truck dealers. Three (3) quotes were received with the lowest submitted by Tom Addis Automobile Group.

Request For Bids were advertised in the CDA Press for a New Tandem Axle Dump Truck. Two (2) sealed bids were received by the deadline of December 1, 2008, publicly opened by the City Clerk and read out loud.

FINANCIAL ANALYSIS:

The New 1 Ton Truck lowest quote is from Tom Addis Automobile Group for \$31,881.78
Wastewater 2008-2009 Budget line item for the replacement of the 1997 Truck #441 is \$35,000.00

The New Tandem Axle Dump Truck lowest bid is from Freedom Truck Centers, Inc., dba Freedom Freightliner, for \$111,820.00.

The other bid received is from Transport Equipment for \$131,500.00.
Wastewater 2008-2009 Budget line item for this Second Solids Dump Truck is \$112,000.00

PERFORMANCE ANALYSIS:

The 1 Ton Truck is an essential part of Wastewater’s collection and maintenance operation in transporting; pumps; miscellaneous lift station parts; manhole ring and covers; manhole riser sections; pipe; pipe accessories and small amounts of gravel or asphalt.

The Tandem Axle Truck Dump Truck will be use to haul bio-solids from the Wastewater Treatment Plant to the Compost Facility.

RECOMMENDATION:

The Council may wish to authorize staff to purchase the 2009 Ford F-350 with Dump Body for the lowest quoted price of \$31,881.78 from Tom Addis Automobile Group and a New Tandem Axle Truck Dump Truck from Freedom Truck Centers, Inc., dba Freedom Freightliner for \$111,820.00.

**PUBLIC WORKS COMMITTEE
M E M O R A N D U M**

DATE: DECEMBER 3, 2008

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

RE: NORTH IDAHO HOUSING COALITION

DECISION POINT:

- To direct staff to find methods of incentivizing construction of affordable housing and to draft a memorandum of agreement with North Idaho Housing Coalition, as a partner in meeting the needs of workforce housing and low to moderate income households.

HISTORY: In December 2006, BBC Consulting completed a housing needs assessment for the City of Coeur d'Alene. Within the city limits of Coeur d'Alene, it was determined that there is a need for more affordable housing units. Specifically, there is a need for 861 units of rental housing (for those earning less than \$15,000/year), 1,300 housing units available for purchase within the \$100,000 to \$140,000 (for those earning \$30,000 - \$40,000/year). Goals contained in that report included the following:

- Goal No. 1.** Create affordable homeownership opportunities for Coeur d'Alene's workforce.
- Goal No. 2.** Develop more deeply subsidized rental units, including affordable senior rentals and housing with supportive services.
- Goal No. 3.** Create a housing rehabilitation program.
- Goal No. 4.** Receive a direct allocation of the Community Development Block Grant.
- Goal No. 5.** Educate residents, mitigate resistance to affordable housing (NIMBYism) and keep affordable properties in sound condition.
- Goal No. 6.** Maintain quality schools within the City.

North Idaho Housing Coalition (NIHC) is a non-profit organization that has been established to help create homeownership opportunities for low to moderate-income citizens. Additionally, they are interested in providing education to the community regarding housing opportunities. Representatives from NIHC made a presentation to the City Council earlier this year, expressing various ideas regarding incentivizing affordable housing. Some potential incentives include:

- fast tracking projects
- deferring fees
- Staff liaison
- Design exceptions
- Density bonus
- Permit issuance as infrastructure in placed

NIHC has expressed an interest in acting as an agency that would certify that a development project meets set criteria to be defined as an affordable housing project. NIHC may offer deed restrictions, land trusts, down payment assistance programs, in exchange for certain city-

approved incentives and act as the long-term steward over those documents to ensure a continuation of affordability.

Staff recognizes it will take time to develop process and procedures for such incentives and seeks Council's direction to move forward with creating options that work within the city limits of Coeur d'Alene. Additionally, it would be important to establish a memorandum of agreement with NIHC to establish a partnership for affordable housing, and to set forth criteria acceptable to the city and outlining the available incentives.

FINANCIAL ANALYSIS: Staff will analyze any financial impacts as incentives are explored.

PERFORMANCE ANALYSIS: Recommending staff to move forward with this proposal would provide an avenue for moving forward with affordable housing opportunities.

DECISION POINT/RECOMMENDATION:

- To direct staff to find methods of incentivizing construction of affordable housing and to draft a memorandum of agreement with North Idaho Housing Coalition, as a partner in meeting the needs of workforce housing and low to moderate income households.

Affordable Housing

80% Median Income Limits

Household Size	Max. Income
1 Person	\$29,450
2 Person	\$33,700
3 Person	\$37,900
4 Person	\$42,100
5 Person	\$45,450
6 Person	\$48,850

Workforce Housing

120% Median Income Limits

Household Size	Max. Income
1 Person	\$44,200
2 Person	\$50,500
3 Person	\$56,800
4 Person	\$63,100
5 Person	\$68,150
6 Person	\$73,200

Dec. 2, 2008

City of Coeur d'Alene
710 East Mullan Ave.
Coeur d'Alene, Idaho 83814

Dear Mayor Sandi Bloem and council members;

Thank you for this opportunity to share our thoughts regarding a common goal: increasing the amount of workforce housing available in Coeur d'Alene. One of the key objectives of the North Idaho Housing Coalition (NIHC) is to incentivize the construction of needed affordable workforce housing units. The purpose of this communication is to begin a process that will lead to the development of an MOU between the City and NIHC related to incentives for construction of workforce housing. Any incentives discussed would support the cities responsibility to ensure proposed housing developments are cost-effective (i.e., reduce extensive long-term maintenance by the city), meet health and safety requirements, are properly designed, and have a favorable impact on the community.

The proposed MOU between the City and NIHC will only apply to developers who have entered into an MOU with NIHC related to their participation in the NIHC home equity partnership program, and only to specific projects that have been reviewed and approved by the NIHC project development committee. This requirement ensures the City will receive appropriate workforce housing; the developer will not use the incentives and then attempt to escape its commitment to provide the workforce housing.

The NIHC designation for workforce housing means at least 10% of the homes in the subdivision are included in the NIHC home equity partnership program, which stipulates certain qualifications by both the developer and potential buyer. In situations where the homes are deed-restricted to provide perpetual affordable housing, NIHC will serve as the long-term steward of that housing.

NIHC met with city representatives and local developers earlier this year to review findings of the BBC report prepared for the city, identify barriers to constructing more affordable/workforce housing in Coeur d'Alene, and to discuss potential solutions. The result of those conversations is a list of potential criteria and incentives for consideration by city staff, such as a streamlined permitting process and deferral of some fees.

We look forward to working with you and your staff to determine how the NIHC and the City can collaborate in this effort. Please contact me if you would like more information on NIHC and its programs.

Respectfully,

Lori Isenberg, Executive Director

Board of Directors

Executive Committee

President

Mara'd Sjostrom

D.A. Davidson

Vice President

Philip F. Boyd, P.E.

Welch Comer Engineers

Secretary-Treasurer

John Austin

Panhandle Area Council

Alex Ikefuna

ACI International

Bruce Cyr

Community member

Linda Davis

Copper Basin

Construction

Directors

Dan Klocko

Kootenai Health

Gretchen Mark

Community member

Jeff Conroy

St. Vincent de'Paul

Jo Ann Edmiston

Department of Labor

Kevin Vedder

Mountain West Bank

Meredith Bryant

Habitat for Humanity

Mike Kennedy

City of Coeur d'Alene

Nancy Lowery

City of Hayden

Robin Harrison

Panhandle State Bank

Scott Clark

Kootenai County

Executive Director

Lori Isenberg

STUMBLING BLOCK #2

NO DOWNPAYMENT = NO HOUSE.



Not anymore.
That's where we
can help!

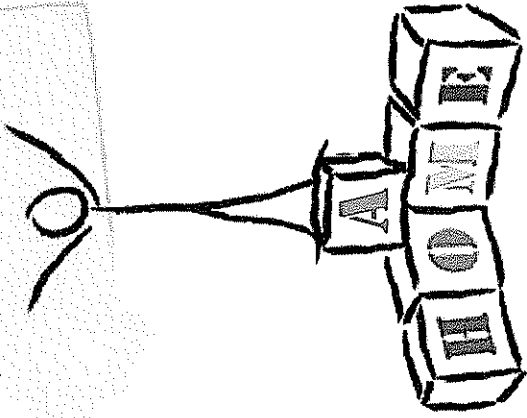
1. The cash to buy

The Deeds of Distinction Program is designed for people just like you. We understand how difficult it is to save money for a house down-payment today. That's why we have developed this unique program to help cover the cash costs of home ownership for every qualifying participant who is willing to donate time to a community cause of their choice.

2. You can qualify for a mortgage

Even if you don't qualify for the full Deeds of Distinction program right now, we have other resources to help you qualify much sooner than you might think. (Savings programs, counseling, etc.) Give us a call and we can get started.

Giving back
feels really good.



1. Deeds of Distinction Program

Donated time for a non-profit of your choice empowers you to acquire the DEED to your new home...AND...strengthens the community in which you live and work...Connecting Community through Deeds of Distinction!!

2. What goes around, comes around

Ultimately, the down payment provided to every new home owner goes back into the program. This allows every person who has been blessed with a new home through their Deeds of Distinction to pass along the blessing to someone else... and that feels really good!!

NORTH IDAHO
HOUSING
COALITION

Phone: (208) 665-9922

email: lori@northidahohousing.org

www.northidahohousing.org

STUMBLING BLOCK #1

THERE IS NO WAY WE
CAN AFFORD TO
BUY A HOME.



Not so fast.

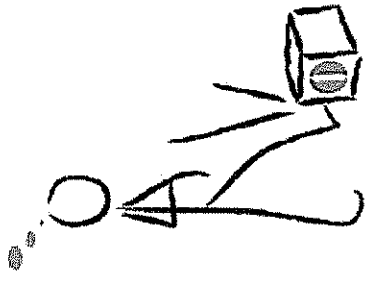
There's a new
Program in Kootenai
County that you've
got to check out!

NORTH IDAHO
HOUSING
COALITION

www.northidahohousing.org

STUMBLING BLOCK #3

**WITH OUR CREDIT, A BANK
WOULDN'T TOUCH US.**



*Come see us.
You might be
surprised.*

1. Nobody's perfect

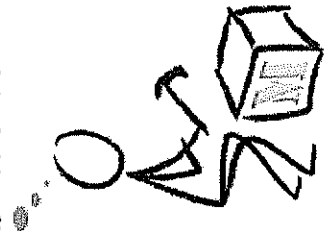
The question banks have is not whether you have ever messed up your credit, but whether you have learned a few lessons in the process. They don't look for credit that's perfect, but credit that's currently stable, improving, or can be improved.

2. Improve your credit

Even if you haven't yet been able to adequately rebuild your credit, we have a team of experts who can get you on the fast track to home ownership.

STUMBLING BLOCK #4

**OWNING A HOME IS TOO
EXPENSIVE. WE COULD NEVER
AFFORD THE PAYMENTS.**



1. Won't bust the budget

You can own a home at the same or slightly more money per month than you are paying now. Remember...rent goes up — house payments don't!

2. A new home for as little as \$129,900

Good news for renters who are buying their own home. A brand new home—and at prices that are remarkably affordable!

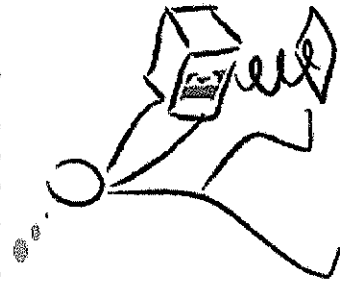


*How does
\$780/month
sound?**

*6.0% APR.
30 year fixed rate with
0 points. Some restrictions apply.
Offer not valid with any other discounts.
6.0% APR based on a \$129,900 purchase and \$129,900 loan amount.

STUMBLING BLOCK #5

**THIS IS NO TIME TO BUY
A HOUSE.**



*With helping
hands, this is
a GREAT
time to buy!*

1. Dream Catcher

The Connecting Community through Deeds of Distinction Program is a creative approach to helping homebuyers live their dream. Regardless of the economy, the best time to buy is when significant help is available.

2. The time to move is NOW!

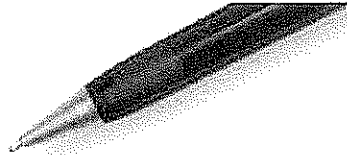
No more rent...PERIOD.

For more details,
Call Lori, (208) 665-9922
or Linda, (208) 755-3637

or visit our website:

www.northidahousing.org

Some restrictions apply.



**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: December 8, 2008
FROM: Terry W. Pickel, Assistant Water Superintendent
SUBJECT: **Request for approval to award Dump Body bid.**

DECISION POINT:

Staff is requesting approval from City Council to award the bid for a Williamson brand 12 yard heavy duty dump body to Freedom Truck Center who supplied the lowest responsive bid.

HISTORY:

As the Water Department plans to resume water main replacement for fiscal year 2008-2009, staff has determined that a larger, extreme duty dump truck will be required to safely increase production and efficiency. The amount of asphalt and concrete we routinely haul was damaging trucks loaned by the Street Department. So, in order to build an extremely durable dump truck that will handle years of abuse routinely hauling asphalt, concrete, boulders and other various types of materials, staff decided to bid the truck and body separately for quality control.

FINANCIAL ANALYSIS:

Normally, this type of purchase would have gone directly to Council via the consent calendar. However, we encountered irregularities in half of the bids. The lowest bidder, Cobalt Truck Equipment, and the second lowest bidder, Titan Truck, took several significant exceptions and therefore are considered to be unresponsive. Based on this, we are requesting that Council allow staff to accept and award the third lowest bid, \$39,999.00, for a Williamson Body provided by Freedom Truck Center. The Water Department currently has a line item in the budget for this purchase.

PERFORMANCE ANALYSIS:

Staff extensively researched various grades of dump bodies supplied by known manufacturers and consulted area suppliers. The specifications stipulated that a 5/16" AR450 high tensile strength steel be used to construct the bottom, sides, front and tailgate of the dump body to ensure maximum longevity of the body. The unsuccessful bidders are only offering 1/4" AR450 steel which staff felt would take years off the anticipated life of the dump body. Staff expects this truck to have a useful life of 15 to 20 years for the proposed truck. If the lighter gauge material is used, staff expects to lose approximately 5 years from the body. With a mere difference of \$2,069.00 between the lowest (unresponsive) bid and the bid proposed for award, staff believes the additional life expectancy to be well worth the difference.

QUALITY OF LIFE ANALYSIS:

The addition of the larger dump truck to the Water Department construction fleet will not only increase production, but a fuel savings should also be realized as half of the current trips from the job site to the shop will be routinely required as the truck will have twice the capacity of our current dump truck. The self cleaning elliptical design of the body will require less labor for cleaning as virtually no wet material should hang up resulting in quicker round trips. The inclusion of a high lift tail gate will help prevent large chunks of debris, concrete and asphalt from lodging in the tail gate making for shorter round trip cycles as well.

DECISION POINT/RECOMMENDATION:

Staff requests authorization from City Council to declare the 2 lowest bids which take exceptions to material gauge thickness as unresponsive and award the bid for a heavy duty elliptical design Williamson "Rock" dump body to Freedom Truck Center.

Specification Description		Cobalt Truck Equipment (Heil Duraclass)	Freedom Truck Center (Crysteel)	Freedom Truck Center (Williamson)	Titan Truck (Cancade)	Reliance Trailer, Inc. (Relaince)	Freedom Truck Center (Reliance)
DUMP BODY BID	Bid to provide and install a new elliptical dump body on truck provided by the City.	Exceptions taken: yes/no and explanations.					
DUMP BODY SIZE	12 yard heavy duty Rock dump body, maximum 37" high sides.	*Yes, exception taken for 38" side height and width.	*Yes , exception taken for interior body width.	*Yes , exception taken for interior body width.	*Yes, exception taken for 38" side height and width.	None taken	None taken.
FLOOR	Minimum 5/16" AR450 steel floor w/ 16" radius corners.	Yes, exception taken for 1/4" AR450 steel w/ 15" radius.	Yes, exception taken for 1/4" AR450 steel.	None taken.	Yes, exception taken for 1/4" AR450 steel.	None taken	None taken.
TOP RAIL	Formed top rail, minimum 1/4" hi-tensile steel w/ 4"x8" sideboard pockets.	Yes, top rail to be provided w/ 2" x 8" side boards only.	Yes, exception taken for 7 ga top rail.	None taken.	None taken.	None taken	None taken.
FRONT PANEL	Minimum 5/16" AR450 Steel front panel w/ 12" radius bottom.	Yes, exception taken for 1/4" AR450 steel w/ no radius.	Yes, exception taken for 1/4" AR450 steel.	None taken.	Yes, exception taken for 1/4" AR450 steel.	None taken	None taken.
CAB GUARD	1/2 forward cab guard of 10 ga. Hi-tensile w/ 4 ea 2" angle iron reinforcement.	Yes, exception taken no angle iron reinforcement..	None taken.	None taken.	None taken.	None taken	None taken.
SIDES	Minimum 5/16" AR450 Steel side panel rolled from floor plate.	Yes, exception taken for 1/4" AR450 steel.	Yes, exception taken for 1/4" AR450 steel.	None taken.	Yes, exception taken for 1/4" AR450 steel.	None taken	None taken.
TAILGATE	Hi lift hinged hydraulic gate, minimum 5/16" AR450 steel plate w/ 10 ga. outer wall	Yes, exception taken for 1/4" AR450 steel w/ 8 ga wall.	Yes, exception taken for 1/4" AR450 steel w/ 7 ga wall.	None taken.	Yes, exception taken for 1/4" AR450 steel.	None taken	None taken.
LONGMEMBER	Minimum 8" trapezoid long member w/ 8" structural channel rear cross member.	**Yes, 10" trapezoid w/o crossmem., exceeds spec.	** 1/4" steel exceeds spec.	** Yes, exception taken for 8" I-beam, exceeds spec.	None taken.	None taken	None taken.
FENDERS	10 ga hi-tensile full length w/ color tinted bedliner to resist chipping.	None taken.	Yes , exception taken for 12 ga hi-tensile steel.	None taken.	None taken.	None taken	None taken.
HOIST	6.5" diameter by 157" stroke or equal hydraulic cylinder, trunnion mounted.	Yes, exception taken for inverted 6"x 120" cylinder.	None taken.	None taken.	Yes, exception taken for 6.5" w/ 2100 psi range.	None taken	None taken.
LIGHTING	Trucklite LED clearance, tail, brake lights.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
MUD FLAPS	2 sets of heavy duty rubber installed front and rear of drive axles.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
SIDE BOARDS	provide two 4" x 8" side boards panited to match.	Yes, exception taken for 2" x 8" sideboards.	None taken.	None taken.	None taken.	None taken	None taken.
STEPS / HANDLES	Minimum 2 steps on drivers side w/ a grab handle on cab guard.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
PAINT SYSTEM	2 coat primer, 3 coat imron	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
CHAINS	Provide 2 drop spreader chains on tail gate.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
PTO & HYDRAULICS	Provide and install PTO/pump for Allison Auto trans w/ air shift and applicable hardware	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
BODY ELECTRICAL &	Provide all body related wiring.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
DUMP BODY INSTALLATION	Install body on truck frame with all heavy duty related hardware.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
PINTLE HITCH	Install 2400 H Premier pintle hitch and related equipment for pup trailer.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
WARRANTY	Minimum one year or manufacturers, whichever is greater.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
SHOP DRAWING	Provide shop drawing of proposed body to determine wheel base.	To be provided upon order.	None taken.	None taken.	None taken.	None taken	None taken.
OPTION #1 EXTERIOR SIDEWALL	Minimum 10 ga hi-tensile steel outer wall w/ center rib.	None taken.	None taken.	None taken.	None taken.	None taken	None taken.
Base bid		\$ 35,400.00	\$ 37,486.00	\$ 38,589.00	\$ 38,138.00	\$ 39,630.32	\$ 43,410.00
Option #1		\$ 2,530.00	\$ 2,219.00	\$ 1,410.00	\$ 3,750.00	\$ 3,800.00	\$ 4,471.00
Total Bid.		\$ 37,930.00	\$ 39,705.00	\$ 39,999.00	\$ 41,888.00	\$ 43,430.32	\$ 47,881.00

*NOTE: Width not considered to be a major factor for consideration but load height is.

** NOTE: Meets or exceeds the intended design.

**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: December 8, 2008
FROM: David E. Shults, Capital Program Manager *DES*
SUBJECT: Prepurchase WWTP Ammonia Reduction Entex Modules

=====

DECISION POINTS:

The City Council is requested to approve the specifications for purchase of Entex Technologies ammonia reduction equipment, and to authorize publishing a notice in the newspaper of the intent to procure from this sole-source manufacturer.

HISTORY:

Facility planning is nearly complete in response to proposed new regulations that will require considerable new treatment facilities to meet new discharge requirements for nutrients from the treatment plant. A three phase construction program is planned over the next seven years. Phase 5A improvements are planned to provide earliest improvements needed to meet existing ammonia treatment requirements. Phase 5B improvements will add currently- needed biosolids digester process structures, and will add administration, laboratory, shop, and operator control buildings. Planning for Phase 5C improvements will be completed after completion of the ongoing low phosphorus pilot studies, and will result in addition of substantial process equipment. Design is underway for Phase 5A ammonia control improvements. Pilot testing of an approach called IFAS (Integrated Fixed Film Activated Sludge) has been completed and proven to be successful. The proprietary fixed film media modules manufactured by Entex Technologies were installed in the plant's existing solids contact tank to achieve increased biological activity necessary for an increased measure of ammonia reduction. The City's wastewater engineering consultant, HDR recommends addition of several additional modules as a part of the Phase 5A project to maximize the expected benefit that can be gained from insertion into our existing tanks. Sole source procurement is necessary to allow compatibility with the existing Entex modules. Expedited ordering, manufacture, delivery, and installation would allow the equipment to be functional by the utility's July 1st permit requirement for ammonia control. Publishing of the City's intent to procure in this manner is required before contract award.

FINANCIAL ANALYSIS:

Planning level total cost estimate for Phase 5A	\$3,000,000
Proposed prepurchase of additional IFAS modules included in total above	270,000

Funding: The current city financial plan anticipates \$4.5 million expenditure for Phase 5A design and construction.

DISCUSSION:

Until completion of the future Phase 5C liquid stream advanced treatment improvements, the treatment plant requires earlier measures to control ammonia to acceptable levels. Several different measures are planned for Phase 5A, all of which are needed as soon as possible. HDR recommends continuing with the

success of the initial Entex modules by installation of five more (ten total.) Installation requirements are currently being designed as part of the overall Phase 5A project.

DECISION POINT/RECOMMENDATION:

The City Council is requested to approve the specifications for purchase of Entex Technologies ammonia reduction equipment, and to authorize publishing a notice in the newspaper of the intent to procure from this sole-source manufacturer.

des1265

**PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: December 8, 2008
FROM: David E. Shults, Capital Program Manager *DES*
SUBJECT: Prepurchase WWTP Secondary Sludge Thickener

DECISION POINTS:

The City Council is requested to approve the specifications for purchase of a secondary sludge thickener, and to authorize advertisements to solicit bids.

HISTORY:

Design is underway for Phase 5A ammonia control improvements, with the intent to construct the necessary improvements as soon as possible. The City's wastewater engineering consultant, HDR recommends addition of a rotary screen thickener to improve the performance of the secondary treatment processes within the plant, as well as to allow improved performance of the biosolids dewatering processes and the composting facilities. These improvements contribute to improved ammonia control, which is necessary to allow the plant to meet permit requirements. HDR completed the specifications for the thickener, which are now available for the City's prepurchase of the unit. Prepurchase allows the equipment to be manufactured and delivered in the spring of 2009, at which time the project schedule plans installation and startup.

FINANCIAL ANALYSIS:

Planning level total cost estimate for Phase 5A	\$3,000,000
Proposed prepurchase of rotary screen thickener included in total above	90,000

Funding: The current city financial plan anticipates \$4.5 million expenditure for Phase 5A design and construction.

DISCUSSION:

Until completion of the future Phase 5C liquid stream advanced treatment improvements, the treatment plant requires earlier measures to control ammonia to acceptable levels. Several different measures are planned for Phase 5A, all of which are needed as soon as possible. HDR recommends addition of a rotary screen thickener as a key component. Prepurchase of the equipment at this time is prudent to allow earliest delivery. Installation requirements are currently being designed as part of the overall Phase 5A project.

DECISION POINT/RECOMMENDATION:

The City Council is requested to approve the specifications for purchase of a secondary sludge thickener, and to authorize advertisements to solicit bids.

des1266

PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: December 8, 2008
FROM: Gordon Dobler, Engineering Services Director
SUBJECT: Support of proposed legislation for Transportation Access Plans

DECISION POINT

Council is being asked to send a letter of support for proposed legislation regarding transportation access plans.

HISTORY

Access along state highways and state routes is controlled by the Idaho Transportation Department (ITD). Currently all access is governed by rules adopted by the Transportation Board and variances are rarely granted. ITD will be proposing legislation in the upcoming legislative session that allows ITD and local jurisdictions to voluntarily enter into agreements for specific Transportation Access Plans (TAP) on a case by case basis that would allow variances to the adopted rules as long as it is in a TAP. ITD is asking KMPO and the individual member agencies for their support of this legislation.

FINANCIAL ANALYSIS

There is no direct financial impact from the legislation. In concept, when a TAP is approved it may include changes to existing access and or allow new controlled or uncontrolled access. Funding for these improvements could come from a variety of sources including ITD, local jurisdictions, development, etc.

PERFORMANCE ANALYSIS

Creation of a TAP for specific section of highway or state route would allow much more flexibility and offer an opportunity to master plan access for whole corridors. The most significant corridor that could be affected in Coeur d'Alene is US-95, a portion of which has been the subject of a recent access study. COMPASS, the planning organization for Ada County has already sent a letter of support to ITD.

RECOMMENDATION

Staff recommends that Council authorize a letter of support for the TAP legislation to be sent to ITD.

