

WELCOME
To a Regular Meeting of the
Coeur d'Alene City Council
Held in the Library Community Room, 702 Front Avenue, at **5:00 P.M.**
AGENDA

VISION STATEMENT

Our vision of Coeur d'Alene is of a beautiful, safe city that promotes a high quality of life and sound economy through excellence in government.

The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when **Item F - Public Comments** is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time.

June 18, 2024

A. CALL TO ORDER/ROLL CALL

B. FISCAL YEAR 24-25 BUDGET DISCUSSION

6:00 P.M.

C. INVOCATION: Leslie Watson: North Idaho Unitarian Universalists

D. PLEDGE OF ALLEGIANCE

E. AMENDMENTS TO THE AGENDA: Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time. [Action Item.](#)

F. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 3 minutes to address the City Council on matters that relate to City government business. Please be advised that the City Council can only take official action for those items listed on the agenda.)

G. ANNOUNCEMENTS

1. City Council
2. Mayor

*****ITEMS BELOW ARE CONSIDERED TO BE ACTION ITEMS**

H. CONSENT CALENDAR: Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilmember that one or more items be removed for later discussion.

1. Approval of Council Minutes for the June 4, 2024 Council Meeting.
2. Approval of Minutes from the June 10, 2024 General Services/Public Works Committee Meeting.
3. Approval of Bills as Submitted
4. Approval of Financial Report

I. OTHER BUSINESS

1. **Resolution No. 24-047** - Approval of a letter of agreement with Garnet Adventures LLC for Commercial Use of the City Streets for Recreational Transit.

Staff Report by: Kelley Setters, Deputy City Clerk

2. **Resolution No. 24-048** - Approval of a contract with SWS Equipment, LLC, for a Ramvac HX12 Truck Mounted Hydro Excavator in the amount \$616,963.33.

Staff Report by: Glen Poelstra, Water Department Assistant Director

3. **Resolution No. 24-049** - Approval of a Temporary Moratorium on demolition and moving permits and building permits for significant exterior alterations, for buildings, excluding residential, located in the Downtown Core Zoning District, and Downtown Overlay, Northside, and Downtown Overlay, Eastside, Districts and buildings listed on National Historic Register pursuant to Council direction on May 21, 2024.

Staff Report by: Community Planning Director, Hilary Patterson

4. **Resolution No. 24-050** - Declaration of Emergency, pursuant to Idaho Code § 67-2808(1), as a result of an extraordinary which demands the immediate expenditure of public money in the public interest and necessity without compliance with formal bidding procedures.

Staff Report by: Police Chief Lee White

5. **Council Bill No. 24-1008** – Approving amendments to Municipal Code Section 5.32.010, 5.32.020, 5.32.030, 5.32.050, 5.32.060, 5.32.080, 5.32.090, and 5.32.100 regarding security agent licenses.

Staff Report by: Police Chief Lee White

6. **Resolution No. 24-051** - Approval of the sole source purchase of ALPR (Automatic License Plate Reader) trailer, using grant funds from a State Homeland Security Program grant, sub-awarded by Kootenai County and administered by the Office of Emergency Management (OEM), in the amount of \$68,715.00.

Staff Report by: Police Chief Lee White

7. **Council Bill No. 24-1009** – Approving amendments to Municipal Code Section §§ 15.50.210, 15.50.400(C), and section 15.50.410(H), pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays.

Staff Report by: Hilary Patterson, Community Planning Director

J. RECESS:

This meeting is aired live on CDA TV Spectrum Cable Channel 1301, TDS Channel 5, and on Facebook live through the City's Facebook page.



Coeur d'Alene CITY COUNCIL MEETING

June 18, 2024

MEMBERS OF THE CITY COUNCIL:

Jim Hammond, Mayor

Council Members McEvers, English, Evans, Gookin, Miller, Wood

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

June 4, 2024

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 on June 4, 2024, at 6:00pm., there being present the following members:

James Hammond, Mayor

Woody McEvers) Members of Council Present
Christie Wood)
Dan Gookin)
Dan English)
Amy Evans)
Kiki Miller)

CALL TO ORDER: Mayor Hammond called the meeting to order.

INVOCATION: Kevin Bitnoff of The Church of Jesus Christ of Latter-day Saints led the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Wood led the pledge of allegiance.

QUASI-JUDICIAL PUBLIC HEARING FOR AN APPEAL MADE BY JOAN WOODARD OF DR-1-24AA; CDA HOTEL LLC (MARRIOTT HOTEL) LOCATED AT 602 & 612 E. SHERMAN AVENUE

STAFF REPORT: City Attorney Randy Adams provided an outline of the appeal process as mandated by the City Code. He explained that it will start with staff providing an overview followed by the appellant presentation, applicant presentation, public testimony, applicant rebuttal, and appellant rebuttal. He stated that on December 1, 2023, a Design Review Application was submitted for a Marriott AC Hotel project located on the southeast corner of E. Sherman Avenue and S. 6th Street. He mentioned that there has been some talk about a pedestrian oriented street but by code, the pedestrian-oriented street at Sherman ends at 6th Street, then from 6th Street East is a vehicle-oriented street. Mr. Adams noted that the appeal concerns the decision of the City's Design Review Commission (DRC) whose role determines whether the project meets the downtown design guidelines that were established by the City Council. He explained that the guidelines deal with very specific issues and most of which are not involved in this appeal. He pointed out that the issues that were raised by the appellant that falls under the criteria of the design review commission include: sidewalk uses, massing, ground level details, and unique historic features. He stated that some of the issues were not applicable to this project such as the parking because it will be underground parking and landscaped trees are not needed for underground parking. Mr. Adams explained that the design review process is intentionally narrow, and the role of the DRC is to determine whether a project meets the design guidelines adopted by Council. He stressed that the

DRC did not and cannot address basic zoning questions, floor area ratios, building height, density, and what uses are permitted in any given zone. He added that the DRC cannot consider the nature of the development in general, its height, development intensity, parking and traffic impacts because these matters are addressed by various city departments as the building plans are submitted and the development proceeds.

Councilmember Wood asked for an example on the provision in the Code that the DRC has discretion to reconcile adopted standards and guidelines with site specific conditions to meet the intent of the zoning code. Planning Director Hilary Patterson stated that for this project, one example that was adopted with conditions was the weather protection which they exercised their collective judgement and stated that it conforms with the adopted design guidelines.

Mr. Adams mentioned that the Council must base its decision on the record that was determined before the DRC, hence no new evidence or no new facts can be brought forward and considered by the Council. He stressed that it is by Code that the Council cannot accept new evidence at this stage of the process, whether it is in the form of a document or testimony. He further explained that any comments or arguments in the hearing tonight should be based on record and only on matters pertaining to the DRC determination. He stated that the burden of proof is on the appellant by a preponderance of the evidence which means she must show that the DRC committed an error either in a factual determination that was not supported by the evidence or in a legal error.

Mr. Adams recalled that the appellant, Joan Woodard raised several issues on her appeal; however, some of those don't fall within the scope of the DRC's authority such as traffic studies which is something that will be addressed by the concerned city department when the final building plans are submitted. He said that a traffic review study has been done but was not considered by the Commission. Councilmember Wood inquired about the missing information in the application such as the photos of the view corridor and where was it addressed in the DRC report, and Mr. Adams explained that it is not in the design guidelines, or it does not apply because the building is not tall enough. In ending, Mr. Adams stated that the Council has the duty to affirm or reverse the DRC decision or it may refer the matter back to the DRC for further action or clarification.

DISCUSSION: Councilmember Miller asked for clarification on the options of the Council and stressed that the fact that there will be a hotel is not a decision point. She said that the appeal is clearly about the DRC decision. Mr. Adams explained that the Council is limited to the options he mentioned. He added that the zone allows a hotel as a matter of right. Councilmember Miller stated that they are only supposed to consider the evidence presented; however, they received a lot of emails. Mr. Adams explained that the emails could be considered argument, but they would have to address facts that were presented to the DRC and would have to pertain only to areas that the DRC is authorized to address.

APPELLANT PRESENTATION: Joan Woodard, Coeur d'Alene, stated that she filed an appeal because she believes that there were errors by the City staff that enabled the application to proceed and there were shortcomings in the design review deliberations. She explained that while she is not opposed to a hotel, her appeal is based on several serious issues. Ms. Woodard mentioned the lack of public notice and she pointed out that the information for the design review meeting was not posted for public review until January 22 and the hearing was held on January 25, which is a

very short period of time for the public and the DRC to digest the application. She also mentioned about the design review process document that has been posted to the city website which states that there will be three meetings and requisite notices. While she acknowledges that this is not consistent with MC Section 17.09.325, she stressed that this document is what the public saw as public information, hence, she said that the spirit and intent for citizen awareness and participation was not met. According to Ms. Woodard, another failure is the lack of a traffic study prior to scheduling the design review. She said that the traffic study should be a condition for approval. She stressed that she disagreed with the City Engineer that it is not required prior to issuance of a building permit. Ms. Woodard stated the lack of any attempt of the applicant to comply with the goals and objectives of the City's Comprehensive Plan. She enumerated the shortcomings and information missing from the application such as: the obstruction of views for neighboring property owners; massing to preserve some views for those driving or walking westbound on Sherman or those living or working on the opposite side of Sherman; no input from neighboring property owners; lighting and noise that will emanate from the open rooftop lounge; and the historical context for setbacks. She also mentioned several failures of the application regarding the Site Performance Standards such as street trees and street lighting, 6th Street sidewalk deficiencies, pedestrian-oriented space and plazas, blank wall treatment, scale and massing issues, ground level details, and unique historic features. In closing, Ms. Woodard stated that the city staff and the applicant were attempting to submit an expedient proposal suggesting no variations of significance to the design guidelines and expecting little public input to address public concerns. She added that the application needs a thorough traffic study, compliance with the Comprehensive Plan, and more rigorous attention to existing site constraints and details.

APPLICANT PRESENTATION: Mr. Parker Lange, CDA Hotel LLC – Marriott AC Hotel, stated that they met all the design guidelines as evidenced by the unanimous approval of the DRC. He provided a brief overview of the project's timeline which started with their submission on August 1, 2023, and received DRC approval in January 2024. He stated that the delay in the project has caused them significant hardships. He stressed that they met all the design guidelines that are up for discussion in tonight's hearing. He showed slides that was also presented to the DRC to address issues alleged to be inadequate or missing information. Mr. Lange pointed out that the hotel project will be adjacent to an 18-story building to the South, six-story building to the north, and the proposed hotel will be six stories. He added that the downtown core design guidelines allow 220 feet tall by right and they are only proposing 75 feet building. With regards to the issue on unique historic features, Mr. Lange explained that they are removing all the existing trees along Sherman and replace them in the exact same location while the streetlight will have the same exact cadence. He mentioned that there is a driveway location that needs to shift for access to the property, and the pole will be removed and relocated 20 feet at the exact same cadence that exist today. He stressed that they have already addressed the concerns on 6th Street. Mr. Lange appealed to the Council to affirm the decision that was unanimously made by the DRC.

PUBLIC TESTIMONY: Mayor Hammond read the rules for the Quasi-Judicial Hearing and the Clerk sworn-in those who will testify. The Mayor opened the public testimony portion of the meeting.

Frederick McLaren, Coeur d'Alene, stated that the proposed hotel will significantly reduce the value of his condominium unit in Parkside. He said that his unit is opposite the proposed project

and his windows will be blocked. He is also concerned with the lights and noise that will be coming from the hotel. Mr. McLaren believes that the proposed hotel does not comply with the published site performance standards.

Mike Patano, Coeur d'Alene, challenged the Council to send the decision back to the DRC and ensure that there is adequate traffic study that pays attention to what is really going on at Sherman Avenue. He added that during the construction of the hotel, part of Sherman Avenue will disappear as well as the alley. He also mentioned that this project pays no attention to the historic nature of the downtown area. Mr. Patano appealed to the Council to take time to ensure that this project is done right, and all issues are addressed.

Aileen Koler, Coeur d'Alene, stated that the plan has many logistical issues such as the hotel entrance and exits. She mentioned the many events and parades that run along and take place on Sherman that may affect guests checking in the hotel. She reminded the Council about the Coeur d'Alene Comprehensive Plan 2022-2042 that is also intended to protect public views while preserving property values and character.

Duncan Koler, Coeur d'Alene, said that it was hard for him to understand the code and it could use a rewrite. He stressed that in the first meeting at the Planning and Zoning Commission that happened on August 1, there was no public notice requirement, so the public must depend on the Planning and Zoning Commission and the city staff to represent and protect their interests. He stated that one of the Commission members, Ms. Fleming, is a former Director of Marriott's Interior Design. He added that the DRC decision should be voided because there was no public notice given.

Jon Wemple, Coeur d'Alene, stated that the design approval was granted quickly. He asked the Council to send the project back to the DRC with instruction to follow protocol and respect the details contained in the Comprehensive Plan and input provided by the residents. He said that there should be a comprehensive traffic study by an independent firm. He also mentioned issues about lighting and noise disturbances, parking, and setback requirements were not considered.

Cyndy Donato, Coeur d'Alene, appealed to the Council to return the project back to the DRC and to ask the city staff to do their job because according to her, they have failed and did not properly study the zoning and implications of the project to the neighborhood.

Jim Sawhill, Coeur d'Alene, asked the Council to uphold the appeal and return the project for modification of design. He stated that the design standards have not been met such as ground level details are absent, base massing and ground floor windows along 6th Avenue does not meet standards, and the unique historical features were not followed. He said that his main objection is that the color and materials do not blend in the fabric of downtown.

Linda Wolovich, Coeur d'Alene, asked the Council to keep the historic vibe and charm of downtown and ensure that the hotel project will blend in the community.

Brad Jordan, Coeur d'Alene, encouraged the Council to approve the project saying that a hotel in that particular location is a good use and will bring in more people to support the businesses. He added he believes that Marriott made attempts to meet the design guidelines.

Tom Berube, Coeur d'Alene, stated that the Comprehensive Plan must be revised, and developers must be held accountable to fully fund their impact such as anterior road widening to support increased traffic, sewer treatment plant capacity expansion, and additional fire safety needs. He added that these costs should not be passed on to the taxpayers.

APPLICANT REBUTTAL: Mr. Lange reiterated the DRC's findings that their project met the design standards, and it is contained in a detailed report. He explained that no design decisions were made until they met with DRC and there was also public input that was heard at the DRC meeting. He stated that the design guidelines were their basis in the design of the building, and it is a completely custom designed hotel not a cookie cutter Marriott product.

APPELLANT REBUTTAL: Ms. Woodard stated that they should have involved the community ahead of time. She mentioned that there are many shortcomings in the whole process, and some should be addressed in the Municipal Code so that situations like this will not happen again. She stressed that the City has the obligation to regulate and control traffic. She also added that the DRC made significant errors that need to be addressed.

With no other comments received, Mayor Hammond closed public testimony.

DISCUSSION: Mayor Hammond asked about the issuance of proper notice and Mr. Adams explained that the notice was published on January 6 with the meeting of the Design Review Commission (DRC) on January 25, which is within the 15 days requirement of the code. He added that the notice was also posted on the property on January 11 which is 14 days before the hearing. He also mentioned that notices to property owners within the required distance was mailed out on January 10. Mr. Adams stated that notice is not required in the project review because the public is not a participant, as well as in the initial meeting with staff where the public is not allowed to attend. He stressed that the notice that was sent out is related to the meeting of the Design Review Commission which is appropriate under the code.

Councilmember Gookin inquired about the massing of the building and the square footage of the dining room, and Ms. Patterson stated that the massing of the building is 75 feet and the provision in the basic development standards says that the mechanical penthouses, share elevator overruns, and antennas may be excluded from the building height calculation if they are not more than 15 feet above the roof deck. Associate Planner Tami Stroud explained that the dining area calculation is under the 3,000 sq.ft. and did not trigger the parking requirement. She added that the calculation is for the bar on the 6th floor because the lower area dining is not open for the public. Councilmember Wood asked why the DRC cannot consider a traffic study, with Mr. Adams replying that it is outside the authority of the DRC to impose a traffic study. He further explained that this is the process that a previous Council has established, and the traffic study will be addressed by the City Engineer. Councilmember Wood also asked about the spirit and intent of public notice and Mr. Adams stated that the public had a minimum of two opportunities to address both the Commission and Council: during the DRC hearing and in the Council meeting tonight.

Councilmember Wood stated that there is a need to revisit some of the authority and guidelines. Councilmember English said that the Council should go back and review the policies. He also asked about what was mentioned during the public testimony that the proposed hotel will affect city events and parades which was clarified by Mr. Adams stating that parking is relocated, and pedestrian traffic is altered during special events and parades. Councilmember Miller pointed out that the project did not go to the Planning and Zoning Commission, hence Commissioner Fleming, being a Designer for Marriott, would not have heard about this because she is not a member of the Design Review Commission. Councilmember Miller requested clarification about the earlier discussion on the rooftop restaurant which did not trigger the parking requirement, and Ms. Patterson explained that there are two different dining areas in the hotel where the dining in the first level is for hotel guests only while the dining on the 6th floor is open to the public with an area that was calculated per adopted code is less than 3,000 sq.ft. so it did not trigger additional parking calculation. Mr. Adams stated that in terms of parking, the design review guidelines only deal with surface parking lots, the proposed hotel's parking is underground, so the design review guidelines does not apply. He added that the 3,000 sq.ft. limitation is found in the downtown core zoning code requirements. Councilmember Miller expressed that there is a need to review the code and policy issues. Councilmember Evans wondered if Sherman east of 6th Street is no longer considered a pedestrian-oriented Street. Ms. Patterson stated that the pedestrian-oriented street in this case is on the 6th Street as it does not allow for vehicular access unless the applicant requested a design departure, but they did not because there was access that is allowable on Sherman Avenue. She added that there are existing curb cuts on Sherman Avenue, and it was designated as a vehicular-oriented Street. She reiterated that the applicant was allowed by right to have their access on Sherman Avenue so there is no need for them to request for a design departure. Councilmember Wood mentioned about the public testimony of Mr. Sawhill that the design standards were not met in terms of windows, materials, and colors. Ms. Patterson explained that there is nothing in the design guidelines that speaks of the color of the brick or even requiring the use of brick. With respect to the ground level details, she pointed out that there is a condition in the approval to ensure that this is met so they will be working on some artistic mural along 6th Street. She further stated that the unique historical features requirement is subjective, and it doesn't have any specific criteria, and this may be something to look into for changes in the code and design guidelines in the future. Councilmember English asked if the lower-level dining area would offer breakfast buffet like other hotels, and Mr. Lange replied that it is primarily for breakfast offering intended for hotel guests while the full menu will be in the upper-level restaurant.

RECESS: Mayor Hammond called for a recess at 7:51 p.m. The meeting resumed at 7:56 p.m.

Councilmember Gookin commented that he is part of a committee that is currently reviewing the downtown design guidelines and they are also addressing the concerns of the public. He traced back the history of the ordinance which was passed in 2003 and amended in 2008. He added that in May 2020, they were presented with proposed amendments and the meeting was done over zoom. He stated that there were additions and subtractions to the code that may have led to the concerns they have to deal with right now. Councilmember Gookin expressed that he would like to see the staff and design review committee to work with the Marriott in coming up with a design that will look like it belongs to the City of Coeur d'Alene.

MOTION: Motion by Gookin, seconded by Wood to refer back to the DRC for further action or clarification the Design Review Commission’s approval of DR-1-24AA; CDA Hotel, LLC (Marriott Hotel) located at 602 & 612 E. Sherman Avenue and direct staff to prepare the Findings and Order specifically on the item on unique historic features.

DISCUSSION: Councilmember Wood stated that she supported the motion for the historic view of the building and for the applicant to consider different means to enter the building. Councilmember McEvers said that the discussion triggered old history and now there is a need to review and adjust policies. Councilmember Miller stated that the parking study issue is down to entrusting to the City Engineer, and she hopes that pedestrian safety, pedestrian versus street entrance, and other concerns will be looked into resulting to some positive effect. Councilmember Evans requested clarification on the motion since the issue on unique historic features has been addressed in the DRC findings. Mr. Adams stated that the Council can ask for more to be done only if the Council believes that the DRC committed an error in evaluation of that issue. He reminded Council that this is a factual finding and if it is supported by substantial evidence, then the Council must accept it. Councilmember English said that he doesn’t see the need to send it back to the DRC because they have done what they are supposed to, and the Council should make the call.

ROLL CALL: Gookin Aye; English No; Wood Aye; Evans No; Miller No; McEvers No.
Motion failed.

SECOND MOTION: Motion by Evans, seconded by English to affirm the Design Review Commission’s approval of DR-1-24AA; CDA Hotel, LLC (Marriott Hotel) located at 602 & 612 E. Sherman Avenue and direct staff to prepare the Findings and Order.

DISCUSSION: Councilmember Wood stated that she will not support the motion because she hopes that there could be more review and more considerations that will be made. Councilmember Gookin said that he will not support the motion as well because he would like to see the preservation of downtown. Councilmember Miller explained that the Council is charged to prove that there is preponderance of evidence that the DRC made a mistake, and she could not see that they made a mistake basing their decision on current code and policy. Mayor Hammond mentioned that there are guidelines relative to how this piece of property is zoned and the Council cannot put new encumbrances that are not part of the current ordinance. He added that if there is a problem with the policy, the Council can certainly amend but they don’t get to change it midstream of an application.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin No; English Aye; Wood No.
Motion carried.

PUBLIC COMMENTS:

Tod Hornby, Coeur d’Alene, stated that it is important for the residents to be involved in the zone change process at Best Avenue, and now that the decision has been made leading to a development agreement, he asked the Council to ensure they will hold the developer accountable to the

conditions. He pointed out that the Planning Commission voted unanimously to recommend against the zone change because of the negative effect it could have on the neighborhood. Councilmember Miller responded that she has friends in the said location and shared that she received an email from the HOA President, George Wagner, who felt that with an agreement in place it will end up being a good thing to happen in the neighborhood. She encouraged Mr. Hornby to touch base with Mr. Wagner. Councilmember Gookin asked if the development agreement will be brought to the Council, and Mr. Adams replied that the development agreement has been drafted with the conditions as Council outlined them, it has been run by the applicant and will be brought to Council.

Joe Archambrou, Coeur d'Alene, reiterated the concerns mentioned by Mr. Hornby regarding the zone change. He stated that they don't need an additional gas station. He asked the Council on the next steps if there will be an environmental study pertaining to varying gas tanks and water tables. Mayor Hammond clarified that the gas tanks are not managed by the City but by the Department of Environmental Quality.

ANNOUNCEMENTS:

Councilmember English shared that last Saturday was the first of the six-weeks series on civil discussions and there were 30 participants who attended.

Councilmember Wood requested a pre-budget meeting of Council with City Administrator Troy Tymesen and new Finance Director Katie Ebner. She explained that the purpose of the meeting is to discuss budget ideas before the budget workshop. Mayor Hammond stated that this will be scheduled an hour before the next Council meeting on June 18.

CONSENT CALENDAR:

1. Approval of Council Minutes for the May 21, 2024, Council Meeting.
2. Approval of Minutes from the May 28, 2024, General Services/Public Works Committee Meeting.
3. Setting of General Services/Public Works Committee Meeting for Monday, June 10, 2024, at 12:00 noon.
4. Approval of a cemetery lot transfer from Leslie Bening to Curtis Gerald Kilian; Section B, Block 40, Lot 11 of Forest Cemetery, in the amount of \$40.00
5. Approval of outdoor eating encroachment for Ten/6, LLC., Taylor Taylor, 1118 N. 2nd Street (12 seats)
6. Approval of 8 firework stand permits for 2024.
7. **Resolution No. 24-044** - A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE FINAL PLAT, ACCEPTING INSTALLED PUBLIC INFRASTRUCTURE IMPROVEMENTS, AND APPROVING A MAINTENANCE/WARRANTY AGREEMENT AND SECURITY FOR THE TRAILS 6TH ADDITION (S-5-14).

MOTION: Motion by McEvers, seconded by Evans to approve the Consent Calendar as presented, including **Resolution No. 24-044**.

ROLL CALL: Evans Aye; Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye.
Motion carried.

RESOLUTION NO. 24-045

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE BID OF, AND AWARDING A CONTRACT TO, ALPINE NORTHWEST LLC FOR THE COEUR D'ALENE WATER DEPARTMENT TRANSMISSION LINE – NORTHEAST TANK/THOMAS LANE PROJECT IN AN AMOUNT NOT TO EXCEED \$2,369,358.00.

STAFF REPORT: Water Department Director Kyle Marine noted that in the 2012 Water Comprehensive Plan Update, the need for additional water storage due to the City's growth highlighted deficiencies in system capacity and supply in the High Zone which necessitated the construction of a new tank with 1 million gallons (MG) of storage in the northeast end. He stated that in 2016, JUB was selected to help identify potential tank locations and propose builds which paved for several possible new tank locations to be identified, establishing a basic timeline for planned improvements. He stated that these improvements were divided into two phases: phase one involving the design, bidding, and construction of the transmission line, and phase two entailing the design, bidding, and construction of the tank site.

Mr. Marine explained that funding for the proposed project is partly included in the 2023-24 FY budget at \$1,500,000.00 to be paid out of Capitalization Fees and this may need to be carried over into the next FY budget. He mentioned that the Water Department issued a Statements of Qualifications to qualified contractors pursuant to the published criteria, and then bids were solicited from the pre-qualified contractors. He said that the bids received were from: Alpine Northwest - \$2,369,358.00, Northwest Grading Inc. - \$2,613,435.36, Halme Construction Inc. - \$2,971,076.00, Big Sky Corp - \$3,019,115.50, DW Excavating Inc - \$3,115,105.00, S&L underground - \$3,497,286.00, Terra Underground LLC - \$3,698,390.00, Apollo - \$3,999,909.60, and J7 Contracting - \$4,113,251.00. Mr. Marine stated that the consulting engineer reviewed all bids for accuracy and verified with the lowest bidder, Alpine Northwest LLC, that they were comfortable with their numbers. However, he mentioned that Northwest Grading and Big Sky sent the City letters objecting to the pre-qualification of Alpine Northwest, to which letters the City Attorney responded on May 14. He added that the Thomas Lane Transmission Main will move water from Margaret and 15th Street south to Thomas Lane, then East to the end of Thomas Lane, where they will be building the 1 MG water tank that will help supply water to the northeast side of the High Zone to meet peak demand. Mr. Marine asked the City Council to accept the lowest responsive bid and approve a construction contract with Alpine Northwest LLC for the installation of a new 16" transmission main in Thomas Lane in the amount of \$2,369,358.00.

