

**MINUTES OF A REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF COEUR D'ALENE, IDAHO,
HELD AT THE LIBRARY COMMUNITY ROOM
JANUARY 6, 2009**

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, January 6, 2009 at 6:00 p.m., there being present upon roll call the following members:

Sandi Bloem, Mayor

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

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

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

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

PRESENTATION – 2008-2009 CITY SNOW REPORT UPDATE: Street Superintendent Tim Martin reported that the average annual snow fall is 67"; however, this year we have received 90" for the month of December with 37" from the December 19th snowstorm. He reported that the Street crews have completed 13 arterial plows and 6 residential plows. In 2007-2008 a record 172.9" of snow fell and he believes that this will be another record breaking snow year. He noted that the city has a total of 240 lane miles and it takes 6-8 passes to clear an arterial. The snowgate program was initiated in 1998 and is now a nationally recognized program. This year is the first time in a decade that the Street Department could not use the snowgates due to the vast amount of snow that fell in a short period of time. He noted that because the snow berms along the roadways are higher than the gates, it makes the gates ineffective. He asked citizens to please remove their vehicles from the streets so the crews can clear the roadway as best as possible. He noted that generally by 9:30 a.m. after a snow storm crews are in the residential areas so residents should know to remove the vehicles by 9:30 each morning after a snow storm. He also asked for help in locating and clearing the fire hydrants throughout town. Crews are working 12-hour days and noted that after they are done with the streets they too go home and shovel their driveways and remove the snow from their roofs.

Councilman Edinger commended the Street Dept. for doing an excellent job but noted that abandoned vehicles are an issue and if an owner is unable to remove the vehicle from the street that they at least clear the snow off the vehicle so street crews can see the

vehicle in the berm. Street Superintendent Martin also asked citizens not to park across from each other but rather stagger the parking if necessary so the plows can get through their street.

Councilman Kennedy asked about school safety and the walking routes for children. Superintendent Martin asked residents for help in keeping sidewalks clear along the school walking routes.

Councilman Goodlander also commended the Street Department crews for their dedication and asked if the City could be more proactive in educating residents in removing abandoned vehicles in the Fall instead of waiting until the snow falls.

Superintendent Martin responded that they look at certain criteria before towing abandoned vehicles. He also noted that unlike most cities we do plow all residential streets after each snow storm. He also commented that in the next few days they are anticipating over 2" of rain and crews will be out trying to clear the drains to avoid flooding but if flooding occurs in an area to please contact the Street Dept. who will try to clear the area as soon as possible.

Councilman Bruning commended the Street Maintenance Shop crews for keeping all of the equipment running and also he commended the Parks crews for keeping all the City parking lots cleared. Superintendent Martin also noted that Water and Wastewater crews have also helped out in removing snow berms.

Councilman McEvers noted that this is also the snowstorm of the century and advised residents to slow down and that it is just a moment in time.

PUBLIC COMMENTS:

FIREFIIGHTERS INTRODUCED: Fire Chief Kenny Gabriel complimented the Street Dept. for their rapid response when ambulances or fire engines get stuck. He also gave kudos to the Building Department for working with the owners where buildings have collapsed and also commended the Police Department. Chief Gabriel then introduced the City's two newest firefighters - Scott Dietrich and Jeff Butcher.

FEES-IN-LIEU OF PARKING: Art Williams, 718 Sherman Avenue, commented that he opposes the number of spaces allowed in the proposed fees-in-lieu of parking regulations.

CONSENT CALENDAR: Motion by Edinger, seconded by Bruning to remove Item 4 from the Consent Calendar. Motion carried. Motion by Hassell, seconded by McEvers to approve the Consent Calendar as presented.

1. Approval of minutes for December 16, 2008.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, January 12th at Noon and 4:00 p.m. respectively.