AN ACT

RELATING TO THE IDAHO TRANSPORTATION BOARD; AMENDING SECTION 40-107, IDAHO CODE, TO DEFINE THE TERM “FULL BUILD OUT” AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-113, IDAHO CODE, TO DEFINE THE TERM “LOCAL UNIT OF GOVERNMENT;” AMENDING SECTION 40-114, IDAHO CODE, TO DEFINE THE TERM “METROPOLITAN PLANNING ORGANIZATION;” AMENDING SECTION 40-121, IDAHO CODE, TO DEFINE THE TERM “TRANSPORTATION ACCESS PLAN” AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 40-310, IDAHO CODE, TO AUTHORIZE THE IDAHO TRANSPORTATION BOARD TO ENTER INTO A TRANSPORTATION ACCESS PLAN WITH LOCAL UNITS OF GOVERNMENT AND TO PROVIDE THE TERMS AND CONDITIONS OF A TRANSPORTATION ACCESS PLAN.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-107, Idaho Code, be, and the same is hereby amended to read as follows:

40-107. DEFINITIONS -- F. (1) “Facilities” means tracks, pipes, mains, conduits, cables, wires, towers, poles, equipment and appliances.

(2) “Family” means two (2) or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

(3) “Farm operation” means any activity conducted primarily for the production of agricultural products or commodities, including timber, for sale and home use, and producing agricultural products or commodities in sufficient quantity to contribute materially to the operator's support.

(4) “Feeder highway” means any highway which, in the opinion of the transportation board, is needed to create or facilitate access to a turnpike project upon which a toll is charged for transit.

(5) “Federal land rights of way” means rights of way on federal land within the context of Revised Statute 2477, codified as 43 ~~United States Code~~ U.S.C. 932, and other federal access grants and shall be considered to be any road, trail, access or way upon which construction has been carried out to the standard in which public rights of way were built within historic context. These rights of way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads and all other ways.

(6) “Full build out” means the maximum allowable development of an area based on local plans, zoning regulations and anticipated development, and includes addressing environmental protection and site suitability.

SECTION 2. That Section 40-113, Idaho Code, be, and the same is hereby amended to read as follows:

40-113. DEFINITIONS -- L. (1) "Lawfully maintained" means a sign maintained on private land in accordance with state law and with the consent or acquiescence of the owner, or his agent, of the property upon which the sign is located.

(2) "Local highway technical assistance council" means the public agency created in chapter 24, title 40, Idaho Code.

(3) "Local highway jurisdiction" means a county with jurisdiction over a highway system, a city with jurisdiction over a highway system, or a highway district.

(4) "Local unit of government" means the City or county that has planning and zoning responsibility concerning land abutting the state highway.

SECTION 3. That Section 40-114, Idaho Code, be, and the same is hereby amended to read as follows:

40-114. DEFINITIONS -- M. (1) "Main traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(2) "Maintain" or "place" means to allow to exist, subject to the provisions of chapter 19, title 40, Idaho Code.

(3) "Maintenance" means to preserve from failure or decline, or repair, refurbish, repaint or otherwise keep an existing highway or structure in a suitable state for use.

(4) "Metropolitan planning organization" means that group of government units recognized pursuant to 23 U.S.C. 450.

~~(45)~~ "Mortgage" means a class of liens, including deeds of trust, as are commonly given to secure advances on, or the unpaid purchase price of real property under the laws of the state of Idaho, together with the credit instruments, if any, secured by it.

SECTION 4. That Section 40-121, Idaho Code, be, and the same is hereby amended to read as follows:

40-121. DEFINITIONS -- T. (1) "Tourist related advertising sign" means any sign which advertises a specific public or private facility, accommodation or service, at a particular location or site, including: overnight lodging, a ~~camp site~~ **campsite**, food service, recreational facility, tourist attraction, education or historical site or feature, automotive service, facility or garage.

(2) "Transportation access plan" or "TAP" means a binding agreement approved by the Idaho transportation board and local units of government that specifies the location, type and standards for existing and future access along a designated segment of a state highway. The purpose of a transportation access plan is to improve and preserve the long-term functional integrity of the state highway including enhanced flow of traffic, public safety, operational capacity and efficiency for all modes of transportation.

(3) "Turnpike project" means any express highway or bridge at locations and between terminals as may be established by the board and constructed or to be constructed under the provisions of chapter 4, title 40, Idaho Code, and shall include all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communication facilities, and administration, storage and other buildings, which the board may deem necessary for the operation of a project, together with all property, rights, easements, and interests which may be acquired by the board for the construction or the operation of a project.

(34) “Turnpike revenue bonds” means bonds of the transportation board authorized under the provisions of section 40-412, et seq., Idaho Code.

SECTION 5. That Section 40-310, Idaho Code, be, and the same is hereby amended to read as follows:

40-310. POWERS AND DUTIES -- STATE HIGHWAY SYSTEM. The board shall:

(1) Determine which highways in the state, or sections of highways, shall be designated and accepted for the purpose of this title as a part of the state highway system.

(a) In determining which highways or section of highways shall be a part of the state highway system, the board shall consider the relative importance of each highway to cities, existing business, industry and enterprises and to the development of cities, natural resources, industry and agriculture and be guided by statistics on existing and projected traffic volumes. The board shall also consider the safety and convenience of highway users, the common welfare of the people of the state, and of the cities within the state and the financial capacity of the state of Idaho to acquire rights-of-way and to construct, reconstruct and maintain state highways. In making a determination, the board must, before it can abandon, relocate, or replace by a new highway, any highway serving or traversing any city, or the area in which the city is located, specifically find and determine that the benefits to the state of Idaho are greater than the economic loss and damage to the city affected. No highway serving or traversing any city shall be abandoned, relocated or replaced by a new highway serving the area in which a city is located without the board first holding a public hearing in that city. Written notice setting forth the action proposed to be taken by the board shall be served upon the mayor of any city affected, and upon all property owners from which acquisition of right-of-way is necessary and from which that property must be purchased, by certified or registered mail, and shall also be published in at least one (1) issue of a newspaper published and of general circulation in each city affected. If there is no newspaper published in the city, then a notice shall be posted in three (3) of the most public places in the city. The notice shall contain a statement of any action contemplated by the board affecting the city or property owner, and shall specify the time and place of the hearing. At the hearing a property owner from which right-of-way is necessary to be acquired and from which that property must be purchased, and the governing body of any city affected may appear, voice objections to the action proposed to be taken by the board, and may present evidence and call witnesses in support of their objections. The board shall give consideration to the protests and objections and make a written decision determining whether or not the proposed action would be of greater benefit to the state of Idaho than the economic loss and damage resulting to the city. The board shall serve a written decision upon the governing body of any affected city and property owners within ten (10) days following the completion of the hearing, and no action shall be taken by the board prior to the service of the written decision.

(b) Within ten (10) days after the written decision has been served, an appeal may be taken from the decision by the person from whom the property must be purchased, the interested city, board of county commissioners, or highway district commissioners to the district court in and for the county in which the city affected by the order is located. The appeal shall be taken and perfected in the following manner:

1. The appellant shall file with the clerk of the district court of the proper county, and serve upon the board, notice specifying the grounds of appeal, and a certified copy of the decision of the board appealed from. The district court shall then have jurisdiction of the matter and may make any order or judgment that the equities of the case require. Upon the appeal being perfected, the appeal shall receive a preferential place on the calendar of the district court.

2. The appeal shall be heard and determined by the district court in a summary manner as in a suit in equity, and the trial shall be a trial de novo on the issues framed. The court may affirm, reverse, or modify the order appealed from and may issue injunctions whenever it appears necessary for the protection of the interests of any party to the appeal.

3. No bond or undertaking shall be required of any party appealing under any of the provisions of this section.

4. The filing fees required in the district court shall be the same as is provided for filing cases originally in the court.

(c) Any final order or judgment of the district court under this subsection shall be appealable to the supreme court of the state of Idaho within thirty (30) days following the entry of the final order or judgment in the same manner as appeals in civil actions are taken to the supreme court.

(d) The board shall take no action on any matter affecting any property owner from which right-of-way is necessary to be acquired or any city until either:

1. The time has elapsed for an appeal to the district court and no appeal has been filed; or

2. If an appeal has been taken to the district court, then until the time for appeal from its final order or judgment to the supreme court has elapsed and no appeal has been taken; or

3. If an appeal has been taken to the supreme court, then until the matter has been finally determined by that court.

(2) The board shall cause to be prepared and publicly displayed in a conspicuous place in their offices a complete map of the state highway system in which each section shall be identified by location, length and a control number. The map shall be of a suitable size and scale and contain data and information as deemed appropriate by the board. Periodically, and not less than once each year, the board shall revise and correct the map to record the changes in the designated state highway system resulting from additions, abandonments and relocations. Hand maps of the state highway system shall be issued periodically for public distribution.

(3) Abandon the maintenance of any highway and remove it from the state highway system, when that action is determined by the unanimous consent of the board to be in the public interest.

(4) Locate, design, construct, reconstruct, alter, extend, repair and maintain state highways, and plan, design and develop statewide transportation systems when determined by the board to be in the public interest.

(5) Establish standards for the location, design, construction, reconstruction, alteration, extension, repair and maintenance of state highways, provided that standards of state highways through local highway jurisdictions shall be coordinated with the standards in use for the systems of the respective local highway jurisdictions. The board shall make agreements with local highway jurisdictions having within their limits state highway sections in the category described

in section 40-502, Idaho Code, and provide for an equitable division of the maintenance of those sections. The board may also, in the interest of economy and efficiency, arrange to have any or all of the state highway sections within local highway jurisdictions maintained by those local highway jurisdictions, the cost of the work as limited by section 40-502, Idaho Code, to be reimbursed by the state.

(6) Cause to be made and kept, surveys, studies, maps, plans, specifications and estimates for the alteration, extension, repair and maintenance of state highways, and so far as practicable, of all highways in the state, and for that purpose to demand and to receive reports and copies of records from county commissioners, commissioners of highway districts, county engineers and directors of highways and all other highway officials within the state.

(7) Approve and determine the final plans, specifications and estimates for state highways and cause contracts for state highway work to be let by contract in the manner provided by law.

(8) Expend funds appropriated for construction, maintenance and improvement of state highways.

(9) Designate state highways, or parts of them, as controlled-access facilities and regulate, restrict or prohibit access to those highways to serve the traffic for which the facility is intended.

(10) When appropriate to preserve the capacity, function and safety of existing and future highway improvements, enter into binding agreements with local units of government to specify the existing and future location, type, design and standards of any access to and from a designated segment of a state highway through the development of a transportation access plan (TAP). When a transportation access plan is in effect, any action taken by the state or local units of government with regard to state highway access or development of property abutting a state highway, shall be in reasonable conformance with the TAP. A TAP may take into account transitional areas targeted by the local unit of government for growth or development; may be more or less restrictive than current Transportation Board rule; and may be adjusted for changes in the local unit of government's comprehensive plan. The following terms and conditions shall be observed by the local unit of government and the state in the development of such a binding agreement:

(a) A TAP shall be developed in cooperation with other local governments, highway districts, metropolitan planning organizations and other interested parties . Once adopted, a TAP may be modified at a future date if the local unit of government and state are in agreement.

(b) Public notice of the initiation of a TAP or the significant amendment of an existing TAP shall be provided in accordance with section 67-6509, Idaho Code and the state shall give notice to all abutting property owners of the joint public hearing. Local governments, highway districts, metropolitan planning organizations and other interested parties may participate in the initial joint public hearing noticed pursuant to procedures established by section 67-6509, Idaho Code. The local unit of government shall adopt a TAP or an amendment to a TAP by passage of a resolution pursuant to procedures established by section 67-6509, Idaho Code. The Idaho Transportation Board shall adopt a TAP or an amendment to a TAP by passage of a resolution after notice has been published in the local newspaper of the county in which the TAP is to be effective in five consecutive publications. Any

person may challenge the procedure used for the adoption or amendment of a TAP pursuant to the Idaho administrative procedures act.

(c) In the development of a TAP, the opinion of all stakeholders and impacted landowners shall be considered, and subjects to be addressed shall include, but not be limited to, public safety, traffic volumes, roadway capacity, emergency services, commerce, environmental concerns, connections with local transportation systems, regional and statewide transportation needs, existing and forecasted land use and the adopted plans of local agencies.

(d) The period of time encompassed by a transportation access plan shall be for not less than twenty (20) years and a full build out of the designated state highway segment shall be considered. Property abutting a state highway that is annexed by a city or becomes subject to a city's area of impact subsequent to the adoption of a TAP shall be governed by the TAP in place between the state and the city.

(e) The location, type, design and other standards for accesses specified in a TAP shall supersede any similar requirements in Transportation Board rule. For segments of the state highway system not covered by a TAP the Transportation Board rule shall govern the location, type, design and other standards for access to a state highway.

(f) The Transportation Board shall retain final permitting authority over access to state highways.

(11) Close or restrict the use of any state highway whenever the closing or restricting of use is deemed by the board to be necessary for the protection of the public or for the protection of the highway or any section from damage.


(12) Designate main traveled state highways as through highways. The traffic on through highways shall have the right-of-way over the traffic on any other highway intersecting with it, provided, that at the intersection of two (2) through highways the board shall determine which traffic shall have the right-of-way.

(13) Furnish, erect and maintain standard signs on side highways directing drivers of vehicles approaching a designated through highway to come to a full stop before entering or crossing the through highway.

(14) Provide a right-of-way for and supervise the construction of side paths or sidewalks along regularly designated state highways outside the boundaries of incorporated cities and the expenditures for the construction of them may be made from the highway funds of the county or highway districts.

(15) Upon certification and requisition of an appropriate board, commission, governing body, or official head of any state institution and on the approval of the governor, showing the same to be necessary, construct, alter, repair, and maintain the roadways in, through, and about the grounds of state institutions. The construction, alteration, repair and maintenance shall be accomplished and paid for from the state highway account in accordance with the provisions of chapter 7, title 40, Idaho Code. This provision shall not be construed to divest any board, commission, governing body, or official head of an institution their constitutional or statutory powers.

**CITY COUNCIL
STAFF REPORT**

DATE: December 16, 2008
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: Hawk's Nest 3rd Addition, Final Plat Approval

DECISION POINT

Staff is requesting the following:

1. City Council approval of the final plat document, an eighty (80) lot residential development.

HISTORY

- a. Applicant: Tim Mueller
Hayden LLC
1400 Northwood Center Court
Suite 200
Coeur d'Alene, ID 83814
- b. Location: North of Hanley Avenue, west of Atlas Road.
- c. Previous Action:
 - Final plat approval of Hawk's Nest w/ 118 lots, March 2007
 - Final plat approval of Hawk's Nest 1st Addition w/ 94 lots, December 2007
 - Final plat approval of Hawk's Nest 2nd Addition w/ 126 lots, May 2008

FINANCIAL ANALYSIS

There are no financial agreements associated with this final plat approval.

PERFORMANCE ANALYSIS

There are no platting issues related to the subject property and the final plat document is ready for recordation. All of the required infrastructure is installed and pending acceptance.

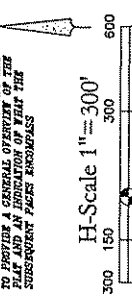
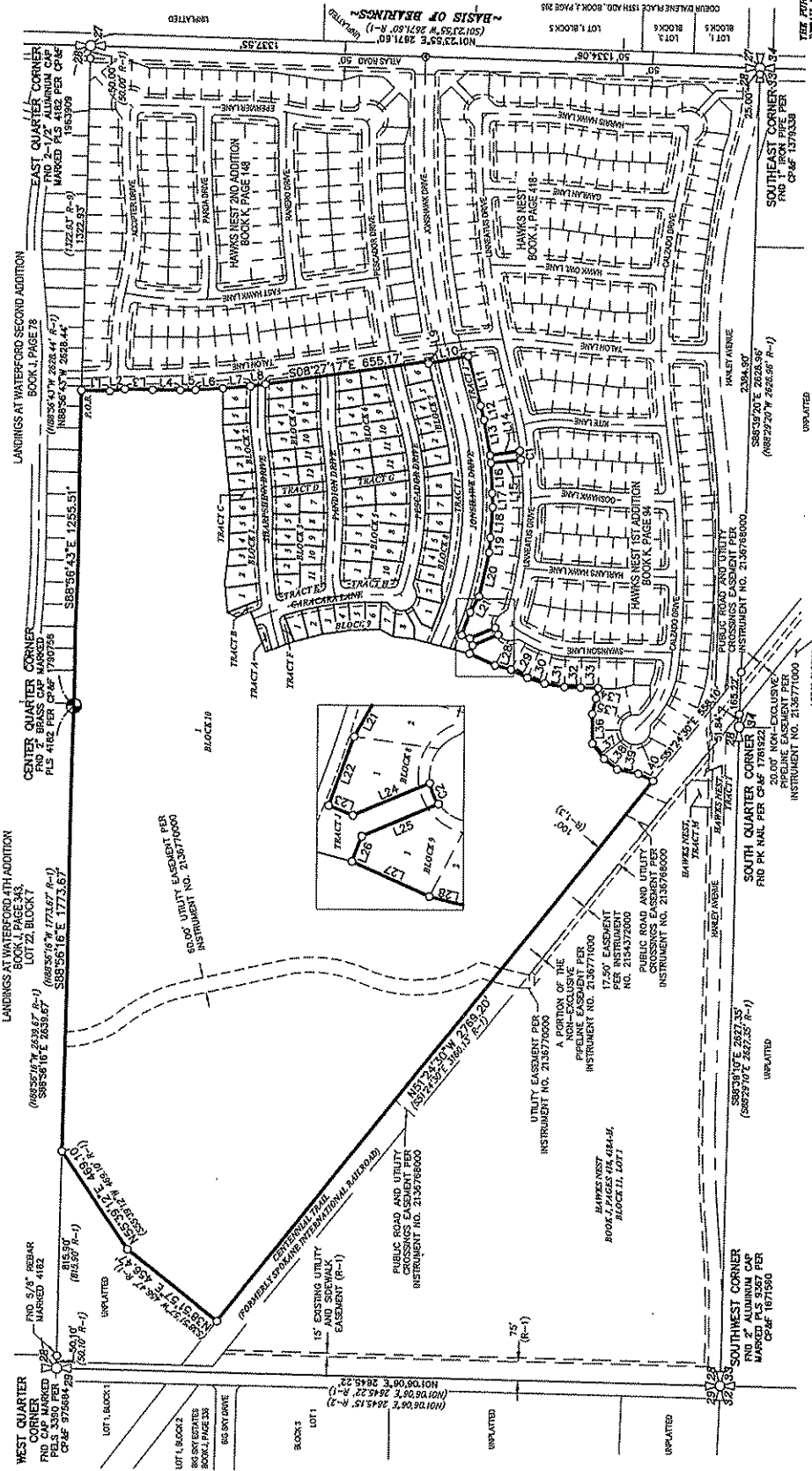
DECISION POINT RECOMMENDATION

1. Approve the final plat document.

HAWKS NEST THIRD ADDITION

A REPLAT OF LOT 1, BLOCK 9, HAWKS NEST SECOND ADDITION, SECTION 28, TOWNSHIP 51 NORTH,
RANGE 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

LINE	LENGTH	BEARING
L1	112.44	S01°01'17.4" E
L2	63.76	S07°52'27.6" E
L3	109.77	S01°03'58.7" W
L4	10.62	S00°01'11.1" E
L5	110.10	S07°52'27.6" E
L6	110.30	S07°52'27.6" E
L7	110.30	S07°52'27.6" E
L8	60.76	S07°52'27.6" E
L9	5.24	S71°45'28.2" W
L10	109.99	S07°52'27.6" E
L11	74.49	S73°45'53.7" W
L12	143.10	S07°52'27.6" E
L13	143.10	S07°52'27.6" E
L14	120.16	S02°32'11.8" E
L15	120.12	N06°09'49.4" W
L16	120.12	N06°09'49.4" W
L17	55.45	S07°47'09.4" W
L18	55.45	S07°47'09.4" W
L19	64.07	N85°47'53.7" W
L20	178.43	N72°52'03.7" W
L21	71.67	N61°02'15.2" W
L22	97.84	N70°03'11.1" W
L23	34.74	S01°32'33.2" W
L24	10.63	S72°53'41.1" W
L25	10.63	S72°53'41.1" W
L26	35.56	N72°53'41.1" W
L27	112.85	N03°55'59.2" W
L28	88.06	S13°53'24.1" W
L29	72.18	S26°41'52.1" W
L30	72.42	S17°50'54.7" W
L31	86.33	S07°52'27.6" W
L32	70.00	S01°32'33.2" W
L33	40.81	N77°42'53.2" W
L34	64.32	N76°44'04.4" W
L35	117.92	S09°02'45.4" W
L36	77.29	S01°58'45.4" W
L37	88.67	S07°52'27.6" W
L38	88.67	S07°52'27.6" W
L39	110.30	S07°52'27.6" W
L40	65.90	S02°52'47.4" W



FOR PURPOSE OF THIS DEED IT IS AFFIRMED THAT THE OFFICIAL PLAT BOUNDARY AND DISTANCE MEASUREMENTS OF THIS PLAT AND A CORRECTION THEREOF WILL BE MAINTAINED IN ACCORDANCE WITH THE SUBSEQUENT JAMES ENCLOSURES

1296 Polkman Ave., Ste. B
 Coeur d'Alene, ID 83814
 PHONE (208) 765-8150
 FAX (208) 777-2128
 www.incothwest.com

HAWKS NEST THIRD ADDITION
 CITY OF COEUR D'ALENE, KOOTENAI COUNTY, ID

BRAIN BY: SNA DATE: 8/13/08 ONE PAGE, 300X/PL1-PLANDIR
 CHECKED BY: SCALE: 1" = 300' PROJ # 04-228-3 SHEET 1 OF 6

NOTES

- THERE WAS NO ATTEMPT MADE TO SHOW OR TO SUBMIT ANY OF THE EASEMENTS, EXCEPT FOR THOSE AS SHOWN HEREON.

LEGEND

- FOUND 5/8" IRON REBAR WITH NO TAG MARKED PLS 5367 OR AS NOTED

BASIS OF BEARING


BASIS OF BEARING FOR THIS SURVEY IS N07°23'55"E ALONG THE EAST LINE OF SECTION 28, TOWNSHIP 51 NORTH, RANGE 4 WEST, PER P-1, PER IDAHO STATE PLANE COORDINATE SYSTEM, WEST ZONE, USING NAD83 (92) COORDINATES. THE CONVERGENCE ANGLE AT THE EAST QUARTER CORNER OF SECTION 28 IS -00°47'36.698".

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	TANGENT	BEARING	DELTA
C1	367.2	1926.0	30.00	18°-43'	S07°06'05" W	285°27"11"
C2	367.2	1926.0	30.00	18°-43'	S07°06'05" W	285°27"11"

- REFERENCES**
- R-1 PLAT OF HAWKS NEST BY CHAD J. JOHNSON, PLS 9367, FILED IN BOOK J OF PLATS AT PAGES 458, 418A-4, RECORDS OF KOOTENAI COUNTY.
 - R-2 RECORD OF SURVEY BY THOMAS GEORGE KERRIPPE, PLS 8520, FILED IN BOOK 16 OF SURVEYS AT PAGE 310A, RECORDS OF KOOTENAI COUNTY.
 - R-3 RECORDS OF SURVEY BY JAMES R. FULTON, PLS 896, FILED IN BOOK 17 OF SURVEYS AT PAGE 36, RECORDS OF KOOTENAI COUNTY.
 - R-4 RECORD OF SURVEY BY DAVID SCHUMANN, PLS 4192, FILED IN BOOK 22 OF SURVEYS AT PAGE 163, RECORDS OF KOOTENAI COUNTY.
 - R-5 RECORD OF SURVEY BY CHRISTOPHER J. REMALDO, PLS 6768, FILED IN BOOK 18 OF SURVEYS AT PAGE 180, RECORDS OF KOOTENAI COUNTY.
 - R-6 RECORD OF SURVEY BY DOUGLAS W. BLACK, PLS 5573, FILED IN BOOK 11 OF SURVEYS AT PAGE 236, RECORDS OF KOOTENAI COUNTY.
 - R-7 ANNEXATION MAP BY CHAD J. JOHNSON, PLS 8367, FILED IN BOOK 24 OF SURVEYS AT PAGE 34, RECORDS OF KOOTENAI COUNTY.
 - R-8 HAWKS NEST FIRST ADDITION BY CHAD J. JOHNSON, PLS 9367, FILED IN BOOK K OF PLATS AT PAGES 84 & 84A-4, RECORDS OF KOOTENAI COUNTY.
 - R-9 HAWKS NEST SECOND ADDITION BY CHAD J. JOHNSON, PLS 9367, FILED IN BOOK L OF PLATS AT PAGES 140 & 140A-4, RECORDS OF KOOTENAI COUNTY.

**CITY COUNCIL
STAFF REPORT**

DATE: December 16, 2008
FROM: Christopher H. Bates, Engineering Project Manager 
SUBJECT: Tri-Point Condominiums, Final Plat Approval

DECISION POINT

Staff is requesting the following:

1. City Council approval of the final plat document, a 1 lot, six (6) unit residential condominium development.

HISTORY

- a. Applicant: Brenny and Chad Ross
205 W. Anton Avenue
Coeur d'Alene, ID 83815
- b. Location: Southeast corner of Honeysuckle Drive and Davis Avenue.

FINANCIAL ANALYSIS

There are no financial agreements associated with this final plat approval.

PERFORMANCE ANALYSIS

There are no issues related to the subject property and the final plat document is ready for recordation. The developer is constructing the number of units (6) allowed under the existing zoning (R-12), and, all development related issues have been previously addressed through the building permit process. .