DISCUSSION: Councilmember McEvers asked for clarification on the transmission and situating the tank on higher elevation, and Mr. Marine explained that the transmission main helps the water move to and from the tank site, and there is a need to work with elevations to work with hydrology. He stated that there are hydraulics in different parts of the area, and it is best to build up somewhere high on the hillside so there would be no need to build a super tall tank. He stressed that it is better investment to run the transmission now, build a tank up on the hillside and let water flow freely back and forth and use the elevation to help build the pressure. He added that they have plans for

well sites in the future. Councilmember Gookin inquired if the transmission will affect the pressure and Mr. Marine stated that the transmission does not necessarily affect the pressure, but it is more on the flow of water, the larger line will allow water to run more freely back and forth from the tank. Councilmember Gookin asked if the lowest bidder was the company that was disqualified and applied for an appeal, with Mr. Adams explaining that it was for the wastewater project and the reason why Alpine was prequalified is because staff took into consideration Council's comments. Councilmember Wood asked how funding for this project will carry over to the next budget, and Mr. Tymesen replied that it is unsure which fiscal year this project will be finished. He stated that it may be carried over into next year's budget as this project finishes.

MOTION: Motion by McEvers, seconded by English to approve the **Resolution No. 24-045** - Approving a Contract with Alpine Northwest. for installation of a new 16" transmission main in Thomas Lane in the amount of \$2,369,358.00.

ROLL CALL: Miller Aye; McEvers Aye; Gookin Aye; English Aye; Wood Aye; Evans Aye.
Motion carried.

RESOLUTION NO. 24-046

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE REALLOCATION OF FUNDS FOR WATER DEPARTMENT PART-TIME EMPLOYEES TO ASSIST WITH THE PURCHASE OF PARTS AND MATERIALS FROM CONSOLIDATED SUPPLY CO. FOR THE CDA PLACE WATER MAIN PROJECT IN AN AMOUNT NOT TO EXCEED \$85,222.93.

STAFF REPORT: Assistant Director Glen Poelstra noted that the Water Department has budgeted for at least four part-time staff members to help with the workload in the busy summer season. He stated that through the most recent Water Comprehensive Plan Update, deficiencies were identified regarding system capacity and supply in the north central part of Coeur d'Alene Place, and they would like to utilize funds from the part-time staff budget to help fund an upsize in pipe. He explained that traditionally in the past, 12" water mains have been able to supply developments with enough water for domestic and irrigation use; however, engineered flow models indicate that an upsize of water main to 18" in this area and in the future connecting Prairie Well transmission main to Atlas Road, would substantially help equalize the flows between Prairie Standpipe and Industrial Standpipe. He added that this would also help solve pressure issues during high demand situations in the Landings development. He said that the goal would be to install a production well in the north central part of town in the future as it would help supply this area with growth taking place to the southwest. Mr. Poelstra mentioned that funding for the proposed purchase of these materials would need to be reallocated from the part-time staff budget in the amount \$87,000 and the additional funds needed to complete the purchase would be from the capitalization fee budget. Pursuant to the City's purchasing policy, he said that the quotes were received from three vendors: Consolidated Supply Co. - \$85,222.93, HD Fowler - \$98,364.85, and Ferguson Waterworks - \$99,714.70. He added that the Water Department would incur no extra costs by reallocating the part-time staff funds to this project. Mr. Poelstra stressed that this would save a substantial amount of money by paying for those parts now rather than having the infrastructure put in then having to re-dig up the streets and put a burden on the customers as well.

DISCUSSION: Councilmember Wood asked about the implication of not having the four part-time staff, and Mr. Poelstra explained that it is critical to be able to install this infrastructure now otherwise it would be a future burden to customers that they will not have enough capacity for irrigation and fire flows. Mr. Tymesen added that this will be a reallocation of the budget because the part-time positions remain unfilled, and the Water Department is having a hard time finding people to fill those positions. Councilmember McEvers inquired if this purchase is aimed at meeting the increasing irrigation needs, and Mr. Poelstra confirmed that this is substantial part of it. He stated that in the summer when peak flows, they would receive low pressure complaints, and in the wintertime, as most of the wells are shut down, they are able to supply adequate domestic and fire flow. During spring they would see a massive influx of irrigation startups that will continue through summer, and they would see major peak demands and the wells are running at highest capacity. He said that to meet the demands, they would need to put 18-inch pipes in the ground for domestic and fire use. Councilmember Gookin inquired why the developer is not paying for this project, and Mr. Poelstra mentioned that the developer already put in a pipe there and this project is to replace in anticipation of the growth in the area. Councilmember Gookin asked about the initial funding source of the requested purchase, and Mr. Poelstra stated that initially they were looking at getting it from capitalization fees; however, they have the transmission main project that they decided to pay with the cash they have on hand. He added that they are also struggling to get part-time employees for summer. Councilmember Gookin asked Mr. Marine on the effect of not having the part-time positions filled-up and regular staff would have to work overtime. Mr. Marine explained that it would be cheaper for them to get pipes installed now and work with the developer than have the part-time staff. He added that they may fall behind in some projects, but they will double their efforts in order to ensure that they get it completed. Councilmember Gookin asked if they have the money in the capitalization fee fund, to which Mr. Marine confirming that they have the money but that is allocated for phase two of the tank project.

MOTION: Motion by Wood, seconded by Gookin to approve the **Resolution No. 24-046** - Approving the purchase of materials from Consolidated Supply Co. for upsizing the water main in Cda Place 38th Addition in the amount of \$85,222.93. with funding from Capitalization Fees.

DISCUSSION: Councilmember Miller asked if this went through the public bid process. Mr. Marine stated that it is under the dollar value for public bid, but they received three quotes within the timeframe for consideration. Councilmember Gookin clarified that the purchase will come from Capitalization Fees and not fund balance. Councilmember Evans mentioned that this will just be a pause in hiring of four part-time employees and not eliminating the positions permanently from the Water Department budget. Mr. Marine confirmed and stated that they had the part-time positions open for a month and they have not found qualified applicants.

ROLL CALL: McEvers No; Gookin Aye; English Aye; Wood Aye; Evans No; Miller Aye.
Motion carried.

ADJOURNMENT: Motion by Gookin, seconded by McEvers that there being no other business this meeting be adjourned. **Motion carried.**

The meeting adjourned at 9:01 p.m.

James Hammond, Mayor

ATTEST:

Jo Anne Mateski
Executive Assistant

June 10, 2024
GENERAL SERVICES/PUBLIC WORKS COMMITTEE
MINUTES
12:00 p.m., Library Community Room

COMMITTEE MEMBERS

Council Member Amy Evans, Chairperson
Council Member Christie Wood
Council Member Dan English

CITIZENS

Neal Schreiber, Lease Manager, Lamar
Jeff Connaway
James Fillmore
Gary Cooper, d/b/a Garnet Adventures LLC

STAFF

Juanita Knight, Senior Legal Assistant
Kelley Setters, Deputy City Clerk
Hilary Patterson, Community Planning Director
Randy Adams, City Attorney
Troy Tymesen, City Administrator

Item 1. Public Comments

The Committee will hear public comments after Items 2 and 3 have been presented.

Item 2. Approving a letter of Agreement with Gary Cooper d/b/a Garnet Adventures LLC for Commercial Use of the City Streets for Recreational Transit.

(Agenda Item)

Kelley Setters, Deputy City Clerk, requests the Council approve a Letter of Agreement with Gary Cooper d/b/a Garnet Adventures LLC for commercial use of city streets for recreational transit. Ms. Setters explained in her staff report that in 2014, the City approved a similar request to operate a non-motorized vehicle within the City limits through a Letter of Agreement. To stay consistent with the processing of recreational transit requests on City streets that may impede traffic, staff is recommending approval of the request for pedal pub services by Garnet Adventures LLC through a proposed Letter of Agreement. Ms. Setters explained that Mr. Cooper's business plan is to have tours with a maximum seating capacity of 14 operating Thursday – Sunday starting June 19, 2024 through October 31, 2024 from 11:00 am to 10:00 pm lasting approximately 2.5 hours. All tours will begin and end at the Tour CDA business located at 1618 E Lakeside Avenue (near Sherman and 17th). The route will include Sanders Beach, Tubbs Hill, The Carousel, Fort Sherman, and the Roosevelt School House. Two other daily tours will be for guests who are 21 and older only. The route will include visits to The Goat, 315 Cuisine, and Seasons lasting approximately 20-30 minutes. In the business plan, Mr. Cooper affirmed that the operator may not provide alcohol or supply any alcohol to any patron. The patron must bring their own alcohol in a sealed container and may only consume while aboard the vehicle. Ms. Setters further explained that each City Department was contacted to see if there were any concerns or requests for conditions, with the Police Department noting they had no issues. Municipal Code Chapter 5.18 outlines the allowable commercial use of city streets, sidewalks, and rights-of-way and requires Council consent for such use. The agreement sets forth the terms and standards for the operation of commercial recreational vehicles on City streets, including the clause that the City may add conditions or revoke the permit if it is deemed necessary to maintain the safety of the City. Insurance is required. The fee for this agreement is \$131.25, which is the same fee amount charged for outdoor eating encroachment permits.

MOTION: by English, seconded by Wood, to recommend that Council approve a letter of agreement with Gary Cooper d/b/a Garnet Adventures for commercial use of the city streets for recreational transit. Motion Carried.

Item 3. Consideration of amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H), pertaining to billboards and § 15.50.400(D) pertaining to electronic message displays.

(INFORMATION ONLY)

Hilary Patterson, Community Planning Director, presented proposed amendments to the City's Sign Code. Mrs. Patterson reminded the Council that during the December 19, 2023 City Council meeting, they had requested staff to revisit the amendments and explore ways to allow the movement of existing billboards within the city limits. She emphasized the need to consider constitutionality and potential conflicts with existing codes and uses when regulating signs.

Key points from Mrs. Patterson's presentation.

Code Amendments from March 1, 2022

- Removed any restriction related content
- Condensed terms defined
- Reduced exemptions from 19 to 9
- Simplified sign types
- Reduced the code length from 31 pages to 19
- Introduced various other clarifications.

Items removed from the Code (as requested by City Council):

- Billboard may not be enlarged, structurally altered, or moved to a different location. Maintenance is required as per Chapter guidelines.
- Billboards on property annexed into the City must be removed within sixty (60) days of the effective date of the annexation.
- If a Billboard sustains damage exceeding fifty percent (50%) of its fair market value, repair is prohibited; removal is necessary.

Proposed Code Highlights:

- Definition of Billboards.
- Removal of existing non-conforming billboards in exchange for new locations.
- Relocation within Commercial, Manufacturing, or Light Manufacturing zones.
- Alignment with existing codes (e.g., Planning and Zoning setbacks, heights, separation between signs).
- Requirement for a public hearing before the City Council.
- Provision for emergency alerts and owner contact information.

Kelley Setters, Deputy City Clerk, provided an explanation of how the City allocates sign allowances and provided an example of the formula as multiplying the street frontage measurement (X) by the driving lane factors (X) then by the density factor and then adding (+) in the sign area factor.

Mrs. Patterson then spoke in regard to Electronic Signs Amendments:

- Addressing complaints about night brightness
- Research from other cities netted better ways to measure light, moving from nits to foot candles

- Required technology for auto dimming
- Extending display durations from 2 to 8 seconds
- Restricting video messaging on electronic message display
- Currently there are 83 electronic signs

Mrs. Patterson explained that Sergeant Reneau of the Police Department conducted a light meter study on February 11, 2024, at 2:00 A.M., to evaluate current conditions and compliance with the existing illumination standards for various electronic signs within the City limits. The request was made due to past accident reports and complaints about a few electronic signs being a distraction for drivers at night and during the early morning hours. The study was done using foot candles and converted to nits for the current code metrics of 500 nits at night and 5,000 nits during the day. The signs met the nit requirement in the current code with varying degrees of illumination. However, both Sergeant Reneau and Chief White indicated that the 500-nit threshold is likely too high. The proposed amendments change the measurement from nits to foot candles, which is more standard, and implements the industry standard of 0.3 foot candles above ambient light.

Proposed amendments for Electronic Signs:

- Clarification that distraction includes motorists, pedestrians, and general public
- Require technology for auto dimming
- Brightness shall not exceed 0.3 foot candles (above ambient conditions), with appropriate measurement distances
- Messages to be held a minimum of 8 seconds
- Clarification no videos are allowed
- Consistent with best practices

Suggestions from the May 28, 2024 GS/PW Subcommittee:

- Reconsider the need to review the Land Lease
- Clarify proposed foot candle measurement is above ambient lighting
- Clarify rotating signs are signs that turn/spin
- Clarify sign content cannot be regulated, e.g. legal cannabis sales in WA
- Determine if public hearing should be required
- Determine if underground electrical should be required
- Include transitions should be ½ second or less
- Include lighting to be downward facing on non-digital billboards
- Address potential mobile billboards

Councilmember Wood agreed that it is not the City's responsibility to review corporate leases. She also trusts that billboard companies adhere to industry standards for sign content and would avoid anything inappropriate. While she supports public input, she opposes singling out a specific business for mandatory Council hearing. Additionally, Councilmember Wood raised the topic of mobile billboards, which staff is currently seeking input on the the City Council.

Councilmember English inquired about the possibility of displaying emergency public service announcements on signs, such as amber alerts and weather warnings. In response, Randy Adams, City Attorney, clarified that this is not covered by the Sign Code.

Neal Schreiber, the Lease Manager at Lamar Outdoor Advertising, emphasized that content on signs and billboards can be regulated. He cited the example of cigarettes, which are illegal to advertise on any signs in the

United States. Mr. Schreibeis confirmed that the industry adheres to its own regulations and avoids promoting illegal products, such as cannabis, in Idaho. Additionally, Lamar Outdoor Advertising includes public service announcements on their digital signs including amber alerts.

Councilmember Evans inquired whether this inclusion was a requirement for advertisers or an act of goodwill, Mr. Schreibeis clarified that it is voluntary. Lamar Outdoor Advertising is willing to collaborate with the City for emergency announcements on digital signs, and such flexibility is part of their lease agreements with clients.

Mr. Schreibeis expressed concern about the distance requirement from I-90. If billboards cannot be placed farther than 615 feet from the interstate, congestion may arise. He also questioned the underground electrical requirement, noting that existing overhead power lines should suffice. Further clarification is needed regarding billboards that may remain in place, the 500-foot requirement, and structural setbacks.

Mr. Fillmore highlighted the following points regarding electronic signage:

General comments:

- His belief is that having the city review the lease agreements seems excessive
- He supports requiring a public hearing and does not see it as an excessive burden considering, if moved, a sign can be in a location for 10 years.
- His belief is that the restriction to be 500 feet from any residential, park, church seems a little excessive as there are currently plenty of examples of billboards being near residential.

Electronic Display Duration:

- He supports the proposal for electronic displays to hold a message for a minimum of 8 seconds before transitioning to the next message.

Transition Time:

- Mr. Fillmore suggests that the transition time between images should be under half a second.

Downward Facing Lighting Requirements:

- He raises a concern about the lack of mention regarding downward-facing lighting as well as the allowed brightness requirements in the proposed code.
- His belief is that including such requirements would prevent light trespass and skyglow caused by billboards.

Jeff Connaway, a former member of the Coeur d'Alene Sign Board Committee for over 20 years, recalls a time when there was a prohibition against new billboard construction dating back to the 1960's. Even then, billboards were considered proliferating and not particularly desirable. He advocates for changing the code to disallow billboards or off-premises signage altogether. According to him, billboards and off premises advertising primarily benefit advertising companies and do not serve the average citizen. As the city continues to grow and become denser, these signs contribute to visual clutter. Mr. Conaway believes that the City Council has a rare opportunity to revisit this issue, which will have lasting effects on the future of Coeur d'Alene. He expressed concern about why the City Council, in December 2023, requested staff to prepare amendments allowing billboards to be moved. Mr. Connaway predicts that if billboards are allowed to be relocated, protests from the citizens of Coeur d'Alene will surely follow.

Additional Council comments:

Councilmember Evans:

- Acknowledges the long-term impact of the amendment on the community.

- Suggests involving other City Committees or Commissions for vetting and additional public input.
- Prioritizes preserving community aesthetics.

Councilmember Wood:

- Notes the current 8 billboards in the community, some already on I-90 and Hwy-95.
- Advocates relocating Northwest Boulevard billboards to business district locations.

Councilmember English:

- Recalls past issues with allowing off-premise signs, such as for Safeway (when he previously served on the City Council, prior to becoming County Clerk).
- Emphasizes the need for thoughtful decisions with lasting effects.
- Supports public comments, City Attorney review, and public hearings.

Councilmember Wood (additional comment):

- Supports allowing advertisers to move existing billboards.
- Opposes additional vetting by City Committees or Commissions.
- Believes signs and billboards benefit local businesses.

MOTION: by Wood, seconded by English, to move amendments to Municipal Code §§ 15.50.210 and 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays to the full City Council meeting on June 18th for consideration. Motion Carried.

Recording of the meeting can be found at:

<https://www.youtube.com/live/z7Ms6Snqm9k?si=6WcpzmLEjZkLMa f>

The meeting adjourned at 1:14 p.m.

Respectfully submitted,
Juanita Knight
Senior Legal Assistant
Recording Secretary

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JUN 11 2024

CITY CLERK

City of Coeur d Alene
Cash and Investments
5/31/2024

Description	City's Balance
U.S. Bank	
Checking Account	1,836,574
Checking Account	70,519
Checking Account	52,848
Investment Account - Police Retirement	398,783
Investment Account - Cemetery Perpetual Care Fund	1,169,781
Idaho Central Credit Union	
Certificate of Deposit	1,052,562
Idaho State Investment Pool	
State Investment Pool Account	41,812,791
Spokane Teacher's Credit Union	
Certificate of Deposit	6,292,810
Numerica Credit Union	
Certificate of Deposit	9,937,922
Money Market	15,885,963
Cash on Hand	
Treasurer's Change Fund	1,350
Total	<u><u>78,511,903</u></u>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Katharine Ebner

Katharine Ebner, Finance Director, City of Coeur d'Alene, Idaho

CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 EIGHT MONTHS ENDED
 May 31, 2024

RECEIVED

JUN 11 2024

CITY CLERK

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 5/31/2024	PERCENT EXPENDED
Mayor/Council	Personnel Services	\$266,305	\$172,076	65%
	Services/Supplies	10,128	6,745	67%
Administration	Personnel Services	241,168	161,515	67%
	Services/Supplies	2,590	831	32%
Finance	Personnel Services	847,769	553,189	65%
	Services/Supplies	713,940	690,946	97%
Municipal Services	Personnel Services	1,528,562	943,372	62%
	Services/Supplies	1,048,123	1,032,538	99%
	Capital Outlay	18,000	10,668	59%
Human Resources	Personnel Services	362,646	244,806	68%
	Services/Supplies	136,559	60,154	44%
Legal	Personnel Services	1,317,913	919,710	70%
	Services/Supplies	63,000	92,016	146%
Planning	Personnel Services	755,763	514,044	68%
	Services/Supplies	54,050	21,779	40%
	Capital Outlay			
Building Maintenance	Personnel Services	355,212	245,051	69%
	Services/Supplies	315,600	297,471	94%
	Capital Outlay	31,000	55,287	178%
Police	Personnel Services	17,977,696	11,549,043	64%
	Services/Supplies	1,932,595	1,082,852	56%
	Capital Outlay	1,929,000	653,625	34%
Fire	Personnel Services	12,637,563	8,726,172	69%
	Services/Supplies	949,774	451,375	48%
	Capital Outlay			
General Government	Services/Supplies	2,019,067	665,716	33%
	Capital Outlay			
Police Grants	Personnel Services	91,364	62,634	69%
	Services/Supplies		3,129	
	Capital Outlay		48,277	
CdA Drug Task Force	Services/Supplies		3,550	
	Capital Outlay			
Streets	Personnel Services	3,525,902	2,404,938	68%
	Services/Supplies	2,965,163	839,200	28%
	Capital Outlay	750,000	1,885,183	251%
Parks	Personnel Services	2,154,256	1,293,473	60%
	Services/Supplies	751,710	398,444	53%
	Capital Outlay	107,026	93,741	88%
Recreation	Personnel Services	669,375	464,702	69%
	Services/Supplies	159,950	96,483	60%
	Capital Outlay			

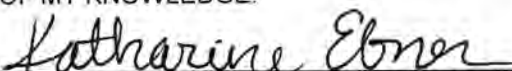
CITY OF COEUR D'ALENE
 BUDGET STATUS REPORT
 EIGHT MONTHS ENDED
 May 31, 2024

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 5/31/2024	PERCENT EXPENDED
Building Inspection	Personnel Services	1,102,433	683,264	62%
	Services/Supplies	44,309	19,785	45%
	Capital Outlay			
Total General Fund		<u>57,835,511</u>	<u>37,447,781</u>	<u>65%</u>
Library	Personnel Services	1,648,968	1,081,261	66%
	Services/Supplies	220,000	131,926	60%
	Capital Outlay	190,000	94,076	50%
CDBG	Personnel Services	87,021	42,229	49%
	Services/Supplies	302,942	47,941	16%
Cemetery	Personnel Services	226,159	151,215	67%
	Services/Supplies	139,150	60,006	43%
	Capital Outlay			
Impact Fees	Services/Supplies	63,000	186,716	296%
Annexation Fees	Services/Supplies	520,000	520,000	100%
Parks Capital Improvements	Capital Outlay	710,060	556,959	78%
Cemetery Perpetual Care	Services/Supplies	4,500	3,056	68%
Jewett House	Services/Supplies	28,615	173,982	608%
Reforestation	Services/Supplies	6,500		
Street Trees	Services/Supplies	112,000	24,277	22%
Community Canopy	Services/Supplies	1,500		
Public Art Fund	Services/Supplies	239,500	17,219	7%
		<u>4,499,915</u>	<u>3,090,863</u>	<u>69%</u>
Debt Service Fund		<u>876,307</u>	<u>17,436</u>	<u>2%</u>

CITY OF COEUR D'ALENE
BUDGET STATUS REPORT
EIGHT MONTHS ENDED
May 31, 2024

FUND OR DEPARTMENT	TYPE OF EXPENDITURE	TOTAL BUDGETED	SPENT THRU 5/31/2024	PERCENT EXPENDED
Atlas - Kathleen to Newbrook	Capital Outlay	1,010,734		
Traffic Calming	Capital Outlay	40,000	15,916	40%
Public Transit Sidewalk Accessibility	Capital Outlay	204,999	303,778	148%
Ramsey Road Rehabilitation	Capital Outlay			
15th Street	Capital Outlay	2,300,000	341,307	15%
LHTAC Pedestrian Safety	Capital Outlay	873,245		
Atlas Waterfront Project	Capital Outlay			
Wilbur / Ramsey Project	Capital Outlay	169,595	5,000	3%
Government Way	Capital Outlay		179,000	
LaCrosse Ave. Improvements	Capital Outlay		79,724	
		<u>4,598,573</u>	<u>924,725</u>	<u>20%</u>
Street Lights	Services/Supplies	760,200	447,821	59%
Water	Personnel Services	3,005,767	1,808,894	60%
	Services/Supplies	5,748,776	1,141,095	20%
	Capital Outlay	5,717,240	1,564,525	27%
Water Capitalization Fees	Services/Supplies	3,000,000		
Wastewater	Personnel Services	3,402,504	2,127,531	63%
	Services/Supplies	8,680,182	2,021,659	23%
	Capital Outlay	12,237,000	5,118,072	42%
	Debt Service	3,512,941	484,050	14%
WW Capitalization	Services/Supplies	3,499,100		
WW Property Management	Services/Supplies		(8,350)	
Sanitation	Services/Supplies	5,315,582	3,345,296	63%
Public Parking	Services/Supplies	1,778,929	656,188	37%
	Capital Outlay			
Drainage	Personnel Services	262,860	171,877	65%
	Services/Supplies	1,189,030	328,401	28%
	Capital Outlay	1,143,000	701,490	61%
Total Enterprise Funds		<u>59,253,111</u>	<u>19,908,549</u>	<u>34%</u>
Kootenai County Solid Waste		3,115,000	1,869,349	60%
KCEMSS Impact Fees			21,009	
Police Retirement		146,000	96,488	66%
Business Improvement District		176,200	61,200	35%
Homeless Trust Fund		10,000	3,906	39%
Total Fiduciary Funds		<u>3,447,200</u>	<u>2,051,953</u>	<u>60%</u>
TOTALS:		<u>\$130,510,617</u>	<u>\$63,441,309</u>	<u>49%</u>

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


Katharine Ebner, Finance Director, City of Coeur d'Alene, Idaho

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JUN 11 2024

CITY CLERK

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

FUND	BALANCE 4/30/2024	RECEIPTS	DISBURSE- MENTS	BALANCE 5/31/2024
<u>General-Designated</u>	\$7,365,431	\$423,166	\$28,067	\$7,760,530
<u>General-Undesignated</u>	12,091,570	3,761,620	6,817,164	9,036,026
<u>Special Revenue:</u>				
Library	132,808	24,563	143,457	13,914
CDBG	(11,665)	8,645	16,565	(19,585)
Cemetery	153,674	27,243	34,235	146,682
Parks Capital Improvements	1,237,012	81,533	245,613	1,072,932
Impact Fees	6,528,484	52,626		6,581,110
Annexation Fees	572,014	2,211		574,225
American Recovery Plan	4,331,004			4,331,004
Cemetery P/C	1,168,229	9,151	3,405	1,173,975
Jewett House	100,805	10,260	15,119	95,946
Reforestation	17,434	67	17,501	0
Street Trees	164,657	22,390	924	186,123
Community Canopy	2,514	10	2,524	0
Public Art Fund	50,029	193	310	49,912
Public Art Fund - ignite	456,855	1,766	-	458,621
Public Art Fund - Maintenance	132,023	510	25	132,509
<u>Debt Service:</u>				
2015 G.O. Bonds	656,262	9,871		666,133
<u>Capital Projects:</u>				
Street Projects	1,632,382	17,645	367,765	1,282,261
Riverstone Mill Site Project	-			-
<u>Enterprise:</u>				
Street Lights	77,071	65,752	69,682	73,141
Water	3,098,028	616,782	618,132	3,096,678
Water Capitalization Fees	6,102,258	102,144	5,284	6,199,118
Wastewater	20,837,199	2,047,500	2,113,050	20,771,649
Wastewater-Equip Reserve	325,159	27,500		352,659
Wastewater-Capital Reserve	5,500,000			5,500,000
WWTP Capitalization Fees	4,464,127	174,540		4,638,667
WW Property Mgmt	68,898		575	68,323
Sanitation	858,251	608,437	650,899	815,789
Public Parking	974,804	44,541	18,166	1,001,179
Drainage	1,370,199	149,505	613,047	906,658
Wastewater Debt Service	372,689	1,440		374,129
<u>Fiduciary Funds:</u>				
Kootenai County Solid Waste Billing	249,439	366,700	333,193	282,946
KCEMSS Impact Fees	3,168	2,375	3,168	2,375
Police Retirement	454,335	6,519	15,760	445,094
Sales Tax	4,453	1,983	4,530	1,906
BID	432,564	6,487	240	438,811
Homeless Trust Fund	382	462	382	462
GRAND TOTAL	\$81,974,543	\$8,676,140	\$12,138,780	\$78,511,903

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Katharine Ebner

Katharine Ebner, Finance Director, City of Coeur d'Alene, Idaho

OTHER BUSINESS

**CITY COUNCIL
STAFF REPORT**

DATE: JUNE 18, 2024

FROM: KELLEY SETTERS, DEPUTY CITY CLERK

SUBJECT: REQUEST TO APPROVE A LETTER OF AGREEMENT WITH GARY COOPER D/B/A GARNET ADVENTURES LLC FOR COMMERCIAL USE OF THE CITY STREETS FOR RECREATIONAL TRANSIT.

