

ORDINANCE NO. 3571
COUNCIL BILL NO. 17-1014

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 1.40.020, 1.40.040, AND 1.40.050, COEUR D'ALENE MUNICIPAL CODE; REPEALING SECTION 1.40.030, COEUR D'ALENE MUNICIPAL CODE, RELATING TO PUBLIC ART; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING THE PUBLICATION OF A SUMMARY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after recommendation by the General Services Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted;

NOW, THEREFORE,

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

SECTION 1. *That Coeur d'Alene Municipal Code Section 1.40.020 is amended to read as follows:*

1.40.020: DEFINITIONS:

CAPITAL IMPROVEMENT PROJECT OR PROJECT: All capital Municipal construction or improvement projects or portions of projects, paid for wholly or in part by the City, including construction, renovation or remodel of any public park, eligible street projects, building, parking facility or any portion thereof within the City limits;

The following shall not be deemed capital improvement projects: maintenance and operation enhancements, equipment, studies or designs which do not result in construction of a physical structure, land acquisition, landscaping, change orders and other similar items.

ELIGIBLE CAPITAL IMPROVEMENT PROJECTS:

- A. Those capital improvement projects which are developed privately and leased back to the City of Coeur d'Alene.
- B. Any capital improvement project paid for wholly or in part by the City of Coeur d'Alene to construct or remodel any Municipal building, structure, street, or street overlay where the cost of construction or remodeling is in excess of twenty five thousand dollars (\$25,000.00).

- C. Eligible capital improvement projects do not include streets, sidewalks, curbs, alleys, or right-of-way improvements if the same are part of and funded by a local improvement district.
- D. Subsurface improvements, such as storm sewers; sanitary sewers; and water lines, including fire hydrants and other appurtenances, are exempted as are projects undertaken before the effective date hereof.
- E. In the event bonds are used to fund capital improvement projects, the capital improvement project shall be an eligible capital improvement project if so approved by:
 - 1. The Bond Election Ordinance; or
 - 2. The bond ordinance authorizing revenue bonds; or
 - 3. Other appropriate laws or regulations; or
 - 4. An official interpretation by another government entity regarding reliable use for funds which the agency is providing for the project and which includes art as an expenditure of funds.
- F. Nothing contained herein shall preclude funding the acquisition of public art for Municipal property in other ways. The City encourages matching funds whenever possible.

PUBLIC ART: Public art shall be defined under the following parameters.

- A. Works of art may be an integral part of a structure, attached to a structure or detached from a structure within or outside of it. Works of art may also be located on any publicly owned property. Art may also include arts education, performing arts, visual arts, community arts partnerships, and public art programming.
- B. Any works of art which are chosen must comply with the following standards in addition to any guidelines subsequently established by the City Council upon recommendation of the Art Commission:
- C. The work of art must be located in a public place with public visibility and impact.

SECTION 2 . *That Coeur d'Alene Municipal Code Section 1.40.030 is hereby repealed.*

SECTION 3. *That Coeur d'Alene Municipal Code Section 1.40.040 is amended to read as follows:*

1.40.040030: ADMINISTRATIVE RESPONSIBILITIES:

- A. The City designates the ~~Parks Director or Director's~~ City Administrator or designee in cooperation with the City Art Commission to be responsible for the conservation and maintenance for all works of art in the public art program.
- B. An annual report shall be prepared by the Art Commission and submitted to the City Council and any other funding sources, as requested, on the condition and maintenance requirements on all works of art in the public art program.
- C. Public arts shall not be inconsistent with the City's Comprehensive Plan, goals, and purposes, Zoning and Subdivision Ordinances, and land uses contemplated therein.

SECTION 4. *That Coeur d'Alene Municipal Code Section 1.40.050 is amended to read as follows:*

1.40.050040: SOURCE OF FUNDS:

- A. From each eligible capital improvement project, the ~~City Council~~ Finance Department shall place in the public art account an amount equal to one and thirty-three hundredths percent (1.33%) of the project's capitalized costs to the City regardless of whether the project is completed. The City's contributions to the public art account pursuant to this Chapter shall be funded from the City's current expense fund.
- B. ~~Of the one and thirty-three hundredths percent (1.33%) from each eligible capital improvement project allocated to the public art account:~~
 - ~~1. No less than one percent (1%) of the eligible capital improvement project costs shall be allocated toward such public art pieces.~~
 - ~~No more than thirty-three hundredths percent (0.33%) of the eligible capital improvement projects costs shall be used for administrative costs including, but not limited to, actual acquisition siting, costs of selection of public art, and maintenance of public art. The Arts Commission shall plan for, and set aside, no less than 15% of the value of a public art piece for future maintenance.~~
- C. In computing the amount to place in the public art account, the project's capitalized costs to the City shall include:
 - 1. The public art amount shall be determined at the time of the project budget approval and shall be based on estimated design and construction costs.

2. In computing the amount to place in the public art account, the project's capitalized costs to the City shall not include any portion of the project's cost which is not funded by the City unless it meets the conditions of Section 1.40.020 of this Chapter.

D. Nothing precludes other sources of funding and 15% shall be used for continuing maintenance.

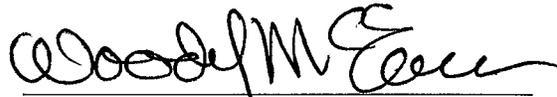
SECTION 5. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 7. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

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 May 2, 2017.

APPROVED, ADOPTED and SIGNED this 2nd day of May, 2017.



Steve Widmyer, Mayor

MAYOR PRO TEM

ATTEST:



Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3571
Amending Sections 1.40.020, 1.40.040, and 1.40.050, Coeur d'Alene Municipal Code; and
Repealing Section 1.40.030, Coeur d'Alene Municipal Code

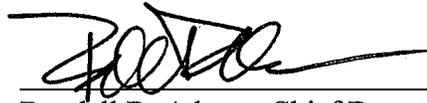
AN ORDINANCE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 1.40.020, 1.40.040, AND 1.40.050, COEUR D'ALENE MUNICIPAL CODE; REPEALING SECTION 1.40.030, COEUR D'ALENE MUNICIPAL CODE, RELATING TO PUBLIC ART; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING SEVERABILITY. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3571 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 a Chief Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3571, Amending Sections 1.40.020, 1.40.040, and 1.40.050, and Repealing Section 1.40.030, 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 2nd day of May, 2017.



Randall R. Adams, Chief Deputy City Attorney