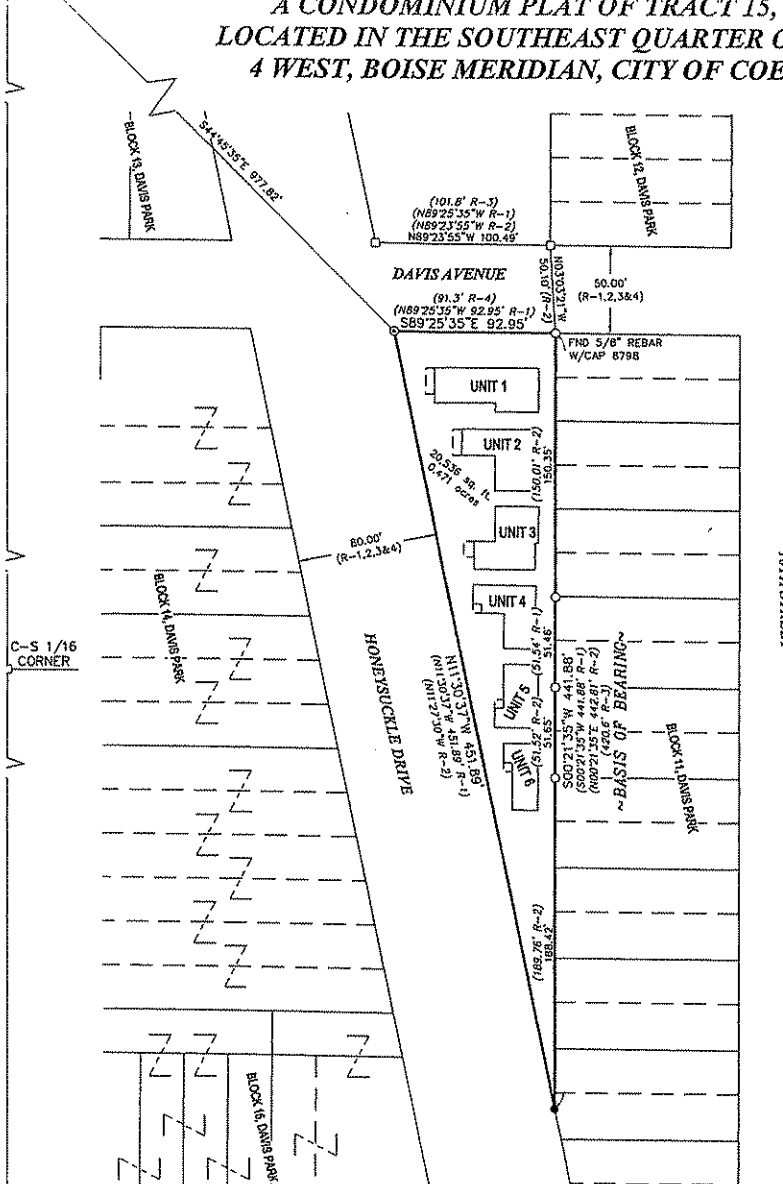
DECISION POINT RECOMMENDATION

1. Approve the final plat document.

TRI-POINT CONDOMINIUMS

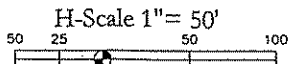
A CONDOMINIUM PLAT OF TRACT 15, BLOCK 2 OF FREEWATER ACRE TRACTS
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 50 NORTH, RANGE
 4 WEST, BOISE MERIDIAN, CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

CEN 1/4 CORNER
 FND ALUMINUM CAP PER
 CP&F 117754 PER R-2, CITY
 OF COA GPS CONTROL MAP



C-S 1/16
 CORNER

SOUTH 1/4 CORNER
 FND ALUMINUM CAP PER
 CP&F 967252 PER R-2, CITY
 OF COA GPS CONTROL MAP



BASIS OF BEARING

BASIS OF BEARING FOR THIS SURVEY IS S00°21'35"W ALONG THE EAST LINE OF THE TRACT 15, BLOCK 2 OF FREEWATER ACRE TRACTS, SECTION 1, TOWNSHIP 50 NORTH, RANGE 4 WEST, PER R-1.

NOTES

- THERE WAS NO ATTEMPT MADE TO SHOW PHYSICAL FEATURES OF THE PROPERTY, OR TO SHOW ANY NON-RECORDED EASEMENTS, EXCEPT FOR THOSE AS SHOWN HEREON.
- TBM BASED OFF OF J-54, ELEVATION 2214.53, FROM "BENCH RUN J" PROVIDED BY THE CITY OF COEUR D'ALENE.

REFERENCES

- R-1 RECORD OF SURVEY BY JOHN STEARNS, PLS 8798, FILED IN BOOK 22 OF SURVEYS AT PAGE 469, RECORDS OF KOOTENAI COUNTY.
- R-2 RECORD OF SURVEY BY W. BRANT MORRIS, PLS 6602, FILED IN BOOK 16 OF SURVEYS AT PAGE 20, RECORDS OF KOOTENAI COUNTY.
- R-3 PLAT OF DAVIS PARK BY FRED V. PHINNEY, LS 252, FILED IN BOOK C OF PLATS AT PAGE 74, RECORDS OF KOOTENAI COUNTY.
- R-4 PLAT OF FREEWATER ACRE TRACTS BY E. L. GERRISH, LS 111, FILED IN BOOK 8 OF PLATS AT PAGE 153, RECORDS OF KOOTENAI COUNTY.

LEGEND

- FOUND 5/8" REBAR WITH CAP MARKED 6602 OR AS NOTED
- SET 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP MARKED INC PLS 9367
- ⊗ CHISELED "X" IN SIDEWALK
- CALCULATED POINT, NOTHING FOUND OR SET



LINE TABLE		
LINE	LENGTH	BEARING
L1	19.31	S187°26'E
L2	21.94	S65°37'52"W
L3	21.83	S68°12'00"W
L4	21.02	N28°21'09"E



1296 Polston Ave., Ste. B
 Post Falls, Idaho 83654
 PHONE (208) 773-9370
 FAX (208) 777-2128
 www.lincnorthwest.com



TRI-POINT CONDOMINIUMS
 CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

DRAWN BY: SWA	DATE: 11/05/08	DWG NAME: \SRVY\PLAT\Y--PLAT_1.DWG
CHECKED BY:	SCALE: 1" = 50'	PROJ #: 08-195
		SHEET 1 of 11

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: Municipal Services Kathy Lewis 11/24/08
Department Name / Employee Name / Date
Request made by: Bruce English 604-3143
Name / Phone
1133 North Fourth Street Coeur d'Alene ID 83814
Address

The request is for: / / Repurchase of Lot(s)
/X/ Transfer of Lot(s) from Bonnie Wilmarth to Bruce and M. Colleen English

Niche(s): _____
Lot(s): 84, 85, _____, _____, _____ Block: 01 Section: Old Post

Lot(s) are located in /X/ Forest Cemetery / / Forest Cemetery Annex (Riverview).
Copy of / / Deed or / / Certificate of Sale must be attached.

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

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

Title transfer fee (\$ 4000) attached**.
**Request will not be processed without receipt of fee. Cashier Receipt No.: 0402094

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.
Vonnie Jensen
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 12/5/08
Supervisor's Init. Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: X/ Yes / / No.
Person making request is authorized to execute the claim: MCG 12/5/08
Attorney Init. Date

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

Susan K. Weather 12-8-08
City Clerk's Signature Date

COUNCIL ACTION

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

CEMETERY SUPERVISOR shall complete the following:

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

Cemetery Supervisor's Signature Date

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

DATE: DECEMBER 10 2008
TO: MAYOR AND CITY COUNCIL
FROM: PLANNING DEPARTMENT
RE: SETTING OF PUBLIC HEARING DATE: JANUARY 20, 2009

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>
ZC-4-08	Zone change from LM To C-17 Applicant: Coeur d'Alene Charter Academy Location: 4971 & 4921 N. Duncan Drive	Recommended Approval	Quasi-Judicial

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **January 20, 2009**

JS:ss

ANNOUNCEMENTS

OTHER COMMITTEE MINUTES
(Requiring Council Action)

December 8, 2008
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Woody McEvers
Council Member Mike Kennedy
Council Member Al Hassell

STAFF PRESENT

Jon Ingalls, Deputy City Administrator
Sid Fredrickson, WW Supt.
Warren Wilson, Deputy City Atty
Gordon Dobler, Engineering Svcs Dir.
Amy Ferguson, Exec. Assistant
Dave Shults, Capital Program Manager
Troy Tymesen, Finance Director
Terry Pickel, Asst. Water Supt.
Renata McLeod, Project Coordinator
Wendy Gabriel, City Administrator

GUESTS

Roy Wargi, Item #7
Lori Isenberg, Item #8

Item 1 Award of Contract for WWTP Digester #4 Refurbishment
Consent Calendar

Dave Shults, Capital Program Manager, presented a request for approval of a proposed agreement with TML Construction for refurbishment of WWTP Digester #4 for a cost of \$372,000. Mr. Shults explained that contractor bids were received and TML submitted the lowest responsive, responsible bid. Since the bid received was substantially more than the engineer's estimate, the details of the bid were reviewed by city staff and HDL engineers. It was agreed that the engineer's estimate did not consider some of the factors that increase costs for this type of work, and that rebidding would not allow sufficient time for completion of the work before the digester is needed in March. Mr. Shults confirmed that there was money in the budget to cover this expense. He further stated that they have never done construction business with TML at the treatment plant but they have had some good dialogue regarding the bid and have some ideas that could possibly allow for some decreasing change orders.

MOTION by McEvers, seconded by Kennedy, to recommend Council Approval of Resolution No. 08-065 authorizing an agreement with TML Construction for the refurbishment of WWTP Digester #4 for a cost of \$372,000.00. Motion carried.

Item 2 Prepurchase of WWTP Ammonia Control Equipment
Consent Calendar

Dave Shults, Capital Program Manager, presented a request for approval of specifications for the purchase of Entex Technologies ammonia reduction equipment, and authorizing publishing a notice in the newspaper of the intent to procure from this sole-source manufacturer. Mr. Shults explained that pilot testing of an approach called IFAS (Integrated Fixed Film Activated Sludge) has been completed and proven to be successful. As a result, the wastewater engineering consultant, HDR, has recommended the addition of several additional Entex modules as part of the Phase 5A project. Sole source procurement is necessary to allow compatibility with the existing Entex modules. Mr. Shults said that in the future Phase 5C program they will add a new

treatment process that will control with ammonia as well as reduce phosphorus. In the meantime additional measures are needed decrease ammonia to the permitted amount. They are desiring to purchase an additional five Entex modules, for a total of ten.

Councilman Hassell asked whether the reduction of phosphorus causes a difference in the treatment of ammonia. Mr. Shults responded that there are some subtle differences. Reducing the phosphorus puts more chemicals and biosolids into the system. Dewatering of additional biosolids increases ammonia.

Councilman Kennedy asked about the publication of notice of sole source procurement and said that it seems that the publication of notice in the local newspaper may meet the city's statutory requirements, but are there trade publications, etc. where we could publish the notice. Councilman Kennedy wondered how the city knows that there is no one else that could provide this service. Mr. Shults responded that the wastewater utility's wastewater consulting engineers have provided them with the information they need. In addition, the sole source procurement process allows the city to purchase from a sole source provider compatibility of equipment is necessary. The purchase of the five additional Entex modules would allow for compatibility with the equipment already installed. There are no other viable sources.

MOTION by Kennedy, seconded by McEvers, to recommend Council approval of the specifications for purchase of Entex Technologies ammonia reduction equipment for a total of \$270,000.00, and to authorize publishing a notice of sole source procurement. Motion carried.

**Item 3 Prepurchase of WWTP Thickener
Consent Calendar**

Dave Shults, Capital Program manager, presented a request for approval of specifications for the purchase of a secondary sludge thickener, and authorizing advertisements to solicit bids. He explained that in the quest for additional ammonia control measures, they have been looking forward for quite some time and the city's wastewater engineering consultant, HDR, has recommended the addition of a rotary screen thickener to improve the performance of the secondary treatment processes within the plant. He further said that when they have a certain percentage of removal of solids from biosolids there is a certain amount of return that is high in ammonia that comes back to the plant. The screen thickener will reduce the ammonia load to the plant. The improvements will contribute to improved ammonia control, which is necessary to allow the plant to meet permit requirements. Prepurchase of this equipment is prudent to allow earliest delivery.

MOTION by Kennedy, seconded by McEvers, to recommend Council approval the specifications for purchase of a secondary sludge thickener, and to authorize advertisements to solicit bids. Motion carried.

Item 4 Stormwater Ordinance Rewrite
Agenda Item

Warren Wilson, Deputy City Attorney, Jon Ingalls, Deputy City Administrator, and Gordon Dobler, City Engineer, presented a request for recommendation to the full council regarding whether the revised Storm Water Ordinance should be adopted. Mr. Wilson explained that several years ago the City adopted a Storm Water Utility to regulate and fund storm water management activities within the City. Since that time staff has been reviewing the ordinance as time allows to make sure that it worked with the new utility in place. An attempt has been made to streamline the ordinance and rewrite it to make it easier to understand. The changes are mostly housekeeping in nature and also update the ordinance to make sure it reflects the city's current processes and procedures.

Councilman McEvers asked if the revised ordinance addressed swales that are not being maintained. Mr. Wilson responded that the penalties provisions in the old ordinance dealt with repairing the functioning of swales only, but the new ordinance also deals with maintenance obligations, etc.

Mr. Dobler mentioned that the new ordinance allows for a little leeway in the class of swales allowed in that if DEQ identifies new best management practices they will automatically be covered in the new storm water ordinance.

Councilman McEvers asked about the dollar impact on citizens. Mr. Wilson said that by and large the technical requirements remain the same. They did have an exception in the old ordinance from a requirement to submit a storm water plan for single family residents. That exception has been done away with. A single family residence will now have to submit a plan. The cost should be nominal. Mr. Dobler explained that since last summer they have been requiring single family residences to submit a storm water plan and the ordinance just reflects that change.

Councilman McEvers asked how the revised ordinance relates to the storm water utility. Mr. Wilson explained that the ordinance sets out the storm water specifications for the design of facilities.

MOTION by Kennedy, seconded by McEvers, to recommend Council adoption of the revised Stormwater Management Ordinance No. 08-1026, M.C. Chapter 13.30. Motion carried.

Item 5 Award of Bid for Rock Box Dump Body
Consent Calendar

Terry Pickel, Assistant Water Superintendent, presented a request for approval from Council to award the bid for a Williamson brand 12 yard heavy duty dump body to Freedom Truck Center, who supplied the lowest responsive bid. Mr. Pickel explained that the city received six bids on the dump body, and three of the bids offered a light gage steel, which staff felt would take approximately five years off of the anticipated life of the dump body. The dump body needs to

be extremely durable because it will be hauling asphalt, concrete, boulders, and other various types of materials. Freedom Truck Center was the third lowest bidder, but was responsive to the request for a 5/16” steel body.

Councilman Kennedy asked why the three bids came in with the lower gage of steel than was specified in the specs. Mr. Pickel responded that they were hoping to get consideration for their bids. Councilman Kennedy asked if there was any chance that the lowest bidders could contest the bid award. Mr. Wilson responded that there is always a chance, but in this case the city asked for a specific item and they did not offer that item. The city should award the bid to the person giving the lowest bid on what we the city actually asked for.

MOTION by McEvers, seconded by Kennedy, to recommend Council declare the two lowest dump body bids which take exceptions to material gauge thickness as unresponsive and awarding the bid for a heavy duty elliptical design Williamson “Rock” dump body to Freedom Truck Center. Motion carried.

**Item 6 Support of Proposed Legislation for Transportation Access Plans
Consent Calendar**

Gordon Dobler, Engineering Services Director, presented a request for Council authorization of a letter of support for proposed legislation regarding transportation access plans. Mr. Dobler explained in his staff report that ITD will be proposing legislation in the upcoming legislative session that allows ITD and local jurisdictions to voluntarily enter into agreements for specific Transportation Access Plans (TAP) on a case by case basis that would allow variances to the adopted rules.

Councilman Hassell asked if a TAP would help with the Highway 95 access work we are doing now. Mr. Dobler said that what we are doing on Highway 95 is actually a TAP plan. He will be bringing the council up to speed at the next council meeting.

Mr. Dobler explained that the ITD has forwarded a request for support to all of the MPO’s. The Kootenai MPO will support the TAP legislation and asked that it be presented to the area jurisdictions. Mr. Dobler explained that a TAP agreement is voluntary, and any changes would have to be agreed upon.

MOTION by Kennedy, seconded by McEvers, to recommend Council authorization of a letter of support be sent to the Idaho Transportation Department for the Transportation Access Plan legislation. Motion carried.

**Item 7 Sidewalk at 21st and Coeur d’Alene
For Discussion Only**

Gordon Dobler, Engineering Services Director, presented information regarding staff evaluation of the lack of sidewalk on the east side of 21st Street, north of Coeur d’Alene Avenue, which was requested by Council at the December 2nd Council meeting in response to an inquiry by Mr. Roy Wargi. Mr. Dobler explained that, historically, the City has never undertaken sidewalk construction. There was an effort years ago to work with the schools to identify school walking routes and have sidewalk installed on those routes through an LID, but it died because of lack of citizen support. Council has not historically been willing to put in these sidewalks using monies from the General Fund. The city code allows the City Engineer to require a sidewalk to be installed, but he has never invoked that code section. Mr. Dobler further pointed out that there are a lot of similar sidewalk instances in the city, with some being even

more critical than this request. He suggested possibly having the Pedestrian & Bicycle Advisory Committee review this issue to develop a program for prioritizing critical sidewalk needs. Mr. Dobler explained that the city now has the ability to use in-house resources to reduce the costs incurred in these cases.

MOTION by Kennedy, seconded by McEvers, to refer this matter to the Pedestrian & Bicycle Advisory Committee and request that they develop a prioritization plan for addressing critical sidewalk needs. Motion carried.

Item 8 North Idaho Housing Coalition Presentation
Consent Calendar

Councilman Kennedy said that he is on the board of the North Idaho Housing Coalition and asked Mr. Wilson if he should declare a conflict of interest. Mr. Wilson responded that as long as there is no monetary gain involved, there is no conflict under the law.

Troy Tymesen, Finance Director, and Renata McLeod, Project Coordinator, presented information regarding the North Idaho Housing Coalition, which is a non-profit organization that has been established to help create homeownership opportunities for low to moderate-income citizens. Ms. McLeod explained that in December 2006, BBC Consulting completed a housing needs assessment for the City of Coeur d'Alene. It was determined that there is a need for more affordable housing in the city limits. Goals identified from that study included creating affordable homeownership opportunities for Coeur d'Alene's workforce. Ms. McLeod stated that the North Idaho Housing Coalition (NIHC) is a non-profit organization that has been established to help create homeownership opportunities for low to moderate-income citizens. Representatives from NIHC made a presentation to the City Council earlier this year, expressing various ideas regarding incentivizing affordable housing. Some potential incentives include: fast tracking projects, deferring fees, staff liaison, design exceptions, density bonus, and permit issuance as infrastructure is placed.

Ms. McLeod explained that the NIHC has expressed an interest in acting as an agency that would certify that a development project meets set criteria to be defined as an affordable housing project. They may offer deed restrictions, land trusts, down payment assistance programs, in exchange for certain city-approved incentives and act as a long-term steward over those documents to ensure a continuation of affordability. Staff is requested Council's direction to move forward with creating options that work and establishing a Memorandum of Agreement with NIHC to establish a partnership for affordable housing, which sets forth criteria acceptable to the city and outlining the available incentives. Ms. McLeod further noted that there are no set solutions or specifics at this time.

Ms. Lori Isenberg said that the goal is to open the door between the city and NIHC. As a non-profit, Ms. Isenberg explained that the NIHC has the ability for more long-term commitments with developers. The goal is to provide quality housing at a price that the people who work in Coeur d'Alene can afford.

Discussion ensued regarding the term "deferred fees." Ms. McLeod explained that the required fees would not be waived, but would be "postponed" until a later time, such as at closing.

Councilman Kennedy said that what the NIHC is looking for is a blessing from the council that this is a priority and authorization for staff to work through the issues and bring back what makes sense.

MOTION by Kennedy, seconded by McEvers, to recommend that Council direct staff to find methods of incentivizing construction of affordable housing and to draft a memorandum of

agreement with North Idaho Housing Coalition, as a partner in meeting the needs of workforce housing and low to moderate income households. Motion carried.

The meeting adjourned at 5:20 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison

**PUBLIC WORKS
STAFF REPORT**

DATE: December 8, 2008

FROM: Warren Wilson, Deputy City Attorney
Jon Ingalls, Deputy City Administrator
Gordon Dobler, City Engineer

SUBJECT: Ordinance Adopting a Revised Storm Water Management Ordinance.

DECISION POINT:

Provide a recommendation to the full council regarding whether the revised Storm Water Ordinance should be adopted.

HISTORY:

Several years ago, the City adopted a Storm Water Utility to regulate and fund Storm Water management activities within the City. Since that time, staff has been reviewing and collecting suggestions for revisions to the Storm Water Management Ordinance (Chapter 13.30) as time allowed. Staff has now prepared a comprehensive re-write of the Storm Water Management Ordinance. The intentions of proposed new code are to reflect the existence of the Storm Water Utility, clarify the City's Storm Water requirements and to bring those requirements in line with current practice.

FINANCIAL ANALYSIS:

Staff does not anticipate much increased costs to the City. It is likely that some projects that currently are not submitting storm water management plans will be required to do so, which would lead to some additional staff time in reviewing the plans. As with all new codes, there is always the change of a legal challenge to any new provisions in the code.

PERFORMANCE/QUALITY OF LIFE ANALYSIS:

Most of the changes in the ordinance are clerical in nature and are meant to make the code easier to understand and use. Some of the changes are intended to bring the code into line with current best practices. The two biggest changes are the elimination of the exemption of single family homes from submitting a storm water management plan and clarification of the maintenance obligation of property owners.

In the case of removing the exemption for single family homes, the owner/developer was always required to comply with all other requirements of the storm water ordinance and generally the owner/developer did not need to submit a management plan if existing or proposed landscaping could meet the code requirements. However, there was no mechanism to ensure that the landscaping did meet code requirements, which left the owner/developer in a position of having to later submit a plan and change the manner in which storm water was being managed on the site.

The amendments addressing maintenance obligations of property owners are intended to clarify exactly what the property owner is required to do and what the Storm Water Utility will be doing. The intent of the existing code is that abutting property owners also maintain swale areas in right of way or easements. The proposed code makes this requirement explicit.

DECISION POINT/RECOMMENDATION:

Recommend that the City Council that the revised M.C. Chapter 13.30 be adopted.

CURRENT CHAPTER 13.30 THE STORM WATER MANAGEMENT ORDINANCE

13.30.010: TITLE AND PURPOSE:

These regulations shall be known as the *STORM WATER MANAGEMENT ORDINANCE*. The purpose of these regulations shall be to require implementation of storm water management techniques which rely upon natural on-site treatment and recycling of storm water as opposed to collection and conveyance of untreated storm water into ground water sources or into surface bodies of water. The underlying purposes to be achieved by implementation of such regulations are the protection of ground water quality through pretreatment of storm water prior to infiltration, and protection of surface water resources from the effects of contaminants, sedimentation, and erosion. (Ord. 2634 □1, 1994)

13.30.015: DEFINITIONS:

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter, shall have the meanings hereinafter designated.

AS-BUILT DRAWINGS: Design plans which have been revised to reflect all changes to the plans which occurred during construction. These plans shall be signed and stamped by the responsible qualified, licensed professional.

BEST MANAGEMENT PRACTICE (BMP): Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water.

CLEARING: The removal of vegetation, trees, structures, pavement, etc., by manual, mechanical, or chemical methods.

CONVEYANCE: A mechanism for transporting water from one point to another, including pipes, ditches, and channels.

CONVEYANCE SYSTEM: The drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface water.

DESIGN STORM: A rainfall event of specific return frequency and duration that is used to calculate the runoff volume and peak discharge rate.

DETENTION: A temporary storage of storm runoff in a BMP, which is used to control the peak discharge rates, and which provides for gravity settling of pollutants and sediments.

EROSION: The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

EROSION/SEDIMENT CONTROL: Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation.

GROUND WATER: Water in a saturated zone or stratum beneath the land surface or a surface water body.

IMPERVIOUS SURFACE: A hard surface area which either prevents or retards the entry of water into the soil mantle, and/or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

INFILTRATION: The downward movement of water through the soil. Infiltration capacity is expressed in terms of inches/hour.

INTERMITTENT STREAM: A stream or portion of a stream that flows only seasonally. Typically it is dry for several months of a year.

LAND DISTURBING ACTIVITY: Any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, and excavation.

NUTRIENTS: Essential chemicals needed by plants or animals for growth. Excessive amounts of nutrients can lead to degradation of water quality and algae blooms. Some nutrients can be toxic at high concentrations.

QUALIFIED, LICENSED PROFESSIONAL: A registered civil engineer or registered landscape architect, licensed in the State of Idaho.

RECONSTRUCTION: Any modification of the cross-section or sub-grade. Paving or re-paving shall not be considered reconstruction.

RETENTION: The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: Rainfall or snowmelt that does not infiltrate into the soil, but remains on the surface and travels over land to either natural or man-made collection facilities.

SECURITY: A surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the permit authority to guarantee that work is completed in compliance with the project's drainage plan and in compliance with all local government requirements.

SEDIMENT: Material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

SEDIMENTATION: The deposition of sediment usually in basins or water courses.

STORM FREQUENCY: The time interval between storms of predetermined intensity, e.g., a 2-year, 25-year, or 100-year storm.

STORM WATER RUNOFF: Runoff generated by storms.

SWALE: A shallow drainage conveyance or infiltration area with relatively gentle side slopes.

TREATMENT BMP: A BMP that is intended to remove pollutants from storm water. A few examples of treatment BMP's are detention ponds, oil/water separators, biofiltration swales, and constructed wetlands. (Ord. 2634 §1, 1994)

13.30.020: APPLICABILITY:

Unless otherwise exempted under this Chapter, the Storm Water Management Ordinance shall apply to all development activities for which grading, site development, parking lot paving construction, street improvement, or building permits are required, pursuant to the codes, laws, and regulations of the City of Coeur d'Alene or the State of Idaho. (Ord. 2634 §1, 1994)

13.30.030: GENERAL REQUIREMENTS:

Unless relief from the standards set forth in this Chapter is granted by properly approved variance, all development to which this Chapter is applicable shall comply with the following requirements and methods for storm water management control.