DECISION POINT: Should Council approve a Letter of Agreement with Gary Cooper d/b/a Garnet Adventures LLC for commercial use of the City of Coeur d'Alene (City) streets for recreational transit?

HISTORY: In 2014, the City approved a similar request to operate a non-motorized vehicle within the City limits through a Letter of Agreement. To stay consistent with the processing of recreational transit requests on City streets that may impede traffic, staff is recommending approval of the request for pedal pub services by Garnet Adventures LLC through the attached Letter of Agreement. The City received a request from Mr. Cooper with the attached business plan. Tours have a maximum seating capacity of 14 operating Thursday – Sunday starting June 19, 2024 through October 31, 2024 from 11:00 am to 10:00 pm lasting approximately 2.5 hours. All tours will begin and end at the Tour CDA business located at 1618 E Lakeside Avenue (near Sherman and 17th). The route will include Sanders, Beach, Tubbs Hill, The Carousel, Fort Sherman, and the Roosevelt School House. Two other daily tours will be for guests 21 and older only. The route will include visits to The Goat, 315 Cuisine, and Seasons lasting approximately 20-30 minutes. Mr. Cooper affirmed that the operator may not provide alcohol or supply any alcohol to any patron. The patron must bring their own alcohol in a sealed container and may only consume while aboard the vehicle. The bike has an electric assist to help maneuver through traffic and inclines.

Additionally, each City Department was contacted to see if there were any concerns or requests for conditions, with the Police Department noting they had no issues. Additionally, in the past, other recreational transportation uses, such as the Socially Geared Cycle Pub and horse-drawn carriages were in operation and had been widely accepted, and have not impeded traffic.

Municipal Code Chapter 5.18 outlines the allowable commercial use of city streets, sidewalks, and rights-of-way and requires Council consent for such use. Staff believes the proposed Letter of Agreement provides the method of Council consent. The Agreement sets forth the terms and standards for the operation of commercial recreational vehicles on City streets, including the clause that the City may add conditions or revoke the permit if it is deemed necessary to maintain the safety of the City. Insurance is required.

FINANCIAL ANALYSIS: The fee for this Agreement is \$131.25, which is the same fee amount charged for outdoor eating encroachment permits.

DECISION POINT/RECOMMENDATION: Council should approve a Letter of Agreement with Gary Cooper d/b/a Garnet Adventures LLC for commercial use of the City streets for recreational transit.



PEDAL PUB

PROPOSAL AND OPERATING PLAN

Pedal Pub Experience

Garnet Adventures LLC

1618 E Lakeside Ave
Coeur d'Alene ID 83814

Phone: 208.550.3939
Email: Contact@TourCDA



Pedal Pub Proposal

A Perfect Tourism Fit for Coeur d'Alene

We are delighted to present to you the idea of a pedal pub business as a fantastic tourism fit for the beautiful city of Coeur d'Alene. With its thriving tourism industry and focus on eco-friendly activities, a pedal pub business would not only add a unique and enjoyable experience for visitors but also align with the city's sustainable values. Let's explore the reasons why a pedal pub business would thrive in Coeur d'Alene.

1. Enhancing the Tourism Experience:

Coeur d'Alene is known for its stunning natural beauty, recreational activities, and vibrant downtown atmosphere. Introducing a pedal pub business would provide tourists with a distinctive and memorable experience that combines the joy of cycling, socializing, and exploring the city's captivating sights. It would further diversify the range of activities available, attracting a broader demographic of visitors and encouraging them to stay longer.

2. Sustainable and Eco-Friendly:

The city of Coeur d'Alene prides itself on its commitment to sustainability and eco-friendly practices. A pedal pub business aligns perfectly with these values as it operates primarily on human pedal power. By promoting cycling as a means of transportation, it can contribute to reducing carbon emissions and promoting a greener environment.

3. Boosting Local Economy:

Introducing a pedal pub business in Coeur d'Alene would not only benefit tourists but also have a positive impact on the local economy. By partnering with local breweries, wineries, and restaurants, the pedal pub business can help promote and support the local businesses, leading to increased revenue and job opportunities. Furthermore, it would create new employment opportunities for locals, both in the operation and maintenance of the pedal pubs.

4. Fostering Social Interaction:

Pedal pubs provide a unique and social experience, allowing guests to connect and interact with each other while exploring the city. This fosters a sense of community among visitors and locals alike, creating a friendly and welcoming atmosphere. The social aspect of a pedal pub business can also lead to word-of-mouth recommendations, further promoting Coeur d'Alene as a tourist destination.

5. Safety and Regulation:

To ensure a safe and enjoyable experience, proper regulations and safety measures will be implemented for the pedal pub business. Coeur d'Alene already has a well-established bicycle-friendly infrastructure, which can be further enhanced for the pedal pub routes. By collaborating with local authorities and organizations, safety guidelines can be established, including designated routes, responsible alcohol consumption policies, and trained staff to ensure a smooth and secure experience for all participants.

THE PEDAL PUB

The proposed Pedal Pub Bike is brand new and very well built with a steel frame. It has a maximum seating capacity of 14, which includes 12 guests that are pedaling positions and 2 non pedaling guests that can sit on a back bench. The Bike is primarily human powered, but it does have an electric assist motor to help maneuver through traffic and inclines. The Bike will be piloted by a trained employee over age of 21. The Bike is equipped with brake lights, taillights, headlights, turn signals, reflectors, and a horn. The brakes are hydraulic disk brakes. The bike is covered with a wooden roof to help protect the guests from sun and inclement weather. Since we are always focused on safety, we are investigating how to add a digital video display on the tail that will advise drivers of a slower moving vehicle ahead.

INSURANCE

We have received an insurance quote from Francis L Dean and Associates for Liability Coverage. This agency specializes in underwriting pedal pubs across the county. The policy will have 1,000,000 in Liability coverage per incident with 2,000,000 in aggregate coverage and \$25,000 in Accident Medical coverage per participant. Quote is attached for review,

OPERATIONAL POLICIES

1. All tours will begin and terminate at the Tour CDA business, located at 1618 E Lakeside Ave (near Sherman and 17th).
2. The Bike will be operated by a driver at least 21 years of age and must hold a valid drivers license. While a drivers license is not required, we believe the driver should have a complete understanding of the Rules of the Road.
3. The Driver is prohibited from drinking before or during any tour. The driver will also act as a safety monitor for the participants onboard.
4. All participants on any tour involving alcohol must be at least 21 years old and identification will be verified by the Driver prior to boarding.
5. Each participant will sign a liability waiver and will not be allowed to board if they appear to be intoxicated. They must agree to obey all laws and ordinances regarding drinking, alcoholic beverages, and public intoxication.
6. For any tour involving alcohol, the passengers may bring their own beer, wine, and seltzer in sealed containers for their own personal consumption while onboard the Bike. Participants will not be permitted to exit the Bike with any alcoholic beverages. No hard liquor or spirits will be permitted.
7. Participants will not be permitted to exit any alcohol related establishment with an open container, except for the purchase of beer in closed or sealable containers such as a growler or sealed bottle.
8. The driver is prohibited from serving participants or consuming any alcoholic beverages.

9. All efforts will be made to load and unload participants away from roadways and not impede traffic flows. No loading or unloading will occur on Sherman Av.

TOUR ROUTES AND SCHEDULES

The Pedal Pub Bike will be a seasonal operation from May-October, offering three tours daily Thursday-Sunday. The Pedal Pub operation will be closed Monday-Wednesday, except for occasional private party booking requests. Each tour will be approximately 2.5 hours long.

The first tour each day will be a scenic one designed for groups of all ages. The tour will provide a narration of CDA's history and points of interest. The route will include Sander's Beach, Tubbs Hill, The Carousel, Ft. Sherman, and The Roosevelt School House. The passengers will always remain onboard except for brief stops at The Carousel and Ft. Sherman. Please refer to the attached map for a tentative route.

The two other daily tours will be for guests 21 and older only. This tour will be a combination of sightseeing and visits to various alcohol serving establishments (max 3). The first of these tours will start at about 3pm and the second tour will start at about 7pm. The proposed route will exclude operations on Sherman Ave, except for incidental crossings. The proposed establishments to visit are The Goat (stop #1), 315 Cuisine (stop #2), and Seasons (stop#3). Each stop will be approximately 20-30 minutes.

The loading and unloading of passengers will occur as follows:

1. The Goat on 4th St. This will be our first stop. We will utilize the alleyway next to the business. This will allow us to be off 4th street during the loading and unloading, which should take less than 1 minute for each task and not impact traffic, (The driver will then park the Bike and remain with it until the guests are ready to board). This will be a 20-30-minute stop.
2. 315 Cuisine on Wallace Ave. This will be our second stop. The loading and unloading will occur on the street in front of the business. This neighborhood has light vehicle traffic. Once unloaded, the driver will park nearby and remain with the Bike until the guests are ready to reboard. This will also be a 20-30-minute stop.
3. Seasons Restaurant on 3rd St. This will be our final stop. We will unload and load passengers in restaurant parking lot off 3rd St, (The driver will remain with the Bike until the guests are ready to board. This will also be a 20-30-minute stop).

After the last stop the tour will be heading back to our starting point near Lakeside and 17th St. The Pedal Pub will continue down 1st St (crossing Sherman Av), heading towards the Resort continuing on E Front Street to the termination point at 17th St. Please refer to the attached map for a tentative route.

We would like to begin operations by June 1st. Participants will make their own booking arrangements online in advance. We do not provide staff for participants to make walk-up reservations at our business location.

Coeur d'Alene has become a popular tourist destination. Visitors are looking for activities to experience the City and its surrounding beauty. From Resort Cruises on the Lake to zip lining in the forest, these guests are searching for experiences to participate in. The Pedal Pub industry continues to grow and there are hundreds of operations across the country. One franchise company called Pedal Pub has 60 locations on its own. Three Pedal Pub companies operate in Boise.

CONCLUSION:

In conclusion, a pedal pub business would be an excellent addition to Coeur d'Alene's tourism offerings. It would provide an exciting and eco-friendly activity, aligning with the city's sustainable values. By enhancing the tourism experience, boosting the local economy, fostering social interaction, and ensuring safety and regulation, a pedal pub business can contribute to the city's appeal as a top-notch tourism destination.

A previous Pedal Pub experience operated downtown from approximately 2017-2019 and was known as Socially Geared. The operations were approved by the City and the experience was well received by visitors and locals looking for activities downtown. The previous operation permitted participants over 21 to bring sealed beer and wine onboard the Pedal Pub provided it was self-service with no sales of alcohol allowed. We are asking for these same conditions for our operations per CDA Municipal Code section 5.08.160 (A)(7) which specifically allows for open containers on Pedal Bikes.

Tour CDA is entering its fifth year of operation and has demonstrated its ability to safely operate guided tours on Segways and eBikes. Safety is always our primary concern. We are proud of our five-star ratings on both Google and Trip advisor with over 360 reviews. We look forward to once again being able to offer this fun and informative activity.

ATTACHMENTS

Insurance quote for one million of Liability coverage and medical
Route map of proposed scenic route
Route map of proposed alcohol establishments.
CDA municipal code 5.08.160
Pictures of the Pedal Pub to be purchased



- # 1 ROOSEVELT INN
- # 2 FT. SHERMAN
- # 3 CAROUSEL

SCENIC ROUTE STOPS



Francis L. Dean & Associates, LLC
12800 UNIVERSITY DR STE 125
FORT MYERS, FL 33907-5335
(800) 745-2409
(630) 665-7294
www.fdean.com
jeatmon@fdean.com

Quotation – Cooper Logistics, LLC dba Tour CBA - 03/20/2024

Accident Coverage *(Required for General Liability)*

Eligibility	All Participants of the Policyholder's Programs
Primary Coverage	
Benefits:	
\$25,000	Maximum Medical Benefit per Claim
\$5,000	Accidental Death/Dismemberment Benefit per Claim
\$100	Deductible per Claim
Dental Benefit:	Included in Maximum Medical Benefit
Policy Term:	Annual Policy Term. Policy Term
Carrier:	Great American Insurance Company (Admitted) (A+ Superior XIII AM Best)
Premium:	\$250.00

General Liability Coverage *(Requires Accident Coverage)*

\$2,000,000	General Aggregate Limit (Other Than Products Completed Operations)
\$1,000,000	Products Completed Operations Aggregate Limit
\$1,000,000	Personal and Advertising Injury Limit
\$1,000,000	Each Occurrence Limit
\$300,000	Fire Damage (any one fire)
\$5,000	Medical Payments Limit (Any One Person)
\$0.00	Deductible per Claim
Policy Term:	Annual Policy Term. Policy Term
Carrier:	Knight Specialty Insurance Co. (Non-Admitted) (A-Excellent A.M. Best)
Premium:	\$2,750.00
Surplus Lines Taxes:	\$43.50
Stamping Fee:	\$14.50
Broker Fee:	\$150.00 (Fully earned at Inception)
Total Due:	\$2,958.00

Inclusions/Program Highlights:

Occurrence-Form Policy
Coverage Included for Claims by Athletic Participants

Terms and Conditions:

Quote is subject to standard policy terms, conditions, and exclusions, including any and all mandatory state specific forms and endorsements.

5.08.160: BEER, WINE OR LIQUOR PROHIBITIONS WITHIN THE CITY; EXCEPTIONS:

A. No person shall consume any beer, wine or other alcoholic beverage or possess an open container of or containing any beer, wine or other alcoholic beverage on any public property, including public streets and alleys, within the City, or at any other place in the City, including any motor vehicle moving or stationary, with the following exceptions:

1. The premises of a private residence;
2. Premises licensed for the sale of on site consumption of the particular type of alcoholic beverage involved;
3. A certified forensic laboratory when the alcoholic beverage is possessed for evidentiary purposes and/or for testing and research purposes;
4. A public law enforcement facility possessing alcoholic beverages for evidentiary purposes or for training purposes;
5. Within the indoor premises of a private business when served free of charge to customers or patrons of the business in conjunction with a specific event then taking place inside the business premises;
6. On a public sidewalk and/or other public right-of-way when such sidewalk or right-of-way is contiguous to a permitted outdoor eating facility, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;
7. On a public right-of-way when used on pedal bike(s) and/or nonmotorized recreational vehicles in which the passenger areas are separate from the driver areas, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;
8. Within the indoor premises of the Coeur d'Alene Public Library when served free of charge to patrons or event attendees in conjunction with a specific event hosted by the Coeur d'Alene Public Library Foundation, the Friends of the Coeur d'Alene Public Library or other associated library organizations, pursuant to rules and policies adopted by the Coeur d'Alene Library Board of Trustees for such events;
9. On a public sidewalk or other public right-of-way when such sidewalk or right-of-way is being used for a permitted special event; provided, the consumption shall be for sample tasting only and the size of each sample of beer or wine shall not exceed one and one-half (1 1/2) ounces, shall

be dispensed by a licensed vintner, winery, brewery, distributor, or retailer for the purpose of promoting their products to the public or conducted as a tasting event, and shall take place in a specific identified tasting area in accordance with State law. Consumers shall remain in the tasting area until they have finished consuming the sample;

10. As otherwise permitted by this Code.

B. Furthermore, no person shall possess any container, whether open or not, of or containing any beer, wine or other alcoholic beverage on public property, except at those public locations and under those conditions as set out in subsection A of this section or as otherwise permitted by this Code. (Ord. 3607, 2018: Ord. 3582, 2017: Ord. 3492, 2014: Ord. 3443, 2012)



1

Pedal Pub Proposal

Applicant: Garnet Adventures,
Gary Cooper
1618 E Lakeside Avenue
208.550.3939
contact@cdatour.com



2

Tour Routes and Schedules

- Seasonal June – October
- Three tours Thursday – Sunday (2.5 hours long)
- 14 maximum seating capacity
- All tours begin and end at Garnet Adventures LLC 1618 E Lakeside Ave (near Sherman and 17th)



3

Scenic Tour (for all ages)

Tours will begin and end at 1618 Lakeside Ave starting at 11:00 am and stops include:

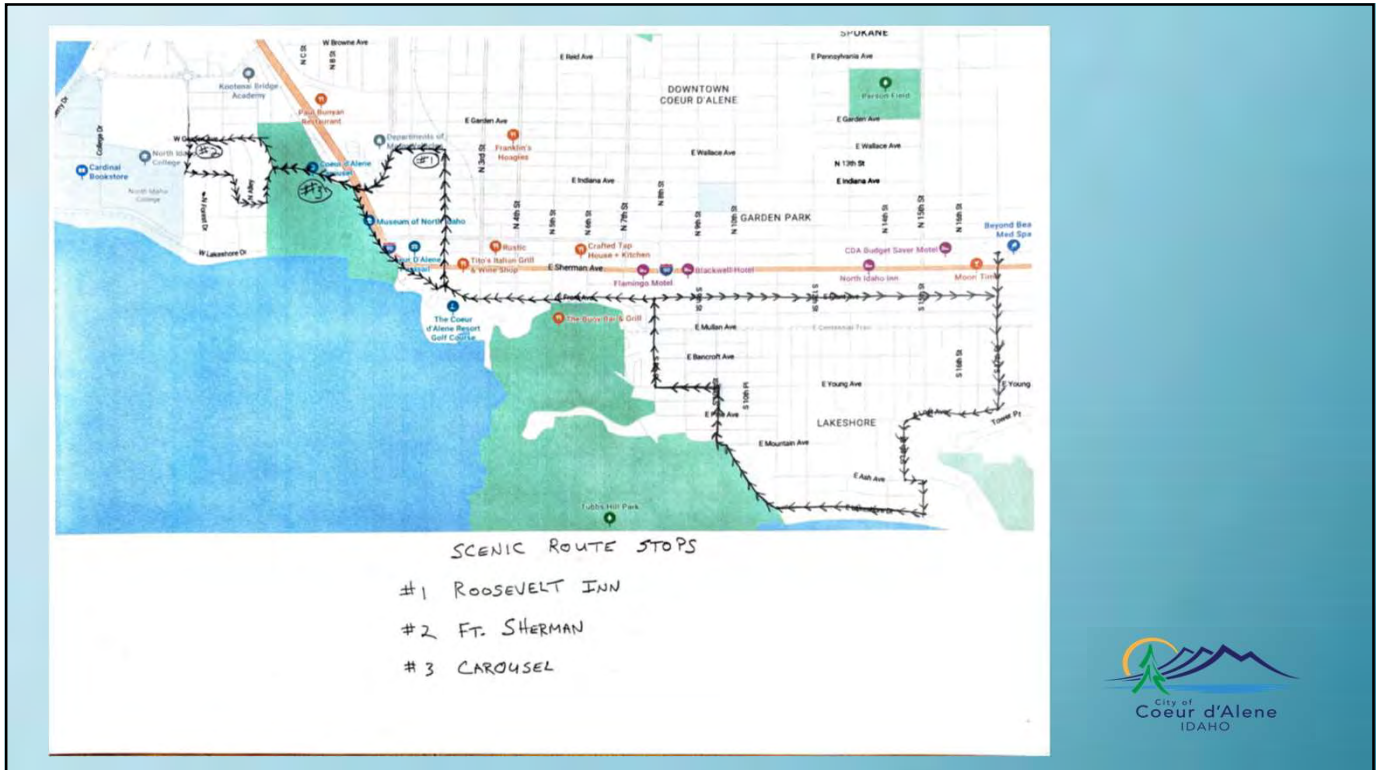
#1 Roosevelt Inn

#2 Fort Sherman

#3 Carousel



4



5

Sightseeing/Alcohol Establishment Tours

Tours are scheduled for 3:00 pm and the second one at 7:00 pm. Guests must be over 21, and are allowed to bring their own sealed beer/seltzer or wine for consumption while onboard the bike. The stops include:

#1 The Goat on 4th Street

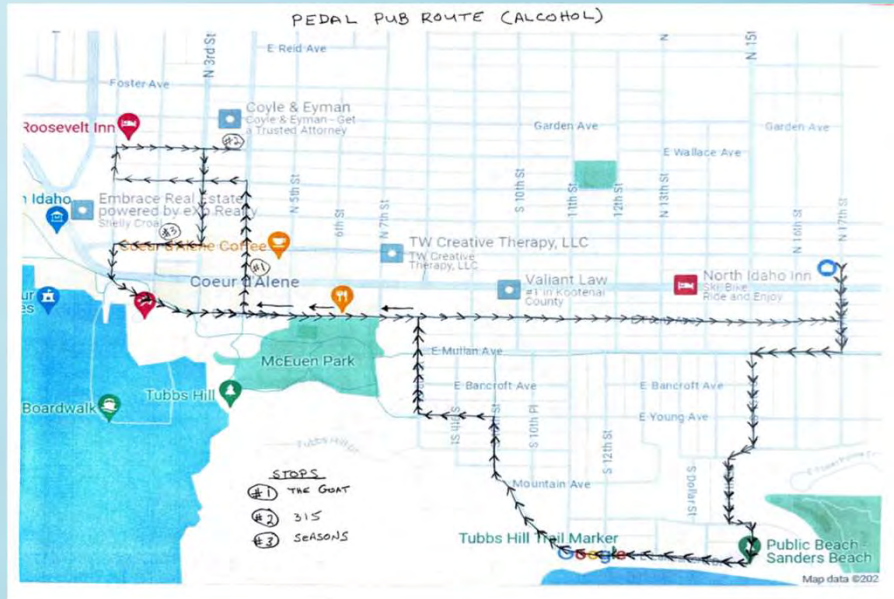
#2 315 Cuisine on Wallace Avenue

#3 Seasons Restaurant on 3rd Street



6

21 years and older tour route



7

Action Requested

The Council should approve a Letter of Agreement with Gary Cooper d/b/a Garnet Adventures for commercial use of the City streets recreational transit.



8

Questions?



RESOLUTION NO. 24-047

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING A LETTER OF AGREEMENT WITH GARNET ADVENTURES, LLC, FOR THE COMMERCIAL USE OF THE CITY STREETS FOR RECREATIONAL TRANSIT.

WHEREAS, it is recommended that the City of Coeur d'Alene enter into a Letter of Agreement with Garnet Adventures, LLC, pursuant to terms and conditions set forth in an agreement, a copy of which is attached hereto as Exhibit "1" and by reference made a part hereof; and

WHEREAS, Municipal Code § 5.08.160(A)(7) allows open containers on a public right-of-way when used on pedal bike in which the passenger area is separate from the driver area, after issuance of, and pursuant to the terms of, a permit issued by the City Clerk; and

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

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City enter into a Letter of Agreement with Garnet Adventures, LLC, for the Commercial Use of the City Streets For Recreational Transit, in substantially the form attached hereto as Exhibit "1" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreement to the extent the substantive provisions of the agreement remain intact.

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

DATED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER MCEVERS	Voted
COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER WOOD	Voted
COUNCIL MEMBER ENGLISH	Voted
COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER GOOKIN	Voted

_____ was absent. Motion _____.



LETTER OF AGREEMENT

June 19, 2024

Gary Copper
Garnet Adventures LLC
1618 E Lakeside Ave
Coeur d' Alene, ID 83814

Dear Mr. Copper:

This letter shall serve as the Agreement for the commercial use of the City streets for recreational transit from June 19, 2024 to October 31, 2024, from 11:00 a.m. to 10:00 p.m. Thursday - Sunday. This Agreement contains the terms and conditions of the permit.

Attached and incorporated herein as Exhibit "A" is an application for a recreational transit permit, which includes Garnet Adventures LLC contact information. Mr. Copper agrees he will pay a permit fee of \$131.50, provide Proof of Liability Insurance with minimum limits of \$500,000, provide the hours of operation, and a map of the intended route(s) prior to the issuance of the permit.

In addition, Garnet Adventures LLC shall:

1. Comply with all laws for all slow-moving vehicles (i.e., lighting, reflectors, etc.); and
2. Comply with all other applicable local, state, and federal laws and regulations.
3. Alcohol cannot be consumed on the Centennial Trail or within any city parks.
4. The operator may not provide or supply any alcohol to any patron. The patron must bring their own alcohol in a sealed container and may only consume while aboard the vehicle.
5. Compliance with all laws including but not limited to those laws regarding the sale, service, possession, and consumption of alcohol is required.
6. This vehicle is limited to the consumption of beer and wines as prescribed by the Bureau of Alcohol, Tobacco, and Firearms.

The City reserves the right to add to or modify the conditions at any time as deemed necessary in order to maintain peace, order, and safety within the City limits. Failure to comply with all conditions imposed by this permit may result in the immediate suspension or revocation of the permit by the City Clerk or designee, or by any law enforcement Officer.

Jim Hammond, Mayor
City of Coeur d'Alene

Gary Copper
Owner, Tour CDA



City of Coeur d'Alene
 Municipal Services Department
 710 Mullan Avenue, Coeur d'Alene,
 Idaho 83814
 (208) 769-2229

ksetters@cdaid.org

(Office Use Only)
 Amount Paid _____

Receipt # _____

Date Issued _____

License # _____ By _____

**Non-Motorized Recreational Transit Operator
 Permit Application**

Name of Company: GARNET ADVENTURES LLC Phone Number: (925) 209-4802

Company Address: 1618 E LAKESIDE AVE CDB 83814 City/State/Zip: _____

Insurance Company: FRANCIS L. DEAN AND ASSOCIATES Agent: JAMIE EATMON

Insurance Company/Agent Phone Number: (239) 690-7050

Owner Name: GARY COOPER Owner Phone: (925) 209-4802

Email Address: RAYBANCOF@YAHOO.COM Owner Cell: (925) 209-4802

Home Address: 10757 N. FRIAR DR HAYDEN ID 83835 City/State/Zip: _____

Is your office located in a residence in the City of Coeur d'Alene? Yes No

If yes, have you applied for and obtained a Home Occupation Certificate? _____

VEHICLE INFORMATION

MAKE / MODEL / LICENSE PLATE NUMBER / VIN NUMBER

Vehicle 1: RENEW MK CYCLE MOD# 10604 14 PER PEDAL BIKE ADD / DEL /

Resolution No. 24-047

NO VIN / NO PLATES

Exhibit "A"

Vehicle 2:

ADD / DEL /

RENEW

Vehicle 3:

ADD / DEL /

RENEW

Vehicle 4:

ADD / DEL /

RENEW

Vehicle 5:

ADD / DEL /

RENEW

TOTAL NUMBER OF VEHICLES: _____

I hereby certify that there have been no changes in the above named business during the past licensed year and that all vehicles are covered by the required insurance.