- A. Any activity applicable to this Chapter shall require the development of a comprehensive storm water management plan which addresses and complies with the requirements and standards established by this Chapter and the plan criteria, design standards, and BMP's adopted pursuant to this Chapter. Storm water management plans shall be approved by a qualified, licensed professional and submitted for review by the City Engineer. However, storm water management plans for individual site development for multi-family residential, educational, commercial and industrial, and parks may be prepared and stamped by a qualified, licensed landscape architect. The City Engineer may require any plan to be signed by a registered civil engineer when off-site drainage or adjacent property rights are affected.

B. Each storm water management plan created in accordance with this Chapter shall also establish:

1. Assurance of adequate funding,
2. The necessary maintenance system, including an acceptable plan for sustained functioning of the collection and treatment system, and
3. The easements necessary to provide continued maintenance of the system.

C. Storm water management plans will not be necessary for individual building sites if runoff from the site has been accommodated by an approved storm water management plan for the subdivision in which the site is located and development of the site conforms to the assumptions made in the approved plan. However, detailed erosion control plans may still be required. A storm water management plan will not be required for new residential structures or additions to existing residential structures if the requirements of this Chapter can be met by proposed or existing site landscaping.

D. Runoff from commercial and industrial buildings and sites shall be discharged into a grassed infiltration area (GIA) except in the following cases.

1. When the increase in impervious surface, resulting from new construction or addition to existing structures, is less than three thousand (3,000) square feet runoff may be discharged directly into drywells.

2. Runoff from roofs covered with a non-asphalt based material, may be discharged directly into a drywell.

E. All activities subject to the requirements of this Chapter shall be carried out such that the runoff of storm or other surface waters shall not be accelerated, concentrated, or otherwise conveyed beyond the exterior property lines or project boundaries of the project in question except in compliance with the provisions of BMP's adopted pursuant to this Chapter, or as allowed through joint management of storm water with adjoining property owners pursuant to agreement approved in writing by the City. Drainage shall not be diverted and/or released to a downstream property which had not received drainage prior to development. Flow may not be concentrated onto downstream properties where sheet flow previously existed.

The quality of surface runoff shall be protected by strict compliance with the design standards and BMP's adopted pursuant to this Chapter or by implementation of measures shown by a qualified, licensed professional to have an effective design capability which exceeds the BMP's adopted hereby.

- F. This Chapter shall be applied in a manner consistent with the procedures set forth in the City of Coeur d'Alene Zoning Ordinance, City of Coeur d'Alene Subdivision Ordinance, City of Coeur d'Alene Building Code Ordinance ⁶¹, and such other ordinances as the City may enact to regulate the use and development of land within the City pursuant to authority granted by Idaho Code title 65, chapter 67. For purposes of application of the design standards and other related documents and standards, the City of Coeur d'Alene shall be designated as the permit authority.
- G. When existing streets are widened or otherwise improved, runoff from the new impervious surface may be directed into existing storm drain facilities.
- H. Where GIA's will be located between curb and sidewalk, both curb and sidewalk shall be considered an integral part of the storm management system and shall be installed with the GIA. (Ord. 2634 §1, 1994)

13.30.040: STORM WATER MANAGEMENT PLAN:

- A. General Requirements: All storm water management plans shall conform to the following general requirements:
1. Clearly identify all storm water facilities including, but not limited to, pipes, inlets, catch basins, grassed infiltration areas (GIA's), basins, and swales.
 2. Plans shall be stamped and signed by a qualified, licensed professional.
 3. Plans shall provide a record for future maintenance.
- B. Plan Requirements: Storm water management plans shall have the following parts:
- Project summary narrative with supporting design calculations
 - Site plan
 - Erosion and sediment control plan
 - Operation and maintenance plan
1. Project Summary and Design Calculations: The project summary shall present an overview of the proposed project and all pertinent details supporting the design calculations.

The plan shall present all pertinent calculations necessary to determine the required size of elements of the system. These elements include, but are not limited to, off-site drainage onto the property, pre- and post-development

runoff, grassed infiltration areas, detention and/or retention facilities, pipes, swales, culverts, ditches, and catch basins.

2. Site Plan: The site plan shall include the following:

a. Property boundaries and all existing natural and man-made features and facilities within fifty feet (50') of the site, including streets, utilities, easements, topography, structures, and drainage channels.

b. Final contours.

c. Location of all proposed improvements, including paving, structures, utilities, landscaped areas, flatwork, and storm water control facilities.

d. Proposed drainage patterns including ridge lines and tributary drainage areas.

e. Storm water control facilities, including invert elevations, slopes, length, cross-sections, and sizes. Construction details shall be shown for grassed infiltration areas, and/or detention/retention facilities.

f. Existing and proposed drainage/storm water easements.

3. Erosion Control: An erosion control plan shall be submitted and approved prior to initiation of any site clearing, excavation, grading or other development activity. Both temporary and permanent erosion control measures shall be included. The plan shall represent the minimum requirements for the site. Additional measures may be required by the City in the event of unexpected storm occurrences, repair or maintenance of existing systems, or replacement of nonfunctioning systems.

The plan shall identify those entities or individuals responsible for maintenance and upkeep of both temporary and permanent erosion control measures.

4. Operation and Maintenance: The storm water management plan shall identify the entities or individuals responsible for the long term maintenance of the storm water facilities. Maintenance activities shall include (but not be limited to), watering, mowing and fertilizing of GIA's, sod renovation of GIA's, sediment and debris removal from detention basin, debris removal and cleaning of all inlets, piping, outlet structures, slope protection, etc. (Ord. 2634 □1, 1994)

13.30.050: DESIGN STANDARDS:

A. General: All storm water facilities shall incorporate the following design standards:

1. All facilities shall be designed to accommodate a 25-year storm event.
2. When on-site facilities must accommodate drainage from off-site, such facilities shall be designed to accommodate a 50-year storm event.
3. Peak flows shall be calculated by the Rational Method for areas ten (10) acres or less. Peak flows shall be calculated by the Soil Conservation Service (SCS) Method TR-55, for areas greater than ten (10) acres. Other methods may be approved by the City Engineer.
4. The intensity-duration curves from the Idaho Transportation Department shall be used for the Rational Method.
5. All runoff shall be directed into the aquifer by means of dry wells.

B. Grassed Infiltration Areas: All GIAs shall incorporate the following design standards:

1. GIAs shall be designed to retain a volume equal to the first one-half inch (1/2") of runoff over the tributary impervious area.
2. GIAs shall be a maximum of eight inches (8") deep in commercial and industrial areas and six inches (6") in all others. Depth shall be the difference between the lowest point of the swale and the inlet of the overflow structure.
3. GIAs shall have the following minimum infiltrated rates:

At rough grading 1.5 inches/hour

At final grading 1.0 inches/hour

Upon completion 0.5 inches/hour

All swales shall have a minimum of 0.5 inches/hour.

4. GIAs that do not meet the minimum infiltration rate shall be renovated using BMPs adopted by the City or other methods approved by the City Engineer.

When the vegetative cover dies, the sod and six inches (6") of soil shall be removed and disposed of at an approved site. The soil shall be replaced and

a new cover established. If it can be shown that vegetative cover died for reasons other than the expiration of the GIAs' service life, a partial renovation is appropriate which restores the viability of the vegetative cover.

5. GIAs shall contain dry wells, or an equivalent approved by the City Engineer, to accommodate overflow.

6. Side slopes shall not exceed 3:1 (horizontal to vertical). (Ord. 2927 □1, 1999; Ord. 2634 □1, 1994)

13.30.060: COMPONENT MAINTENANCE AND FUNDING:

The City of Coeur d'Alene may establish a department of City government or contract for maintenance in order that drainage system components can be maintained. Establishment of a supportive funding mechanism is hereby authorized. (Ord. 2634 □1, 1994)

13.30.070: PERFORMANCE STANDARDS:

The following performance standards shall be applicable to all design, construction, implementation, and maintenance of storm water management systems pursuant to this Chapter.

A. There shall be no measurable increase in the peak rate of runoff from the site after development when compared with the runoff rate in the undeveloped state for a 25-year storm. For purposes of this Chapter, "undeveloped state" shall mean the natural soils and vegetation in place prior to the start of any construction or clearing activity on the site. Sufficient retention capacity shall be constructed within project boundaries to detain the on-site surface flow to meet the performance standard established by this Section. Existing and/or proposed off-site public street drainage shall be detained separately from the on-site drainage.

B. Channels which collect or concentrate storm water shall be protected against erosion and contain energy dissipation measures to prevent further erosion on adjoining lands. Existing unprotected channels shall be protected against further erosion in the course of site development. Any site development or construction shall preserve the existing storm water management improvements.

Sediment resulting from erosion of disturbed soils shall be detained on-site. Sediment shall either be stabilized on-site or removed in an approved manner.

C. Any and all collected storm water shall be directed to grassed infiltration areas (GIAs) or to an approved alternative storm water management system.

Infiltration areas shall be established with grass and/or other approved plant materials. Grass infiltration areas or their acceptable alternatives shall be sized to hold and treat the first one-half inch (1/2") of storm water runoff from all impervious surfaces, including roofs. The overall storm water disposal system shall have a capacity to handle a 25-year storm event without damage to the storm water management system or adjacent land and improvements.

- D. Grass infiltration areas or other approved treatment methods should be designed to contaminant removal rates consistent with City approved Best Management Practices. GIAs constructed in accordance with this Chapter shall be deemed to have met these criteria.

If the proposed development exceeds site limitations adopted by resolution of the City Council for grass infiltration methods, then an acceptable alternative storm water collection, treatment, and disposal system shall be implemented in accordance with an approved storm water management plan, subject to review by the City. Said grass infiltration areas or other approved alternative on-site storm water collection and treatment systems may be approved in either nodal or dispersed form, subject to specific approval by the City during the development review process. (Ord. 2879 §1, 1998; Ord. 2634 §1, 1994)

13.30.080: GUARANTEE OF INSTALLATION:

No building permit, final plat approval, or other discretionary approval shall be granted until the storm water management plan has been approved by the City Engineer.

For new subdivisions, except as allowed by [Chapter 16.24](#) of this Code, no building permit will be issued until the storm water management system, including GIAs, curb and sidewalks, has been constructed for the developed portion and will accept the flow of storm water as designed. For all other cases, no certificate of occupancy will be issued until the storm water management system has been installed and will accept the flow of storm water as designed.

If, in the judgment of the City Engineer or his designee, project occupancy can be achieved without harm to the environment or potential occupants, occupancy may proceed upon receipt of an acceptable guarantee of financial surety, pursuant to Section [15.08.075](#) of this Code, to complete installation when weather conditions or other variables allow. In no case shall such guarantee be allowed if the incomplete improvements would result in increased erosion, sedimentation, or other damage to the development, public improvements, subsurface or surface waters, the proposed storm water management system or otherwise endanger the public health or safety.

At any time, the City may stop work on the installation of subdivision improvements, withhold further issuance of building permits in a development,

stop work on any individual building or development of any individual building site, or otherwise take steps necessary to protect the waters of the State from damage as a result of development. (Ord. 2634 □1, 1994)

13.30.090: ADOPTION OF SUPPORTING DOCUMENTATION:

The City of Coeur d'Alene may, by resolution, adopt additional design standards, definition of terminology, administrative procedures, etc., intended to implement the general requirements and performance standards set forth in this Chapter. Changes in the design standards may be accomplished by subsequently adopted resolution. Such design standards may be complied with in alternative ways that will contribute to rational achievement of the general requirements and performance standards set forth in this Chapter. (Ord. 2634 □1, 1994)

13.30.100: PROPERTY OWNER'S MAINTENANCE RESPONSIBILITY:

Unless other provisions are made in the process of development review and approval, responsibility for maintenance of storm water system elements remains with the property owner, and violation of these maintenance requirements shall constitute a violation of this Chapter. (Ord. 2634 □1, 1994)

13.30.105: PROHIBITED CONDUCT:

No person shall damage, harm, fail to install, complete, or maintain, or otherwise impair the grassed infiltration areas or approved methods of transmission of storm water to grassed infiltration areas or any portion of a storm water management system installed pursuant to this Chapter. (Ord. 2634 □1, 1994)

13.30.110: ENFORCEMENT:

Provisions of this Chapter may be enforced in one or more of the following manners:

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor and shall be punished by a fine of not more than three hundred dollars (\$300.00) per day.

1. Each such person is guilty of a separate offense for each and every day during which any violation of any provision of this Chapter is committed, continued, or permitted by any such person, and he shall be punished accordingly.

- B. By civil action to compel performance and completion of, or maintenance of, facilities installed pursuant to this Chapter.
- C. Denying, revoking, or suspending building permits or certificates of occupancy, as the case may be.
- D. Occupancy of dwelling or building without an approved certificate of occupancy shall constitute a violation of this Chapter in addition to any building or zoning ordinance from which the occupancy requirement derives.
- E. By any other method or remedy allowed by law. (Ord. 2634 §1, 1994)

13.30.120: VARIANCE:

A variance from the requirements of this Chapter or from the design standards adopted pursuant to this Chapter may be granted only upon a showing of undue hardship due to unique site characteristics. Said variance may only be granted by the City Council in such circumstances if the approval of the variance would not otherwise impair achievement of the standards or purposes of this Chapter, would not impose an additional burden upon adjoining or downstream lands or landowners, or otherwise disrupt the scheme of storm water management in the community. It shall be incumbent upon anyone requesting a variance to provide data showing that alternative methods of storm water handling proposed will produce comparable efficacy of the storm water management measures required by this Chapter. No variance shall be issued unless all elements of this Section are met. (Ord. 2634 §1, 1994)

Storm water amendments – markup.

13.30.010: TITLE AND PURPOSE:

These regulations shall be known as the *STORM WATER MANAGEMENT ORDINANCE*. The purpose of these regulations ~~is shall be~~ to require implementation of storm water management techniques, which rely upon natural on-site treatment, and recycling of storm water as opposed to collection and conveyance of untreated storm water into ground water sources or into surface bodies of water. The underlying purposes to be achieved by implementation of such regulations are the protection of ground water quality through pretreatment of storm water prior to infiltration, ~~and~~ protection of surface and subsurface water resources from the effects of contaminants, sedimentation, and erosion, providing for adequate drainage of storm water and the protection of properties from increased runoff and flooding.

13.30.015: DEFINITIONS:

Unless a provision ~~explicitly~~ states otherwise, the following terms and phrases, ~~as~~ used in this Chapter, ~~shall~~ have the following meanings: ~~hereinafter designated.~~

1. AS-BUILT DRAWINGS: Design plans that have been revised to reflect all changes to the plans that occurred during construction. These plans must shall be signed and stamped by the responsible qualified, licensed professional.
2. BEST MANAGEMENT PRACTICE (BMP): Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water and flooding.
3. CLEARING: The removal of vegetation, trees, structures, pavement, etc., by manual, mechanical, or chemical methods.
4. CONVEYANCE: A mechanism for transporting water from one point to another, including pipes, ditches, and channels.
5. CONVEYANCE SYSTEM: The drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface water.
6. DESIGN STORM: A rainfall event of specific return frequency and duration that is used to calculate the runoff volume and peak discharge rate.
7. DETENTION: A temporary storage of storm runoff in a BMP, which is used to control the peak discharge rates, and which provides for gravity settling of pollutants and sediments.

8. **EROSION:** The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.
9. **EROSION/SEDIMENT CONTROL:** Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation.
10. **GROUND WATER:** Water in a saturated zone or stratum beneath the land surface or a surface water body.
11. **IMPERVIOUS SURFACE:** ~~A hard surface area which either prevents or retards the entry of water into the soil mantle, and/or which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.~~ has the same meaning as Municipal Code Section 17.02.070(A).
12. **INFILTRATION:** The downward movement of water through the soil. Infiltration capacity is expressed in terms of inches/hour.
13. **INFILTRATION BASIN:** Depressions created by excavation or berms to provide for short term ponding of surface runoff until it percolates into the soil through the basin's floor and sides.
14. **INTERMITTENT STREAM:** A stream or portion of a stream that flows only seasonally. Typically it is dry for several months of a year.
15. **LAND DISTURBING ACTIVITY:** Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, and excavation.
16. **NUTRIENTS:** Essential chemicals needed by plants or animals for growth. Excessive amounts of nutrients can lead to degradation of water quality and algae blooms. Some nutrients can be toxic at high concentrations.
17. **QUALIFIED, LICENSED PROFESSIONAL:** A registered civil engineer or registered landscape architect, licensed in the State of Idaho.

~~**RECONSTRUCTION:** Any modification of the cross-section or sub-grade. Paving or re-paving shall not be considered reconstruction.~~
18. **RETENTION:** The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.
19. **RUNOFF:** Rainfall or snowmelt that does not infiltrate into the soil, but remains on the surface and travels over land to either natural or man-made collection facilities.

20. SECURITY: A surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the City to guarantee that work is completed in compliance with the project's drainage plan and in compliance with all local government requirements.
21. SEDIMENT: Material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.
22. SEDIMENTATION: The deposition of sediment usually in basins or watercourses.
23. STORM FREQUENCY: The time interval between storms of predetermined intensity, e.g., a 2-year, 25-year, or 100-year storm.
24. STORM WATER RUNOFF: Runoff generated by storms.
25. SWALE: A shallow infiltration basin drainage conveyance or infiltration area with relatively gentle side slopes.
26. TREATMENT AND DETENTION BMP: A BMP that is intended to detain runoff and remove pollutants from storm water. A few examples of treatment and detention BMPs are detention ponds, oil/water separators, biofiltration swales, and constructed wetlands.
27. UNDEVELOPED STATE: The natural soils and vegetation in place prior to the start of any construction or clearing activity on the site.

13.30.020: APPLICABILITY:

A. Unless otherwise exempted under this Chapter, the Storm Water Management Ordinance shall apply to all ~~development land disturbing activities for which including but not limited to, grading, site development, parking lot paving, construction or street improvement, or building permits are required, pursuant to the codes, laws, and regulations of the City of Coeur d'Alene or the State of Idaho.~~

B. This Chapter shall be applied in a manner consistent with the procedures set forth in the City of Coeur d'Alene Zoning Ordinance, City of Coeur d'Alene Subdivision Ordinance, City of Coeur d'Alene Building Code Ordinance, City of Coeur d'Alene Storm Water Utility Ordinance, and such other ordinances as the City may enact to regulate the use and development of land within the City pursuant to authority granted by Idaho Code title 65, chapter 67. (MOVED FROM 13.30.030(F) AND ADDED REFERENCE TO STORM WATER UTILITY ORDINANCE.)

13.30.030: STORM WATER MANAGEMENT PLAN GENERAL REQUIREMENTS:

Unless relief from the standards set forth in this Chapter is granted by properly approved variance, all development to which this Chapter is applicable shall comply with the following requirements and methods for storm water management control.

A. STORM WATER MANAGEMENT PLAN REQUIRED: Any activity applicable-regulated by this Chapter shall require the development of a comprehensive storm water management plan meeting the requirements of Sections 13.30.050 and 13.30.060 of this Chapter. ~~which addresses and complies with the requirements and standards established by this Chapter and the plan criteria, design standards, and BMP's adopted pursuant to this Chapter.~~ Storm water management plans shall be approved by a qualified, licensed professional and submitted for review by the City Engineer. However, storm water management plans for individual site development ~~for~~ of parks, multi-family residential, educational, and commercial and industrial developments and parks may be prepared and stamped by a qualified, licensed landscape architect ~~unless the City Engineer determines that off-site drainage or adjacent property rights are affected.~~ The City Engineer may require any plan to be signed by a registered civil engineer when off-site drainage or adjacent property rights are affected.

B. GENERAL PLAN REQUIREMENTS: Each storm water management plan ~~created in accordance with this Chapter shall also establish~~ must contain the following general elements:

~~1. Assurance of adequate funding.~~

~~2.~~ The necessary maintenance system, including an acceptable plan for sustained functioning of the collection and treatment system, ~~and.~~ Unless the plan identifies another responsible party, the parties identified in Section 13.30.090 shall be responsible for maintenance of all elements of the storm water collection and treatment system. Maintenance activities shall include (but not be limited to), watering, mowing and fertilizing of infiltration basins, sod renovation of infiltration basins (unless otherwise provided in this Chapter) sediment and debris removal from detention basin, debris removal and cleaning of all inlets, piping, outlet structures, slope protection, etc.

~~23.~~ The easements necessary to provide continued maintenance of the system.

3. Clearly identified storm water facilities including, but not limited to, pipes, inlets, catch basins, infiltration basins, basins, and swales. (MOVED FROM 13.30.040(A).)

C. Storm water management plans will not be necessary for individual building sites if runoff from the site has been accommodated by an approved storm water management plan for the subdivision in which the site is located and development of the site conforms to the assumptions made in the approved plan. However, detailed erosion control plans may still be

required. A storm water management plan will not be required for new residential structures or additions to existing residential structures if the requirements of this Chapter can be met by proposed or existing site landscaping.

~~D. Runoff from commercial and industrial buildings and sites shall be discharged into a grassed infiltration area (GIA) except in the following cases.~~

~~1. When the increase in impervious surface, resulting from new construction or addition to existing structures, is less than three thousand (3,000) square feet runoff may be discharged directly into drywells.~~

~~2. Runoff from roofs covered with a non-asphalt based material, may be discharged directly into a drywell. (AMENDED AND MOVED TO 13.30.050).~~

~~E. All activities subject to the requirements of this Chapter shall be carried out such that the runoff of storm or other surface waters shall not be accelerated, concentrated, or otherwise conveyed beyond the exterior property lines or project boundaries of the project in question except in compliance with the provisions of BMP's adopted pursuant to this Chapter, or as allowed through joint management of storm water with adjoining property owners pursuant to agreement approved in writing by the City. Drainage shall not be diverted and/or released to a downstream property which had not received drainage prior to development. Flow may not be concentrated onto downstream properties where sheet flow previously existed.~~

~~The quality of surface runoff shall be protected by strict compliance with the design standards and BMP's adopted pursuant to this Chapter or by implementation of measures shown by a qualified, licensed professional to have an effective design capability which exceeds the BMP's adopted hereby. (AMENDED AND MOVED TO 13.30.050).~~

~~F. This Chapter shall be applied in a manner consistent with the procedures set forth in the City of Coeur d'Alene Zoning Ordinance, City of Coeur d'Alene Subdivision Ordinance, City of Coeur d'Alene Building Code Ordinance⁶⁴, and such other ordinances as the City may enact to regulate the use and development of land within the City pursuant to authority granted by Idaho Code title 65, chapter 67. For purposes of application of the design standards and other related documents and standards, the City of Coeur d'Alene shall be designated as the permit authority. (MOVED TO 13.30.020).~~

~~G. When existing streets are widened or otherwise improved, runoff from the new impervious surface may be directed into existing storm drain facilities. (MOVED TO 13.30.050).~~

~~H. Where GIA's will be located between curb and sidewalk, both curb and sidewalk shall be considered an integral part of the storm management system and shall be installed with the GIA. (MOVED TO 13.30.060).~~

C. REQUIRED STORM WATER PLAN ELEMENTS: In addition to the general plan requirements required by Section 13.30.030(B) storm water management plans must contain the following parts:

1. PROJECT SUMMARY AND DESIGN CALCULATIONS: The project summary shall present an overview of the proposed project and all pertinent details supporting the design calculations. The plan shall present all pertinent calculations necessary to determine the required size of elements of the system. These elements include, but are not limited to, off-site drainage onto the property, pre- and post-development runoff, infiltration basins GIAs, detention and/or retention facilities, pipes, swales, culverts, ditches, and catch basins. (MOVED FROM 13.30.040(B)(1).

2. SITE PLAN: The site plan shall include the following:

a. Property boundaries and all existing natural and man-made features and facilities within fifty feet (50') of the site, including streets, utilities, easements, topography, structures, and drainage channels.

b. Final contours.

c. Location of all proposed improvements, including paving, structures, utilities, landscaped areas, flatwork, and storm water control facilities.

d. Proposed drainage patterns including ridgelines and tributary drainage areas.

e. Storm water control facilities, including invert elevations, slopes, length, cross-sections, and sizes. Construction details shall be shown for infiltration basins GIAs, and/or detention/retention facilities.

f. Existing and proposed drainage/storm water easements. (MOVED FROM 13.30.040(B)(2).

3. EROSION CONTROL: An erosion control plan shall be submitted and approved prior to initiation of any site clearing, excavation, grading or other development activity. Both temporary and permanent erosion control measures shall be included. The plan shall represent the minimum requirements for the site. Additional measures may be required by the City in the event of unexpected storm occurrences, repair or maintenance of existing systems, or replacement of nonfunctioning systems.

a. The permit holder and owner of the property are The plan shall identify those entities or individuals responsible for maintenance and upkeep of both temporary and permanent erosion control measures unless the erosion control plan identifies another person or entity as the responsible party. (MOVED FROM 13.30.040(B)(3).

13.30.040: STORM WATER MANAGEMENT PLAN PERFORMANCE STANDARDS:

The following performance standards are applicable to all design, construction, implementation, and maintenance of storm water management systems pursuant to this Chapter.

A. All activities subject to the requirements of this Chapter shall be carried out in a manner that ensures that runoff of storm or other natural surface waters shall not be accelerated, concentrated, or otherwise conveyed beyond the exterior property lines or project boundaries of the project in question. Sufficient retention capacity shall be constructed within project boundaries to detain the on-site surface flow to meet the performance standard established by this Section. Existing and/or proposed off-site public street drainage shall be detained separately from the on-site drainage. All storm water facilities and BMPs required for the project must be constructed within the project boundary or property lines.

1. Exceptions: Runoff of storm or other surface waters may be conveyed beyond the exterior property lines or project boundaries if:

a. Done in accordance with the provisions of a BMP joint storm water management agreement approved in writing by the City; or

b. Allowed through a joint storm water management agreement approved in writing by the City.

be. The downstream property received drainage prior to development. In this case, flow may not be concentrated onto downstream properties where sheet flow previously existed. In no event will there be a measurable increase in the peak rate of runoff from the site after development when compared with the runoff rate in the undeveloped state for a 25-year storm. (MOVED FROM 13.30.030(E)).

B. Channels which collect or concentrate storm water shall be protected against erosion and contain energy dissipation measures to prevent erosion on adjoining lands. Existing unprotected channels shall be protected against further erosion in the course of site development. Any site development or construction shall preserve the existing storm water management improvements. (MOVED FROM 13.030.070(B)).

C. Sediment resulting from erosion of disturbed soils shall be detained on-site. Sediment shall either be stabilized on-site or removed in an approved manner. (MOVED FROM 13.030.070(B)).

D. Any and all collected storm water runoff shall be directed to infiltration basins GIAs or to an approved BMP alternative storm water management system.

1. Exceptions: Runoff from commercial or industrial buildings may be discharged directly into drywells or other overflow structures under the following circumstances:

a. When the increase in impervious surface, resulting from new construction or addition to existing structures, is less than three thousand (3,000) square feet.

b. ~~Runoff from roofs covered with a non-asphalt based material.~~ (MOVED FROM 13.030.070(C)).

E. When existing streets are widened or otherwise improved, runoff from the new impervious surface may be directed into existing storm drain facilities if the existing storm drain facility has sufficient capacity to accommodate the increased runoff. (MOVED FROM 13.30.030(G)).

A. ~~General Requirements: All storm water management plans shall conform to the following general requirements:~~

1. ~~Clearly identify all storm water facilities including, but not limited to, pipes, inlets, catch basins, grassed infiltration areas (GIA's), basins, and swales.~~ (MOVED TO 13.30.030.030(B)).

2. ~~Plans shall be stamped and signed by a qualified, licensed professional.~~

3. ~~Plans shall provide a record for future maintenance.~~

B. ~~Plan Requirements: Storm water management plans shall have the following parts:~~

~~–Project summary narrative with supporting design calculations~~

~~–Site plan~~

~~–Erosion and sediment control plan~~

~~–Operation and maintenance plan~~

1. ~~Project Summary and Design Calculations: The project summary shall present an overview of the proposed project and all pertinent details supporting the design calculations.~~

~~The plan shall present all pertinent calculations necessary to determine the required size of elements of the system. These elements include, but are not limited to, off-site drainage onto the property, pre and post development runoff, grassed infiltration areas, detention and/or retention facilities, pipes, swales, culverts, ditches, and catch basins.~~ (MOVED TO 13.30.030(C)).

2. ~~Site Plan: The site plan shall include the following:~~

~~a. Property boundaries and all existing natural and man-made features and facilities within fifty feet (50') of the site, including streets, utilities, easements, topography, structures, and drainage channels.~~

~~b. Final contours.~~

~~c. Location of all proposed improvements, including paving, structures, utilities, landscaped areas, flatwork, and storm water control facilities.~~

~~d. Proposed drainage patterns including ridge lines and tributary drainage areas.~~

~~e. Storm water control facilities, including invert elevations, slopes, length, cross sections, and sizes. Construction details shall be shown for grassed infiltration areas, and/or detention/retention facilities.~~

~~f. Existing and proposed drainage/storm water easements.~~ (MOVED TO 13.30.030(C)).

~~3. Erosion Control: An erosion control plan shall be submitted and approved prior to initiation of any site clearing, excavation, grading or other development activity. Both temporary and permanent erosion control measures shall be included. The plan shall represent the minimum requirements for the site. Additional measures may be required by the City in the event of unexpected storm occurrences, repair or maintenance of existing systems, or replacement of nonfunctioning systems.~~

~~The plan shall identify those entities or individuals responsible for maintenance and upkeep of both temporary and permanent erosion control measures.~~ (MOVED TO 13.30.030(C)).

~~4. Operation and Maintenance: The storm water management plan shall identify the entities or individuals responsible for the long term maintenance of the storm water facilities. Maintenance activities shall include (but not be limited to), watering, mowing and fertilizing of GIA's, sod renovation of GIA's, sediment and debris removal from detention basin, debris removal and cleaning of all inlets, piping, outlet structures, slope protection, etc.~~

13.30.050: DESIGN STANDARDS:

A. GENERAL STANDARDS: All storm water facilities shall incorporate the following design standards:

1. All conveyance facilities shall be designed to accommodate a 25-year storm event.
2. When on-site facilities must accommodate drainage from off-site, such conveyance facilities shall be designed to accommodate a 50-year storm event.

3. Peak flows shall be calculated by the Rational Method for areas ten (10) acres or less. Peak flows shall be calculated by the Soil Conservation Service (SCS) Method TR-55, for areas greater than ten (10) acres. ~~For areas greater than ten (10) acres, peak flows shall be calculated by the Soil Conservation Service (SCS) Method TR-55.~~ Other methods may be approved by the City Engineer.

4. The intensity-duration curves from the Idaho Transportation Department shall be used for the Rational Method.

~~5. All runoff shall be directed into the aquifer by means of dry wells.~~

B. ~~GRASSED INFILTRATION BASINS AREAS~~: All infiltration basins GIAs shall incorporate the following design standards:

1. Infiltration basins GIAs shall be designed either to retain and treat a volume equal to ~~the~~ first one-half inch (1/2") of runoff over the tributary impervious area, including roofs or to infiltrate a storm event of 0.1 inches/hour.

2. Infiltration basins designed to detain the treatment volume GIAs shall be a maximum of eight inches (8") deep in commercial and industrial areas and six inches (6") from in all others. ~~Depth shall be the difference between the lowest point of the swale to and the inlet of the overflow structure.~~

3. Infiltration basins GIAs shall have a minimum infiltration rate of 0.5 inches/hour. ~~the following minimum infiltration rates:~~

a. ~~At rough grading — 1.5 inches/hour~~

b. ~~At final grading — 1.0 inches/hour~~

c. ~~Upon completion — 0.5 inches/hour~~

d. ~~All swales shall have a minimum of 0.5 inches/hour.~~

4. Infiltration basins shall be planted and maintained with grass and/or other vegetative cover approved by the City. An encroachment permit issued by the City pursuant to Chapter 12.44 of the Coeur d' Alene Municipal Code must be obtained before starting any landscaping work in infiltration basins located in City right of ways. ~~GIAs that do not meet the minimum infiltration rate shall be renovated using BMPs adopted by the City or other methods approved by the City Engineer.~~

~~When the vegetative cover dies, the sod and six inches (6") of soil shall be removed and disposed of at an approved site. The soil shall be replaced and a new cover established. If it can be shown that vegetative cover died for reasons other than the expiration of the GIAs'~~

service life, a partial renovation is appropriate which restores the viability of the vegetative cover.

5. Infiltration basins must be renovated when they do not meet the minimum infiltration rate or when the vegetative cover dies. GIAs shall contain dry wells, or an equivalent approved by the City Engineer, to accommodate overflow.

6. Infiltration basins shall contain dry wells, or an equivalent approved by the City Engineer, to accommodate overflow. Side slopes shall not exceed 3:1 (horizontal to vertical).

7. Where infiltration basins will be located between curb and sidewalk, both curb and sidewalk shall be considered an integral part of the storm management system and shall be installed with the infiltration basin. (MOVED FROM 13.30.030(H)).

13.30.060: COMPONENT MAINTENANCE AND FUNDING:

~~The City of Coeur d'Alene may establish a department of City government or contract for maintenance in order that drainage system components can be maintained. Establishment of a supportive funding mechanism is hereby authorized.~~

13.30.070: PERFORMANCE STANDARDS:

~~The following performance standards shall be applicable to all design, construction, implementation, and maintenance of storm water management systems pursuant to this Chapter.~~

~~A. There shall be no measurable increase in the peak rate of runoff from the site after development when compared with the runoff rate in the undeveloped state for a 25 year storm. For purposes of this Chapter, "undeveloped state" shall mean the natural soils and vegetation in place prior to the start of any construction or clearing activity on the site. Sufficient retention capacity shall be constructed within project boundaries to detain the on-site surface flow to meet the performance standard established by this Section. Existing and/or proposed off-site public street drainage shall be detained separately from the on-site drainage.~~

~~B. Channels which collect or concentrate storm water shall be protected against erosion and contain energy dissipation measures to prevent further erosion on adjoining lands. Existing unprotected channels shall be protected against further erosion in the course of site development. Any site development or construction shall preserve the existing storm water management improvements.~~

~~Sediment resulting from erosion of disturbed soils shall be detained on-site. Sediment shall either be stabilized on-site or removed in an approved manner.~~

~~C. Any and all collected storm water shall be directed to grassed infiltration areas (GIAs) or to an approved alternative storm water management system. Infiltration areas shall be established with grass and/or other approved plant materials. Grass infiltration areas or their acceptable alternatives shall be sized to hold and treat the first one half inch (1/2") of storm water runoff from all impervious surfaces, including roofs. The overall storm water disposal system shall have a capacity to handle a 25 year storm event without damage to the storm water management system or adjacent land and improvements.~~

~~D. Grass infiltration areas or other approved treatment methods should be designed to contaminant removal rates consistent with City approved Best Management Practices. GIAs constructed in accordance with this Chapter shall be deemed to have met these criteria.~~

~~If the proposed development exceeds site limitations adopted by resolution of the City Council for grass infiltration methods, then an acceptable alternative storm water collection, treatment, and disposal system shall be implemented in accordance with an approved storm water management plan, subject to review by the City. Said grass infiltration areas or other approved alternative on site storm water collection and treatment systems may be approved in either nodal or dispersed form, subject to specific approval by the City during the development review process.~~

13.30.080: GUARANTEE OF INSTALLATION:

A. No building permit, final plat approval, or other discretionary approval shall be granted until the storm water management plan has been approved by the City Engineer.

B. For new subdivisions, except as allowed by Chapter 16.24 of this Code, no building permit will be issued until the storm water management system, including infiltration basins ~~GIAs~~, curb and sidewalks, has been constructed for the developed portion and will accept the flow of storm water as designed. For all other cases, no certificate of occupancy will be issued until the storm water management system has been installed and will accept the flow of storm water as designed.

1. Exception: If, in the judgment of the City Engineer or his designee, project occupancy can be achieved without harm to the environment or potential occupants, occupancy may proceed upon receipt of an acceptable guarantee of financial surety, pursuant to Section 15.08.075 of this Code, to complete installation when weather conditions or other variables allow but in no event more than six months after occupancy. In no case shall such guarantee be allowed if the incomplete improvements would result in increased erosion, sedimentation, or other damage to the development, public improvements, surface or subsurface waters, the proposed storm water management system or otherwise endanger the public health or safety.

C. At any time, the City may stop work on the installation of subdivision improvements, withhold further issuance of building permits in a development, stop work on any individual building or development of any individual building site, or otherwise take steps necessary to

ensure that the development meets the requirements of this Chapter. ~~protect the waters of the State from damage as a result of development.~~

13.30.090: ADOPTION OF SUPPLEMENTAL MATERIALS SUPPORTING DOCUMENTATION:

The City of Coeur d'Alene may, by resolution, adopt additional design standards, definition of terminology, administrative procedures, etc., intended to implement the general requirements and performance standards set forth in this Chapter. Changes in the design standards may be accomplished by subsequently adopted resolution. Such design standards may be complied with in alternative ways that will contribute to rational achievement of the general requirements and performance standards set forth in this Chapter.

13.30.100: PROPERTY OWNER'S MAINTENANCE RESPONSIBILITY:

A. Unless other provisions are made in the process of development review and approval, responsibility for maintenance of storm water system elements remains with the property owner, and violation of these maintenance requirements shall constitute a violation of this Chapter. the owner of the property is responsible to maintain all storm water system elements required for on site storm water collection and treatment and the owner of the abutting property is responsible for maintaining infiltration basins contained within City right-of-ways or drainage easements for street drainage .

B. For infiltration basins contained within City right-of-ways or drainage easements the maintenance responsibility created by this section shall include mowing, and otherwise maintaining the grass or other approved vegetative cover in a healthy condition capable of meeting the retention and treatment requirements of this Chapter. The City's Storm Water Utility will renovate the infiltration basin upon expiration of its service life.

C. Any violation of these maintenance requirements shall constitute a violation of this Chapter.

13.30.105: PROHIBITED CONDUCT:

No person shall damage, harm, fail to install, complete, or maintain, or otherwise impair the functioning of ~~GIA~~s infiltration basins or the future functioning of areas designed as an infiltration basin or approved methods of transmission of storm water to an infiltration basin ~~GIA~~s or any portion of a storm water management system installed pursuant to this Chapter.

13.30.110: ENFORCEMENT:

Provisions of this Chapter may be enforced in one or more of the following manners:

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor and shall be punished as provided by

Municipal Code Chapter 1.28 ~~by a fine of not more than three hundred dollars (\$300.00) per day.~~

1. Each such person is guilty of a separate offense for each and every day during which any violation of any provision of this Chapter is committed, continued, or permitted by any such person, and he shall be punished accordingly.
- B. By civil action to compel performance and completion of, or maintenance of, facilities installed pursuant to this Chapter.
- C. Denying, revoking, or suspending building permits or certificates of occupancy, as the case may be.
- D. ~~Occupancy of dwelling or building without an approved certificate of occupancy shall constitute a violation of this Chapter in addition to any building or zoning ordinance from which the occupancy requirement derives.~~ E. By any other method or remedy allowed by law.

13.30.120: VARIANCE:

A variance from the requirements of this Chapter or from the design standards adopted pursuant to this Chapter may be granted only upon a showing of undue hardship due to unique site characteristics. Said variance may only be granted by the City Council in such circumstances if the approval of the variance would not otherwise impair achievement of the standards or purposes of this Chapter, would not impose an additional burden upon adjoining or downstream lands or landowners, or otherwise disrupt the scheme of storm water management in the community. It shall be incumbent upon anyone requesting a variance to provide data showing that alternative methods of storm water handling proposed will produce comparable efficacy of the storm water management measures required by this Chapter. No variance shall be issued unless all elements of this Section are met.

COUNCIL BILL NO. 08-1026
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 13.30 AND ADOPTING A NEW CHAPTER 13.30 ENTITLED STORM WATER MANAGEMENT; PROVIDING DEFINITIONS AND A PURPOSE CLAUSE; REQUIRING SUBMISSION OF A STORM WATER MANAGEMENT PLAN WITH ANY LAND DISTURBING ACTIVITY; ESTABLISHING PERFORMANCE AND DESIGN STANDARDS FOR STORM WATER IMPROVEMENTS; AUTHORIZING THE ADOPTION OF SUPPLEMENTAL MATERIAL BY RESOLUTION OF THE CITY COUNCIL; ESTABLISHING PROPERTY OWNER'S OBLIGATION TO MAINTAIN STORM WATER IMPROVEMENTS AND PROHIBITED CONDUCT; AUTHORIZING AND PROVIDING RULES TO OBTAIN A VARIANCE FROM THE STORM WATER REQUIREMENTS; ESTABLISHING ENFORCEMENT PROCEDURES TO ENFORCE THE ORDINANCE AND OTHER GUARANTEES OF INSTALLATION TO ENSURE THAT STORM WATER IMPROVEMENTS ARE INSTALLED; ESTABLISHING THAT VIOLATIONS OF THE REQUIREMENTS OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS OR BY BOTH FINE AND IMPRISONMENT; 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 Public Works Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

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

SECTION 1. *Coeur d'Alene Municipal Code Chapter 13.30 is hereby repealed and a new Chapter 13.30 entitled STORMWATER MANAGEMENT is hereby adopted.*

SECTION 2. *Coeur d'Alene Municipal Code Section 13.30.010 is adopted to read as follows:*

13.30.010: TITLE AND PURPOSE:

These regulations shall be known as the *STORM WATER MANAGEMENT ORDINANCE*. The purpose of these regulations is to require implementation of storm water management techniques, which rely upon natural on-site treatment, and recycling of storm water as opposed to collection and conveyance of untreated storm water into ground water sources or into surface

bodies of water. The underlying purposes to be achieved by implementation of such regulations are the protection of ground water quality through pretreatment of storm water prior to infiltration, protection of surface and subsurface water resources from the effects of contaminants, sedimentation, and erosion, providing for adequate drainage of storm water and the protection of properties from increased runoff and flooding.

SECTION 3. *Coeur d'Alene Municipal Code Section 13.30.020 is adopted to read as follows:*

13.30.020: DEFINITIONS:

Unless a provision states otherwise, the following terms and phrases used in this Chapter, have the following meanings:

1. **AS-BUILT DRAWINGS:** Design plans that have been revised to reflect all changes to the plans that occurred during construction. These plans must be signed and stamped by the responsible qualified, licensed professional.
2. **BEST MANAGEMENT PRACTICE (BMP):** Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water and flooding.
3. **CLEARING:** The removal of vegetation, trees, structures, pavement, etc., by manual, mechanical, or chemical methods.
4. **CONVEYANCE:** A mechanism for transporting water from one point to another, including pipes, ditches, and channels.
5. **CONVEYANCE SYSTEM:** The drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface water.
6. **DESIGN STORM:** A rainfall event of specific return frequency and duration that is used to calculate the runoff volume and peak discharge rate.
7. **DETENTION:** A temporary storage of storm runoff in a BMP, which is used to control the peak discharge rates, and which provides for gravity settling of pollutants and sediments.
8. **EROSION:** The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.
9. **EROSION/SEDIMENT CONTROL:** Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation.

10. **GROUND WATER:** Water in a saturated zone or stratum beneath the land surface or a surface water body.
11. **IMPERVIOUS SURFACE:** has the same meaning as Municipal Code Section 17.02.070(A).
12. **INFILTRATION:** The downward movement of water through the soil. Infiltration capacity is expressed in terms of inches/hour.
13. **INFILTRATION BASIN:** Depressions created by excavation or berms to provide for short term ponding of surface runoff until it percolates into the soil through the basin's floor and sides.
14. **INTERMITTENT STREAM:** A stream or portion of a stream that flows only seasonally. Typically it is dry for several months of a year.
15. **LAND DISTURBING ACTIVITY:** Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, and excavation.
16. **NUTRIENTS:** Essential chemicals needed by plants or animals for growth. Excessive amounts of nutrients can lead to degradation of water quality and algae blooms. Some nutrients can be toxic at high concentrations.
17. **QUALIFIED, LICENSED PROFESSIONAL:** A registered civil engineer or registered landscape architect, licensed in the State of Idaho.
18. **RETENTION:** The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.
19. **RUNOFF:** Rainfall or snowmelt that does not infiltrate into the soil, but remains on the surface and travels over land to either natural or man-made collection facilities.
20. **SECURITY:** A surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the City to guarantee that work is completed in compliance with the project's drainage plan and in compliance with all local government requirements.
21. **SEDIMENT:** Material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.
22. **SEDIMENTATION:** The deposition of sediment usually in basins or watercourses.

23. **STORM FREQUENCY:** The time interval between storms of predetermined intensity, e.g., a 2-year, 25-year, or 100-year storm.
24. **STORM WATER RUNOFF:** Runoff generated by storms.
25. **SWALE:** A shallow infiltration basin with relatively gentle side slopes.
26. **TREATMENT AND DETENTION BMP:** A BMP that is intended to detain runoff and remove pollutants from storm water. A few examples of treatment and detention BMPs are detention ponds, oil/water separators, bio-filtration swales, and constructed wetlands.
27. **UNDEVELOPED STATE:** The natural soils and vegetation in place prior to the start of any construction or clearing activity on the site.

SECTION 4. *Coeur d'Alene Municipal Code Section 13.30.030 is adopted to read as follows:*

13.30.030: APPLICABILITY:

- A. Unless otherwise exempted under this Chapter, the Storm Water Management Ordinance shall apply to all land disturbing activities including but not limited to, grading, site development, parking lot paving, or street improvement.
- B. This Chapter shall be applied in a manner consistent with the procedures set forth in the City of Coeur d'Alene Zoning Ordinance, City of Coeur d'Alene Subdivision Ordinance, City of Coeur d'Alene Building Code Ordinance, City of Coeur d'Alene Storm Water Utility Ordinance, and such other ordinances as the City may enact to regulate the use and development of land within the City pursuant to authority granted by Idaho Code title 65, chapter 67.

SECTION 5. *Coeur d'Alene Municipal Code Section 13.30.040 is adopted to read as follows:*

13.30.040: STORM WATER MANAGEMENT PLAN:

- A. **STORM WATER MANAGEMENT PLAN REQUIRED:** Any activity regulated by this Chapter shall require the development of a comprehensive storm water management plan meeting the requirements of Sections 13.30.050 and 13.30.060 of this Chapter. Storm water management plans shall be approved by a qualified, licensed professional and submitted for review by the City Engineer. However, storm water management plans for individual site development of parks, multi-family residential, educational, and commercial and industrial developments may be prepared and stamped by a qualified, licensed landscape architect unless the City Engineer determines that off-site drainage or adjacent property rights are affected.

B. GENERAL PLAN REQUIREMENTS: Each storm water management plan must contain the following general elements:

1. The necessary maintenance system, including an acceptable plan for sustained functioning of the collection and treatment system. Unless the plan identifies another responsible party, the parties identified in Section 13.30.090 shall be responsible for maintenance of all elements of the storm water collection and treatment system. Maintenance activities shall include (but not be limited to), watering, mowing and fertilizing of infiltration basins, sod renovation of infiltration basins (unless otherwise provided in this Chapter) sediment and debris removal from detention basin, debris removal and cleaning of all inlets, piping, outlet structures, slope protection, etc.
2. The easements necessary to provide continued maintenance of the system.
3. Clearly identified storm water facilities including, but not limited to, pipes, inlets, catch basins, infiltration basins, basins, and swales.

C. REQUIRED STORM WATER PLAN ELEMENTS: In addition to the general plan requirements required by Section 13.30.030(B) storm water management plans must contain the following parts:

1. DESIGN CALCULATIONS: The plan shall present all pertinent calculations necessary to determine the required size of elements of the system. These elements include, but are not limited to, off-site drainage onto the property, pre- and post-development runoff, infiltration basins, detention and/or retention facilities, pipes, swales, culverts, ditches, and catch basins.
2. SITE PLAN: The site plan shall include the following:
 - a. Property boundaries and all existing natural and man-made features and facilities within fifty feet (50') of the site, including streets, utilities, easements, topography, structures, and drainage channels.
 - b. Final contours.
 - c. Location of all proposed improvements, including paving, structures, utilities, landscaped areas, flatwork, and storm water control facilities.
 - d. Proposed drainage patterns including ridgelines and tributary drainage areas.
 - e. Storm water control facilities, including invert elevations, slopes, length, cross-sections, and sizes. Construction details shall be shown for infiltration basins, and/or detention/retention facilities.

- f. Existing and proposed drainage/storm water easements.
- 3. **EROSION CONTROL:** An erosion control plan shall be submitted and approved prior to initiation of any site clearing, excavation, and grading or other development activity. Both temporary and permanent erosion control measures shall be included. The plan shall represent the minimum requirements for the site. Additional measures may be required by the City in the event of unexpected storm occurrences, repair or maintenance of existing systems, or replacement of nonfunctioning systems.
 - a. The permit holder and owner of the property are responsible for maintenance and upkeep of both temporary and permanent erosion control measures unless the erosion control plan identifies another person or entity as the responsible party.

SECTION 6. *Coeur d'Alene Municipal Code Section 13.30.050 is adopted to read as follows:*

13.30.050: PERFORMANCE STANDARDS:

The following performance standards are to be applicable to all design, construction, implementation, and maintenance of storm water management systems pursuant to this Chapter.

- A. All activities subject to the requirements of this Chapter shall be carried out in a manner that ensures that runoff of storm or other natural surface waters shall not be accelerated, concentrated, or otherwise conveyed beyond the exterior property lines or project boundaries of the project in question. Existing and/or proposed off-site public street drainage shall be detained separately from the on-site drainage. All storm water facilities and BMPs required for the project must be constructed within the project boundary or property lines.
 - 1. Exceptions: Runoff of storm or other surface waters may be conveyed beyond the exterior property lines or project boundaries if:
 - a. Done in accordance with the provisions of a joint storm water management agreement approved in writing by the City; or
 - b. The downstream property received drainage prior to development. In this case, flow may not be concentrated onto downstream properties where sheet flow previously existed. In no event will there be a measurable increase in the peak rate of runoff from the site after development when compared with the runoff rate in the undeveloped state for a 25-year storm.
- B. Channels which collect or concentrate storm water shall be protected against erosion and contain energy dissipation measures to prevent erosion on adjoining lands. Existing unprotected channels shall be protected against further erosion in the course of site development. Any site development or construction shall preserve the existing storm water management improvements.

- C. Sediment resulting from erosion of disturbed soils shall be detained on-site. Sediment shall either be stabilized on-site or removed in an approved manner.
- D. Any and all collected storm water runoff shall be directed to infiltration basins or to an approved BMP.
 - 1. Exceptions: Runoff may be discharged directly into drywells or other overflow structures under the following circumstances:
 - a. When the increase in impervious surface, resulting from new construction or addition to existing structures, is less than three thousand (3,000) square feet.
 - b. Runoff from roofs.
- E. When existing streets are widened or otherwise improved, runoff from the new impervious surface may be directed into existing storm drain facilities if the existing storm drain facility has sufficient capacity to accommodate the increased runoff.

SECTION 7. *Coeur d'Alene Municipal Code Section 13.30.060 is adopted to read as follows:*

13.30.060: DESIGN STANDARDS:

- A. GENERAL STANDARDS: All storm water facilities shall incorporate the following design standards:
 - 1. All conveyance facilities shall be designed to accommodate a 25-year storm event.
 - 2. When on-site facilities must accommodate drainage from off-site, such conveyance facilities shall be designed to accommodate a 50-year storm event.
 - 3. Peak flows shall be calculated by the Rational Method for areas ten (10) acres or less. Peak flows shall be calculated by the Soil Conservation Service (SCS) Method TR-55, for areas greater than ten (10) acres. Other methods may be approved by the City Engineer.
 - 4. The intensity-duration curves from the Idaho Transportation Department shall be used for the Rational Method.
- B. INFILTRATION BASINS: All infiltration basins shall incorporate the following design standards:
 - 1. Infiltration basins shall be designed either to retain and treat a volume equal to one-half inch (1/2") of runoff over the tributary impervious area, including roofs or to infiltrate a storm event of 0.1 inches/hour.