Applicant Signature

Ray Cooper

Date

5/31/2024

DRIVER INFORMATION

#1

Name: GARY COOPER

Phone Number: (925) 209-4802

Address: 10757 N FRIAR DR

E-mail: RAYBANCOP@YAHOO.COM

Have you received any driving citations within the past two years? Yes No

If yes explain: _____

#2

Name: JOE DUNNCARTER

Phone Number: (480) 364-2548

Address: 11917 CHURCH RD.
RATHDRUM ID

E-mail: JDCCVO@GMAIL.COM

Have you received any driving citations within the past two years? Yes No

If yes explain: _____

SUBMITTAL REQUIREMENTS

- Map of route showing all street names
- Hours of operation from 11 AM to 10 PM
- Days of operation from THUR to SUN
- Copy of insurance with a minimum of \$500,000 for bodily or personal injury, death, or property damage, or loss as a result of any one occurrence, or accident, regardless of the number of persons injured or the number of claimants. The insurance policy shall insure to the benefit of any person who is injured or sustains damage to property proximately caused by the negligence of the licensee, his servants, or agents.

**CITY COUNCIL
STAFF REPORT**

DATE: June 18, 2024
FROM: Glen Poelstra, Assistant Director, Water Department
SUBJECT: Approving the of purchase of a Ramvac HX12 Kenworth Hydro-excavation Truck

DECISION POINT: Should Council approve the purchase of a Ramvac HX12 Kenworth Hydro-excavation Truck from Solid Waste Systems through the Sourcewell cooperative purchasing program?

HISTORY: Each year, the Water Dept. utility crew is presented with the task of maintaining the City’s aging infrastructure and, each year, it becomes more difficult to excavate with the number of utilities being installed in the ground. In 2016, the Water Dept. acquired the Wastewater Department’s Vaccon sewer jet truck and made modifications to turn it into a hydro-excavation truck for the Water Dept. This truck was a great addition to the fleet as it uses high pressure water and an 8” vacuum suction tube to soft excavate around complicated utility excavations where a backhoe or excavator could not be used. With the truck being 17 years old and it not being built for hydro-excavating, it is showing its age and maintenance costs are growing substantially each year.

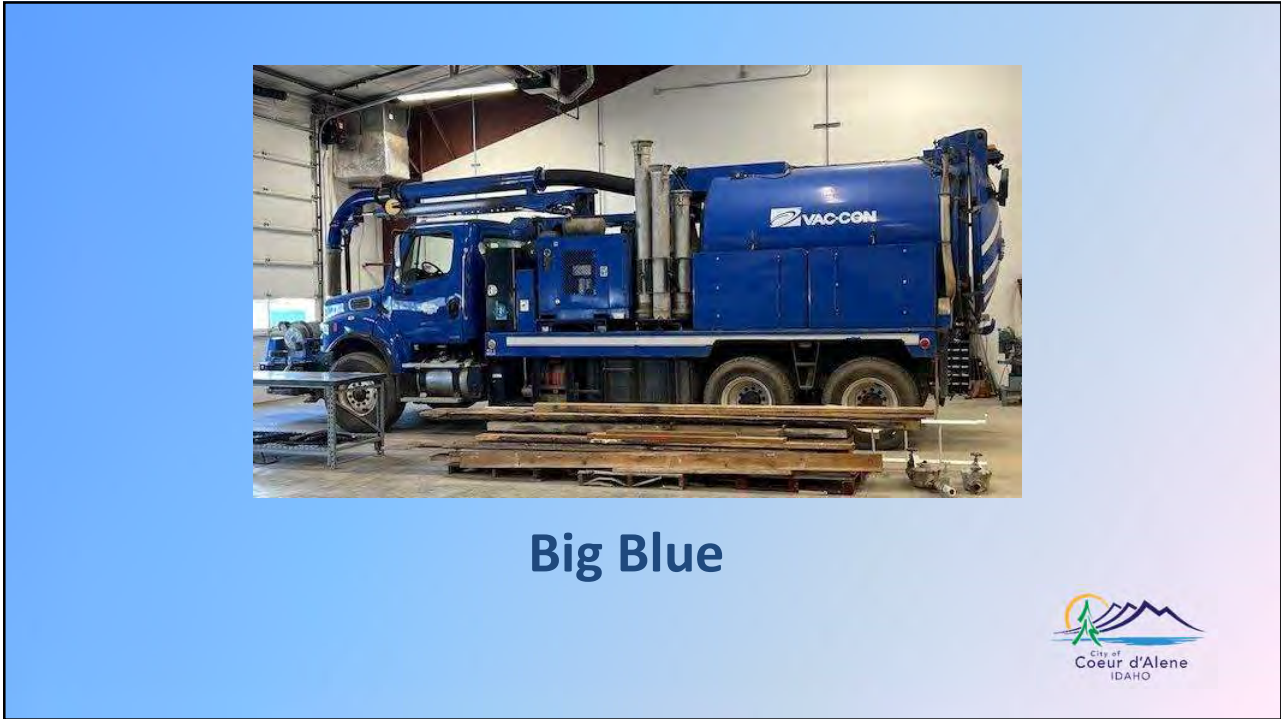
FINANCIAL ANALYSIS: Staff solicited a Sourcewell quote for a Ramvac HX12 Kenworth Hydro-excavation truck from Solid Waste Systems in the amount of \$616,963.33. The Sourcewell quotes are based on a competitive solicitation process and offered to members. Sourcewell has previously been approved by Council for such purchases, as required by Idaho Code § 67-2807. The hydro-excavation truck was included in the 2023-24 FY budget with a capital line item of \$700,000. The hydro-excavation truck takes approximately 1 year from time of order to delivery, which would require this budget line item to be carried over into the FY budget 2024-25.

PERFORMANCE ANALYSIS: Multiple hydro-excavation trucks were analyzed and tested by the Water Dept. utility crew in search of the best quality and user-friendly truck. The Ramvac HX12 Kenworth hydro-excavation truck would replace an aging Vaccon sewer jet truck modified for hydro-excavation by Water Depart. personnel to work for their needs. This new truck would play a vital role in efficiently repairing aging infrastructure by allowing personnel to safely soft dig around utilities to access water mains and services. The Ramvac HX12 uses high quality wear parts and has the ability to work in extreme cold weather conditions. Without this type of excavation equipment, excavations would become much larger and would double or triple the amount time it takes to perform tasks, inevitably costing more time and money.

DECISION POINT/RECOMMENDATION: Council should approve the purchase of a Ramvac HX12 Kenworth Hydro-excavation truck from Solid Waste Systems in the amount \$616,963.33 through the Sourcewell cooperative purchasing program.



1



Big Blue



2

Benefits of Soft Digging

Definition: Soft digging is the practice of removing ground material, such as soil, sand, mud, dirt, clay, rocks or roadbed, through the use of vacuum excavation methods.

- allows our crews to limit their time in the ditch.
- safe exposure of pipes and cables without risk of damage.
- minimal environmental impact, less disruptive to surrounding ecosystem
- precision excavating around utilities
- helps to prevent service interruption
- keep in compliance with state law



3

Utilities



IDAHO

4

Utilities to work around



Coeur d'Alene
IDAHO

5



DECISION POINT/RECOMMENDATION: City Council should approve the Sourcewell contract quote for the RamVac HX-12 Truck Mounted Hydro Excavator from Solid Waste Systems in the amount of \$616,963.33.



6

RamVac Truck Purchase

Questions?



RESOLUTION NO. 24-048

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AUTHORIZING THE PURCHASE OF A RAMVAC HX12 TRUCK MOUNTED HYDRO-EXCAVATOR FROM SOLID WASTE SYSTEMS EQUIPMENT, LLC, THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM, IN THE AMOUNT OF \$616,963.33.

WHEREAS, the Water Department of the City of Coeur d'Alene has recommended that the City Council approve the purchase of a Ramvac HX12 Truck Mounted Hydro Excavator in the amount of Six Hundred Sixteen Thousand Nine Hundred Sixty-Three Dollars and 33/100 Dollars (\$616,963.33), for the Water Department, per the attached Exhibit "A" which is incorporated herein by reference; and

WHEREAS, it is in the best interests of the City to purchase a Ramvac HX12 Truck Mounted Hydro Excavator.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the purchase of Ramvac HX12 Truck Mounted Hydro Excavator in the amount of Six Hundred Sixteen Thousand Nine Hundred Sixty-Three Dollars and 33/100 Dollars (\$616,963.33), for the Water Department, per the attached Exhibit "A" which is incorporated herein by reference, with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said purchase to the extent the substantive provision of the purchase remain intact.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be directed to take such steps necessary and sign such documents as may be necessary to effect said purchase on behalf of the City.

DATED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER ENGLISH Voted

COUNCIL MEMBER MILLER Voted

COUNCIL MEMBER GOOKIN Voted

COUNCIL MEMBER EVANS Voted

COUNCIL MEMBER MCEVERS Voted

COUNCIL MEMBER WOOD Voted

_____ was absent. Motion _____.



SWS Equipment, LLC.

6515 E Nixon Ave Spokane, WA 99212

All Correspondence remit to: P.O. Box 13040, Spokane, WA 99213

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QUOTE

Quote #:	PHFDQ7456-02
Date:	05/22/24
Sales Rep:	Phil Davison
FOB:	Destination
Ship Via:	Bestway
Est. Ship Date:	
Terms:	Net 30

Quote To:

City of Coeur d'Alene
 Glen Poelstra
 3145 n Howard st
 ID 83815
 (208) 755-9728

Ship To:

City of Coeur d'Alene
 Glen Poelstra
 3145 n Howard st
 Coeur d'Alene ID 83815
 (208) 755-9728

We are pleased to propose the following for your consideration

Qty	Description	Unit Price	Ext. Price
	Sourcewell Contract # #101221-SCA City of Coeur d'Alene Contract ID# 68749		
1.0	<p>RamVac HX-12 Truck Mounted Hydro Excavator.</p> <p>Vacuum System: 4400 CFM Blower, 8" Vacuum Hose system, 18" HG vacuum rating, Cyclone Separator, Heavy Duty Final Filter Box, Vacuum Enhancer, Directional Discharge System, Hydrostatic Blower Drive via front, mount chassis engine pump drive. Electrical: NEMA 4 Control Panel, Wireless Remote Control, Hour Meter.</p> <p>Debris Tank: 12 cubic yards (2500 gal) Debris Tank, Debris Level Indicator, Hydraulic Dump, 50° Dump Angle (Cylinder), Fold Down Pipe Rack, Hydraulic Powered Open/Close Rear Door.</p> <p>Water System: 1300 gal Duraprolene tank capacity, Hydraulic Powered Water Pump Via Transmission PTO Drive (0 - 18 gpm @ 2500 psi), Analog Water Pressure Display, 800,000 BTU Water Heater, 2.5" Hydrant Fill system w/ 25' hose, Air Purge Valve, Recirculation System and Wash Station, 75' of 3/8" Hose w/ retractable reel.</p> <p>Boom: Powered boom, 330° Working Radius, Boom Reach - 17' extendable to 22'. Compartment: Steel shroud encloses all water components, 80,000 BTU Compartment Heater Roll Up Doors.</p> <p>Truck: Mounting to approved chassis, Alum Toolbox 18"x18"x30", Alum Toolbox 18"x18"x36" driver, Alum Toolbox 18"x18"x74" passenger, Mud flaps, Bumper, LED D.O.T. approved lighting. Accessories: (4) 6" x 6' Extension Tubes, (5) Quick Clamps 8", (1) 6" x 6' Digging Tube Kit, Wand, Digging, Hydro-Ex Truck, Wand, Digging, Hydro-Ex Truck, Washdown Gun Kit & Nozzle, (1) Hydrant Wrench, 25' Fill Hose, (1) Paper Owner's Manual</p>	\$366,253.00	\$366,253.00
1.0	2025 Kenworth T880, MX-13 455 HP Engine, Allison 4500 Transmission, 79,200 GVWR	\$194,627.00	\$194,627.00

Qty	Description	Unit Price	Ext. Price
1.0	Polar Pack insulation System (9yd - 15-27yd)	\$5,848.00	\$5,848.00
1.0	2" Water Fill 'Y' Strainer	\$430.00	\$430.00
1.0	Upgrade to High Capacity Water Pump (18 GPM @ 2500 PSI)	\$12,405.00	\$12,405.00
1.0	Body Vibrator (12 Volt Electric) (Not on 3 yd)	\$3,602.00	\$3,602.00
1.0	Central Lubrication System	\$3,060.00	\$3,060.00
1.0	Liquid Level Audible Alarm (Level Adjustable)	\$1,069.00	\$1,069.00
1.0	LED Arrow Stick (Factory Standard)	\$1,322.00	\$1,322.00
1.0	Boom Mounted Work Lights w/ Limb Guards (2) (12yd Only)	\$1,006.00	\$1,006.00
1.0	Body Mounted Work Lights (2) on Shroud	\$1,280.00	\$1,280.00
1.0	Rear Door Work Lights (2)	\$1,280.00	\$1,280.00
1.0	Non-Stock Chassis Mounting Alterations	\$7,725.00	\$7,725.00
1.0	Air Purge Winterizations Systems (Powered by Chassis)	\$1,691.00	\$1,691.00
1.0	Rear Back up Camera System W/ 7' Color Monitor Mounted in Cab	\$1,370.00	\$1,370.00
1.0	Six (6) 28" D.O.T. Safety Cones and Holder	\$502.00	\$502.00
	Additional Options		
1.0	(12 Light) Premium Strobe Package	\$3,863.00	\$3,863.00
1.0	Decant Screen On Rear Door Port (Swing Out Perforated Shield)	\$173.00	\$173.00
1.0	Dual Operator Station (Second Reel w/ 75' of 3/8" Hose) Includes a Complete Set of Digging Wands and Extensions	\$2,670.00	\$2,670.00
1.0	6" Poly Dig Tube with 8" Flange	\$449.00	\$449.00
1.0	Groeneveld AutoLube System for Body and Chassis (With Pump and 5 Gallon Pail of Grease)	\$8,560.00	\$8,560.00
1.0	Wireless Remote Water Pressure Control	\$773.00	\$773.00
1.0	Sourcewell Discount	-\$14,536.34	-\$14,536.34
1.0	Project Professionally Managed by Phil Davison		
1.0	PDI	\$1,875.00	\$1,875.00
1.0	Freight	\$9,666.67	\$9,666.67

Qty	Description	Unit Price	Ext. Price
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Order Total \$616,963.33

Please contact me if I can be of further assistance.

QUOTE VALID FOR 10 DAYS

**PRICING IS SUBJECT TO CHANGE BASED ON CURRENT MATERIALS AND AVAILABILITY
 APPLICABLE SALES TAX NOT INCLUDED UNLESS OTHERWISE NOTATED - AMOUNT BASED ON FINAL INVOICE DATE
 ANY IMPLIED WARRANTY AS PER MANUFACTURER'S STANDARD WRITTEN WARRANTY
 PAYMENT DUE UPON COMPLETION OF WORK OR AS SPECIFIED ABOVE**

Due to a high level of uncertainty with regards to pricing changes from our vendors and the freight industry, the price and freight charges on this document may be adjusted prior to shipping.

Signature: _____ Printed Name: _____ Date: _____

RESOLUTION NO. 24-049

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ADOPTING A TEMPORARY MORATORIUM ON DEMOLITION AND MOVING PERMITS, AND BUILDING PERMITS FOR SIGNIFICANT EXTERIOR ALTERATIONS, FOR BUILDINGS, EXCLUDING RESIDENTIAL BUILDINGS, LOCATED IN THE DOWNTOWN CORE ZONING DISTRICT, AND THE DOWNTOWN OVERLAY, NORTHSIDE, AND DOWNTOWN OVERLAY, EASTSIDE, DISTRICTS, AND BUILDINGS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

WHEREAS, the Planning Director of the City of Coeur d'Alene (the "Director") and the City's Historic Preservation Commission (the "Commission") have recommended that the City of Coeur d'Alene (the "City") adopt a Resolution imposing a temporary moratorium on the issuance of demolition and moving permits, , and building permits for significant exterior alterations, for buildings, excluding residential buildings, located in the Downtown Core ("DC") Zoning District, and the Downtown Overlay, Northside ("DO-N") and Downtown Overlay, Eastside ("DO-E") Districts, and buildings listed on the National Register of Historic Places, more specifically as depicted on Exhibits "A" and "B," attached hereto and, by reference, made a part hereof, to protect historic resources and allow time to conduct planning activities allowed by Idaho Code; and

WHEREAS, Idaho Code §§ 67-6523 and 67-6524 authorize the City to impose a moratorium on the issuance of selected classes of permits when Council finds that an imminent peril to the public health, safety, or welfare exists which requires the imposition of such a moratorium; and

WHEREAS, Chapter 33 of the International Building Code (the "IBC"), adopted by the City by M.C. § 15.08.005, requires a permit for the demolition of any structure; and

WHEREAS, demolition permits are a special class of permits issued by the City's Building Department over-the-counter and does not require any formal review or input from the Planning Department or the Commission with regard to the condition of the building and the reason(s) for the demolition, an assessment of the structure that is proposed to replace the demolished building (if any) by the Planning Department or Commission, the collection of photographs, history, and potentially salvageable materials, or an opportunity to inform the owner about historic preservation and potential tax credit opportunities; and

WHEREAS, Idaho Code § 67-4601 states, in part: "the legislature of this state has determined that the historic, archaeological, architectural and cultural heritage of the state is among the most important environmental assets of the state and furthermore that the rapid social and economic development of contemporary society threatens to destroy the remaining vestiges of this heritage, it is hereby declared to be the public policy and in the public interest of this state to engage in a comprehensive program of historic preservation, undertaken at all levels of the government of this state and its political subdivisions, to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of the citizens of this state"; and

WHEREAS, Idaho Code § 67-4607 allows the City to create local historic districts and § 67-4608 provides that no exterior portion of any building or other structure shall be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Commission; and

WHEREAS, the City adopted a Historic Preservation Code and formed the Commission in 2019, *see* M.C. Chapter 2.85, received Certified Local Government (CLG) status also in 2019, and adopted a Historic Preservation Plan (the “HPP”) in 2021 following extensive community engagement regarding the preservation of significant historic and cultural assets for the benefit, enjoyment, and general welfare of the citizens of the City. The HPP included priority action items; and

WHEREAS, the Commission is tasked with advising the Mayor and City Council on matters of historic preservation, making recommendations in the planning processes undertaken by the City, and recommending ordinances or other actions for the purposes of historic preservation in the City, *see* M.C. § 2.85.050(A); and

WHEREAS, the 2021 HPP includes the goal to “identify and document Coeur d’Alene’s historic and cultural resources” (Goal 1), and the recommendation to conduct a reconnaissance level survey of the downtown core and downtown north (3.31-b). The HPP identified downtown development pressure as a “Threat” in its SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis due to diminished integrity of commercial buildings through inappropriate additions and alterations along Sherman Avenue. The HPP states: “The oldest standing buildings and structures in Coeur d’Alene are connected to this development period.” The HPP also includes a Main Street Recommendation (3.6-6a) to work with the Downtown Association as a prominent stakeholder for historic preservation advocacy; and

WHEREAS, downtown Coeur d’Alene contains a number of historically, culturally, and architecturally significant buildings, which represent some of the earliest structures built in the City. These structures are expected to contribute to a future local historic district and include three buildings that are on the National Register of Historic Places (“NRHP”). Others structures also may be eligible for such designation. Many of the existing buildings in the downtown area date back to the late 1800's and early 1900's, and represent significant historic architecture and important dates in the community’s history. Buildings and sites from this period include the last remaining buildings from Fort Sherman, established in 1880. The street grid for the downtown core and the role of Sherman Avenue as the City’s “main street” were established during this time period; and

WHEREAS, the City has been informed that it will receive a CLG grant in the amount of \$11,000.00 to conduct a reconnaissance survey of the downtown area to identify and evaluate historic resources and buildings for the potential of creating a local historic district. The survey work will begin later in 2024, once the City receives a notice to proceed and a consultant has been selected; and

WHEREAS, City Council tasked City Staff to work with the Commission to review and update the development standards and design guidelines for the DC Zoning District, the DO-N and DO-E Districts, and a working group has formed and commenced its work in earnest. This work will include public engagement; and

WHEREAS, the Roosevelt Inn (the former Roosevelt School built in 1905 and on the NRHP), located at 105 E. Wallace Avenue, has a potential buyer and developer, and the original intent was to demolish this historic structure. The risk of loss of this structure prompted public outcry and an online petition with over 5,300 signatures to save the Roosevelt Inn; and

WHEREAS, other anticipated developments on Sherman Avenue and Front Avenue, with two buildings over 200 feet tall and another that is 75 feet tall, have also prompted concern from the public about the historic integrity of the City's downtown area; and

WHEREAS, the demolition of the Roosevelt Inn or other buildings within the areas and as depicted on Exhibits "A" and "B" would result in the permanent loss of significant historic and cultural assets, and would negatively impact the historical and cultural integrity of the community, thereby harming the general welfare of the citizens of Coeur d'Alene and the state of Idaho; and

WHEREAS, the integrity of the areas identified in this moratorium are very important to the historical continuity and feel of the historic downtown core and downtown neighborhoods, and the associated view corridors; and

WHEREAS, currently the City's Historic Preservation Code does not offer any protections for historic properties, even those on the NRHP, and thus any of the historic and culturally significant buildings within the identified boundaries shown on Exhibit "A" or the historic properties shown on Exhibit "B" could be demolished or removed at any time without discussion or notice to the public; and

WHEREAS, the public, through a petition with over 5,300 signatures to preserve the historic Roosevelt Inn, public comments at City Council meetings, and letters to the editor, has expressed concern over losing historical buildings within the City; and

WHEREAS, demolition within the identified districts and on the identified historic properties could occur before the City can begin to survey the downtown, bring forward recommended changes to the Zoning Code, and evaluate the feasibility of a potential City-recognized historic district; and

WHEREAS, an imminent threat to the public health, safety, and welfare has been identified and data have been submitted by community members citing studies from the National Institutes of Health which show the mental and social health impacts resulting from the loss of historic properties and community character. The medical term is "root shock" and refers to the traumatic stress reaction to the destruction of all or part of one's emotional ecosystem. Another term used by health professionals is "solastalgia" and refers to the place-based pain or distress caused by the loss of a comforting place; and

WHEREAS, mental health professionals in the community have cited mental health impacts related to the loss of a historic buildings. The research on grief and loss has been significant. The loss of historic buildings does not merely constitute an architectural change, but a loss of belonging, a loss of identity, and a loss of rootedness. For many, these buildings hold sentimental value, evoking cherished memories, and their demolition can trigger feelings of grief and displacement. The act of demolishing historic buildings can exacerbate existing mental health issues within the community. It fosters a sense of powerlessness and disenfranchisement among residents who feel unheard and undervalued regarding decisions affecting their surroundings. The loss of familiar landmarks can disrupt an individual's sense of place and belonging, leading to feelings of isolation and alienation; and

WHEREAS, the imminent threat to the public health, safety, and welfare arising from the loss of important historic and cultural assets necessitates the immediate imposition of a moratorium on the demolition, removal, or significant alteration of buildings within the area identified on Exhibit "A" and the properties identified in Exhibit "B"; and

WHEREAS, by statute, the moratorium is temporary in nature, would only apply to historic buildings within the boundaries identified in Exhibit "A" and individual properties on the NRHP as set forth in Exhibit "B," and would not apply to outbuildings (*e.g.*, garages), dangerous buildings, buildings that are less than 50-years-old, residential structures, or interior demolitions, and shall expire one hundred eighty-two (182) days after the adoption of this Resolution; and

WHEREAS, the moratorium will allow the City to consider amendments to the Zoning Code and the creation of a new historic district. Other protections will require planning activities authorized under the Idaho Local Land Use Planning Act, including potential rezoning and a Comprehensive Plan amendment, and a new demolition review process with a certificate of appropriateness as authorized by Idaho Code; and

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to impose said temporary moratorium.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City should, and hereby does, declare a moratorium on the issuance of certain permits as follows:

1. The moratorium shall prohibit the issuance of permits for the demolition or moving of buildings under the Building Code for structures within the area depicted in Exhibit "A" and the buildings described in Exhibit "B."
2. The moratorium shall also prohibit the issuance of permits that would result in the significant alteration of the exterior of a building under the Building Code for the structures within the area depicted by Exhibit "A" and described in Exhibit "B."

3. This moratorium shall not apply to the abatement of dangerous buildings, pursuant to Chapter 15.09, Municipal Code, for conditions that would imperil the health or safety of the public, or for interior remodels or the demolition of outbuildings, or buildings under 50 years of age.

BE IT FURTHER RESOLVED that there is an imminent peril to the public health, safety, and welfare posed by the potential demolition of historic properties located in the area described in Exhibit “A” and of the historic properties identified in Exhibit “B,” which can be averted only by imposition of this moratorium.

BE IT FURTHER RESOLVED that the facts recited above are true and correct, and are adopted as findings and incorporated into this Resolution.

BE IT FURTHER RESOLVED that this moratorium shall be in full force and effect from and after its approval, and shall remain in effect for a period not to exceed one hundred eighty-two (182) days from its effective date, pursuant to Idaho Code §§ 67-6523 and 67-6524.