2. Infiltration basins designed to detain the treatment volume shall be a maximum of six inches (6") from the lowest point of the swale to the inlet of the overflow structure.
3. Infiltration basins shall have a minimum infiltration rate of 0.5 inches/hour.
4. Infiltration basins shall be planted and maintained with grass and/or other vegetative cover approved by the City. An encroachment permit issued by the City pursuant to Chapter 12.44 of the Coeur d' Alene Municipal Code must be obtained before starting any landscaping work in infiltration basins located in City right of ways.
5. Infiltration basins must be renovated when they do not meet the minimum infiltration rate or when the vegetative cover dies.
6. Infiltration basins shall contain dry wells, or an equivalent approved by the City Engineer, to accommodate overflow.
7. Where infiltration basins will be located between curb and sidewalk, both curb and sidewalk shall be considered an integral part of the storm management system and shall be installed with the infiltration basin.

SECTION 8. *Coeur d'Alene Municipal Code Section 13.30.070 is adopted to read as follows:*

13.30.070: GUARANTEE OF INSTALLATION:

- A. No building permit, final plat approval, or other discretionary approval shall be granted until the storm water management plan has been approved by the City Engineer.
- B. For new subdivisions, except as allowed by Chapter 16.24 of this Code, no building permit will be issued until the storm water management system, including infiltration basins, curb and sidewalks, has been constructed for the developed portion and will accept the flow of storm water as designed. For all other cases, no certificate of occupancy will be issued until the storm water management system has been installed and will accept the flow of storm water as designed.
 1. Exception: If, in the judgment of the City Engineer or his designee, project occupancy can be achieved without harm to the environment or potential occupants, occupancy may proceed upon receipt of an acceptable guarantee of financial surety, pursuant to Section 15.08.075 of this Code, to complete installation when weather conditions or other variables allow but in no event more than six months after occupancy. In no case shall such guarantee be allowed if the incomplete improvements would result in increased erosion, sedimentation, or other damage to the development, public improvements, surface or subsurface waters, the proposed storm water management system or otherwise endanger the public health or safety.

- C. At any time, the City may stop work on the installation of subdivision improvements, withhold further issuance of building permits in a development, stop work on any individual building or development of any individual building site, or otherwise take steps necessary to ensure that the development meets the requirements of this Chapter.

SECTION 9. *Coeur d'Alene Municipal Code Section 13.30.080 is adopted to read as follows:*

13.30.080: ADOPTION OF SUPPLEMENTAL MATERIALS:

The City of Coeur d'Alene may, by resolution, adopt additional design standards, definition of terminology, administrative procedures, etc., intended to implement the general requirements and performance standards set forth in this Chapter. Changes in the design standards may be accomplished by subsequently adopted resolution. Such design standards may be complied with in alternative ways that will contribute to rational achievement of the general requirements and performance standards set forth in this Chapter.

SECTION 10. *Coeur d'Alene Municipal Code Section 13.30.090 is adopted to read as follows:*

13.30.090: PROPERTY OWNER'S MAINTENANCE RESPONSIBILITY:

- A. Unless other provisions are made in the process of development review and approval, the owner of the property is responsible to maintain all storm water system elements required for on site storm water collection and treatment and the owner of the abutting property is responsible for maintaining infiltration basins contained within City right-of-ways or drainage easements for street drainage .
- B. For infiltration basins contained within City right-of-ways or drainage easements the maintenance responsibility created by this section shall include mowing, and otherwise maintaining the grass or other approved vegetative cover in a healthy condition capable of meeting the retention and treatment requirements of this Chapter. The City's Storm Water Utility will renovate the infiltration basin upon expiration of its service life.
- C. Any violation of these maintenance requirements shall constitute a violation of this Chapter.

SECTION 11. *Coeur d'Alene Municipal Code Section 13.30.100 is adopted to read as follows:*

13.30.100: PROHIBITED CONDUCT:

No person shall damage, harm, fail to install, complete, or maintain, or otherwise impair the functioning of infiltration basins or the future functioning of areas designed as an infiltration basin or approved methods of transmission of storm water to an infiltration basin or any portion of a storm water management system installed pursuant to this Chapter.

SECTION 12. *Coeur d'Alene Municipal Code Section 13.30.110 is adopted to read as follows:*

13.30.110: ENFORCEMENT:

Provisions of this Chapter may be enforced in one or more of the following manners:

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor and shall be punished as provided by Municipal Code Chapter 1.28.
 - 1. Each such person is guilty of a separate offense for each and every day during which any violation of any provision of this Chapter is committed, continued, or permitted by any such person, and he shall be punished accordingly.
- B. By civil action to compel performance and completion of, or maintenance of, facilities installed pursuant to this Chapter.
- C. Denying, revoking, or suspending building permits or certificates of occupancy, as the case may be.
- D. By any other method or remedy allowed by law.

SECTION 13. *Coeur d'Alene Municipal Code Section 13.30.120 is adopted to read as follows:*

13.30.120: VARIANCE:

A variance from the requirements of this Chapter or from the design standards adopted pursuant to this Chapter may be granted only upon a showing of undue hardship due to unique site characteristics. Said variance may only be granted by the City Council in such circumstances if the approval of the variance would not otherwise impair achievement of the standards or purposes of this Chapter would not impose an additional burden upon adjoining or downstream lands or landowners, or otherwise disrupt the scheme of storm water management in the community. It shall be incumbent upon anyone requesting a variance to provide data showing that alternative methods of storm water handling proposed will produce comparable efficacy of the storm water management measures required by this Chapter. No variance shall be issued unless all elements of this Section are met.

SECTION 14. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 15. 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 16. 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 17. 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 December, 2008.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Revisions to M.C. Chapter 13.30 – Stormwater Regulations

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 13.30 AND ADOPTING A NEW CHAPTER 13.30 ENTITLED STORM WATER MANAGEMENT; PROVIDING DEFINITIONS AND A PURPOSE CLAUSE; REQUIRING SUBMISSION OF A STORM WATER MANAGEMENT PLAN WITH ANY LAND DISTURBING ACTIVITY; ESTABLISHING PERFORMANCE AND DESIGN STANDARDS FOR STORM WATER IMPROVEMENTS; AUTHORIZING THE ADOPTION OF SUPPLEMENTAL MATERIAL BY RESOLUTION OF THE CITY COUNCIL; ESTABLISHING PROPERTY OWNER'S OBLIGATION TO MAINTAIN STORM WATER IMPROVEMENTS AND PROHIBITED CONDUCT; AUTHORIZING AND PROVIDING RULES TO OBTAIN A VARIANCE FROM THE STORM WATER REQUIREMENTS; ESTABLISHING ENFORCEMENT PROCEDURES TO ENFORCE THE ORDINANCE AND OTHER GUARANTEES OF INSTALLATION TO ENSURE THAT STORM WATER IMPROVEMENTS ARE INSTALLED; ESTABLISHING THAT VIOLATIONS OF THE REQUIREMENTS OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS OR BY BOTH FINE AND IMPRISONMENT; 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 Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Revisions to M.C. Chapter 13.30 – Stormwater Regulations, 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 December, 2008.

Warren J. Wilson, Chief Deputy City Attorney

PUBLIC HEARINGS

**CITY COUNCIL
STAFF REPORT**

FROM: JOHN J. STAMOS, SENIOR PLANNER
DATE: DECEMBER 16, 2008
SUBJECT: A-4-08 – ZONING IN CONJUNCTION WITH ANNEXATION FROM COUNTY RESTRICTED RESIDENTIAL TO R-1
LOCATION: +/- 9.6 ACRE PARCEL NEAR THE BLM BOAT RAMP AND CANAL DRIVE

DECISION POINT:

The U. S. Department of the Interior, Bureau of Land Management is requesting Zoning in conjunction with annexation from County Restricted Residential to City R-1 (Residential at 1 unit/acre) for a +/- 9.6 acre parcel.

GENERAL INFORMATION:

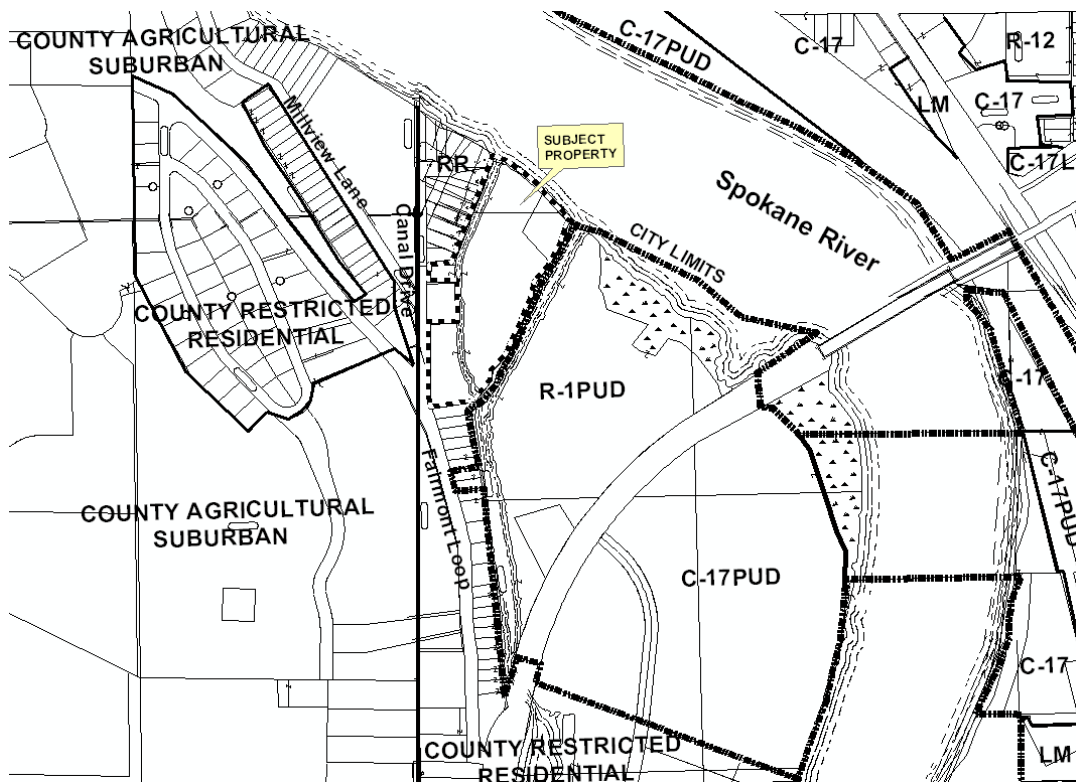
- A. Site photo



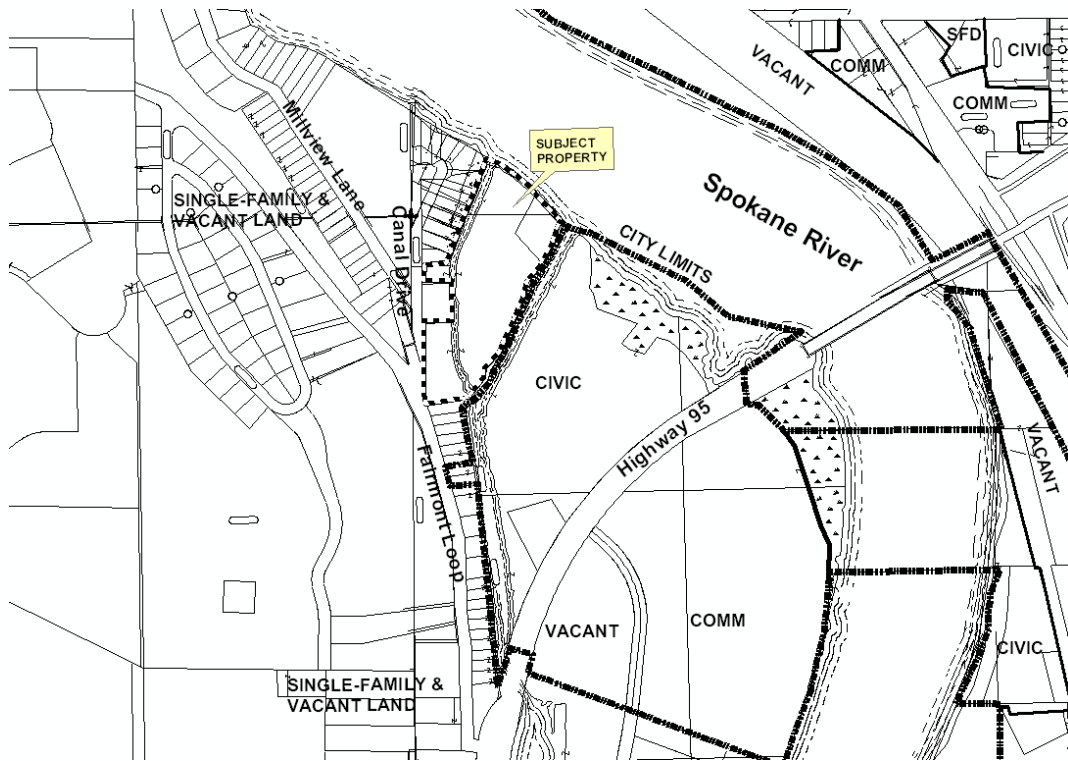
B. Subject property.



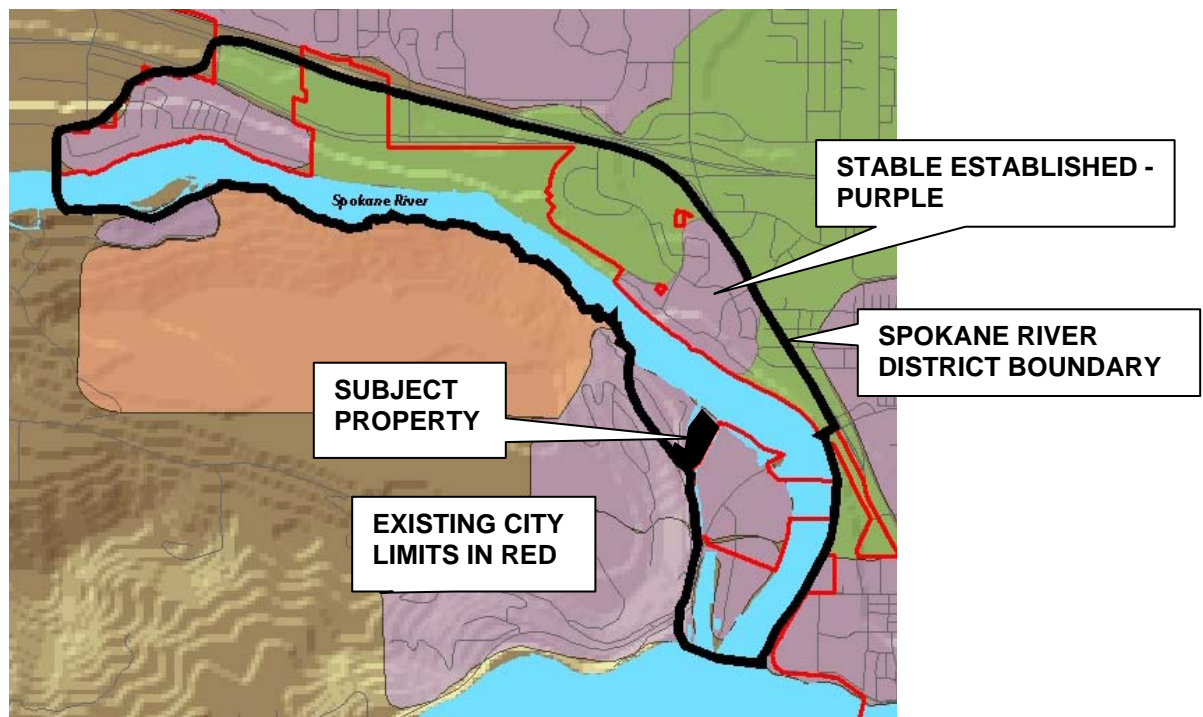
C. Zoning.



D. Generalized land use.



E. 2007 Comprehensive Plan - Stable Established – Spokane River District:



- F. Applicant/ Owner: U. S. Department of Interior, Bureau of Land Management
3815 Schreiber Way
Cœur d'Alene, ID 83815
- G. The subject property is vacant and undeveloped.
- H. Land uses in the area include single-family residential, BLM boat ramp, commercial and vacant land.
- I. RCA-1-08 – Request to Consider Annexation was approved by the City Council on February 5, 2008.
- J. The Planning Commission heard this request on July 8, 2008 and approved it by a 5 to 0 vote.

PERFORMANCE ANALYSIS:

A. Zoning:

The R-1 district is intended as a residential area that permits single-family detached housing at a density of one unit per gross acre.

Permitted uses:

- 1. Essential service (underground).
- 2. "Home occupation" as defined in this title.
- 3. Single-family detached housing.
- 4. Neighborhood recreation.
- 5. Public recreation facilities.

Uses allowed by special use permit:

- 1. Commercial film production.
- 2. Community education.
- 3. Essential service (aboveground).
- 4. Noncommercial kennel.
- 5. Religious assembly.

The zoning pattern (see zoning map on page 2) in the surrounding area shows restricted residential and agricultural suburban zoning in the County and R-1PUD and C-17PUD zoning in the City.

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

- 1. The subject property is within the Area of City Impact Boundary.
- 2. The subject property has a land use designation of Stable Established and is within the Spokane River District and Shorelines Special Area, as follows:

Stable Established Areas:

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

Spokane River District:

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

The characteristics of the Spokane River District will be:

- Various commercial, residential, and mixed uses.
- Public access should be provided to the river.
- That overall density may approach ten to sixteen dwelling units per acre (10-16:1), but pockets of denser housing are appropriate and encouraged.
- That open space, parks, pedestrian and bicycle connections, and other public spaces will be provided throughout, especially adjacent to the Spokane River.
- That the scale of development will be urban in nature, promoting multi-modal connectivity to downtown.
- The scale and intensity of development will be less than the Downtown Core.
- Neighborhood service nodes are encouraged where appropriate.
- That street networks will be interconnected, defining and creating smaller residential blocks and avoiding cul-de-sacs.
- That neighborhoods will retain and include planting of future, large-scale, native variety trees.

Shorelines Special Area:

The City of Coeur d'Alene is known for its shorelines. They are an asset and provide a multitude of benefits. Community pride, economic advantages, transportation, recreation, and tourism are just a few examples of how shorelines affect the use and perception of our city.

Public access to and enhancement of our shorelines is a priority. Shorelines are a positive feature for a community and they must be protected. To ensure preservation, the city has an ordinance that protects, preserves, and enhances our visual resources and public access by establishing limitations and restrictions on specifically defined shoreline property located within city limits.

To increase desired uses and access to this finite resource, the city will provide incentives for enhancement. Efficient use of adjacent land, including mixed use and shared parking where appropriate, are just a few tools we employ to reach this goal.

Policy:

Make public access to river and lake shorelines a priority.

Methods:

- Shoreline ordinance will govern appropriate development in designated areas.
- Ensure scale, use, and intensity are suitable with location.
- Promote protection and connectivity along shorelines.

3. Significant policies:

➤ Objective 1.12 - Community Design:

Support the enhancement of existing urbanized areas and discourage sprawl.

➤ Objective 1.13 - Open Space:

Encourage all participants to make open space a priority with every development and annexation.

➤ Objective 1.14 - Efficiency:

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

➤ Objective 3.02 - Managed Growth:

Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.

➤ Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

➤ Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).

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

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

SEWER:

Seasonal public sewer is available to the subject property, at this time, from an existing annexation and seasonal sewer request. The BLM site contains its own private pumping system connected to the portion of public force main under the Hwy 95 bridge deck; however, no public sewer extension will be needed.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

WATER:

A 12 inch main borders the west side of the property so water is available but services are not stubbed in. Will need to evaluate whether the current system can support any further growth, if subject property were to be subdivided.

Comments submitted by Terry Pickel, Assistent Wastewater Superintendent

TRAFFIC, STREETS AND STORMWATER:

No comments.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

No comments.

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

No comments.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is river bottom land within the 100 year flood zone of the Spokane River. Any future development would have to meet the requirements of both the City's Flood Hazard Development and Shoreline Regulations.

Evaluation: The physical characteristics of the site appear to be suitable for the request at this time.

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

The subject property is in an area of residential development and adjacent to the BLM Boat Ramp. With the exception of a seasonal RV caretakers site along Canal Drive for the boat ramp, the remainder of the 9.6 acre parcel will remain undeveloped and in its natural state.

Evaluation: The requested annexation would continue the rural undeveloped character of the property along the Spokane River in this area.

F. Items recommended for an Annexation Agreement.

None.

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

ACTION ALTERNATIVES:

Staff recommends the City Council take the following action:

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

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

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

[F:pcstaffreportsA408]

JUSTIFICATION

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

Stable Established neighborhood. Only one dwelling unit would be placed on the property during the summer season season. The proposed 1 dwelling/9.6 acre density maintains the character of the area, and the total number of lots would not be increased.

Spokane River District. No pavement or other impervious surfacing would be constructed at the site which would maintain water quality and enhance site drainage. The proposed septic system would be sealed and self contained, with effluent pumped to existing city sewer extension at Blackwell Island Recreation Site. All development costs would be entirely borne by the BLM. Open space would be preserved on the bulk of the property and native vegetation would be retained.

Special Areas - Shorelines. The entirety of shoreline on the parcels would remain undeveloped under this proposal. Only non-motorized boat traffic is allowed in the canal network. The proposed RV site development would not be visible from the Spokane River main channel.

The Blackwell Island Recreation Site has grown in popularity since its opening in 2003, topping 32,000 visitors in 2007. It has relieved overcrowding at other boating facilities managed by the City, County, and State. This proposal would allow BLM to develop an RV pad site for occupation by a site Host during the summer months.

As cooperators in the initial development of the site, the City would be allowing BLM to better manage increasing use and and congestion at the site. The host would remind visitors that the site is under City Ordinances, such as no open alcohol containers. The Host would also regularly visit the site to conduct litter cleanup and disposal, toilet cleaning, and other light maintenance activities. Considering the entire recreation site is currently within the City, improved visitor experiences would promote the image of Coeur d'Alene as a destination for both tourism and boating activities.

The 1995 Comprehensive Plan (p. 20), called for encouraging ". . . construction of an alternative boat ramp with parking on the outskirts of Coeur d'Alene city limits, in cooperation with other agencies. . ." The Blackwell Island site certainly helped meet this goal.

Applicant: U.S. Department of Interior- Bureau of Land Management
Location: 945 Highway 95
Request: Proposed annexation from County Restricted Residential to
City R-1(Residential at 1 unit/acre)
QUASI-JUDICIAL (A-4-08)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 0 in favor, 3 opposed, and 3 neutral, and answered questions from the Commission.

Commissioner Luttrupp questioned if a decision is needed for both the zoning and the annexation.

Senior Planner Stamsos explained that one motion is needed to approve both the zoning and annexation. He added that this request recently came before the City Council as a request to consider annexation and was approved by Council to proceed with the formal annexation process.

Public testimony open.

Brian White, applicant representative, 3815 Schreiber Way, Coeur d'Alene, explained a brief history behind this project and the reasons given for a caretaker on-site. He pointed out on the map the place where the caretaker's pad will be located, and explained that the remainder of the property will remain undeveloped. He discussed the benefits of a caretaker on-site that will help overlook the facility on a regular basis eliminating the need for staff to go to the site, which in the past has been around 30 hours a week.

He explained that a caretaker position was discussed at the original hearing for the RV Park in 1995, but not needed at that time. There will be sewer and water provided to this area from the RV park with the start of the season starting in May and ending in September. He added other duties provided by the caretaker will be taking care of the janitorial needs on site.

Commissioner Bowlby referenced a letter submitted by a neighbor who stated that a caretaker would be a benefit only if they were living on-site rather than across the canal.

Mr. White commented that to give a caretaker privacy during off work hours chose the pad to be off-site, which will help to reduce the problem volunteers have feeling overwhelmed. He explained that the caretaker will have a schedule of times posted of when he will be available at the RV site, so campers will know how to contact them in case of an emergency.

Commissioner Luttrupp suggested since the person who wrote these comments could not be at the meeting, the applicant should contact that person to address the concerns in the letter.

Alan Golub, 1305 E. Lancaster Road, Hayden, commented that he is opposed to this request and feels a caretaker should be living on the RV site close to existing services since there is no sewer and water available and would have the canal to cross the canal to get to the proposed site.

Senior Planner Stamsos commented that sewer and water is available to the property and explained that the BLM site contains its own private pumping system able to provide sewer and water to the location of the proposed RV site.

Julie Dalsaso, 743 Fairmont Loop, Coeur d'Alene, commented that she was involved with the BLM site in 1995 concerning sewer connections. She feels that by placing a caretaker building on undisturbed land goes against the arrangement made between the neighbors and BLM. She added that she is concerned with traffic, and advised that a traffic study be done and this request be continued until other pending issues along the river are resolved.

Commissioner Bowlby commented that this property is already comparable to R-1 in the county which is denser than the City R-1 designation.

Chairman Jordan explained that the Commission's decision is based on if the zone chosen is appropriate and feels that R-1 is the least dense zone. He suggested that testimony given by Ms. Dalsaso should be directed to City Council who will make the final decision on approval for this annexation.

Narda Anthony, P.O. Box 1221, Rathdrum, commented that she is representing her mother who is currently living in this area, and concerned if this project is approved, the visual impacts it will have to her mother's property. She said that her mother has lived in this area since 1991, and is concerned that when the caretaker is not at the RV site there will be a number of people trying to get a hold of the caretaker disturbing this quiet neighborhood. She added that there is a "rumor" circulating of a proposed bridge connecting the main island to the area where the caretaker will be located and that the wildlife in the area will be in danger.

Timothy Ward, 652 Millview Lane, Coeur d'Alene, commented that he walks this property often with his dogs and called this a "bonehead idea." He explained the idea of a host is a great idea, but don't put it on the other side making it impossible for campers to reach them if they have an emergency. He concurs that the traffic, especially when people are coming from the north, is hazardous and suggested another site on the map where the caretaker pad should be located making the need for an annexation unnecessary.