DATED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER MILLER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER EVANS Voted _____

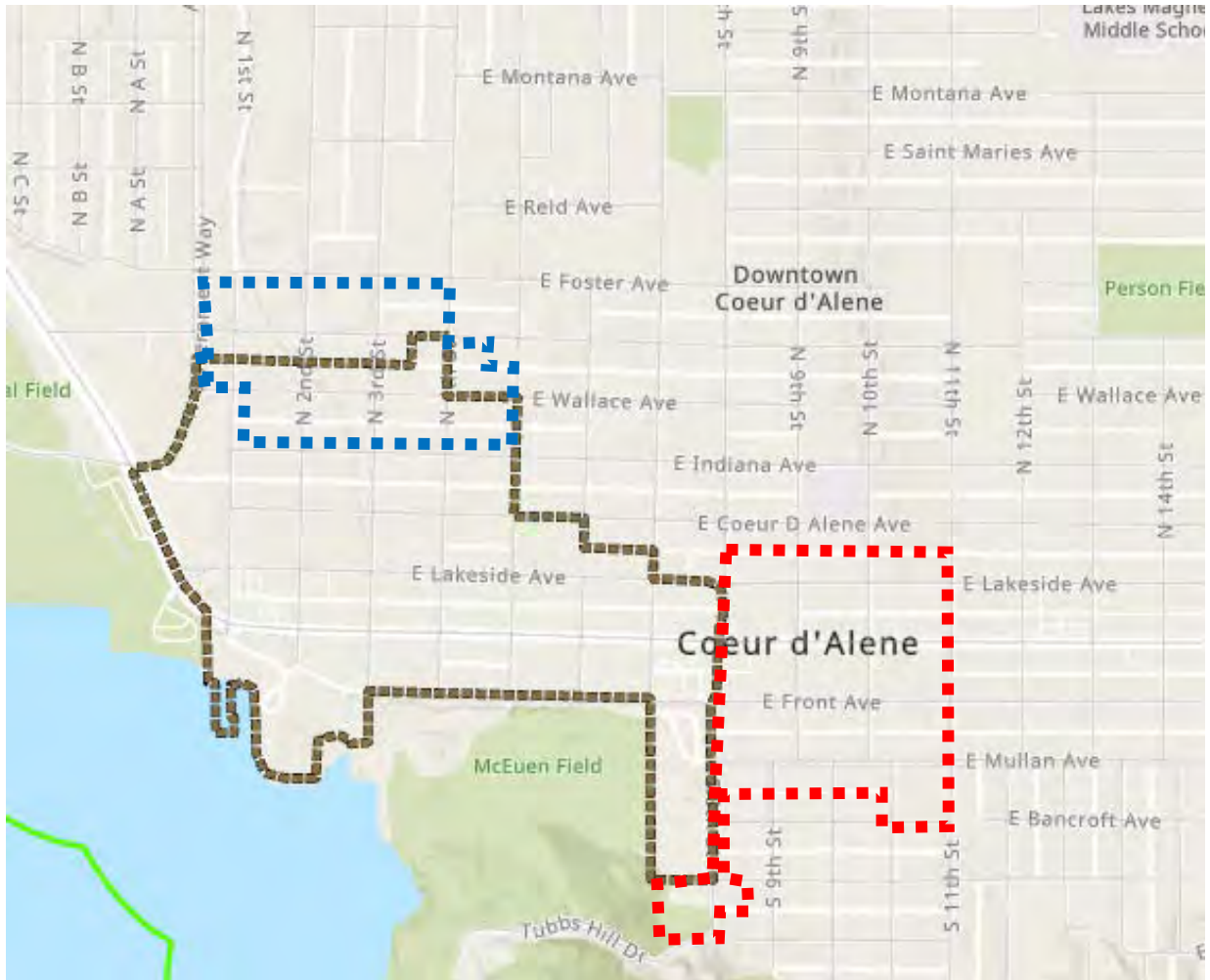
COUNCIL MEMBER WOOD Voted _____

COUNCIL MEMBER GOOKIN Voted _____

COUNCIL MEMBER ENGLISH Voted _____

_____ was absent. Motion _____.

**EXHIBIT A:
DOWNTOWN CORE, DOWNTOWN NORTH OVERLAY & DOWNTOWN EAST OVERLAY BOUNDARIES**



LEGEND

- ■ ■ Downtown Core
- ■ ■ Downtown North Overlay
- ■ ■ Downtown East Overlay

**EXHIBIT B:
NATIONAL REGISTER-LISTED PROPERTIES SUBJECT TO MORATORIUM**

NPS REF #	Property Name	Listed Date	Notes	Location	Level of Significance
79222792	Coeur d'Alene City Hall	8/3/1979		Fifth & Sherman	Local
77000461	Coeur d'Alene Federal Building	28475		Fourth & Lakeside	State
78001071	Coeur d'Alene Masonic Temple	5/22/1978		525 Sherman	State
85001126	Davey, Harvey M., House	5/23/1985	<i>Greenbriar Inn</i>	315 Wallace Ave	Local
79000793	First United Methodist Church	6/18/1979		619 Wallace Ave	State
79000794	Fort Sherman Buildings	10/25/1979	<i>Five buildings listed as individual parcels and not as a historic district. The McCormick House has been demolished.</i>	North Idaho Junior College Campus	State
75000633	Inland Empire Electric Railway Substation	6/27/1975	<i>Human Rights Education Institute (HREI) building</i>	414 W Fort Grounds Dr	State
77000462	Kootenai County Courthouse	12/23/1977		501 Government Way	State
76000676	Roosevelt School	7/30/1976	<i>Roosevelt Inn</i>	First Street & Wallace Ave	State
77000463	St. Thomas Catholic Church	10/5/1975		919 Indiana Avenue	State
100007118	Hamilton House	10/28/2021	<i>Music Conservatory - Hamilton, Boyd and Alta House</i>	627 Government Way	

**CITY COUNCIL
STAFF REPORT**

DATE: JUNE 18, 2024

FROM: LEE WHITE, POLICE CHIEF

SUBJECT: REQUEST FOR EMERGENCY DECLARATION RESULTING FROM
POLICE DEPARTMENT FIRE

DECISION POINT:

Should Council declare that an emergency exists as a result of a fire in a City building used by the Police Department and approve the emergency expenditure of public money to replace the building and equipment destroyed by the fire?

HISTORY:

An extraordinary fire occurred at the Police Department on June 9, 2024. This building served as workspace for Code Enforcement, Animal Control, Volunteers, and PD Information Technology personnel. Vehicles and equipment for the (traffic) motor program, K9 program, SWAT, bike and downtown patrol, crowd control, and other specialty units were stored in this building. These vehicles and equipment were damaged or destroyed in the fire. Additionally, nearly all of our IT-related equipment such as laptops, desktops, cables, and other hardware, was lost.

FINANCIAL ANALYSIS:

The exact amount of loss is still being determined, but will likely be in the millions of dollars. The City is insured for this casualty and it is hoped insurance proceeds will cover the entire loss. The City's agent has been informed and is working with the Police Department on this claim.

PERFORMANCE ANALYSIS:

Idaho Code § 67-2808 allows Council to authorize emergency expenditures, without following the purchasing statutes, if “[t]here is a great public calamity, such as an extraordinary fire...,” which “demand the immediate expenditure of public money” in “the public interest and necessity.” It is not the intention of the Police Department to circumvent Council with regards to the recovery effort or the purchase of replacement items. However, strict compliance with the competitive purchasing process would significantly delay our ability to provide necessary services to the public in a timely manner. The Police Department is merely requesting to streamline this process in a manner consistent with Idaho Code by declaring that an emergency exists.

DECISION POINT/RECOMMENDATION: Council should declare that an emergency exists and approve emergency expenditures to help the Police Department recover from a catastrophic fire event in a manner consistent with Idaho Code § 67-2808.

Police Department Fire



1

Investigation

- Fire began early Sunday morning and burned for several hours.
- CDA Fire investigators began investigating and turned investigation over to the State Fire Marshal and ATF.
- State fire Marshal is lead.
- Findings will likely take approximately a month.
- Appears to be accidental.



2



3



4

Emergency Declaration

- Will help speed the process of purchasing replacement items.
- It is not our intent to circumvent Council or go on a “spending spree”, but merely to help speed the recovery effort.



5

Emergency Declaration

- The Police Department requests that Council declare that an emergency exists and approve emergency expenditures to help the Police Department recover from the catastrophic fire event.



6

RESOLUTION NO. 24-050

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, DECLARING, PURUSANT TO IDAHO CODE § 67-2808(1), THAT AN EMERGENCY EXISTS AS A RESULT OF AN EXTRAORDINARY FIRE WHICH DEMANDS THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY IN THE PUBLIC INTEREST AND NECESSITY WITHOUT COMPLIANCE WITH FORMAL BIDDING PROCEDURES.

WHEREAS, it is recommended by the Chief of the City of Coeur d'Alene Police Department that Council declare, pursuant to Idaho Code § 67-2808(1), that an emergency exists as a result of the extraordinary fire which destroyed a building and its contents serving the Police Department, which emergency demands the immediate expenditure of public money in the public interest and necessity without compliance with formal bidding procedures; and

WHEREAS, it is deemed to be in the best interests and necessity of the City of Coeur d'Alene and the citizens thereof to declare such emergency.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City declares an emergency, pursuant to Idaho Code § 67-2808(1), as a result of the extraordinary fire which destroyed a building and its contents serving the Police Department, which emergency demands the immediate expenditure of public money in the public interest and necessity without compliance with formal bidding procedures.

BE IT FURTHER RESOLVED that the City be, and hereby is, authorized to expend public money as may be in the public interest and necessity to respond to the damages and destruction caused by the extraordinary fire without compliance with formal bidding procedures.

BE IT FURTHER RESOLVED that any such expenditures shall be approved in advance by the City Administrator, with notice to Council.

DATED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER GOOKIN	Voted
COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER ENGLISH	Voted
COUNCIL MEMBER MCEVERS	Voted
COUNCIL MEMBER WOOD	Voted

_____ was absent. Motion _____.

CITY COUNCIL STAFF REPORT

DATE: June 18, 2024
FROM: Lee White, Police Chief
Renata McLeod, City Clerk
SUBJECT: Amendment to Ordinance Regarding Security Agencies and Agents

DECISION POINT: Should Council approve amendments to Chapter 5.32 of the Coeur d'Alene Municipal Code entitled "Security Agencies and Agents?"

HISTORY: The Municipal Services Department issues licenses for Security Agents under Municipal Code Chapter 5.32. Within that code it provides for the Police Chief to regulate uniforms, badges, and vehicles. Currently, the city has 14 firms and 37 Individuals licensed. They must go through a fingerprint-based background check up licensure. The Police Department has received several complaints regarding employees of Security Agencies dressing in uniforms similar to local law enforcement agencies, being investigated and/ or charged with crimes, and in some cases, behaving in a manner that may be viewed as impersonating a peace officer.

The section of Municipal Code addressing Security Agencies was last revised in 2009 and is in need of updating. Recommended changes would provide specific requirements for uniforms and vehicles to disallow them from looking similar to local law enforcement uniforms and vehicles, and both must be clearly marked with the word "Security" to ensure the distinction. The changes also require four (4) hours of training to help mitigate the chance that an employee will act in a manner similar to law enforcement or behave in a manner that may jeopardize the public. Training is readily available online for free or at a minimum cost or can be obtained by the employing agency. Additionally, the Coeur d'Alene Police Department will offer training later this year for free to ensure ease of compliance with the recommended change to the Municipal Code.

Specific changes in the code, include an annual background check, specific language for uniforms and vehicles, training and uniforms/vehicles shall be checked every three years by the Chief of Police.

FINANCIAL ANALYSIS: At the present time a violation of Chapter 5.32 may result in suspension or revocation of an individual or business license, but there is no financial penalty for non-compliance. These proposed amendments are revenue neutral, notwithstanding the cost to advertise and publish the changes to Code.

PERFORMANCE ANALYSIS: The recommended changes to ordinance should help the public more easily identify security company employees and help distinguish them from law enforcement personnel.

RECOMMENDATION: Council should approve the amendments to Chapter 5.32 of the Coeur d'Alene Municipal Code.

ORDINANCE NO. _____
COUNCIL BILL NO. 24-1008

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 5.32.010, 5.32.020, 5.32.050, 5.32.060, 5.32.80, AND 5.32.090 PERTAINING TO SECURITY AGENCIES AND AGENTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

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

SECTION 1. *That section 5.32.010 of the Coeur d'Alene Municipal Code be amended as follows:*

“Security agents”, as used in this chapter, means any person engaged in the business of watching, guarding or protecting any premises, property or persons, or who patrols streets, districts or territories within the city for such purposes, ~~but shall not apply to any individual who as an employee guards the property of only one employer, nor shall it apply to any person duly employed by a licensed agency when in the employ of that agency is assigned to guard a specific object or location in an emergency situation for no more than five (5) days; providing the agency has submitted a list of employees, the guard's name is on that list, and the agency notifies the police department of the situation, location and the identity of the guard so assigned.~~

SECTION 2. *That section 5.32.020 of the Coeur d'Alene Municipal Code be amended as follows:*

It is unlawful for any person to own or operate a security business or engage in business as a security agent as provided in and authorized in this chapter without first having obtained a license from the eClerk of the eCity. Prior to obtaining a license, the person owning, operating, or engaging in business as a security agent shall have participated in a minimum of two (2) hours of security training, which should include topics such as conflict de-escalation, ethics for security agents, law on permissible conduct, and best practices for emergency response, or the equivalent. Proof of training shall be submitted at the time of application and may consist of a certificate or proof of participation in online training. ~~Such A~~ security agency or security agent license shall expire on December 31 of each year.

SECTION 3. *That section 5.32.030 of the Coeur d'Alene Municipal Code be amended at follows:*

A. All applications for a license shall be made in writing and filed with the eCity eClerk. The application shall contain the full name, age and address of the applicant, ~~his/her fingerprints~~ and

such other information as shall be deemed necessary to conduct an adequate background investigation. ~~No license under this chapter shall be granted to any person who, within ten (10) years prior to the date of application for a license, has been convicted of a felony nor unless the applicant is a citizen of the United States of good moral character.~~

B. In order to determine suitability of prospective applicants for licensing ~~with the city of Coeur d'Alene~~, the ~~Coeur d'Alene eCity eClerk~~ shall require each specified applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to ~~Idaho Code section § 67-3008, Idaho Code~~ and congressional enactment public law 92-544, the ~~eCity of Coeur d'Alene~~ shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho ~~sState pPolice~~, ~~bBureau of eCriminal iIdentification~~, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho ~~sState pPolice~~. The ~~eCity of Coeur d'Alene~~ is authorized to receive criminal history information from the Idaho ~~sState pPolice~~ and from the ~~fFederal bBureau of iInvestigation~~ for the purpose of evaluating the fitness of applicants for licensing. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. As required by section 5.60.020, "License; Fee; Application," of this ~~tTitle~~, all fees required for the criminal history check shall be tendered at such time as the application is made. After such investigation, the ~~eCity eClerk~~ or ~~his/her~~ designee, ~~and/or~~ after consultation with the Chief of Ppolice or designee, department shall approve or reject the application. Should an application be approved, the ~~eCity eClerk~~ shall issue the license to the applicant upon payment of the license fee in an amount set by resolution of the ~~eCity eCouncil~~ as set forth in section 5.60.020 of this ~~tTitle~~. Should an application be rejected, the basis for the rejection may be appealed to the ~~eCity eCouncil pursuant to section 5.32.100 of this Title~~.

C. No license under this Chapter shall be granted to any person who, within ten (10) years prior to the date of application for a license, has been convicted of a crime involving violence or threat of violence, or crime of moral turpitude, or if the applicant is not a citizen of the United States of good moral character.

D. Upon receipt of an application for security agent, the city clerk may issue a provisional license to an applicant if the city clerk determines that such person is in substantial compliance with the provisions of this chapter. A provisional license shall expire one hundred twenty (120) days from the date of issuance or at such earlier time as the city clerk may designate. A security agent with a provisional license must be under the supervision of a licensed security agency owner or a licensed supervisor until completion of all criminal history checks and issuance of a license which is not provisional.

SECTION 4. *That section 5.32.050 of the Coeur d'Alene Municipal Code be amended as follows:*

Upon the issuance of a license to an applicant, the applicant shall acquire a security agent badge approved by the chief of police of the city. Any such badge shall be distinctive and easily distinguished from the badge of a member of the police department of the city and a Uniforms worn by security agents must be clearly marked with the word "Security" in letters no less than one inch tall on the front of the uniform, and no less than four inches tall on the back of the uniform. Any

uniform worn by security agents shall be of a design and color required by the ~~e~~Chief of ~~p~~Police ~~and to be easily distinguishable from the uniform of the regular police department or sheriff department, and it is unlawful for any such security agent to wear any other badge or uniform than that prescribed by the chief of police.~~ All cars used by the security agent in pursuance of their occupation as such shall be plainly marked on both sides thereof with the ~~name word~~ “~~s~~Security” ~~agent” in letters no less than six inches tall, and shall not display a badge or design that would make them easily confused with any local law enforcement agency. Uniforms and vehicles must be inspected by the Chief of Police or designee every three years after the initial inspection.~~

SECTION 5. *That section 5.32.060 of the Coeur d'Alene Municipal Code be amended as follows:*

Any security agent having knowledge of a crime committed within the corporate limits of the city shall immediately notify the police department and stand by until regular police officers arrive. At no time shall the security agent conduct an investigation before calling the police department. The security agent shall obey the lawful orders of the chief of police and obey and comply with all rules and regulations of the police department of the city as far as may be applicable. A security agent working on behalf of a third party shall have in his/her possession, at all times while working as a security agent, a copy of the contract providing their authority on behalf of the third party. If a security agent is authorized to make a citizen's arrest on behalf of the third party, the contract must expressly authority a citizen's arrest.

SECTION 6. *That section 5.32.080 of the Coeur d'Alene Municipal Code be amended as follows:*

Every person licensed under the provisions of this chapter shall keep a book containing the full name, ~~place of residence,~~ address, ~~and date of birth~~complete and accurate description and history or record of each person employed regularly or occasionally as a security agent within the city. Each employee shall be designated in the book by a separate number. Upon the request of the chief of police or of any person designated by the chief, the book herein requested to be kept shall be exhibited for the inspection of the chief of police or of any person designated by the chief to inspect the same, and the failure or refusal to comply with the request shall constitute cause for the revocation of the security agent's license.

SECTION 7. *That section 5.32.090 of the Coeur d'Alene Municipal Code be amended as follows:*

A. Every applicant obtaining a license under the provisions of this chapter shall furnish every person in the employ of such licensee with an identification card, which shall be issued and signed by the licensee, and contain the name, general description, signature and photograph of the person employed by such licensee, together with the number by which he is designated upon the books of the licensee, in accordance with the provisions of this chapter. The ~~e~~Chief of ~~p~~Police shall be notified in writing by the licensee ~~immediately~~within thirty (30) days upon the issuance or revocation of any identification card.

B. It is unlawful for any person to act as a security agent for hire within the ~~e~~City, unless such person carries an identification card as provided in subsection A of this section upon his person while so acting, and it is unlawful for any person to refuse to exhibit his identification card upon demand of any regular police officer of the ~~e~~City.

SECTION 8. *That a new section, 5.32.100, of the Coeur d'Alene Municipal Code be added as follows:*

5.32.100. LICENSE REVOCATION; NOTICE; APPEAL:

A. Revocation: When it appears that a licensee has violated any provision of this Chapter, any ordinance of the City, or statute of the State or United States involving violence or threat of violence, or a crime of moral turpitude, the license shall be revoked.

B. Notice: Prior to the revocation of any license, written notice of the reason(s) for such action shall be given to the licensee by the City Clerk or designee. Such notice shall state that a person may appeal the decision to revoke a license.

C. Appeal: An appeal of a license denial or revocation shall be commenced by providing written notice of appeal to the City Clerk, stating the grounds therefor, within ten (10) calendar days of the date of the notice of denial or revocation. The City Council will hold a hearing, which shall not be a public hearing, on the appeal within thirty (30) days after receipt of the notice of appeal. Notice of the hearing will be provided to the licensee in person or by United States mail sent, postage prepaid, to the address provided by the licensee at least ten (10) days before the hearing. Only the licensee, its representatives, and City staff shall be allowed to participate in such hearing. Council shall consider the evidence presented, giving such weight to any testimony or exhibits as it deems appropriate, and shall conduct the hearing fairly and impartially with the goal of receiving all information pertinent to the issues before it in an orderly and courteous manner. Within fourteen (14) working days following the hearing, the city council shall affirm, reverse, or affirm with conditions the decision to deny or revoke the license. The decision of the city council is final.

D. Stay On Revocation: Upon receipt of a notice of appeal, the revocation of a license shall be stayed. However, should an emergency exist and the chief of police certifies that there is an immediate danger to the safety of the public, there shall be no stay or, if a stay has commenced, it shall be lifted and the revocation of the license shall be in effect during the appeal.

SECTION 9. 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.

SECTION 10. After its passage and adoption, a summary of this Ordinance, pursuant to 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 this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on June 18, 2024.

APPROVED, ADOPTED and SIGNED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Certain Sections of Chapter 5.32 of the City Code,

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE FOLLOWING SECTIONS OF THE COEUR D'ALENE MUNICIPAL CODE: 5.32.010, 5.32.020, 5.32.050, 5.32.060, 5.32.80, AND 5.32.090 PERTAINING TO SECURITY AGENCIES AND AGENTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. 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.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending sections 5.32.010, 5.32.020, 5.32.050, 5.32.060, 5.32.80, and 5.32.090 of the Coeur d'Alene Municipal Cod, 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 18th day of June, 2024.

Randall R. Adams, City Attorney

**CITY COUNCIL
STAFF REPORT**

DATE: May 21, 2024

FROM: Police Department

SUBJECT: Approve Sole Source Purchase of ALPR / Speed Trailer

DECISION POINT: Should Council approve the sole source procurement of a speed ALPR (Automatic License Plate Reader) trailer from Motorola Vigilant using a grant through the 2023 State Homeland Security Program (SHSP) for the Coeur d'Alene Police Department?

HISTORY: The Coeur d'Alene Police Department applied for and was awarded a State Homeland Security Program grant, sub-awarded by Kootenai County and administered by the Office of Emergency Management (OEM). An MOU was signed by Mayor Pro Tem Woody McEvers on 2/1/2024 with Kootenai County for this awarded grant.

The Coeur d'Alene Police Department has used Motorola Vigilant for ALPR services since 2020. The services include hardware and software. There have been several approved projects by City Council since moving from PIPS Technology due to its aging systems, lack of innovation, and lack of support. The company has since been sold to Baycom.

The Vigilant company has worked with some competitors' cameras up to a point in the past, but do not service, maintain, or guarantee that any competitor's hardware will work. In most cases, however, the system does not work with competitor equipment, which includes companies like Flock.

FINANCIAL ANALYSIS: The costs associated with this project are paid for through the SHSP grant in the amount of \$68,715.00. The purchased equipment is under the control of the Coeur d'Alene Police Department, but kept as inventory through Kootenai OEM. Maintenance costs of equipment after manufacturer warranty/protections fall on the Coeur d'Alene Police Department.

PERFORMANCE ANALYSIS: Vigilant currently only works with one trailer manufacturer for the speed/ALPR trailer capabilities. They do not have any mechanisms in place to place their cameras/other hardware onto anyone else's trailer system.

Having an outside vendor for this project would require additional costs/infrastructure and would not be interoperable with current systems in place. Additionally, we aid regional agencies with their ALPR data needs, and using a separate system would not allow and, therefore, be defeating in the mission purpose of this equipment.

Having this will not only aid in criminal investigations but allow for traffic calming in areas of concern.

DECISION POINT/RECOMMENDATION: Council should approve the sole source procurement of the speed/ALPR trailer due to its ability to operate within the existing software/hardware in use by the Department.

GRANT USE AGREEMENT

THIS AGREEMENT (hereinafter "Agreement") is made and entered into this ____ day of _____, 20__, by and between Kootenai County, a political subdivision of the State of Idaho, (hereinafter "COUNTY") and City of Coeur d'Alene Police Department. (hereinafter "BENEFITING AGENCY.")

WHEREAS, COUNTY is authorized and required by Idaho Code § 46-1009 to maintain a county-wide disaster preparedness agency; and

WHEREAS, in furtherance of those duties, COUNTY has received a grant award, Grant No. 23SHSP097 from the Idaho Office of Emergency Management ("IOEM"), as a pass-through entity, from the U.S. Department of Homeland Security (Federal Grant Award No. EMW-2023-SS-0078/97.067) for the purposes of implementation of the priority areas identified by the Homeland Security Notice of Funding Opportunity, including: enhancement protection of soft targets; enhancement of information sharing; combating domestic terrorism; enhancing cybersecurity; enhancing community preparedness; and enhancing election security. The grant award document is attached as Exhibit "A" and incorporated herein by reference; and

WHEREAS, COUNTY desires to enter into this Agreement with BENEFITING AGENCY to meet the priority area needs identified utilizing the funds described in Exhibit "A" while ensuring compliance with state and federal grant requirements.

NOW, THEREFORE, the parties agree as follows:

1. REGIONAL CORE CAPABILITIES PURPOSE. COUNTY and BENEFITING AGENCY agree that the federal funding and distribution will be used for the purpose of building or sustaining high priority regional core capabilities that address prioritized threats, hazards, vulnerabilities, and/or risks. BENEFITING AGENCY shall allow use of grant-purchased equipment in support of emergency management functions, consistent with existing mutual aid or resource sharing agreements, for any local government first response agency or their various public or private sector partners with emergency management missions.

2. COMPLIANCE WITH TERMS OF GRANT. BENEFITING AGENCY shall comply with the terms of Exhibit "A" for so long as BENEFITING AGENCY has possession of property purchased with funds provided pursuant to this Agreement. This covenant shall survive the termination of this agreement.

3. TERM. This Agreement is to be effective for a period of five (5) years, from January 1, 2024, through December 31, 2029.

4. DEFAULT. Upon default by either party, the non-defaulting party may cancel this Agreement with no notice and may pursue any and all legal, equitable, and other available remedies. Default occurs if either party fails to perform any of the covenants, conditions, or services of this Agreement and such defects in performance are not cured within ten (10) working days after receipt of written notice of default.

5. STATUS REPORT. BENEFITING AGENCY agrees to keep COUNTY informed of BENEFITING AGENCY's progress on the core capability targets throughout the term of this Agreement in a manner and at such times as both parties shall agree.

6. CONFIDENTIALITY. Both parties agree to maintain confidentiality of all information utilized or gained in performance under this agreement to the extent such information is exempt from disclosure under Federal, State or local law, rules, or regulations.

7. FISCAL RECORDS. BENEFITING AGENCY shall maintain all fiscal records, including its books, audit papers, documents, and any other evidence of accounting procedures and practices, which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement, for a period of three (3) years from the date of submission of final expenditure report/reimbursement request pursuant to Grant No. 23SHSP097/ EMW-2023-SS-0078/97.067. Additionally, a copy of all fiscal records shall be provided to the COUNTY. The fiscal records maintained by BENEFITING AGENCY pursuant to this Agreement shall be available for and subject to inspection, review, or audit and copying by the COUNTY, and any person duly authorized by the COUNTY, at all reasonable times.

8. VIOLATION OF AGREEMENT OR GRANT TERMS. When federal, state or COUNTY audits indicate that payments to BENEFITING AGENCY do not meet the applicable federal, state or local laws, regulations, or rules, BENEFITING AGENCY shall return, refund and/or pay to the COUNTY any equipment acquired or costs of training provided, plus any additional costs, including audit costs, arising from BENEFITING AGENCY's ineligible or improper receipt or use of grant funds, and the COUNTY must refund such payments to the applicable funding agency.

9. NOTICES. For the purposes of this Agreement, including, without any limitation, all notices required or authorized herein shall be as follows:

For the COUNTY:

Kootenai County Board of County Commissioners
(Currently Leslie Duncan, Bruce Mattare, and Bill Brooks)
451 Government Way
P.O. Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1600
Fax: (208) 446-2178
E-mail: kcbocc@kcgov.us

And

Kootenai County Office of Emergency Management
(Currently Tiffany Westbrook, Director)
5500 N. Government Way
P.O. Box 9000
Coeur d'Alene, ID 83816-9000
Phone: (208) 446-1775
Fax: (208) 446-1780
E-mail: twestbrook@kcgov.us

For the BENEFITING AGENCY:
City of Coeur d'Alene Police Department
3818 N Schreiber Way
Coeur d'Alene, Idaho 83815
Phone: (208) 676-5809
Email: btilson@cdaid.org

10. LOBBYING. BENEFITING AGENCY hereby certifies that none of the grant funding under this Agreement has been paid or will be paid by or on behalf of the BENEFITING AGENCY to any person for influencing or attempting to influence an officer or employee of any governmental agency, a member, officer or employee of Congress or the Idaho Legislature in connection with the awarding, continuation, renewal, amendment, or modification of any contract, grant, loan, or cooperative agreement.

If any funds, other than funds provided by this Agreement, have been paid or will be paid by BENEFITING AGENCY to any person for influencing or attempting to influence an officer or employee of any governmental agency, a member, officer or employee of Congress or the Idaho Legislature in connection with this Agreement, the BENEFITING AGENCY shall complete and submit Federal Standard Form LLL, "Disclosure of Lobbying Activities" form, pursuant to 31 U.S.C. 1352, and to report lobbying, in accordance with its instructions, and submit a copy of such form to the COUNTY.

11. SINGLE AUDIT ACT. BENEFITING AGENCY agrees to comply with the provisions of OMB Circular A-133, which sets forth audit requirements of states, local governments, and non-profit organizations.

12. COMPLETE AGREEMENT. This Agreement is the full and complete agreement of the parties hereto. This Agreement may be modified or amended only if such modification or amendment is in writing and agreed to by both parties.

13. USE, MANAGEMENT, AND DISPOSITION OF PROPERTY PURCHASED UNDER THIS AGREEMENT. BENEFITING AGENCY shall comply with the terms of Exhibit "A" and the following regarding use, management, and disposal of "Property" purchased under this Agreement:

A. Definitions.

- i. "Equipment" shall be defined as, generally, an article of non-expendable, tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Equipment is not a replacement part or component which returns a piece of Equipment to its original condition. If, however, a component increases the capability of the original Equipment and has an acquisition cost of \$5,000 or more, it is considered Equipment.

- ii. "Property" shall be defined as generally, an article of non-expendable, tangible personal property, and includes, but is not limited to, Equipment.
- iii. "Supplies" shall be defined as generally, expendable non-capital items such as paper, ink, toner, gauze, steri-strips, antibacterial wash, and so on.

B. Use.

- i. Property and Supplies shall be used by the COUNTY and BENEFITING AGENCY in the program or project for which it was acquired for as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.
- ii. The parties may make equipment and supplies available for use on other projects or programs currently or previously supported by the Federal government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency.
- iii. BENEFITING AGENCY shall not use Property or Supplies acquired under this Agreement to provide services for a fee to compete unfairly with private companies that provide equivalent services.

- iv. BENEFITING AGENCY may use Equipment to be replaced as a trade-in or sell the Property and use the proceeds to offset the cost of the replacement Property, subject to the approval of the awarding agency.
- v. Upon termination of this Agreement, through default or other termination for reasons other than expiration of this Agreement, the BENEFITING AGENCY shall return to COUNTY all Property and Supplies purchased with grant funds.

C. Property Management Requirements.

Procedures for managing Property will, at a minimum, meet the following requirements:

- i. Property records must be maintained to include a description of the Property, a serial number or other identification number, the source of Property, who holds title, the acquisition date, and cost of the Property, percentage of Federal participation in the cost of the Property, (i.e. from funds provided under this agreement), the location, use and condition of the Property, and any ultimate disposition data including the date of disposal and sale price of the Property. BENEFITING AGENCY shall affix both an awarding agency security tag and a Kootenai County asset tag (provided by the Kootenai County Office of Emergency Management (OEM)) to the property. A photograph of the property with the awarding agency security tag and Kootenai County asset tag shall be sent to OEM. Property inventory reports tracking each item of Property acquired with grant funds continue to the end of the life cycle of each property item.
- ii. A physical inventory of all Equipment purchased in total or in part with grant funds must be taken and the results reconciled with the property records at least once every two years. The COUNTY will distribute to BENEFITING AGENCY a copy of its last property report for BENEFITING AGENCY's reconciliation and update. The

reconciliation, including condition and location of all Equipment, must be provided to OEM promptly after completion, but in any event by December 31 of each calendar year in which the task is to be completed.

- iii. A control system must be developed by BENEFITING AGENCY to ensure adequate safeguards to prevent loss, damage, or theft of all Property acquired with grant funds. Any loss, damage, or theft shall be investigated.
- iv. Adequate maintenance procedures must be developed to keep Property in good condition. At all times relevant herein, BENEFITING AGENCY shall be responsible for maintaining Property in good and operating condition.
- v. BENEFITING AGENCY shall maintain documents such as receipts for repairs, vehicle titles, insurance policies, and lease agreements with the records required pursuant to paragraph (13)(C)(i) of this agreement.
- vi. BENEFITING AGENCY shall document all Equipment and Property loss, damages, and or thefts and promptly notify COUNTY of any such loss, damage or theft.
- vii. When equipment acquired via a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided, the BENEFITING AGENCY shall notify COUNTY and request disposition instructions from the federal awarding agency if required by the terms and conditions of the federal award. If BENEFITING AGENCY sells the Property, proper sales procedures must be established to ensure the highest possible return.
- viii. COUNTY shall conduct annual monitoring visits at such times as OEM may designate to ensure compliance with the terms of this Agreement. OEM may conduct other audits or onsite visits at the request of the Board of Kootenai County Commissioners.

BENEFITING AGENCY shall comply with all reasonable audit or monitoring visit requests of OEM, the Board of County Commissioners or their designee, and/or the IOEM.

D. Disposition.

When original or replacement Property or Supplies acquired under this Agreement is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the Property shall be made as follows:

- i. Items of Property with a then current per-unit fair market value of less than five thousand dollars (\$5,000.00) may be retained, sold, or otherwise disposed of with no further obligation to the U.S. Department of Homeland Security, IOEM, or COUNTY.
- ii. Items of Property with a then current per-unit fair market value in excess of five thousand dollars (\$5,000.00) may be retained or sold and the COUNTY shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the COUNTY's funded share of the equipment.

[Example: A generator purchased under this agreement is no longer needed for the original purpose. It has a current fair market value of \$12,000. BENEFITING AGENCY paid \$22,000 for the equipment and received \$18,000 from the COUNTY through this Agreement. BENEFITING AGENCY wishes to sell the equipment. Upon sale for \$12,000, BENEFITING AGENCY would reimburse the COUNTY \$9,800 (82% of the purchase price was paid for with federal grant funds).]

The COUNTY will forward all funds received from BENEFITING AGENCY as a result of equipment sale or other disposition back to the awarding agency.

E. Supplies.

- i. Management: BENEFITING AGENCY shall keep track of supplies on a property inventory by description, quantity, date of purchase, and location.
- ii. Disposition: If there is a residual inventory of unused Supplies exceeding five thousand dollars (\$5,000.00) in total aggregate fair market value upon termination or completion of this Agreement, and if the supplies are not needed for any other federally sponsored programs or projects, BENEFITING AGENCY shall compensate the COUNTY for its share, as calculated in paragraph 13(D)(ii) above.

14. INDEMNIFICATION: To the extent provided by Idaho law, BENEFITING AGENCY shall defend, indemnify, and hold the COUNTY and its officers, agents, and employees, harmless for all claims, losses, actions, damages, judgments, costs, expenses, and/or injuries to persons or property arising out of or in connection with any activities, acts, or omissions of the BENEFITING AGENCY, and its officers, agents or employees. In the event COUNTY is alleged to be solely liable on account of any activities, acts, or omissions of the BENEFITING AGENCY, and/or its officers, agents or employees, then BENEFITING AGENCY shall defend such allegations. BENEFITING AGENCY shall bear all costs, fees, and expenses of such defense, including, but not limited to, all attorney fees and expenses, court costs, and expert witness fees and expenses.

15. CHOICE OF LAW: This Agreement and its performance shall be construed in accordance with and governed by the laws of the State of Idaho, with venue for any action brought pursuant to this Agreement to be in the First Judicial District, Kootenai County, State of Idaho

16. THIRD PARTY BENEFICIARIES: Nothing contained herein shall create any relationship, contractual or otherwise, with, or any rights in favor of, any third party.

DATED this ____ day of _____, 20__.

Board of Kootenai County Commissioners

By:

Leslie Duncan, Chair

By:

Bruce Mattare, Commissioner

By:

Bill Brooks, Commissioner

ATTEST:

Deputy Clerk

DATED this 15th day of February, 2024.

BENEFITING AGENCY

City of Clardillene

By: Woody McEuen
Name

MAYOR PRO TEM
Title

ATTEST:

Renata McLeod

Name: Renata McLeod

Title: City Clerk



KOOTENAI COUNTY
OFFICE OF EMERGENCY MANAGEMENT



SHSP Grant Award Notification

Dear Lieutenant Tilson:

Congratulations on being awarded funds from the Kootenai County State Homeland Security Grant Program (SHSP). This grant is a comprehensive program intended to strengthen our partnerships and enhance our capabilities across Kootenai County.

Below are details of the award:

Organization: City of Coeur d'Alene Police Department
Amount: \$68,715.00
Project: ALPR Portable Trailer System

All activities associated with this award (purchase of items or receipt of services) must be completed, along with all documentation showing their completion (e.g., receipts, final products, etc.), prior to submission for reimbursement.

By accepting this grant, you agree to comply with the following requirements:

1. Your organization has implemented, or is in the process of implementing, the use of the National Incident Management System (NIMS).
2. Your organization will not use these grant funds to supplant existing funding.
3. Your organization will retain all records related to the goods/services purchased with these grant funds for the duration required through CFR 200, and will make them available for review as needed and requested by Kootenai County and/or the Idaho Office of Emergency Management (IOEM) and the Federal Emergency Management Association (FEMA).

If you have any questions about this award, please feel free to contact the OEM Grants Admin, Andrea Littlefield, directly.

Sincerely,
Andrea Littlefield
Grants Admin
Kootenai County Office of Emergency Management

ACKNOWLEDGED BY:

Woody MGA
Signature

MAYO A PRO TEM
Printed Name and Job Title

02/01/24
Date

RESOLUTION NO. 24-051

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, APPROVING THE SOLE SOURCE PROCUREMENT OF A SPEED ALPR (AUTOMATIC LICENSE PLATE READER) TRAILER FROM VIGILANT SOLUTIONS, LLC, USING GRANT FUNDING THROUGH THE 2023 STATE HOMELAND SECURITY PROGRAM (SHSP) FOR THE POLICE DEPARTMENT.

WHEREAS, the Coeur d'Alene Police Department applied for and was awarded a State Homeland Security Program grant, sub-awarded by Kootenai County and administered by the Office of Emergency Management (OEM), and an MOU was signed by Mayor Pro Tem Woody McEvers on February 1, 2024, with Kootenai County for this awarded grant; and

WHEREAS, the Chief of the City of Coeur d'Alene Police Department has recommended that the Mayor and Council authorize the Sole Source Procurement of a Speed ALPR (Automatic License Plate Reader) trailer from Vigilant Solutions, LLC, (Motorola) using Grant Funding through the 2023 State Homeland Security Program (SHSP), as detailed in the Project Quotation attached hereto as Exhibit "A" and by this reference incorporated herein; and

WHEREAS, the costs associated with this project are paid for through the SHSP grant in the amount of \$68,715.00, and the purchased equipment will be under the control of the Coeur d'Alene Police Department, but kept as inventory through Kootenai OEM, with maintenance costs of the equipment, after manufacturer warranty/protections, being the responsibility of the Coeur d'Alene Police Department.

WHEREAS, the terms of the agreement with Vigilant Solutions, LLC, are memorialized in the attached exhibit; and

WHEREAS, the Mayor and City Council have determined that it is in the best interests of the Citizens of Coeur d'Alene to approve the sole source procurement.

NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Coeur d'Alene that the City approve the Sole Source Procurement of a Speed ALPR (Automatic License Plate Reader) trailer from Vigilant Solutions, LLC, using grant funding through the 2023 State Homeland Security Program (SHSP) for the Police Department, pursuant to the terms and conditions in the Project Quotation attached hereto as Exhibit "A."

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and they are hereby authorized to execute all instruments necessary to effect the purchase on behalf of the City.

DATED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

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

ROLL CALL:

COUNCIL MEMBER EVANS	Voted
COUNCIL MEMBER MILLER	Voted
COUNCIL MEMBER GOOKIN	Voted
COUNCIL MEMBER ENGLISH	Voted
COUNCIL MEMBER MCEVERS	Voted
COUNCIL MEMBER WOOD	Voted

_____ was absent. Motion _____.

		Vigilant Solutions, LLC P.O Box 841001 Dallas, Texas 75202 (P) 925-398-2079 (F) 925-398-2113			
Issued To:	Coeur d'Alene Police Department - Attention: Bill Tilson			Date:	03-21-23
Project Name:	L5M Trailer (Grant) - Coeur d'Alene			Quote ID:	LQW-0595-01

PROJECT QUOTATION

We at Vigilant Solutions, LLC are pleased to quote the following systems for the above referenced project:

Hardware

Qty	Item #	Description
(1)	TIS-TECHTRAILER-VLP \$45,900.00 Each	Standard 2-Camera LPR Trailer - 525W Solar <ul style="list-style-type: none"> • • Standard Speed Trailer w/ 525 Watt solar power • 3 X 150 Amp Hour batteries, • GPS • Removable tongue • 4 X jack stands Retractable powercord w/reel • Wheel lock bar • Aluminum equipment enclosures • Rotating mast for travel • 1-Year manufacturer's warranty (Excludes tires and/or batteries). • 45-60 Day Lead Time • Delivery Included <ul style="list-style-type: none"> ◦ Required Vigilant 2-Camera/Tablet Sold Separately
Subtotal Price		\$45,900.00
(1)	VT-TRL-2-66-L5F \$11,500.00 Each	35mm L5F Upfit Kit <ul style="list-style-type: none"> • Qty=2 35mm lens package • Tablet Processing Unit and • 2 15ft L5F Cables • GPS/4G Antenna • Trailer must include the following: <ul style="list-style-type: none"> ◦ 12V Power System ◦ Internal Mounting space for Tablet LPR Processing Unit ◦ Suitable Mounting Location for LPR Cameras
Subtotal Price		\$11,500.00

LPR HARDware Extended Warranty

5 Year Coverage

Qty	Item #	Description
(1)	CDMS24HWW \$4,200.00 Each	2-Camera Mobile LPR System - Extended Hardware Warranty - Years 2 through 5 <ul style="list-style-type: none"> • Full mobile LPR hardware component replacement warranty • Applies to 2-Camera hardware system kit • Valid for 4 years from standard warranty expiration
Subtotal Price		\$4,200.00

Camera Licensing & LEARN Data Hosting

5 Year Coverage

Qty	Item #	Description
(5)	VSBSCSVC-02 \$900.00 Each	Vigilant LPR Basic Service Package for Hosted/Managed LPR Deployments <ul style="list-style-type: none"> • Managed/hosted server account services by Vigilant <ul style="list-style-type: none"> ◦ Includes access to all LEARN or Client Portal and CarDetector software updates • Priced per camera per year for 15-30 total camera units • Requires new/existing Enterprise Service Agreement (ESA)
Subtotal Price		\$4,500.00

Technical Services

Qty	Item #	Description
(1)	SSU-SYS-COM \$995.00 Each	Vigilant System Start Up & Commissioning of 'In Field' LPR system <ul style="list-style-type: none"> • Vigilant technician to visit customer site • Includes system start up, configuration and commissioning of LPR system • Includes CDM/CDF Training • Applies to mobile (1 System) and fixed (1 Camera) LPR systems
Subtotal Price		\$995.00
(1)	VS-TRVL-01 \$1,550.00 Each	Vigilant Travel via Client Site Visit <ul style="list-style-type: none"> • Vigilant certified technician to visit client site • Includes all travel costs for onsite support services
Subtotal Price		\$1,550.00

Delivery

Qty	Item #	Description
(1)	VS-SHP-02 \$70.00 Each	Vigilant Shipping Charges - Fixed or Comms <ul style="list-style-type: none"> Applies to each fixed camera LPR System Or Communication Box Purchased without LPR System Shipping Method is FOB Shipping
Subtotal Price		\$70.00

Quote Notes:

1. All prices are quoted in USD and will remain firm and in effect for 60 days.
2. Returns or exchanges will incur a 15% restocking fee.
3. Orders requiring immediate shipment may be subject to a 15% QuickShip fee.
4. This Quote is provided per our conversation & details given by you - not in accordance to any written specification.
5. This Quote does not include anything outside the above stated bill of materials.
6. Motorola's Master Customer Agreement and all applicable addenda, available at https://www.motorolasolutions.com/en_us/about/legal.html shall govern the products and services, and is incorporated herein by this reference.
7. Customer to provide cellular data SIM w/ plan for connectivity.
8. Delivery dock or forklift required for trailer delivery.
9. Sales tax is not included.

Quoted by: Louis Wershaw - 209-283-0990 - louis.wershaw@motorolasolutions.com

Total Price	\$68,715.00
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Contract Terms Acknowledgement

This Contract Terms Acknowledgement (this “**Acknowledgement**”) is entered into between **Vigilant Solutions, LLC**, a Delaware corporation (“**Vigilant**”) and the entity set forth in the signature block below (“**Customer**”). Vigilant and Customer will each be referred to herein as a “**Party**” and collectively as the “**Parties**”.

1. Contract Terms Acknowledgement. Customer acknowledges that they have received Statements of Work that describe the services provided on this Agreement. Parties acknowledge and agree that the terms of the Master Customer Agreement (“MCA”), including all applicable Addenda, shall apply to the Services set forth in the accompanying Ordering Document. Vigilant's Terms and Conditions, available at https://www.motorolasolutions.com/en_us/about/legal.html, including the Master Customer Agreement, is incorporated herein by this reference. By signing the signature block below, Customer certifies that it has read and agrees to the provisions set forth in this Acknowledgement and the signatory to this Acknowledgement represents and warrants that he or she has the requisite authority to bind Customer to this Acknowledgement.

2. Entire Agreement. This Acknowledgement, including the accompanying Ordering Document, supplements the terms of the MCA, applicable Addenda, and Ordering Documents entered between the Parties and forms a part of the Parties’ Agreement.

3. Disputes; Governing Law. Sections 12 – Disputes of the MCA is hereby incorporated into this Acknowledgement *mutatis mutandis*.

4. Execution and Amendments. This Acknowledgement may be executed in multiple counterparts and will have the same legal force and effect as if the Parties had executed it as a single document. The Parties may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature will be treated, and will have the same effect as an original signature, and will have the same effect, as an original signed copy of this document. This Acknowledgement may be amended or modified only by a written instrument signed by authorized representatives of both Parties.

The Parties hereby enter into this Acknowledgement as of the last signature date below.

Customer: _____

Signature: _____

Name: _____

Title: _____

Email: _____

Date: _____

**CITY COUNCIL
STAFF REPORT**

Date: June 18, 2024

From: Renata McLeod, Municipal Services Director
Hilary Patterson, Community Planning Director
Randy Adams, City Attorney

Re: Sign Code – Billboards

DECISION POINT: Should the City Council approve amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays?

HISTORY: On March 1, 2022, the City adopted a new Sign Code which consolidated and simplified several sections of the existing Code to ensure that the new Code met the constitutionality required by a recent case out of the U.S. Supreme Court. This new code allowed the sign regulations to shrink from 31 pages to 19 pages. One section of the proposed new Sign Code, which required the removal of a billboard if it was more than 50% damaged, was removed by Council prior to passage, based on the concern that the section was not business-friendly and could result in the removal of historic billboards. *See* Minutes of the March 1, 2022, Council Meeting at pp. 5-6. At the December 19, 2023, Council meeting, some Councilmembers wanted to revisit the Sign Code and provide a way to allow the relocation of existing billboards within the City limits. Staff was directed to draft an amendment to accomplish this. As the Code is currently written, no new billboards are allowed and existing billboards cannot be moved to a different location, but must “remain in place.”

Staff reviewed codes from several cities including Post Falls, Hayden, Meridian, Idaho Falls, Pocatello, Spokane, Spokane Valley, Twin Falls, Bend OR, Missoula MT, Boise, Nampa, Caldwell, and Eagle, as well as the Montana Department of Transportation, and Idaho Transportation Department (a summary of each is attached). In reviewing those codes, most cities did not allow for new billboards, and a few provided for their movement within certain parameters. As a result, Staff prepared amendments to the Sign Code to allow existing billboards to be moved and to set reasonable parameters for relocation. Please note there were no size allowances for billboards in the existing Code as new billboards were specifically prohibited and existing billboards could be maintained as they existed. The proposed amendments provide for the relocation of an existing legal billboard located within City limits to a C-17, M, or LM zoning district if limited to three hundred square feet (300ft²) with certain standards for setbacks, height, underground electrical, and separation between signs. For billboards larger than three hundred square feet (300ft²), the additional limitations on location would be to allow relocation if within a C-17, M, or LM zoning district if on property abutting Northwest Boulevard within six hundred fifteen feet (615’) of Interstate 90 as measured from the edge of the travel lane

closest to the right-of-way, or on property abutting US95 within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way, or on property north of Seltice Way and south of Interstate 90. It is recommended that the relocation of a billboard be done through a public hearing before the City Council for the purpose of transparency and notification to properties within three hundred feet (300'). Additionally, after review of codes from other cities and state departments, and review of the City's existing electronic sign codes, amendments to better clarify the illumination standards for all signs, with some additions to better protect the night sky, are recommended. Finally, mobile billboards are specifically prohibited, as that was an issue not addressed by the current Code. A redline version of the proposed amendments is attached.

Sergeant Reneau of the Police Department conducted a light meter study on February 11, 2024, at 2:00 A.M., to evaluate current conditions and compliance with the existing illumination standards for various electronic signs within the City limits. The request was made due to past accident reports and complaints about a few electronic signs being a distraction for drivers at night and during the early morning hours. The study was done using foot candles and converted to nits for the current code metrics of 500 nits at night and 5,000 nits during the day. The signs met the nit requirement in the current code with varying degrees of illumination. However, both Sergeant Reneau and Chief White indicated that the 500-nit threshold is likely too high. The proposed amendments change the measurement from nits to foot candles, which is more standard, and implements the industry standard of 0.3 foot candles.

Staff has provided the proposed code to the two outdoor sign companies Lamar and Yesco, as well as to sign companies that have pulled permits in the City over the past year, and met with representatives of Lamar and Yesco to discuss the proposed code.

On May 28, 2024 staff presented to the first General Service/Public Works Committee. Councilmember Miller said she supported the public hearing and was concerned about removing a setback from schools and other uses because the City couldn't restrict content on the billboards. At that meeting Council requested further discussion regarding the need to review the Land Lease; clarification regarding the proposed foot candle measurement to be above ambient lighting; clarify rotating signs are signs that turn/spin; clarify sign content cannot be regulated, e.g. legal cannabis sales in WA; determine if a public hearing should be required; determine if underground electrical should be required; include transitions should be ½ second or less for electronic signs; and include lighting to be downward facing on non-digital billboards. Additionally, Councilmember Gookin suggested we address the potential for mobile billboards, as they are currently popular in larger cities.

On June 10, 2024, staff presented to the second General Service/Public Works Committee. At the committee meeting, Council provided input on the proposed code and weighed in some of the items brought forward by the first committee. Councilmember Evans acknowledged the long-term impact of the amendment on the community and noted that this is a decision that could impact generations. She stated that the code amendment should have more vetting and input from the community, and suggested having it run by the Planning and Zoning Commission and Historic Preservation Commission to get their input before it comes back to City Council for a decision. She also noted that she would like to prioritize preserving community aesthetics.

Councilmember English said public comment is critical and that there was no rush. He indicated support for having the City Attorney review the Lease Agreements and requiring underground power if it was onsite or within 75 feet of the property. Councilmember Wood said this is a simple thing and a great opportunity for a company to move to a business district and away from Northwest Boulevard noting she supports allowing advertisers to move their existing billboards. She indicated that 19 pages was too much, but she did support some regulations to look out for City interests. She said there was a lot of agreement between the billboard companies and staff. She didn't support forwarding the draft code to any city committees because it would delay the process, but did invite public comment at the Council meeting.

A summary of public comments received during the subcommittee meetings is provided below:

Neil Schreibeis with Lamar spoke at both committee meetings expressing concern for the length of the code, the review of the Land Lease by the City Attorney, the setbacks from I-90, which he felt would cause congestion of the billboards, and had concerns with the restriction of placing billboards further than 500 feet from schools, residentially zoned areas, churches, cemeteries and historic districts. He offered to restrict content if a billboard was placed near a school. He noted that Lamar would not advertise cannabis in Idaho even if it was legal in Washington. He requested clarification on the structural setbacks and overhangs and asking if the setback measurement applied to the post or the sign face. Mr. Schreibeis said staff noted that new businesses are required to underground their power, but felt that the requirement to underground the power was singling out the billboard companies. He questioned why it should be undergrounded if there was already overhead power on the site. Mr. Schreibeis said he didn't support the public hearing requirement because staff could review the requests against the code, but was ok with the 10-year timeframe before requesting to relocate again.