Colleen Robisch, 906 Canal, Coeur d'Alene, commented that recently she noticed brush being removed around her property and was concerned about what was happening in the area. She added that traffic in this area is bad and is also aware of a rumor that a bridge is proposed, and if approved will hurt the character of this area. She concurs that a caretaker needs to be visible.

Dianna Nottage, 1215 Millview Lane, Coeur d'Alene, commented she is also concerned with the area where the caretaker will be and the way people will be able to contact him if there is a problem. She commented that BLM promised when the RV Park was approved there would not be any access from the RV Park to area homes, and so far has kept that promise.

Pat Behm, 743 Fairmont Loop, Coeur d'Alene, commented he is opposed to the annexation because the plan is not clear and needs to be presented. He added that BLM should continue to be a "champion" and keep their word before this piece is annexed into the City, and studied as a whole before a decision is made.

REBUTTAL:

Brian White commented that he is sympathetic to the neighbor's concerns and explained that before anything is done on the property, they intend to have a public meeting to discuss any concerns before the project is started including the neighbors to the north, and the lady who previously testified concerned that her views will be obstructed by this project. The site across the canal was chosen because, in the past, volunteers suffered burnout and felt the site located away from the main island allows this person to have anonymity. He estimated the size of the pad to be around 1.5 acres and that the caretaker will have scheduled visits to the site. He commented that traffic is a problem and is aware that the Post Falls Highway District is looking at ways to improve the road.

Chairman Jordan concurs that a community meeting would be a good idea since this is a sensitive piece of property.

Commissioner Bowlby commented that she was intrigued with Mr. Ward's comments regarding

the location where the caretaker should be placed and concurs that before anything happens, a meeting with the surrounding neighbors would be beneficial. She added that she agrees with the zoning, explaining that this is a down zone compared to what the property is currently zoned in the county. She commented that she understands the burnout from volunteers in the past and feels that the pad site selected is not the best choice needing more discussion between the community and the applicant.

Commissioner Luttropp commented that he appreciates all the comments presented tonight from the people living in this area.

Chairman Jordan commented that he agrees with the concept of a caretaker onsite especially during the summer months.

Commissioner Messina feels that the discussions by the Commission should be expressed and accurate so when this item goes before City Council they understand the recommendations from the Commission as presented tonight.

Commissioner Bowlby commented that she is concerned with how water and sewer will be provided to this site and concurs with previous testimony that this is not the best site to place the caretaker.

Motion by Bowlby, Seconded by Razor, to approve item A-4-08. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Razor	Voted	Aye
Commissioner Luttropp	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

Recommended items for an Annexation Agreement:

1. That any annexation agreement requires full water and sewer service to the site.
2. The applicant have a full dialogue with the neighbors on finding a different site for the RV pad site

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

A. INTRODUCTION

This matter having come before the Planning Commission on July 8, 2008 and there being present a person requesting approval of ITEM A-4-08, a request for zoning prior to annexation from County Restricted Residential to City R-1 (Residential at 1 unit/acre).

LOCATION: +/- 9.6 acre parcel near the BLM boat ramp and Canal Drive

APPLICANT: U. S. Department of the Interior, Bureau of Land Management

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

- B1. That the existing land uses are single-family residential, BLM boat ramp, commercial and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is County Restricted Residential.
- B4. That the notice of public hearing was published on June 21, 2008, and July 4, 2008, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 30 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on June 20, 2008, and 6 responses were received: 0 in favor, 3 opposed, and 3 neutral.
- B7. That public testimony was heard on July 8, 2008. The applicant described the request including the location of a proposed RV pad site along Canal Drive for a site host during the summer months when the boat ramp is open, the proposed method of sewage disposal which would be a sealed and self contained septic system that would be pumped to the existing sewer connection at the boat ramp and the fact that, with the exception of the RV pad site, the remainder of the 9.6 acre site will remain undeveloped and in its current natural state.

Several area residents testified in opposition to the request expressing concerns about the location of the RV pad site along Canal Drive, additional traffic on Fairmont Loop and Canal Drive that could be generated by the pad site location along Canal Drive, possible future development of the entire property and possible development of a bridge over the adjoining waterway between the proposed pad site and the boat ramp.

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

Objective 1.13 - Open Space:

Encourage all participants to make open space a priority with every development and annexation.

This is public recreation land owned by the U. S. Bureau of Land Management and, as stated by the applicant, will remain as open space.

Objective 3.02 - Managed Growth:

Coordinate planning efforts with our neighboring cities and Kootenai County, emphasizing connectivity and open spaces.

The BLM wants to connect the two properties to increase the connectivity.

Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

As per the staff report, services are available.

Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and storm water systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).

The parcel must conform to all city services, as indicated in the staff report.

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

This is based on the staff report that indicates water and sewer can access the site and that the streets are adequate.

B10. That the physical characteristics of the site do make it suitable for the request at this time because the land is on a slight hill with no adverse topography and that the requested zoning is R-1, which is a down zone from the existing County Restricted Residential zone.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character or existing land uses because the R-1 zone is less dense than the existing neighborhood, the character of the neighborhood will not change and it is compatible with the surrounding area and land use pattern.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of U. S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT for zoning prior to annexation, as described in the application should be approved.

Suggested provisions for inclusion in an Annexation Agreement are as follows:

1. That any annexation agreement requires full water and sewer service to the site.
2. The applicant have a full dialogue with the neighbors on finding a different site for the RV pad site.

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

ROLL CALL:

Commissioner Bowlby	Voted Aye
Commissioner Evans	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Messina	Voted Aye
Commissioner Rasor	Voted Aye

Motion to approve carried by a 5 to 0 vote.



CHAIRMAN BRAD JORDAN

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

A. INTRODUCTION

This matter having come before the City Council on, December 16, 2008, and there being present a person requesting approval of ITEM A-4-08, a request for zoning in conjunction with annexation from County Restricted Residential to City R-1 (Residential at 1 unit/acre)

LOCATION: +/- 9.6 acre parcel near the BLM boat ramp and Canal Drive

APPLICANT:U. S. Department of the Interior, Bureau of Land Management

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

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

- B1. That the existing land uses are single-family residential, BLM boat ramp, commercial and vacant land.
- B2. That the Comprehensive Plan Map designation is Stable Established.
- B3. That the zoning is County Restricted Residential.
- B4. That the notice of public hearing was published on, November 29, 2008, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 30 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on December 16, 2008.
- 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 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 **U. S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT** for zoning prior to annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement 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 Bruning	Voted _____
Council Member Kennedy	Voted _____

Mayor Bloem Voted _____ (tie breaker)

Council Member(s) _____ were absent.

Motion to _____ carried by a ____ to ____ vote.

MAYOR SANDI BLOEM

**CITY COUNCIL
STAFF REPORT**

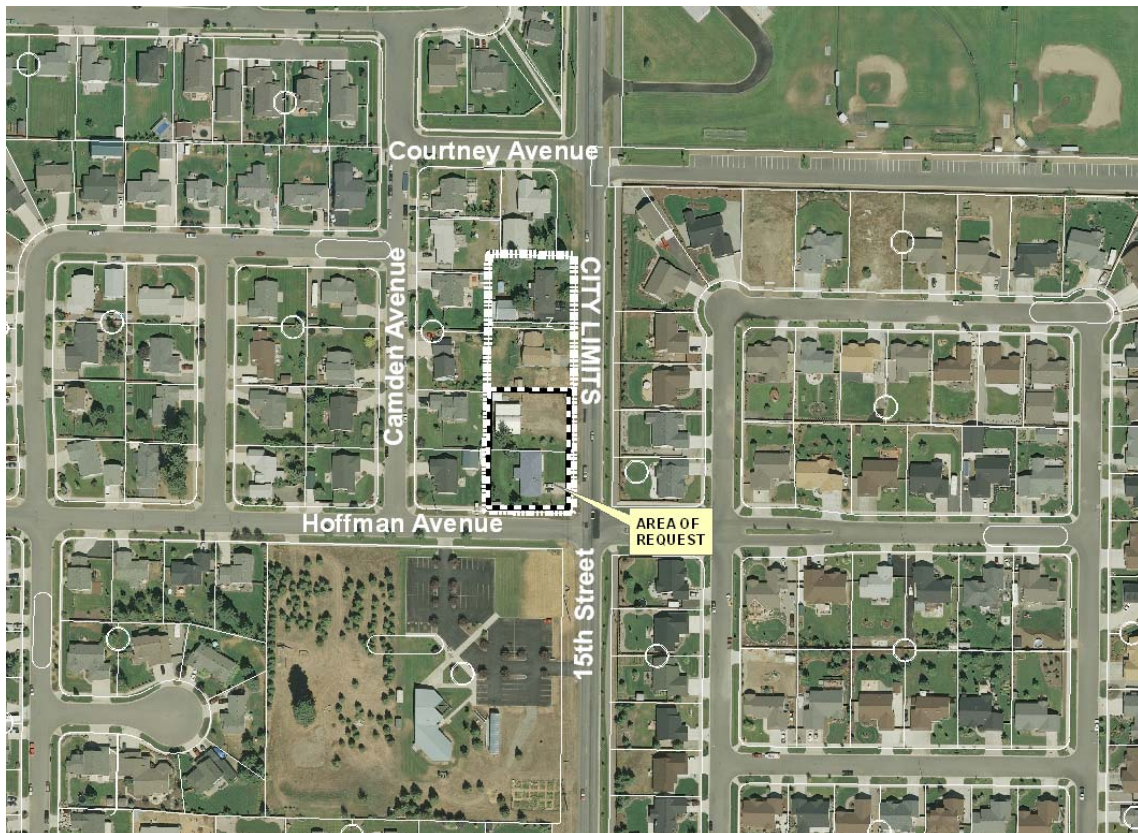
FROM: JOHN J. STAMSOS, SENIOR PLANNER
DATE: DECEMBER 16, 2008
SUBJECT: A-6-08 – ZONING IN CONJUNCTION WITH ANNEXATION FROM COUNTY AGRICULTURAL SUBURBAN TO R-3
LOCATION: +/- 26,001 SQ. FT. TWO LOT PARCEL AT 5225 AND 5245 N. 15TH STREET

DECISION POINT:

William and Bonnie Willoughby are requesting approval of Zoning in conjunction with annexation of +/- 26,001 sq. ft.(Two parcels) at 5225 and 5245 15th Street.

SITE PHOTOS:

- A. Site photo

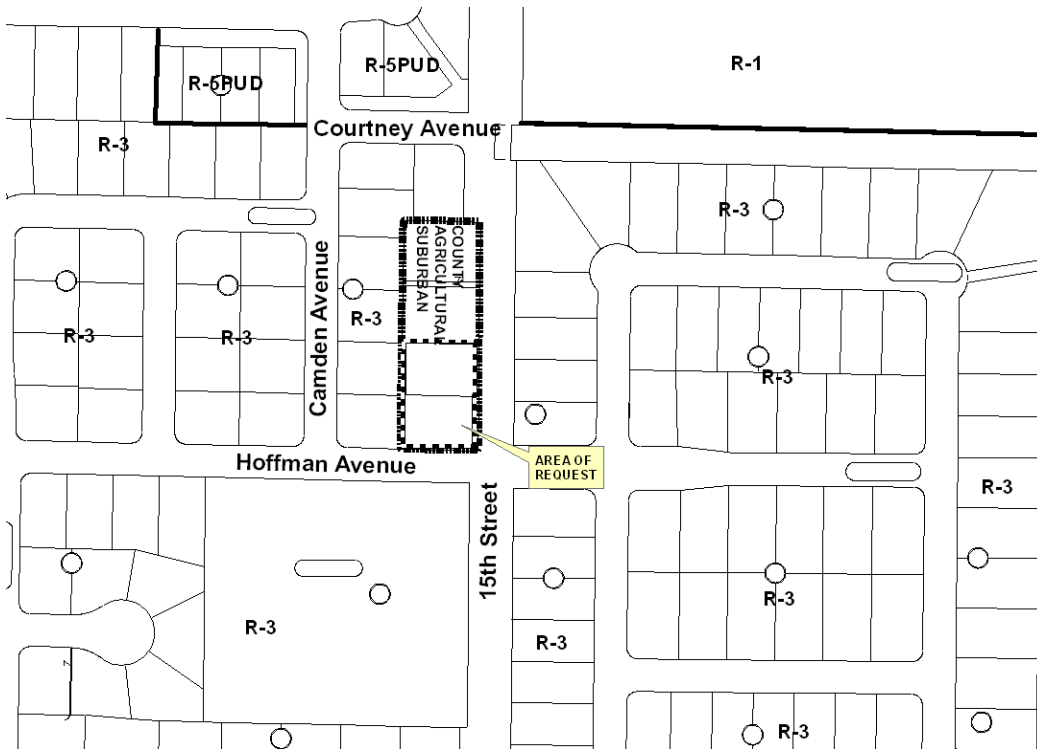


B. Subject property.

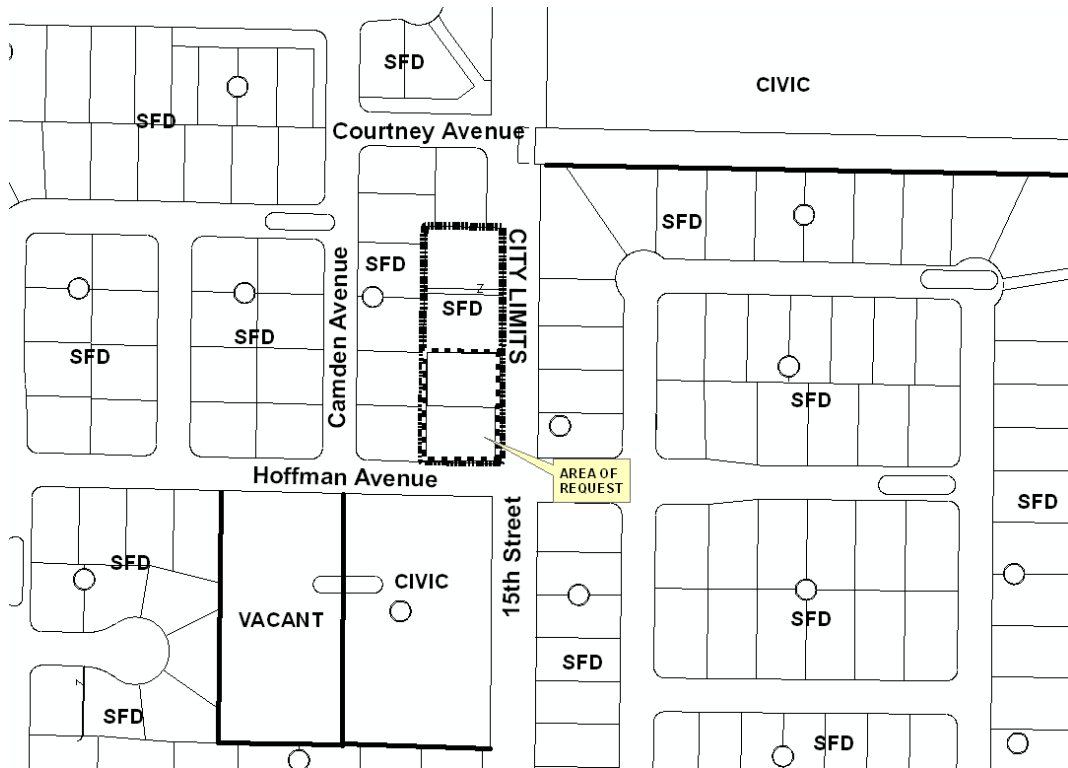


GENERAL INFORMATION:

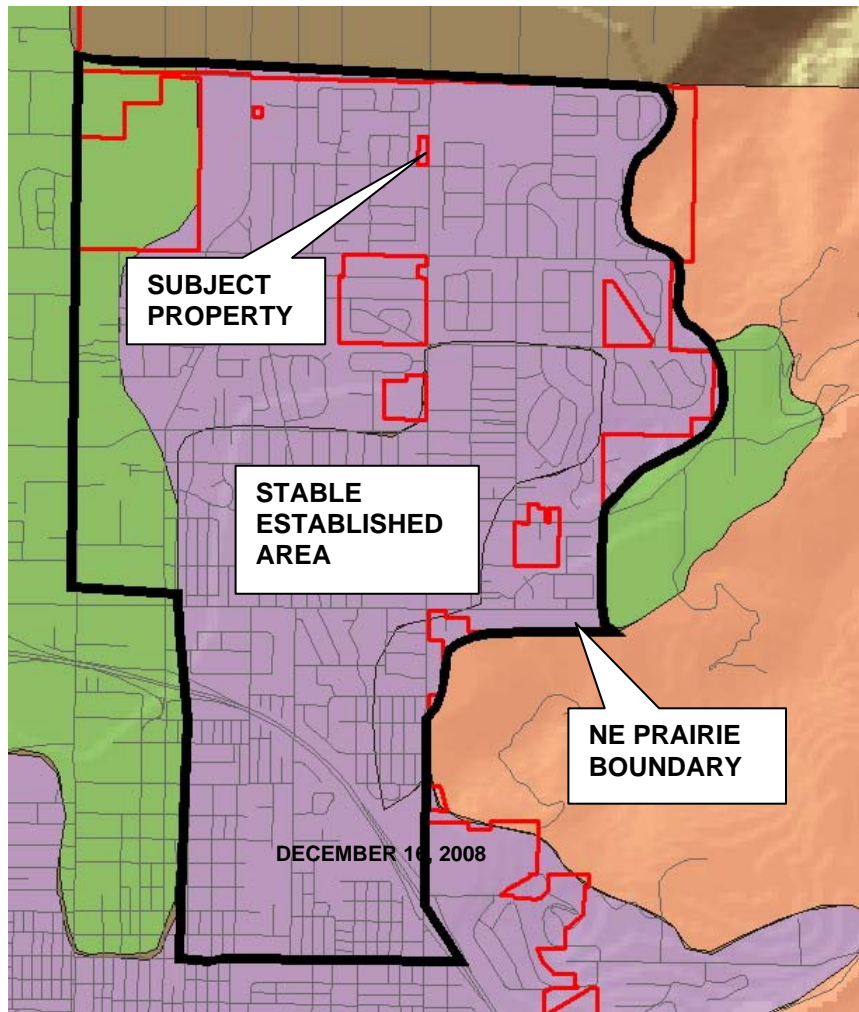
A. Zoning.



D. Generalized land use.



E. 2007 Comprehensive Plan - Stable Established – NE Prairie:



F. Applicant: William and Bonnie Willoughby
Owner 5225 and 5245 15th Street
Coeur d'Alene, ID 83815

G. The subject property contains a single-family dwelling at. 5225 15th and a garage at. 5245 15th.

H. Land uses in the area include residential – single-family, civic – church, Canfield Middle School, park and vacant land.

I. The City Council recently approved an agreement with the applicant to allow them to hook up to the sewer system because their septic system had failed. The agreement allowed the applicants to immediately hook up to the sewer system but required that they complete the annexation process at the City's request. The Panhandle Health District required that they hook up to the sewer.

This agreement led to the applicant starting the annexation process by filing a request to Consider Annexation (RCA-11-08) which was approved by the City Council on June 17, 2008.

J. The request then went to the Planning Commission on November 12, 2008 and was approved by a 5 to 0 vote.

PERFORMANCE ANALYSIS:

A. Zoning:

The R-3 district is intended as a residential area that permits single-family detached housing at a density of three units per gross acre.

Permitted uses:

1. Administrative.
2. Essential service (underground).
3. "Home occupation" as defined in this title.
4. Single-family, detached housing.

Uses allowed by special use permit:

1. Commercial film production.
2. Community assembly.
3. Community education.

4. Community organization.
5. Convenience sales.
6. Essential service (aboveground).
7. Noncommercial kennel.
8. Religious assembly.

The zoning pattern (see zoning map on page 3) in the surrounding area shows Agricultural-Suburban zoning in the County and R-3 and R-5PUD zoning in the City.

Evaluation: The City Council, based on the information before them must determine if the R-3 zone is appropriate for this location and setting.

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

1. The subject property is within the Area of City Impact Boundary.
2. The City Comprehensive Plan Map designates the subject property as Stable Established – NE Prairie Area, as follows:

A. Stable Established:

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

B. NE Prairie Area:

It is typically a stable established housing area with a mix of zoning districts. The majority of this area has been developed. Special care should be given to the areas that remain such as the Nettleton Gulch area, protecting the beauty and value of the hillside and wetlands.

The characteristics of NE Prairie neighborhoods:

- That overall density may approach three to four residential units per acre (3-4:1), however, pockets of higher density housing and multi-family units are appropriate in compatible areas.
- Commercial uses are concentrated in existing commercial areas and along arterials with neighborhood service nodes where appropriate.
- Natural vegetation is encouraged and should be protected in these areas.
- Pedestrian connections and street trees are encouraged in both existing neighborhoods and developing areas.
- Clustering of smaller lots to preserve large connected open space areas as well as views and vistas are encouraged. Incentives will be provided to encourage clustering.

3. Significant policies:

➤ Objective 1.01 - Environmental Quality:

Minimize potential pollution problems such as air, land, water, or hazardous materials.

➤ Objective 1.02 - Water Quality:

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer

➤ Objective 1.14 - Efficiency:

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

➤ Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

➤ Objective 4.01 - City Services:

Make decisions based on the needs and desires of the citizenry.

➤ Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).

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

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

SEWER:

Public sewer is available to the subject property.

Evaluation: The applicant has a failed septic system and his site conditions were such that the Panhandle Health Department indicated that this applicant had no other option than to hook up to public sewer in order to continue to occupy his home. This applicant can extend public sewer to his property under details worked out in the recently approved agreement between The City and the applicant. This extension of public sewer shall be at no cost to the City of Coeur d'Alene and meet all current City standards and practices.

Comments submitted by Don Keil, Assistant Wastewater Superintendent

WATER:

Public water is available to the subject property.

The house on the subject property is hooked up to the city water system.

Comments submitted by Terry Pickel, Assistant Wastewater Superintendent

TRAFFIC, STREETS AND STORMWATER:

No comments.

Submitted by Chris Bates, Engineering Project Manager

FIRE:

No comments.

Submitted by Glenn Lauper, Deputy Fire Chief

POLICE:

No comments.

Submitted by Steve Childers, Captain, Police Department

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

The subject property is flat with no physical constraints.

Evaluation: There are no physical constraints that would impair development of the property.

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

The subject property is surrounded by existing R-3 zoning, single-family neighborhoods and fronts on 15th Street, which is a major street serving the area.

Evaluation: The proposed annexation is compatible with the surrounding uses and partially fills in an area of unincorporated land that is surrounded by the City of Coeur d'Alene.

F. Items recommended for an Annexation Agreement.

None.

G. Ordinances and Standards Used In Evaluation:
Comprehensive Plan - Amended 1995.
Municipal Code.
Idaho Code.
Wastewater Treatment Facility Plan.
Water and Sewer Service Policies.

Urban Forestry Standards.
Transportation and Traffic Engineering Handbook, I.T.E.
Manual on Uniform Traffic Control Devices.

ACTION ALTERNATIVES:

Staff recommends the City Council take the following action:

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

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

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

[F:pcstaffreportsA3608]

WILLIAM J WILLOUGHBY
BONNIE M WILLOUGHBY
5225 N 15th
COEUR D'ALENE, ID.
83815

TO-MAYOR BLOEM and CITY COUNCIL MEMBERS

WE ARE REQUESTING ANNEXATION TO THE CITY OF COEUR D'ALENE
AS WE HAD TO HOOK UP TO THE CITY SEWER SYSTEM AS OUR SEPTIC
SYSTEM FAILED, PANHANDLE HEALTH RECOMMENDED WE DO SO.
HOPEFULLY ANNEXATION FEE'S WILL BE WAVED AS THE COST FOR
HOOKING UP AND INSTALLATION WAS VERY EXPENSIVE.

THANK YOU
WILLIAM J WILLOUGHBY
William J Willoughby
BONNIE M WILLOUGHBY

Bonnie M Willoughby
8/4/08

Applicant: William and Bonnie Willoughby
Location: 5225 N. 15th Street
Request: A proposed annexation from County Agricultural Suburban to
City R-3 (Residential at 3 units/acre)
QUASI-JUDICIAL (A-6-08)

Senior Planner Stamsos presented the staff report, gave the mailing tally as 3 in favor, 0 opposed, and 2 neutral. There were no questions for staff.

Public testimony open.

William Willoughby, applicant, 5225 N. 15th Street, explained the reason they decided to annex into the City is because their septic tank failed, so they contacted Panhandle Health District to get permission to put in another drain field and was denied. He added from that discussion, Panhandle Health suggested contacting the City about annexing into the city, since a city sewer line is located in 15th Street in front of their property.

Commissioner Luttrupp inquired if this zone change is approved, will the approval include the surrounding three lots next to the applicant's property, and questioned if not, why the people who own those lots weren't asked to be included with this request.

Senior Planner Stamsos explained that it is not the City's policy to seek out people to annex into the City, and explained that this was an emergency situation needing a quick response.

Commissioner Luttrupp commented that he has a concern with governing agencies such as Panhandle Health placing the city in a terrible position by denying an application and then leaving it to the city to solve the problem. He suggested a future meeting with the sister jurisdictions to discuss their policies.

Motion by Bowlby, seconded by Messina, to approve Item A-6-08. Motion approved.

ROLL CALL:

Commissioner Bowlby	Voted	Aye
Commissioner Evans	Voted	Aye
Commissioner Messina	Voted	Aye
Commissioner Rasor	Voted	Aye
Commissioner Luttrupp	Voted	Aye

Motion to approve carried by a 5 to 0 vote.

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

A. INTRODUCTION

This matter having come before the Planning Commission on November 12, 2008, and there being present a person requesting approval of ITEM A-6-08, a request for zoning prior to annexation from County Agricultural Suburban to City R-3 (Residential at 3 units/acre).