Jeff Connaway, owner of Silver Creek Signs, spoke at both committee meetings, indicated that he served on the City's former Sign Board for more than 30 years. He said he was not in favor of the code or letting billboards be relocated. He said dating back to the 1960's there were discussions on the Sign Board and by the City Council to do away with billboards because they create visual clutter. Mr. Connaway said if you asked the average citizen, that they would not support billboards relocating. He questioned why City Council asked for this code amendment, unless they were asked by an industry representative. Mr. Connaway said if billboards are allowed to move, the Council will hear from local residents because they will become visible. He suggested that all billboards be phased out by having a sunset on existing leases. He suggested if billboards are allowed to relocate, that they be limited to the same size allowance as on-premise signs as outlined in the current code.

James Fillmore, resident of Coeur d'Alene, spoke at both committee meetings. He suggested adding language to the code regarding transition times and lighting on non-digital billboards. He also suggested removing the requirement to review the Lease Agreement. He said public hearings should still be required because it is important to hear from the community. Public hearings are not an excessive requirement. He had questions about the 500-foot setback from residential areas if it was in any direction, and suggested the rule should be clarified to relate to its connection to the site by road or view.

As requested, staff is bringing forward the amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays. Based on direction from the committee meetings, Council has requested an opportunity for public comment at the June 18, 2024 meeting.

FINANCIAL ANALYSIS: Costs are incurred with the codification of Code amendments, otherwise fees will be collected in accordance with the sign permit fee structure.

PERFORMANCE ANALYSIS:

The following is a summary of the proposed new Sign Code as compared to the Current Code.

CODE	PROPOSED CODE SUMMARY
15.50.210	Updated definition of Billboard to clarify that it is an off-premises sign
15.50.400 (C)	<p>Provides for the allowance of existing lawful billboards to be relocated with permits; within C-17, M or LM zoning districts on private property lots with a minimum of 100’ of arterial street frontage; setback and height requirements, relocation no more than once every 10 years; requires written agreement with the landowner approved by the City; after a public hearing with notice to property owners within 300’ of the billboard; Council to make certain findings; set standards for relocated billboards including but not limited to size, location, height, number of sign faces and structure, distance between signs, setbacks, and permit requirements.</p> <p>Provides for existing lawful billboards that are up to 672 sq. ft. to be relocated in C-17, M and LM zoning districts that are on property abutting Northwest Boulevard within 615' of an Interstate 90 on/offramp edge of pavement, on property abutting US95 within 615' of an Interstate 90 on/offramp edge of pavement, and on property north of Seltice Way and south of Interstate 90.</p>
15.50.400 (D)	Clarification of illumination distraction; requirement for technology to automatically dim at night, with references to foot candles instead of nits; messages to be held for 8 seconds, transitions shall be no more than ½ of one second, and a prohibition of video messages.
15.50.410 (H)	Clarification regarding billboard movement as allowable off premise sign and to clarify mobile billboard to be off-premise and prohibited.

DECISION POINT/RECOMMENDATION: Council should approve as presented, approve with further modifications, deny, or send back to staff for further development the proposed amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays.

Attachments:

- Comment Letter from James Fillmore, CDA
- Comment Letter from Jeff Connaway, Silver Creek Signs

City	Billboards	Electronic
Post Falls: Prohibits off premise signs	Prohibits Off-premise commercial signs 2.The legal, nonconforming sign may not be replaced, except with a sign conforming to the requirements of this chapter. 3.The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. If, however, the sign suffers damage or deterioration in excess of fifty (50) percent of its replacement value, it must be brought into compliance with this chapter or removed within thirty (30) days of notification by the city.	18.36.060. - Prohibited signs. E. Flashing Signs. Signs which blink, flash, or are animated by lighting in such a way as to have the appearance of traffic safety signs and/or lights, or municipal vehicle warnings from a distance, or flash directly into residentially zoned properties or flash directly toward any roadway in a manner that is a hazard to the roadway operations. G. Revolving Signs. Revolving signs; and H. Off-Premises Commercial Signs. Off-Premises Commercial Signs, as defined in this chapter.
Hayden: Prohibits Billboards	BILLBOARD: A ground-mounted sign which exceeds the maximum height and size allowed for a monument sign and which typically displays other characteristics not authorized in this code for permanent signage. Prohibited signs: flashing to simulate traffic control devices; Off-premise sign, and billboards 11-5-8: PROHIBITED SIGNS: The following signs are expressly prohibited in all districts within the City of Hayden: G. Off Premises Signs: Off premises signs, as defined in this chapter. H. Roof Signs. I. Billboard Signs.	Illumination: All EMC shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions. Display shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the formula: Measurement Distance = Area of Sign X 100
Meridian: Non- conforming use for existing off premise, prohibits new	Off-premises outdoor advertising sign. Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out. .Any nonconforming sign that is subject to the Idaho Code § 40-1910A related to the removal of off premises outdoor advertising along state highways shall lose its nonconforming status and may become an illegal sign if any of the following occur:1.The sign and/or sign structure is moved.2.The sign structure is replaced and/or removed for any period of time.	a. Illuminated freestanding signs shall be allowed in the required street landscape buffer. b. Illuminated freestanding signs not in the required street landscape buffer shall be less than eight (8) feet in height or shall be located greater than one hundred (100) feet from any residential district. c. Illuminated building signs shall not face a residential district unless located greater than one hundred (100) feet from such residential district.

<p>Idaho Falls: Allowed as restricted</p>	<p>7-9-49: BILLBOARD SIGNS: (A) No billboard sign may installed within the following locations: (1) Within a seven hundred and fifty foot (750') radius from any other billboard sign. (2) Within seven hundred and fifty feet (750') of the nearest boundary of the Snake River, the Riverwalk, and land owned by the City of Idaho Falls contiguous with the Snake River. (3) Within seven hundred and fifty feet (750') from properties or districts listed on the National Register of Historic Places. (4) Within five hundred feet (500') from any residential zone. D) Billboards shall only be used for off-premise signs. (E) LED and Tri-vision billboards must adhere to the following regulations: (1) Billboards shall not include any illumination or image which moves continuously, appears to be in motion, or has any moving or animated parts, or video displays, or broadcasts. No such sign shall include any illumination which is flashing or moving. (2) The message or image must remain static for a minimum of eight (8) seconds. (3) An automated change of message or image must be accomplished within two (2) seconds or less and contain a default design that will freeze the sign face in one (1) position should a malfunction occur. (4) Each electronic message center shall be equipped with a photocell dimmer to automatically dim with changes in ambient light.</p>	<p>When requesting a permit for an electronic message center, the applicant shall submit documentation certifying the sign is equipped with a photocell dimmer and the dimmer shall be used at all times the sign is in operation. (5) The night-time illumination of LED billboards shall conform to the criteria in this section. The difference between off and solid-message measurements of an LED billboard shall not exceed 0.3 footcandles at night, applicable one-half (1/2) hour after sunset. The illuminance of an LED billboard shall be measures with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign or a solid message for a single-color sign.</p>
<p>Pocatello: Billboards allowed as restricted</p>	<p>15.20.240: OFF PREMISES/BILLBOARD SIGNS: A. Off premises/billboard signs shall only be permitted in Office Park, Light Industrial, Industrial, and Commercial General Districts. Permits for signs meeting the requirements below may be issued by staff. However, the following additional requirements shall apply in Commercial General Districts: 1. Applicants for signs in Commercial General Districts must provide a mailing list of property owners and tenants within a five hundred foot (500') radius of the property line to whom notice of the application will be sent by the City; 2. A twenty one (21) day waiting period shall be required prior to sign construction or erection, during which time period any aggrieved person so notified may make a written protest to the Planning and Development Services Department for a hearing before the hearing examiner. A decision of the hearing examiner may be appealed to the City Council within fifteen (15) days of the date of the hearing examiner's decision; 3. No construction or erection of signs shall be allowed pending the outcome of either hearing; 4. The decision of the City Council shall be final; B. Any off premises sign which is moved or replaced must comply with current standards. All off premises signs shall meet the following standards: 1. Sign Face: The maximum area of a sign face shall not exceed three hundred (300) square feet including border and trim, but excluding base, supports, and other parts of the sign structure. Maximum height of the face shall be twelve feet (12') and maximum length shall be thirty six feet (36').</p>	<p>7. Changing Messages: Message display for new off premises signs or conversions of existing off premises signs to those using electronic means to change messages such as LED technology or trivision panels shall comply with all applicable standards of section 15.20.250, "Electronic Message Displays (EMD)", of this chapter. Displays: Such displays shall contain static messages only, and shall not have movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of the light intensity. No chasing, blinking, rotating or flashing shall be employed in displaying a message or image, or during the change from one message or image to another. No streaming video shall be displayed.</p>

<p>Pocatello Cont.</p>	<p>2. Height: Off premises signs shall be no more than thirty five feet (35') in height above ground level and have a minimum clearance of twenty feet (20'). Provided, however, that the staff of the Planning and Development Services Department is hereby authorized to grant variances up to five feet (5') for the minimum clearance and height requirements through the minor variance process as described in section 17.02.160 of this Code.</p> <p>3. Cutouts: Cutout attachments securely affixed to off premises signs shall be permitted, but shall not be allowed to project more than five feet (5') above, one foot (1') below, and not more than two feet (2') on either side of the sign to which they are attached.</p> <p>4. Placement: No portion of an off premises/billboard sign may extend into or over an area defined as a structural setback in the applicable zoning district standards.</p> <p>5. Message: No permits are required to change the message of an off premises/billboard sign.</p>	
<p>Spokane, WA can be relocated to same roadway, same size</p>	<p>https://my.spokanecity.org/smc/?Section=17C.240.247 Spokane uses the 0.3 foot candle measurement for brightness levels in all zones for their Electronic Message Center Signs. They have specific guidance on distance for measurements. They also require all electronic message centers in all zones to come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions. They also prohibit flashing signs or lights. They also require hazardous signs to be removed. They prohibit off premises signs, except as expressly allowed in other sections of Chapter 17.C.240, Signs.</p>	

<p>Spokane, WA Cont.</p>	<p>A legal, non-conforming off-premises sign shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. The relocation of an off-premises sign under this exception must occur within six (6) months of removal or its legal, non-conforming status shall be discontinued pursuant to SMC 17C.240.280. Relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through (f) below:</p> <p>No increase in square footage of off-premises sign copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation. No additional sign faces shall be added.</p> <p>No increase in height of the existing off-premises sign shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.</p> <p>The off-premises sign shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway. For purposes of this provision, the term "roadway" shall apply to both directions of a couplet.</p> <p>The off-premise sign shall not be relocated to a site with a Residential, Neighborhood Retail, or Center and Corridor zoning designation including CA zones, or located within an historic district, regardless of the zoning or district of the original sign location.</p> <p>The relocation of the off-premises sign shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of signs, excepting size, height, and off premise advertising limitations.</p>	
<p>Spokane Cont.</p>	<p>A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.</p> <p>Any nonconforming off-premises sign which deteriorates, is damaged or destroyed by fire, explosion, wind, act of nature, failure to maintain or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered, and so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the off-premise sign.</p>	

<p>Twin Falls:- Prohibits</p>	<p>10-9-10: PROHIBITED SIGNS: (A) Commercial Billboard Signs: A commercial billboard sign is a large sign, generally supported by a metal or wood frame and consisting of two (2) parallel sign faces oriented in opposite directions, used for the display of posters, printed, painted, or electronic advertisements that generally direct attention to goods, merchandise, entertainment, or services conducted, sold, or offered at a location other than the premises on which the sign is located. Electrical wiring to the billboard shall be located underground.</p>	
<p>Bend, OR: grandfathered signs, prohibits new ones</p>	<p>Internally illuminated and/or animated billboards are prohibited. External illumination shall comply with the Lighting Ordinance. Electrical wiring to the billboard shall be located underground Signs are allowed in certain districts, billboards allowed in District 1 and 2 which related to highways and a general zone, it is not allowed within the central business district, neighborhoods, or residential districts. The max. number allowed is 43(based on those existing in 1985), no new, can replace an existing one. c. All billboards moved after the effective date of this chapter shall be located in Sign District 1 or 2 on commercial or industrial zoned properties only.</p>	
<p>Missoula, MT: Billboards Not allowed after 02/14/1985</p>	<p>Missoula prohibits dynamic display billboards and mobile billboards. 20.75.160 - Billboards: May not be installed or enlarged after February 14, 1985. They also prohibit signs that simulate or which are likely to be confused with traffic control signs, they prohibit animated, flashing blinking and scintillating signs.</p> <p>20.75.090 - Off-Premises Sign Options Off-premises signs may be permitted on some parcels to compensate for certain locational problems that create severe practical difficulties with adherence to this chapter.</p> <p>A.Special Exception The Board of Adjustment must grant a special exception for an off-premises ground sign prior to a permit being issued. The Board of Adjustment may grant a special exception if all of the following conditions apply:1.The location of the business precludes the placement of a sign that is visible from a street or the business is located on a parcel that does not abut a public street; and2.The use for which a special exception for an off-premises sign is requested is not in a residential zoning district.B.Standards1. Off-premises signs must comply with the strictest ground sign regulations of the district in which they are located.2.If a business that qualifies for an off-premises sign elects to combine its sign with an on-premises sign of another business, the total square footage of the resulting ground sign identifying two businesses may equal the combined maximum ground sign for each business.3.An off-premises sign that in part identifies a private business as a donor of the sign constitutes an off-premises sign of the business donor.</p>	

<p>Boise: # of billboards not to increase except through annexation. Requires a conditional use permit</p>	<p>Off-Premise Signs</p> <p>When signage is needed off-site because of excessive distance from a public street, lack of street frontage, unusual topography, or other special circumstances, an off-premise sign may be allowed with the approval of a Conditional Use Permit (CUP).</p> <p>Billboards (poster panel and bulletin panel) are also considered Off-Premise Signs. Applications for a billboard must also include a demolition permit for the existing billboard. The number of billboard signs in the city will not be increased except through annexation, and billboards are only allowed in MX-2, MX-3, I-1, and I-2 zoning districts and only after the approval of a Conditional Use Permit where allowed. Additional approval and design and location requirements apply for billboards.</p>	<p>(5) Electronic Message Displays (EMD):</p> <p>(a) Applicability:</p> <ul style="list-style-type: none"> i. EMDs are permitted for all uses located in the Mixed-Use, Industrial, and Open Land zoning districts. ii. EMDs are only permitted for nonresidential uses located on collector or arterial roadways in the Residential zoning districts and in the A-1, and A-2 zoning districts. <p>(b) Standards: All electronic message displays shall comply with the following standards:</p> <ul style="list-style-type: none"> i. Only one EMD is permitted per establishment. For establishments located in a center, only one EMD is permitted for the center. ii. No EMD may be installed on a non-conforming sign. iii. EMDs shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating, or varying of light intensity. iv. Each message or frame shall be displayed for a minimum of eight seconds. v. The area used for an EMD shall not occupy more than 50 percent of the total sign area. vi. The brightness or intensity of the EMD shall be factory set not to exceed 5,000 nits on clear days and 500 nits from dawn to dusk. The EMD shall also not exceed 50 percent of its maximum brightness on clear days and 10 percent of maximum brightness from dawn to dusk. Each display shall have a light sensing meter that will adjust the display brightness as the ambient light changes. vii. Text-only single-color message displays with letters no higher than 12 inches may scroll or travel without the static message limitation. The maximum area for such displays is eight square feet.
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<p>Boise Cont.</p>	<p>B. Poster Panel and Bulletin Panel Off-Premise Signs (Billboards): Each application for a billboard shall be accompanied by a demolition permit for an existing billboard. The number of billboard signs in the City shall not be increased except through annexation. Off-premise poster panels and bulletin panels are only permitted in the MX-2, MX-3, I-1, and I-2 zoning districts, and only after approval of a Conditional Use Permit, provided that no signs may be located on Capitol Boulevard or on Federal Way between Capitol Boulevard and Bergeson Street.</p> <p>1) Approval Criteria: The Planning and Zoning Commission shall make the following findings:</p> <ul style="list-style-type: none"> (a) That the sign will not negatively impact the visual quality of a public open space. (b) That the sign will not block the view of a structure of historical or architectural significance. (c) That sign height is compatible with buildings within a 300 foot radius. Where view of the sign would be blocked by buildings, or where view of buildings would be blocked by the sign, the sign height shall not exceed the building height by more than 12 feet. Where there are no buildings within 300 feet, sign height shall not exceed 22 feet. (d) That sign lighting will not trespass onto adjacent properties. <p>(2) Design and Location: New signs shall comply with the following standards:</p> <ul style="list-style-type: none"> (a) Sign area height shall not exceed 10.5 feet. (b) Sign area shall not exceed 248 square feet for poster panels and 378 square feet for bulletin panels. (c) Sign height shall not exceed 40 feet but may be limited to less by 11-04-012.9.B(1)(c) above. (d) No sign may be located within 1,000 feet of another billboard on the same side of the street. However, if a sign is larger than 312 square feet, the distance to another such sign shall be at least 2,000 feet. (e) A sign on one side of the street may be no closer than 150 feet from a sign on the opposite side of the street, as measured along the line of travel. (f) At any street intersection, there may be no more than 496 combined square feet of billboard sign area within 250 feet measured from the street corner curbs. (g) Back-bracing is prohibited. (h) View of the sign should be unobstructed for 250 feet along the line of travel. (i) Electronic message displays are allowed with static frame effects that change with no transition no more frequently than every 8 seconds. Brightness levels shall comply with Section 11-04-012.7.A(5)(b)vi. A change from non-EMD to EMD requires the approval of a sign permit. (j) Setbacks shall be at least five feet from any property line. When adjacent to a Residential zoning district, the setback of that residential zoning district shall be met. 	
<p>Boise Cont.</p>	<p>10. Special Sign Districts:</p> <p>A. Capitol Boulevard Sign Standards: In addition to the generally applicable sign regulations of this Section 11-04-012, these special standards apply in the Capital Boulevard Special Design District.</p> <p>(1) Review:</p> <ul style="list-style-type: none"> (a) Signs require Design Review approval as an overall sign plan for the site. (b) The Design Review Commission shall provide recommendations to the Planning and Zoning Commission on requests for Variances and Conditional Use Permits. 	

<p>Nampa: Prohibits new; relocation allowed with underlying codes</p>	<p>Billboard sign: A type of sign, 300 square feet or larger, that identifies or communicates about an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located or on which space is leased or rented. Outdoor advertising sign: A sign which is a substantial permanent structure that is either a wall sign, freestanding or monument sign. Outdoor advertising signs are not limited as to content, but are usually and customarily used to advertise goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located; or to present messages dealing with political, public interest, public service, or education issues; an election, candidate for election, or ballot measure; or religious matters, health, and other similar subjects.</p> <p>J."Billboard type" outdoor advertising signs.1.Not allowed. New "billboard type" signs shall not be allowed.2.Existing signs. Existing "billboard type" signs already located within city limits prior to the effective date hereof or subsequently annexed into the city after the effective date hereof may be relocated to new sites within city limits. Application for a sign permit must be filed for relocation of a billboard.3.Relocation requirements. In order to relocate a billboard within the city, application shall first be made to the planning and zoning department. A relocated billboard must meet/comply with requirements listed in this chapter in order to be allowed. Not more than one billboard sign shall be allowed per property. Minimum spacing between billboard signs on the same side of a right-of-way shall be no less than 1,000 linear feet, measured along the centerline of the roadway. Minimum spacing between a billboard sign on the other side of a right-of-way from another such sign shall be no less than 300 linear feet, measured along the centerline of the right-of-way. No grouping of signs on a single pole shall be allowed. If a proposal for relocation of a billboard sign is deemed to meet applicable codes, the city shall permit relocation of the sign.4.Painted billboard signs. The allowance to relocate billboards shall not be deemed or construed to permit painted billboard signs existing along Interstate 84 prior to the effective date hereof to be moved to other parts of the city away from the interstate.</p>	
<p>Caldwell: Allows</p>	<p>Caldwell requires a minimum separation distance between billboards and off-premise signs of 1,320'. They also require them to be setback 30' from all property lines. They require an electronic reader board sign to maintain a minimum hold time of eight (8) seconds for each individual frame for off premises (billboard) displays. They require all electronic reader boards to have a light detector/photocell by which the sign's brightness can be dimmed when ambient light conditions darken.</p>	
<p>Eagle: Prohibits</p>	<p>Prohibits Billboards</p>	<p>They call their electronic reader boards "Automated Signs". Automated signs shall only change frame content every eight seconds. Their brightness is measured in nits, but they require an auto dimmer allowing no more than 5,200 nit illumination between sunrise and sunset and up to 300 nits between sunset and sunrise.</p>

<p>Spokane Valley, WA: prohibits new billboards</p>	<p>Existing signs may be moved to another location equal or smaller; in mixed use and non-residential zones, except NC Height limited by underlying zoning, with a max of 50'; Replacements may not be placed less than five feet from the property line, not to extend beyond property line. none within 1,000 feet from another, offset from any billboard on the opposite side of the street by not less than 250'. Replacement billboards shall not be permitted along designated aesthetic corridors.</p>	
<p>ITD</p>	<p>ITD has only one paragraph and they do not speak to brightness levels. https://itd.idaho.gov/wp-content/uploads/2016/05/outdoor-advertising-general-information.pdf As part of the Highway Beautification Act (also known as the Lady Bird Johnson Act), federal law requires all states to provide continuing, effective control of outdoor advertising (Title 23, U.S. Code, Section 131). Failure to comply may result in a 10 percent reduction in Idaho's Federal Highway funds.</p>	<p>If electronic, must display a static image for a minimum of 8 seconds, have a dwell time of 2 seconds or less, sign faces must be at least 5,000 feet apart on interstates, at least 1,000 feet apart on primary highways in urban areas, and at least 5,000 feet apart on primary highways outside urban areas.</p>
<p>Montana Dept. of Transportation</p>		<p>Montana DOT limits the brightness to 0.3 footcandles over ambient light and requires the minimum display time to be at least eight seconds. They also limit brightness and images that are distracting.</p>

From: Silver Creek Signs <silvercreeksigns@gmail.com>
Sent: Wednesday, June 12, 2024 8:37 PM
To: SETTERS, KELLEY <KSETTERS@cdaid.org>
Subject: Billboard Sign Amendments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

TO: Members of the Coeur d'Alene City Council --

RE: **Sign Code -- Proposed Billboard Amendment**

FROM: Jeff Connaway --- Coeur d'Alene, Idaho

I have lived and worked in Cd'A since 1988. I am a craftsman and a sign maker by trade. I served on the Cd'A Sign Board from 1989 until approx. 2010, and was chairman the final 10 years. I am familiar with the sign code and some of its history. I am writing today to elaborate on my prior statements to you regarding allowing outdoor advertising companies to relocate billboards within Coeur d'Alene.

I think billboards were originally intended for use alongside open highways between cities, not within them. They were generally located on open fields, not so much on active commercial sites with equipment, buildings, signs, etc. On the open highway, with high-speed traffic and plenty of room, it is logical that billboards would be made considerably bigger than on-premise signs within towns and cities, where the density is much higher.

In various discussions regarding billboards at Sign Board meetings over 20+ years, we learned that the sign code was amended in 1968 to prohibit the construction of new billboards within the city. At that time billboards were generally seen to be intrusive and undesirable, and people didn't want to have new ones erected.

However, In 1968 the city government did not feel that it had the power, (or perhaps the motivation), to require existing billboards be removed. Therefore, existing billboards were grandfathered into the code, under conditions that they could not be enlarged, moved, or changed in any significant way.

I suspect that if existing billboards are allowed to be relocated, they will not actually be moved, but will be dismantled, and replaced with new, more modern structures. These new structures, for all intents and purposes, will be NEW billboards in NEW locations. The fact that older structures in other locations will quietly go away will be largely lost in the "glare" of the NEW billboards in their NEW, more visible locations.

The primary beneficiaries of billboards are outdoor advertising companies and their lease holders. The exact benefits of billboards to advertisers and to the public are harder to determine, but I suspect that most people would prefer billboards generally to be smaller and farther away, rather than bigger and closer at hand.

If off-premises signs are prohibited for existing businesses throughout the city, a principle which our sign

customers generally understand, **why** would Cd'A officials permit off-premises signs for outdoor advertising companies? Particularly at gigantic sizes which are three to six times bigger than those permitted for on-premises signs?

In urban areas, billboards are very much out of scale with neighboring buildings and the immediate landscape, including other signs. As such, they compete for attention with neighboring businesses and their signs in a very real way. They also add to the general visual clutter that we all dislike, and they devalue the comfortable, intimate sense of place that we all value highly.

For the Council to adopt the proposed code change at this time, allowing existing billboards to be relocated and modernized, would constitute a significant violation of the long-standing provisions of "no alterations and no moving."

Therefore, as a concerned citizen, my request is this: For the City Council to reject, or at least table, the current amendment while they explore if is legally possible to require billboard leases and permits to have sunset provisions, and also to take this time to learn more completely what the majority of citizens would prefer regarding maintaining billboards in Cd'A into the future.

Regarding the principle of supporting business in general, which I do, and not wanting to be seen as unduly negative or discriminatory:

I know that the outdoor advertising industry nationwide is big and powerful, and they have markets in many metro areas -- north Idaho is probably among the smaller ones. At this time we need to be more concerned with the direction of our own small town -- the big fish will be just fine without us, and the monies they are earning from the billboards in this area are not being spent in our area anyhow, except perhaps for their lease payments.

The two outdoor advertising companies who have expressed interest in this amendment, are YESCO, based in Las Vegas, and LAMAR, based in Baton Rouge, Louisiana. Neither company is local, and whatever market share that Coeur d'Alene represents to each of them them is probably small in their overall financial profiles. If a legal method can be determined to require billboard leases and permits to have sunset clauses, then the Cd'A market might be of no further interest to these national companies.

Conversely, if the big players are able to further advance into the CdA market, and if they invest additional funds into moving their billboards, CdA will become more important to them. In the language of outdoor advertising companies I think: "Moving Billboards" actually means "Building New Billboards." We really don't need this.

Remember the old adage: ***"Do not let the camel's nose into the tent, because soon you will have the whole camel in the tent."***

Please do not let the whole camel into the tent.

Respectfully submitted,

Jeff Connaway
Coeur d'Alene

Feed back for June 10, 2024 City Council Committee meeting.

My recommendations:

- 1) Strike Section 2: C3f, City reviews contract.
- 2) Keep Section 2: C3g: Pubic hearings should still be required, there are very few billboards to be moved, so this shouldn't be a big burden. An extra set of eyes are frequently good.
- 3) Section 2: C4f: No closer than 500' to residential, church, park, etc IN ANY DIRECTION seems pretty restrictive, on parts of NW Blvd there are houses to the East pretty close by the crow, but have no interaction with those arterials. Some exception to this rule to area's that are not connected to the aerial by road or view.
- 4) Section 2: C4j: Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its internal reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard face.
There should also be restrictions on the reflected brightness of the sign, I haven't researched that topic fully at this time.

No Glare beyond property bounds:

17.07.130-B. All Other Zoning Districts: In all other zoning districts, any use of property producing excess humidity in the form of steam or moist air, or producing intense heat, intense cold, intense glare, intense dust, or intense smoke shall be carried out within a completely enclosed structure so that neither a public nuisance nor hazard is created at or beyond lot lines of the lot involved. (Ord. 1691 §1(part), 1982)

17.07.765: LIGHTING: Each building site shall have adequate lighting for the structures, parking and storage areas, walkways and vehicle entrances and exits. Lighting shall be shielded to avoid casting glare on adjoining building sites. (Ord. 1994 §23, 1987)

James Fillmore
CdA



1



2

Council request

At the December 19, 2023 Council meeting, Council requested staff provide an opportunity for Council to revisit the amendments to the sign code and provide ways to allow the movement of existing billboards within the city limits.



3

Things to keep in mind when regulating Signs

Constitutionality – can not regulate signs by content: Cities, of course, can impose reasonable “time, place, and manner” regulations for signs, but any such regulations must be “content-neutral,” meaning that the same time, place, and manner regulations apply regardless of what the sign says.

Conflicts with existing codes/uses



4

Purpose within Code

15.50.110: FINDINGS, PURPOSE, INTENT, SEVERABILITY:

- A. Based on evidence collected by and for multiple communities over many years, the City has determined that Signs can obstruct views, distract motorists, displace alternative uses for land, and affect the aesthetics of a community.
- B. The City finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of Signs to:
1. protect the health, safety, property, and welfare of the public;
 2. improve the neat, clean, and orderly appearance of the City;
 3. provide for informational needs of the public;
 4. preserve and protect the scenic beauty of the City;
 5. promote traffic safety; and
 6. promote a healthy business climate in the City.



5

March 1, 2022 Code Amendments

- Removed any restriction related to content
- Condensed:
 - Less Terms defined (68 before 16 now)
 - Previously 19 exemptions now 9
 - Simplified sign types as Permanent, Temporary, Freestanding or Attached, with clarity to each type
 - 19 pages versus 31 pages
- Clarifications to the application (Responsible party clarified)
- Clarification of enforcement process



6

March 1, 2022 Council requested to be removed:

- a. The Billboard may not be enlarged, structurally altered, or moved to a different location. Billboards must be maintained as required by this Chapter.
- b. A Billboard located on property annexed into the City must be removed within sixty (60) days of the effective date of the annexation.
- c. If a Billboard is damaged by any cause such that the cost of repair exceeds fifty percent (50%) of the fair market value of the Billboard prior to the damage, the Billboard may not be repaired but must be removed.



7

How do sign allowances work?



225' parcel frontage on
Government Way

Total sign allowance is calculated by multiplying the street frontage of a parcel by three (3).

Example:
225' frontage multiplied by three (3) = 675 sq. ft. total signage.



8

How is the freestanding allowance calculated?

By multiplying the street frontage measurement (X) by the driving lane factors then (X) by the density factor then adding (+) in the sign area factor. (Max. for the C-17 in 100 sq. ft. per sign)

Example of Formula:

	Street frontage measurement	Driving Lane Factor (Chart F)	Density Factor	=	+ Sign area Factor	Total Sq. Ft.	Maximum area per sq. feet
Commercial C-17, C-17L	225'	1.75 X	.25	98	32	= 130	100 sq. ft max per sign.

Chart F:

Lanes	Driving Lane Factors
1-2	1.00
3	1.50
4	1.75
5+	2.00

Total sign allowance 675 sq. ft.
Deduct Freestanding 130 sq. ft. (max. 100 per sign)
Wall Signage Total 545 sq. ft.



9



10



1604 Lee Court on premise non-conforming sign
 Current sign allowance would be 160 sq. ft. and 50' tall (I-90 allowance)
If damaged would need to be brought into compliance



11

Council request

At the December 19, 2023 Council meeting, Council requested staff provide an opportunity for Council to revisit the amendments to the sign code and provide ways to allow the movement of existing billboards within the city limits.



12

Current Code regarding Billboards

15.50.210 DEFINITION: BILLBOARD: An Off-premises Sign which is leased or rented by its owner to a third party for the purpose of conveying a commercial or noncommercial message.

15.50.400 – Permanent Signs:

C. Billboards and other Off-premises signs.

1. Except as otherwise provided in this section, billboards are prohibited in the City.
2. Billboards that were lawful on December 1, 2019, may remain in place.
3. Permanent Off-premises signs are prohibited.



13

Previous Code – Prior to March 1, 2022 Amendment

15.24.440: BILLBOARDS AND OFF PREMISES SIGNS PROHIBITED; EXCEPTIONS: Except as provided in sections 15.24.100, 15.24.450 and 15.24.520 of this chapter, all billboards and off premises signs are prohibited.

15.24.450: BILLBOARD OUTDOOR ADVERTISING SIGNS: The erection or placement of any outdoor advertising sign is prohibited. Exceptions: Outdoor advertising signs that were in existence at the time of the effective date hereof shall be allowed to remain, subject to the following restrictions:

- A. They must be well maintained, maintained in a safe fashion, and must display a current message. They may not be enlarged or structurally altered.
- B. The sign structure shall consist of steel poles or I-beam construction embedded in concrete.



14

Previous Code

C. Extensions and projections shall not exceed five percent (5%) of the surface size for three hundred (300) square foot signs or ten percent (10%) for six hundred seventy two (672) square foot signs.

D. The lighting for each sign must be directed only toward the sign surface.

E. No outdoor advertising sign shall be allowed on property which is not zoned commercial or manufacturing and is not within six hundred fifteen feet (615') of the interstate freeway, along Northwest Boulevard and along Highway 95 north of Appleway Avenue, within the city limits.

F. No outdoor advertising sign which was in existence at the time of the effective date of this section may be relocated within the city limits.

J. Outdoor advertising signs that are in existence, at the time of annexation, on property annexed after the effective date hereof must be removed. (Ord. 3289 §54, 2007)



15

Highlights of Proposed Code

- Provides for a definition of Billboard
- Provides for the removal of existing non-conforming billboards in exchange for a new location
- To be relocated within a Commercial, Manufacturing or Light Manufacturing zone
- Blends with existing codes:
 - Planning and Zoning setbacks, heights, separation between signs, underground electrical (*if located on property or within 75'*)
- Requires a public hearing before the City Council
- Provides for emergency alerts/owner contact information

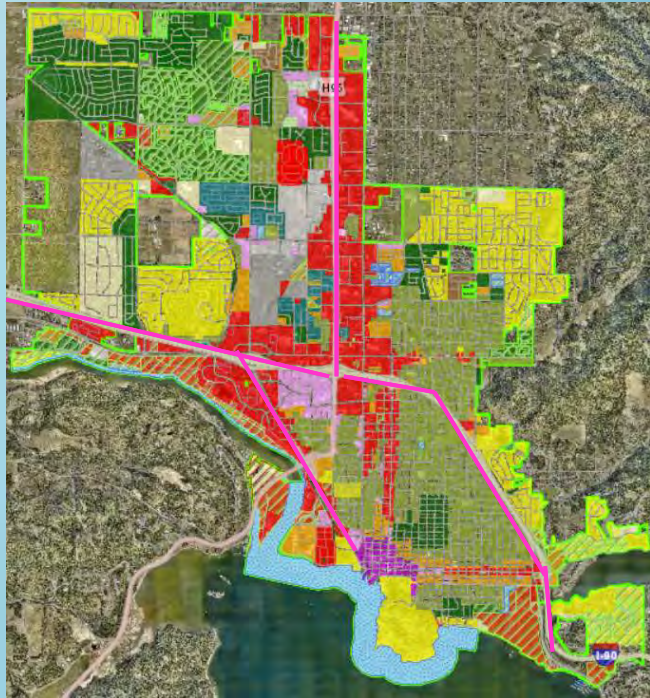


16

Zoning

Proposed Code

- Relocated billboards **no larger than 300 sq. ft.** and must be to non-residential property zoned C-17, M, or LM, with a min. frontage on an arterial street of one-hundred feet (100');
- Billboards **up to 672 sq. ft.** may be relocated on property abutting Northwest Boulevard within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or on property abutting U.S. 95 within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or on property north of Seltice Way and south of Interstate 90.
- *Not within 500' of residential zone, park, church, school, cemetery, or historic district*



17

Current Billboard Inventory

1. I-90 behind CDA Honda (2745 Seltice Way)
Tax ID 6753
2. I-90 at 2619 Seltice Way
3. N. of 2000 Northwest Blvd. Tax #12152
4. 1910 and 1924 Northwest Blvd –near
Coldwell Banker
5. 1621 Northwest Blvd. Corner of Mill Ave.
6. Northwest Blvd just south of the HWY 95
bridge, North of Hubbard Ave.
7. US 95 - 454 Clayton
8. US 95 North of At Home (200 Hanley
Avenue parcel)

Roadway Width:

- I-90 = 260 feet
- US 95 = 222 feet
- Northwest Blvd. = 75-100 feet
- Government Way = 84 feet



18

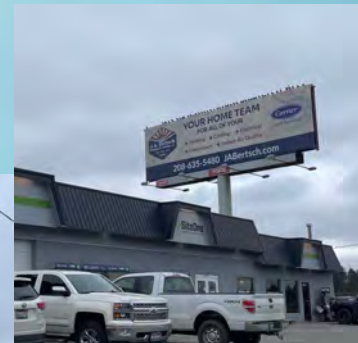


I-90 Near Honda Dealership

- Two panels V shape one pole
- 40' height from grade to top of sign
- 14' X 48' = 672 sq feet
- Setback 1' from property line on I-90 Side
- Digital faces



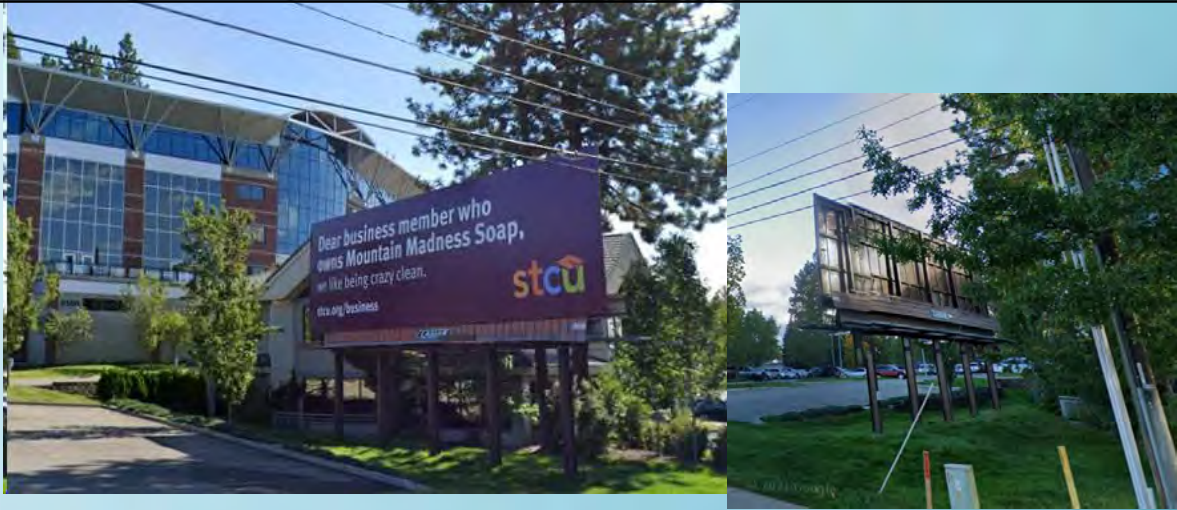
19



2619 Seltice Way
No data on record



20



North of 2000 Northwest Blvd. - Tax #12152- No data on record



21



1924/1910 Northwest Blvd. (N. of Lakewood Drive)
No data on record



22



1621 Northwest Blvd.

- 12' X 25' billboard dimensions



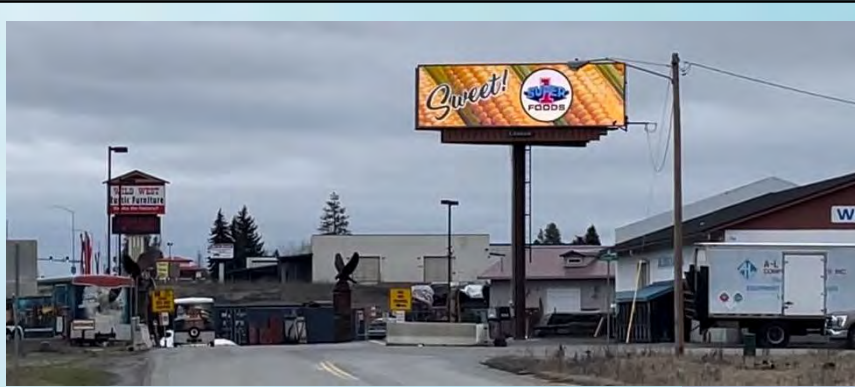
23



Northwest Blvd. North of Hubbard
*No data on record



24

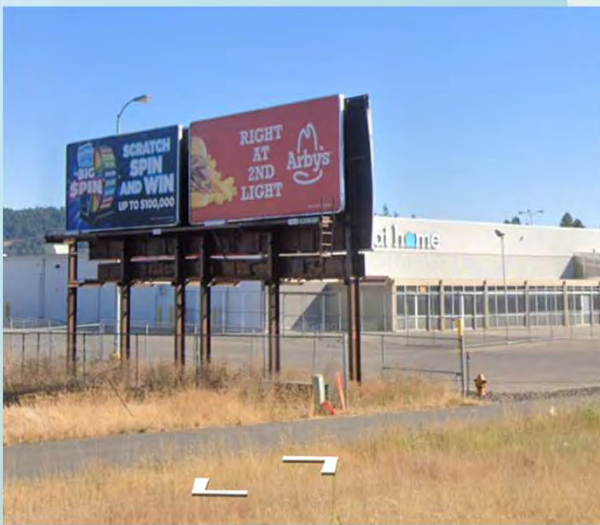


454 Clayton US 95

- two panels in a V shape one pole
- 42' height from grade to top of sign
- 10 X 30' = 300 sq. feet
- Setback 1' from the property line on Hwy 95 side – 2' and the S. property line



25



US 95 Near At Home

- two panels in a V shape one pole
- 45' height from grade to top of sign
- 14' X 48' = 672 sq. feet



26

Electronic Signs

Reasons to amend:

- Complaints about night brightness
- Research from other cities netted better ways to measure light, moving from nits to foot candles
- Required technology for auto dimming
- Hold displays for 8 seconds versus 2 seconds
- Restricts video messaging on electronic message display

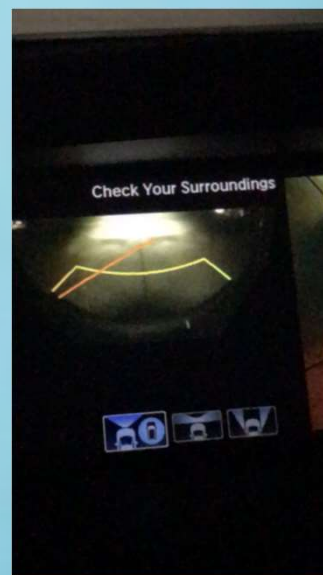
Currently there are 83 electronic signs



27



NOT O.K.



28

Electronic message



29



30

Current Code regarding Electronic Signs

15.50.400 – Permanent Signs:

D. Illumination and Electronic Message Displays.

1. Illumination must not create an unsafe or hazardous distraction to others.
2. The brightness or intensity of lighting for a Sign, including an Electronic Message Display, shall not exceed 5,000 nits from dawn to dusk or 500 nits from dusk to dawn.
3. An Electronic Message Display must hold each displayed message a minimum of two (2) seconds before displaying the next message. This requirement does not apply to an Electronic Message Display which consists of video images.
4. No sign which either actually or apparently flashes or blinks shall be allowed.



31

Current Code regarding Electronic Signs

15.50.400 – Permanent Signs:

D. Illumination and Electronic Message Displays.

5. The rotation speed of a sign shall not exceed nine (9) rotations per minute.
6. A sign in an area accessible to vehicles or pedestrians must meet the electrical code currently adopted by the state of Idaho as to height and clearance.
7. A Sign which utilizes electricity shall have placed thereon within plain view the following information in letters at least one inch (1") in height: permit number and power consumption (including voltage and amperage). The Underwriters Laboratory label shall also be plainly visible.
8. An Electronic Message Display is subject to the Freestanding Sign and Attached Sign regulations and allowances, as applicable.



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Proposed Amendments

- Clarification that distraction includes motorists, pedestrians, and general public
- Require technology for auto dimming
- Brightness shall not exceed 0.3 foot candles (above ambient conditions), with appropriate measurement distances
- Messages to be held a minimum of 8 seconds
- Clarification no videos are allowed
- Consistent with best practices



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Suggestions from May 28, 2024 GS/PW Subcommittee

- Reconsider the need to review the Land Lease
- Clarify proposed foot candle measurement is above ambient lighting
- Clarify rotating signs are signs that turn/spin
- Clarify sign content can not be regulated, i.e. legal cannabis sales in WA
- Determine if public hearing should be required
- Determine if underground electrical should be required
- Include transitions should be ½ second or less
- Include lighting to be downward facing on non-digital billboards
- Mobile Billboards

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Decision Point/Recommendation

Council should approve as presented, approve with further modifications, deny, or send back to staff for further development the proposed amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays.



ORDINANCE NO. _____
COUNCIL BILL NO. 24-1009

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 15.50.210, 15.50.400(C), 15.50.410(H), PERTAINING TO BILLBOARDS, AND 15.50.400(D) PERTAINING TO ELECTRONIC MESSAGE DISPLAYS OF THE COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

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

SECTION 1. *That section 15.50.210 of the Coeur d'Alene Municipal Code be amended as follows:*

BILLBOARD: ~~An Off-premises~~ Free Standing Sign which is leased or rented by its owner to a third party for the purpose of conveying a commercial or noncommercial message related to a business, service, goods, product, event, or facility which is not located or available on the property upon which the Billboard is located.

SECTION 2. *That section 15.50.400(C) of the Coeur d'Alene Municipal Code be amended as follows:*

C. Billboards and other Off-premises signs.

1. Except as otherwise provided in this section, ~~b~~Billboards are prohibited in the City.
2. Billboards that were lawful on December 1, 2019, may remain in place.
3. ~~Permanent Off-premises signs are prohibited.~~ Lawful Billboards may be relocated within the City as follows:
 - a. Relocation of a Billboard requires submission of a completed Sign application and the Sign fee approved by resolution of Council;

- b. Relocation of a Billboard also requires a demolition permit for the existing Billboard. Demolition must occur prior to placement of any advertisement on the relocated Billboard;
- c. Relocation must be to non-residential property zoned C-17, M, or LM, which property must have a minimum frontage on an arterial street of one-hundred feet (100');
- d. Relocation must be to private property; relocated Billboards are not allowed on public property;
- e. A relocated Billboard may not be relocated again within ten (10) years of a previous relocation; and
- f. A written agreement for the relocated Billboard between the Billboard owner and the owner of the property proposed for relocation, acceptable to the City Attorney, must be provided to the City to ensure compliance with the Municipal Code;
- g. A public hearing before the City Council is required before a relocation is approved;
- h. At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the relocation plan shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners or purchasers of record within three hundred feet (300') feet of the external boundaries of the land where relocation is being considered. Notice shall also be posted on the property on which the Billboard will be located not less than one (1) week prior to the hearing;
- i. Council may approve the relocation of a Billboard upon finding:
 - i. That the purposes of the Sign Code, as set out in Coeur d'Alene Municipal Code § 15.50.110, are furthered by the relocation; and
 - ii. That the proposed Billboard meets the Standards contained in this section; and
 - iii. That the Billboard will not result in a negative impact to the visual quality of general area as determined from the perspective of a reasonable person applying community standards; and

- iv. That the Billboard is designed to be as compatible in appearance and layout with adjacent uses as is practical as determined from the perspective of a reasonable person applying community standards; and
- v. That the Billboard does not block the view from a public right-of-way of a structure of historical or architectural significance; and
- vi. That the height of the Billboard is compatible with buildings within a three hundred foot (300') radius. If the view of the Billboard would be blocked by buildings, or if the view of buildings would be blocked by the Billboard, the Billboard height does not exceed the building height by more than twelve feet (12') and, in any case, does not exceed forty-eight feet (48'). If there are no buildings within three hundred feet (300'), the Billboard does not exceed twenty-four feet (24'). In measuring height, the base structure and display area shall be included; and
- vii. That the Billboard is not unduly disruptive to traffic and residential uses; and
- viii. That the Billboard complies with City standards for Illumination and Electronic Message Displays in Coeur d'Alene Municipal Code § 15.50.400(D).

4. Standards for relocated billboards.

- a. The display area of the Billboard may not be increased in size;
- b. Except as provided herein, a Billboard not exceeding three hundred square feet (300 ft²) in size may be relocated in a C-17, M, or LM zoning district;
- c. Billboards exceeding three hundred square feet (300 ft²) may be relocated as follows:
 - i. in C-17, M, and LM zoning districts; and
 - ii. on property abutting Northwest Boulevard within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or
 - iii. on property abutting US95 within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or

- iv. on property north of Seltice Way and south of Interstate 90.
- d. The relocation of a Billboard may not result in an increase in the number of sign faces or sign structures; and
- e. No increase in height of the existing Billboard shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the Billboard) to comply with roadway safety; and
- f. There shall be at least one thousand feet (1,000') between all Billboards located on the same street or highway, measured along the centerline of the public right-of-way, regardless of which side of the street or highway the Billboards are located; and
- g. No Billboard shall be relocated within one hundred fifty feet (150') of an intersection, measured perpendicular to the nearest public right-of-way line for the crossing street; and
- h. No Billboard may be located closer than five hundred feet (500') to a residential zoning district, designated historic district, park, school, church, or cemetery measured in any direction from said Billboard.
- i. A Billboard may only be placed adjacent to an arterial street; and
- j. A Billboard shall not extend over the public right-of-way or any property line; and
- k. No portion of a Billboard may extend into or over an area defined as a structural setback in the applicable zoning district standards.
- l. The relocation of a Billboard requires submission of drawings stamped by an Idaho-licensed architect or engineer to the Building Official whose approval is required before the Billboard may be relocated. The required drawings must include:
 - i. Detailed plans showing footing and foundation design, reinforcement size and placement, pole type, size and thickness, all bolted and/or welded connections, and a description of Billboard construction materials; and
 - ii. Supporting calculations which address the design criteria (wind, soils, materials, and seismic);

iii. A detailed site plan which shows the location on the property, and distances to all adjacent site appurtenances (buildings, structures, trees, roads, etc.) and rights-of-way.

iv. Accurate architectural renderings and elevations, a scaled site plan, and photo simulations showing the locations of all existing structures and improvements, and the proposed Billboard;

m. A Billboard shall not be relocated in such a manner as to impede fire access, a required fire turnaround, a required drive aisle, required parking, or a required emergency access, or in such a manner as to impair any required landscape buffer or public street trees.

n. All utilities required for a relocated Billboard, including electrical, shall be underground if power is located on the property or within seventy-five feet (75') of the property.

o. Any lighting must be directed toward the display surface and, if necessary, shall be shielded to prevent light from interfering with the quiet enjoyment of nearby properties.

5. All other Ppermanent Off-premises signs are prohibited.

SECTION 3. *That section 15.50.400(D) of the Coeur d'Alene Municipal Code be amended as follows:*

D. Illumination and Electronic Message Displays.

1. ~~Illumination must not create an unsafe or hazardous distraction to others~~a motorist, a pedestrian, or the general public.

2. ~~The brightness or intensity of lighting for a Sign, including an Electronic Message Display, shall not exceed 5,000 nits from dawn to dusk or 500 nits from dusk to dawn.~~Any illuminated or lighted Sign, including an Electronic Message Display, shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions. Display shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at the following distances:

- 12 feet x 25 feet: 150 feet
- 10 feet 6 inches x 36 feet: 200 feet
- 14 feet x 48 feet: 250 feet

3. An Electronic Message Display must hold each displayed message a minimum of ~~two-eight (28)~~ seconds before displaying the next message. The transition between each displayed message shall be no more than one-half of one second (.5 seconds). This requirement does not apply to an Electronic Message Display which consists of video images.
4. No sign which either actually or apparently flashes or blinks shall be allowed.
5. No videos or animations are allowed on an Electronic Message Display.
56. If the Sign physically rotates, The rotation speed ~~of a sign~~ shall not exceed nine (9) rotations per minute.
67. A sign in an area accessible to vehicles or pedestrians must meet the electrical code currently adopted by the state of Idaho as to height and clearance.
78. A Sign which utilizes electricity shall have placed thereon within plain view the following information in letters at least one inch (1") in height: permit number and power consumption (including voltage and amperage). The Underwriters Laboratory label shall also be plainly visible.
89. An Electronic Message Display is subject to the Freestanding Sign and Attached Sign regulations and allowances, as applicable.

SECTION 4. *That section 15.50.410(H) of the Coeur d'Alene Municipal Code be amended as follows:*

H. Off-premises signs.

1. Off-premises commercial signs are prohibited in residential zones.
2. Off-premises commercial signs are prohibited in all other zones, unless the sign complies with 15.50.400(C).
3. Mobile Billboards are off-premises commercial signs that are mounted on trucks, trailers, boats, or are otherwise readily moveable. Mobile Billboards are prohibited in all zoning districts.

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

SECTION 6. 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.

SECTION 7. After its passage and adoption, a summary of this Ordinance, pursuant to 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 this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on June 18, 2024.

APPROVED, ADOPTED and SIGNED this 18th day of June, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Sections 15.50.210, 15.50.340(C), and 15.50.410 (H) and 15.50.340(D)
of the City Code,

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 15.50.210, 15.50.400(C), 15.50.410(H), PERTAINING TO BILLBOARDS, AND 15.50.400(D) PERTAINING TO ELECTRONIC MESSAGE DISPLAYS OF THE COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. 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.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending sections 15.50.210, 15.50.340(C), 15.50.410 (H) and 15.50.340(D) of the Coeur d'Alene Municipal Code, 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 18th day of June, 2024.

Randall R. Adams, City Attorney