LOCATION: +/- 26,001 sq. ft. parcel at 5225 and 5245 N. 15th Street Applicant:
APPLICANT: William and Bonnie Willoughby

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

- B1. That the existing land uses are a single-family dwelling on one parcel and a storage building on the other.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is County Agricultural Suburban
- B4. That the notice of public hearing was published on, October 25th, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 40 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on October 24, 2008, and 5 responses were received: 3 in favor, 0 opposed, and 2 neutral.
- B7. That public testimony was heard on November 12, 2008.
- B8. That this proposal is in conformance with the Comprehensive Plan policies as follows:

Stable Established:

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

The area is not greatly changed by this request.

➤ Objective 1.01 - Environmental Quality:

Minimize potential pollution problems such as air, land, water, or hazardous materials.

➤ Objective 1.02 - Water Quality:

Protect the cleanliness and safety of the lakes, rivers, watersheds, and the aquifer

➤ Objective 1.14 - Efficiency:

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

➤ Objective 3.16 - Capital Improvements:

Ensure infrastructure and essential services are available prior to approval for properties seeking development.

➤ Objective 4.01 - City Services:

Make decisions based on the needs and desires of the citizenry.

➤ Objective 4.02 - City Services:

Provide quality services to all of our residents (potable water, sewer and stormwater systems, street maintenance, fire and police protection, street lights, recreation, recycling, and trash collection).

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

This is based on the availability of water and sewer lines in 15th street and the adequacy of police and fire services and streets in the area.

B10. That the physical characteristics of the site do make it suitable for the request at this time because the subject property has flat topography and there are no physical constraints on the property that would inhibit development.

B11. That the proposal would not adversely affect the surrounding neighborhood with regard to traffic, neighborhood character, and existing land uses because this request will resolve a problem created by a failed septic tank by allowing the applicant to hook up to the City's sewer system in exchange for annexation. There are no other issues involving this request that would affect the surrounding neighborhood.

C. ORDER: CONCLUSION AND DECISION

The Planning Commission, pursuant to the aforementioned, finds that the request of WILLIAM AND BONNIE WILLOUGHBY for zoning prior to annexation, as described in the application should be approved.

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

ROLL CALL:

Commissioner Bowlby	Voted Aye
Commissioner Evans	Voted Aye
Commissioner Luttrupp	Voted Aye
Commissioner Messina	Voted Aye
Commissioner Rasor	Voted Aye

Motion to approve carried by a 5 to 0 vote.


CHAIRMAN BRAD JORDAN

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

A. INTRODUCTION

This matter having come before the City Council on, December 16, 2008, and there being present a person requesting approval of ITEM A-6-08, a request for zoning in conjunction with annexation from County Agricultural Suburban to City R-3 (Residential at 3 units/acre)

LOCATION: +/- 26,001 sq. ft. parcel at 5225 and 5245 N. 15th Street Applicant:

APPLICANT: William and Bonnie Willoughby

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 a single-family dwelling on one parcel and a storage building on the other.
- B2. That the Comprehensive Plan Map designation is Stable Established
- B3. That the zoning is County Agricultural Suburban
- B4. That the notice of public hearing was published on, November 29, 2008, which fulfills the proper legal requirement.
- B5. That the notice of public hearing was not required to be posted, which fulfills the proper legal requirement.
- B6. That 41 notices of public hearing were mailed to all property owners of record within three-hundred feet of the subject property on November 26, 2008, and _____ responses were received: ____ in favor, ____ opposed, and ____ neutral.
- B7. That public testimony was heard on December 16, 2008.
- 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 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 **WILLIAM AND BONNIE WILLOUGHBY** for zoning in conjunction from annexation, as described in the application should be **(approved) (denied) (denied without prejudice)**.

Suggested provisions for inclusion in an Annexation Agreement 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 Bruning	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

MEMORANDUM

TO: MAYOR BLOEM AND THE CITY COUNCIL
DATE: DECEMBER 10, 2008
FROM: RENATA MCLEOD, PROJECT COORDINATOR
RE: APPROVAL OF AMENDMENTS TO THE COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) ANNUAL ACTION PLAN.

DECISION POINT:

- To authorize the attached proposed amendments to the CDBG Annual action plan, including amending the plan year from January through December to April through March, amendments to the citizen participation plan, and amendments to the plan budget.

HISTORY: This has been the first year wherein the City of Coeur d'Alene directly received CDBG funding from the Housing and Urban Development (HUD) Department. As with any new program, lessons were learned throughout the year and program changes are needed. The first amendment is a recommendation from staff to amend the CDBG plan year to April through March annually. Historically Federal funding has not been released until approximately April, so this amendment will provide a plan year that will more closely mesh with the release of federal funds. On May 6, 2008, the City Council approved Resolution No. 08-022, approving the citizen participation plan regarding the CDBG program. Our contractor, Panhandle Area Council, recommended several changes to the citizen participation plan that more clearly reflects the amendment process, as outlined in HUD's guidelines. Finally, when the City moves more than 20% of the funds between projects, it constitutes a substantial amendment, and requires a public process. Since the mid-town project was able to move forward without a request for additional funding, staff is recommending the movement of \$60,000 to the Fruitland Lane project line item. The city-owned property between Howard and Neider Avenues will benefit from the infrastructure project that is currently planned for spring. This property has been designated for low to moderate-income projects, including the 15-unit St. Vincent De Paul project and a future 32-unit senior housing project. Additionally, as the city moves forward with the minor home repair program, it may encounter a need to conduct lead abatement, which was not originally included in our action plan budget. Therefore, staff is recommending \$10,000 be allocated toward lead abate under the minor home repair. The CDBG allocation received from HUD was \$4,576.00 more than our original estimate of \$300,000.00. Staff is recommending that those additional dollars be allocated for the sidewalk project line item. Attached please find the document outlining these amendments.

FINANCIAL: No additional dollars are being requested for this program. Existing dollars are being reallocated to different line items within the CDBG program budget.

PERFORMANCE ANALYSIS: Authorizing these changes will allow staff to move forward with CDBG programs and provide timely information to HUD regarding the program year amendment.

DECISION POINT/RECOMMENDATION:

- To authorize the attached proposed amendments to the CDBG Annual action plan, including amending the plan year from January through December to April through March, amendments to the citizen participation plan, and amendments to the plan budget.

**PROPOSED AMENDMENTS TO THE
CITY OF COEUR D'ALENE
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
ACTION PLAN**

The City of Coeur d'Alene adopted its actions plan on January 15, 2008. Several circumstances have occurred to require amending the plan. The following amendments are proposed.

1. **Plan year shall be amended to April through March**, rather than the current January through December. Funding is generally not available until April, so this will reflect the reality of the funding year.
2. **Amendment to the citizen participation plan**, clarifying the process for making amendments to the plan, as follows:

Amendments

Occasionally, circumstances warrant amendments to the Consolidated Plan. Amendments are defined as follows:

1. a change in allocation priorities or a change in the method of distribution of funds;
2. carrying out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the action plan; or
3. change in the purpose, scope, location, or beneficiaries of an activity.

Amendments as noted above shall be provided to HUD prior to the end of the program year.

Substantial Amendments: Substantial amendments ~~require adherence to the citizen participation process and~~ shall include changes in use of CDBG funds from one eligible activity to another. For the purposes of this section a substantial change in funding allocation shall mean a change that involves an increase or decrease in funding for any activity or project that is greater than twenty percent (20%) of the annual allocation for the program from which the activity or project is being funded. **Proposed substantial amendments will be posted to the city website, for a period not less than thirty (30) days.**

Citizen participation in the event of a substantial amendment

In the event of a substantial amendment to the Consolidated Plan and/or the Annual Action Plan, the City will conduct at least one public hearing. This hearing will follow a comment period of no less than thirty (30) days, where the proposed, substantially amended plan(s) will be made available to interested parties, upon request. In addition to public hearing notice requirements, citizens will be informed of the public hearing through notification on the City's website (www.cdavid.org).

In the event of substantial amendments to the Consolidated Plan and/or Annual Action Plan, the City will openly consider any comments on the substantially amended Plan(s) from individuals or groups. Comments must be received in writing or during public hearings. A summary of the written and public hearing comments on the substantial amendments will be included documented in the final plan(s). ~~Also included in the final plan(s) will be a summary of all comments not incorporated and their reasons the comments/suggestions were not incorporated for dismissal, which will include those comments not incorporated and the reasons those comments were not incorporated in the plan.~~

Following completion of the amendment process, a letter requesting the substantial amendment to the City's Consolidated Plan and/or Annual Action Plan, will be submitted to the HUD Portland Field Office ~~for~~ review and approval.

3. **Amendment to the plan budget:** The ~~mid-town~~ acquisition could be completed without CDBG funding; therefore \$70,000.00 ~~will~~must be reallocated. The City is completing the entire roadway and utilities for the Neider Avenue and Howard Avenue extension projects, which will service two future subsidized housing projects. Staff is recommending \$60,000.00 be ~~allocated to that project~~ added to the allocation for the infrastructure to support the St Vincent de Paul 811 project, as it will be leveraged for approximately 47 units of subsidized housing (15 units of 811 and 32 units of 202). Additionally, funds should be established for lead testing and abatement; it is ~~estimated recommended~~ that \$10,000 be included and ~~utilized held out~~ for such processes in the minor home repair program budget. The City's final allocation of funding was \$304,576.00, \$4,576.00 more than originally estimated. Therefore, staff is recommending ~~it be~~ the \$4,576.00 be included in the sidewalk project line item, which will be bid in the near future.

		FUNDING	
ALLOCATION		\$300,000.00 \$304,576.00	Explanation
ADMINISTRATION	20%	\$60,000.00	Reimburse City of \$23,000 cost of consolidate plan; \$30,000 for administration Contract, \$7000 publications/training
INCREASE HOUSING FOR PURCHASE	23% <u>0%</u>	\$70,000.00	To acquire land in the midtown area in partnership with LCDC and IHFA for affordable housing
INCREASE HOUSING SPECIAL NEEDS/HOMELESS	33% <u>52%</u>	\$100,000.00 <u>\$160,000.00</u>	To be utilized as infrastructure, utilities, and/or leverage for the St. Vincent De Paul 811 project on Fruitland Lane and a future 202 approx. <u>47 units of subsidized housing</u>
SIDEWALKS	7% <u>8%</u>	\$20,000.00 <u>\$24,576.00</u>	Assistance to LMI homeowners that need sidewalk repair/ replacement
NEIGHBORHOOD REVITALIZATION/ CODE ENFORCEMENT	17% <u>20%</u>	\$50,000.00 <u>\$60,000.00</u>	\$23,000 to go toward Code Enforcement personnel wages (apprx. 40%); \$27,000 available for home revitalization including weatherization to LMI homeowners; <u>\$10,000.00 for lead testing/abatement</u>
ECONOMIC DEVELOPMENT		\$0.00	No current projects identified. Will look for future partnerships.
TOTAL	100%	\$300,000.00 <u>\$304,576.00</u>	

EXISTING CITY PLAN GOALS

GOAL NO. 1	Increase supply of for sale housing at prices affordable to city's low to moderate income workers
GOAL NO. 2	Increase the supply of rental housing affordable to extremely low income renters/residents with special needs/homeless
GOAL NO. 3	Improve the City's sidewalks to make them more accessible to persons with disabilities
GOAL NO. 4	Continue with neighborhood revitalization efforts including code enforcement, to improve the condition of housing and commercial properties in low income areas
GOAL NO. 5	Expand higher paying employment opportunities for the residents, through economic development

INFORMATION SECTION

Including

Correspondence

Board, Commission, Committee Minutes

December 8, 2008
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Deanna Goodlander, Chairperson
Ron Edinger
John Bruning

CITIZENS PRESENT

Lori Isenberg, North Idaho Housing Coalition
Tom Hasslinger, CDA Press

STAFF PRESENT

Pam MacDonald, Human Resources Director
Jon Ingalls, Deputy City Administrator
Wendy Gabriel, City Administrator
Ed Wagner, Building Official
Renata McLeod, Project Coordinator
Troy Tymesen, Finance Director
Mike Gridley, City Attorney

**Item 1. Contract Renewal / Cd'A Press for Recruitment Classified Advertising.
(Consent Resolution 08-065)**

Pam MacDonald, Human Resources Director, reported that the City has an opportunity to reduce the cost incurred for recruitment classified advertising ads. By entering into this contract, the city will receive a 20% discount.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council adopt Resolution No. 08-065 approving a Contract with the Coeur d' Alene Press for Classified Advertising.

**Item 2. Presentation / North Idaho Housing Coalition.
(Consent Calendar)**

Renata McLeod, Project Coordinator, reported that in December 2006, BBC Consulting completed a housing needs assessment for the City. Within the city limits of Coeur d' Alene, it was determined that there is a need for more affordable housing units. The North Idaho Housing Coalition (NIHC) is a non-profit organization that has been established to help create homeownership opportunities for low to moderate-income citizens. They are interested in providing education to the community regarding housing opportunities. NIHC has expressed an interest in acting as an agency that would certify that a development project meets set criteria to be defined as an affordable housing project. Mrs. McLeod stated that staff recognizes it will take time to develop process and procedures for such incentives and seeks Council's direction to move forward with creating options that work within the city limits of Coeur d'Alene. Additionally, it would be important to establish a memorandum of agreement with NIHC to establish a partnership for affordable housing, and to set forth criteria acceptable to the city and outlining the available incentives.

Lori Isenberg stated that their goal is to work with the city to ensure affordable housing for the people who live and work within the city.

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council direct staff to find methods of incentivizing construction of affordable housing and to draft a memorandum of agreement with North Idaho Housing Coalition, as a partner in meeting the needs of workforce housing and low to moderate income households.

Item 3. KMPO Agreement Renewal / Public Transportation.
(Consent Resolution 08-065)

Troy Tymesen, Finance Director, reported that the cities of Coeur d'Alene, Post Falls, Hayden, Huetter and Dalton Gardens have partnered over the past three years in conjunction with Kootenai County and Panhandle Area Council (PAC) to provide public transportation, administration and planning. The City is being asked to fund \$43,983.00. The money is in the financial plan. Last year's investment included the 20% match to purchase a new handicap accessible van. Mr. Tymesen stated that it is anticipated that there will be a passenger count of over 400,000 people boarding public transportation vehicles in Kootenai County in the next twelve months.

Councilman Bruning asked about Federal funding cut backs. Mr. Tymesen does not foresee any cutbacks as they are currently using less than what has been allocated to them.

Councilman Edinger asked if the matter regarding the bus stop at Riverstone had been resolved. Wendy Gabriel responded that they are still working with Riverstone but that things are looking good.

Councilman Bruning asked about benches and shelters at bus stops. Wendy Gabriel stated that Deputy City Administrator, Jon Ingalls, is a member of a non-profit organization that is currently addressing this.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council adopt Resolution No. 08-065 approve agreement and funding for the City's portion of the public transportation within the urbanized area of Kootenai County.

Item 4. Commercial Billing Agreement / Kootenai County Solid Waste.
(Consent Resolution 08-065)

Troy Tymesen, Finance Director, reported that since October of 2000 the City has worked in partnership with Kootenai County in a Joint Powers Agreement regarding solid waste. The City is already billing customers on a monthly basis for residential garbage service and the commercial container rent. This agreement will continue the contract that has been in place since 2006. The county, in exchange for these services, will allow the city to place up to 200 tons of street sweepings, leaves, or other waste debris at the Kootenai County transfer station at no cost. Mr. Tymesen noted that this may seem like a lot of tonnage, however, the city collected about 1600 tons of leaves during *Leaf Pickup* this year. If we paid full freight for the leaves the cost would be \$52.80 per ton.

MOTION: by Councilman Bruning, seconded by Councilman Edinger, that Council adopt Resolution No. 08-065 approving a contract extension with Kootenai County to continue to provide billing services for commercial solid waste accounts within the city limits of Coeur d' Alene.

Item 5. Contract with Avista / Gas Meter Unlocks.
(Consent Resolution 08-065)

Ed Wagner, Building Official, is requesting approval of a contract that provides the City with indemnification provisions for the current procedure unlocking Avistas' gas meters and provides training for contractors, building department personnel, and Avista staff. The proposed contract formalizes the current verbal gas meter unlock procedure agreement with Avista as the authorized agency. Gas meter unlocks is a service the City has provided for Avista since approximately 1994. City inspectors are on the job site to verify the gas appliances are installed properly through the mechanical permit process. After this approval, our inspectors can unlock the gas

meter to allow the contractor to complete the connection to the appliances and complete the equipment installation. It is proven this process reduces the project inspection timeframes and promotes good customer service since the contractor is not required to schedule another entity to unlock the meter after our approval. Mr. Wagner stated that training has been included to assist all affected parties with code requirements for City inspectors unlocking Avistas' gas meters. It is also anticipated continuing education units may be a requirement in the future for mechanical licensing requirements.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council adopt Resolution No. 08-065 approving a contract with Avista for gas meter unlock procedures and training provided by Avista for contractors, building department personnel, and Avista staff.

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Juanita Van Cleave
Recording Secretary

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

FUND	BALANCE 10/31/08	RECEIPTS	DISBURSE- MENTS	BALANCE 11/30/08
<u>General-Designated</u>	\$447,713	\$8,796	\$23,503	\$433,006
<u>General-Undesignated</u>	1,890,642	2,919,919	4,509,360	301,201
<u>Special Revenue:</u>				
Library	(44,613)	27,299	87,179	(104,493)
Cemetery	112,093	16,274	23,526	104,841
Parks Capital Improvements	623,970	22,541	135,244	511,267
Impact Fees	3,471,074	93,944	15,512	3,549,506
Annexation Fees	68,038	4,970		73,008
Insurance	1,925,588	6,125	2,217	1,929,496
<u>Debt Service:</u>				
2000, 2002 & 2006 G.O. Bonds	873,400	24,254		897,654
LID Guarantee	279,806	535		280,341
LID 124 Northshire/Queen Anne/Indian Meadows	782			782
LID 127 Fairway / Howard Francis	40,824	5,015		45,839
LID 129 Septic Tank Abatement	195,175			195,175
LID 130 Lakeside / Ramsey / Industrial Park	94,592			94,592
LID 133 E Sherman/Gravel Sts/Forest Prk Paving	-			-
LID 143 Lunceford / Neider	6,688			6,688
LID 145 Government Way	-			-
LID 146 Northwest Boulevard	174,804			174,804
LID 148 Fruitland Lane Sewer Cap Fees	-			-
<u>Capital Projects:</u>				
Street Projects	444,897	1,201	13,642	432,456
2006 GO Bond Capital Projects	610,751	1,169	30,024	581,896
<u>Enterprise:</u>				
Street Lights	197,709	36,224	43,180	190,753
Water	561,892	377,241	208,702	730,431
Water Capitalization Fees	1,038,282	40,969		1,079,251
Wastewater	14,780,962	1,660,683	355,471	16,086,174
Wastewater-Reserved	1,579,185	26,500	508,259	1,097,426
WWTP Capitalization Fees	3,331,534	111,812	1,160,571	2,282,775
WW Property Mgmt	60,668			60,668
Sanitation	95,337	239,320	254,277	80,380
Public Parking	588,712	31,263	3,357	616,618
Stormwater Mgmt	474,084	100,560	38,981	535,663
Wastewater Debt Service	70	537,155	537,155	70
<u>Trust and Agency:</u>				
Kootenai County Solid Waste Billing	179,657	184,507	179,657	184,507
LID Advance Payments	845	2	355	492
Police Retirement	1,312,965	58,149	17,816	1,353,298
Cemetery P/C	1,984,997	88,603	22,675	2,050,925
Sales Tax	1,832	1,113	1,832	1,113
Fort Sherman Playground	2,826	5	2,831	-
Jewett House	14,726	28	944	13,810
KCATT	3,385	6		3,391
Reforestation	19			19
Street Trees	199,664	6,682	1,500	204,846
Community Canopy	892	422	140	1,174
CdA Arts Commission	1,088	2		1,090
Public Art Fund	78,149	150		78,299
Public Art Fund - LCDC	176,393	338		176,731
Public Art Fund - Maintenance	110,562	212	57	110,717
KMPO - Kootenai Metro Planning Org	73,960	1,362	59,288	16,034
BID	150,163	4,708	30,000	124,871
Homeless Trust Fund	349	306	349	306
GRAND TOTAL	\$38,217,132	\$6,640,364	\$8,267,604	\$36,589,892

CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 TWO MONTHS ENDED
 30-Nov-2008

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2008	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$178,075	\$27,854	16%
	Services/Supplies	18,560	1,735	9%
Administration	Personnel Services	487,884	81,201	17%
	Services/Supplies	319,576	1,550	0%
Finance	Personnel Services	618,800	103,874	17%
	Services/Supplies	134,590	7,614	6%
Municipal Services	Personnel Services	781,490	132,710	17%
	Services/Supplies	519,090	104,209	20%
Human Resources	Personnel Services	200,841	36,099	18%
	Services/Supplies	50,600	3,991	8%
Legal	Personnel Services	1,188,345	192,014	16%
	Services/Supplies	103,542	8,269	8%
	Capital Outlay			
Planning	Personnel Services	480,015	82,452	17%
	Services/Supplies	59,800	4,353	7%
Building Maintenance	Personnel Services	274,385	39,888	15%
	Services/Supplies	147,975	14,115	10%
Police	Personnel Services	8,388,028	1,304,825	16%
	Services/Supplies	720,719	74,840	10%
	Capital Outlay	138,018		
Fire	Personnel Services	6,198,116	969,893	16%
	Services/Supplies	419,402	40,053	10%
	Capital Outlay	30,000	35,952	120%
General Government	Services/Supplies	202,890	177,140	87%
Byrne Grant (Federal)	Services/Supplies	80,662	497	1%
COPS Grant	Services/Supplies			
CdA Drug Task Force	Services/Supplies	51,640	9,022	17%
	Capital Outlay			
Streets	Personnel Services	1,801,367	275,010	15%
	Services/Supplies	512,750	38,264	7%
	Capital Outlay	235,000	11,374	5%
ADA Sidewalk Abatement	Personnel Services	140,214	260	0%
	Services/Supplies	71,600	33,083	46%
Engineering Services	Personnel Services	524,633	70,230	13%
	Services/Supplies	736,600	47,531	6%
	Capital Outlay			

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
TWO MONTHS ENDED
30-Nov-2008

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2008	PERCENT EXPENDED
Parks	Personnel Services	1,210,389	169,769	14%
	Services/Supplies	433,820	45,455	10%
	Capital Outlay	81,000		
Recreation	Personnel Services	584,633	80,220	14%
	Services/Supplies	151,600	14,945	10%
	Capital Outlay	41,000		
Building Inspection	Personnel Services	832,665	133,034	16%
	Services/Supplies	56,150	5,869	10%
	Capital Outlay	16,000	15,900	99%
Total General Fund		<u>29,222,464</u>	<u>4,395,094</u>	<u>15%</u>
Library	Personnel Services	922,504	144,400	16%
	Services/Supplies	192,900	29,754	15%
	Capital Outlay	65,000	8,920	14%
Cemetery	Personnel Services	172,654	29,216	17%
	Services/Supplies	76,080	8,677	11%
	Capital Outlay	48,000		
Impact Fees	Services/Supplies	2,000,000		
Annexation Fees	Services/Supplies	400,000	400,000	100%
Parks Capital Improvements	Capital Outlay	1,578,000	156,240	10%
Insurance	Services/Supplies	318,000	2,217	1%
Total Special Revenue		<u>5,773,138</u>	<u>779,424</u>	<u>14%</u>
Debt Service Fund		<u>2,383,816</u>	<u>88,678</u>	<u>4%</u>
Ramsey Road	Capital Outlay			
Govt Way - Dalton to Hanley	Capital Outlay	300,000		
Howard - Neider Extension	Capital Outlay	450,000	13,608	3%
Atlas Road	Capital Outlay			
4th St - Anton to Timber	Capital Outlay		35	
Ironwood	Capital Outlay			
15th Street - Lunceford to Dalton	Capital Outlay	220,000		
Seltice Way	Capital Outlay			
15th St & Harrison signal	Capital Outlay	250,000		
Front Street	Capital Outlay			
GO Bond - Refunding & Misc	Capital Outlay			
Library Building	Capital Outlay		6,222	
Fire Dept GO Bond Expenditure	Capital Outlay	500,000	23,753	5%
Total Capital Projects Funds		<u>1,720,000</u>	<u>43,618</u>	<u>3%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
TWO MONTHS ENDED
30-Nov-2008

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 11/30/2008	PERCENT EXPENDED
Street Lights	Services/Supplies	572,090	49,507	9%
Water	Personnel Services	1,489,698	234,346	16%
	Services/Supplies	3,674,714	107,771	3%
	Capital Outlay	1,856,000	84,640	5%
Water Capitalization Fees	Services/Supplies	1,000,000		
Wastewater	Personnel Services	2,070,178	300,554	15%
	Services/Supplies	5,001,574	115,952	2%
	Capital Outlay	8,620,000	103,721	1%
	Debt Service	1,488,860	537,155	36%
WW Capitalization	Services/Supplies	3,798,325		
Sanitation	Services/Supplies	3,100,546	502,874	16%
Public Parking	Services/Supplies	184,132	6,690	4%
	Capital Outlay			
Stormwater Mgmt	Personnel Services	372,189	49,862	13%
	Services/Supplies	521,837	42,588	8%
	Capital Outlay	675,000		
Total Enterprise Funds		<u>34,425,143</u>	<u>2,135,660</u>	<u>6%</u>
Kootenai County Solid Waste		2,400,000	179,657	7%
Police Retirement		244,728	36,546	15%
Cemetery Perpetual Care		103,000	16,286	16%
Jewett House		16,300	988	6%
Reforestation		2,000		
Street Trees		40,000	2,500	6%
Community Canopy		620	140	23%
CdA Arts Commission		6,700	1,008	15%
Public Art Fund		101,000		
Public Art Fund - LCDC		105,000		
Public Art Fund - Maintenance		5,000	842	17%
Fort Sherman Playground			2,707	
KMPO		539,200	59,288	11%
Business Improvement District		142,000	30,000	21%
Homeless Trust Fund		4,000	349	9%
Total Trust & Agency		<u>3,709,548</u>	<u>330,311</u>	<u>9%</u>
TOTALS:		<u><u>\$77,234,109</u></u>	<u><u>\$7,772,785</u></u>	<u><u>10%</u></u>