3. RESOLUTION 09-001: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING APPROVAL OF AN AGREEMENT WITH ENTEX TECHNOLOGIES FOR WWTP AMMONIA REDUCTION IMPROVEMENTS; APPROVAL OF ASSIGNMENT OF GUARANTOR FROM NORTH AMERICA SPORTS, INC. TO WORLD TRIATHLON CORPORATION; APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH JUB ENGINEERING, INC. FOR WASTEWATER COLLECTION SYSTEM CAPITAL IMPROVEMENTS; APPROVAL OF AN AGREEMENT WAIVING OPPOSITION TO ANNEXATION WITH KEITH DIXON; APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE RED CROSS OF IDAHO; APPROVAL OF S-4-07 ACCEPTANCE OF IMPROVEMENTS WITH MAINTENANCE WARRANTY AGREEMENT FOR COTTAGE GROVE; APPROVAL OF S-2-03 FINAL PLAT APPROVAL, ACCEPTANCE OF INSTALLED PUBLIC IMPROVEMENTS, MAINTENANCE / WARRANTY AGREEMENT AND SECURITY FOR THE LANDINGS AT WATERFORD 5TH ADDITION AND DECLARATION OF SURPLUS PROPERTY FOR THE FIRE DEPARTMENT.
4. ~~Approval of Beer/wine license for Bakery by the Lake at Parkside~~ (Removed from the Consent Calendar for discussion)
5. Bid Award and Purchase of Water Department Dump Truck Cab/Chassis from Southern Idaho Freightliner
6. Approval of bid specifications and authorizing staff to advertise for bids for the Stormwater Pump Station Rebuild

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

APPROVAL OF BEER/WINE LICENSE FOR BAKERY BY THE LAKE AT PARKSIDE: Motion by Goodlander, seconded by McEvers to approve the beer/wine license for Bakery by the Lake at Parkside. ROLL CALL: Bruning, No, Edinger, No; Hassell, No; Goodlander, Aye; Kennedy, Aye; McEvers, Aye. Motion carried with the Mayor's tie-breaking vote in the affirmative.

COUNCIL ANNOUNCEMENTS:

COUNCILMAN BRUNING: Councilman Bruning announced that this Sunday, Jan. 11th MacKenzie River Pizza will be doing a grand opening and all proceeds will go to the Specialized Needs Program. There will be a Specialized Needs Recreation Valentine's Day Dance, and Cowboy Stomp and Romp party January 9th from 6-8 p.m. at Prairie View Elementary School as part of the Specialized Needs Program. Registration for swim lessons will begin January 31st from 12:00 noon to 2:00 p.m. The fee will be \$35.00 with the lessons at the McGrane Center. Boys Basketball will begin Jan. 29th, with practice starting towards the end of January and games beginning in February.

COUNCILMAN KENNEDY: Councilman Kennedy announced that on January 29th the Special Olympic World Winter Games will have its entry into Idaho here in Coeur d'Alene. The City's web site will have more details of where and when the event will be held and he encouraged residents to participate in this momentous occasion.

COUNCILMAN GOODLANDER: Councilman Goodlander announced that the Arts Commission will be going out for proposals from artists for artwork to be located at the east end of Sherman just north of Michael D's Restaurant.

COUNCILMAN HASSELL: Councilman Hassell noted that the sound system in the Library Community Room has been improved so the concerns of being able to hear the Council meetings and other city committee/board meetings that are aired on television will be resolved.

COUNCILMAN EDINGER: Councilman Edinger asked if all the roofs for City buildings have been cleared of snow. Deputy City Administrator Jon Ingalls commended the City's Building Maintenance team including Howard Gould and Parks Maintenance crew members for assessing the City's buildings and clearing as much snow as possible. He noted that at this time it is very critical to get onto the flat roofs and clear off their drains and overflow scuppers so the water can flow off these types of roofs. Councilman Edinger noted he had seen crews up on the roofs of City Hall, the new Library, and the old Library which has a flat roof and noted that schools have been cancelled today and tomorrow so the school district can assess their buildings as well.

COUNCILMAN KENNEDY: Councilman Kennedy noted that the city's web site has information regarding when snow should be removed from the roofs.

COUNCILMAN MC EVERS: Councilman McEvers announced that CDA TV is running updated reports and other information regarding snow issues. He noted that Councilman Bruning's 5-year-old granddaughter, Michelle, watches government television and knows all the names of the City Council. He also welcomed Andy Finney who is now working in the television studio with Jeff Crowe.

APPOINTMENT – PERSONNEL APPEALS BOARD AND CIVIL SERVICE

COMMISSION: Motion by Edinger, seconded by Kennedy to appoint Ben Wolfinger and Tom Messina to the Personnel Appeals Board and to appoint Dixie Reid to the Civil Service Commission. Motion carried.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel announced that the Kootenai County Office of Emergency Management reported that record snow fall will be followed by up to 2" of rain and advised motorists to drive with caution as roads will be very slick. Additionally, homes and buildings in low lying areas should be prepared for flooding by obtaining their own sandbags. 446-1775 is the Office of Emergency Management phone number and Mrs. Gabriel recommended residents call for a list of those businesses that sell sand bags. She also announced that the City may have emergency street closures due to flooding. She noted that the City's web site contains

information on roof loading and announced that the peak loading for roofs should occur Wednesday due to the impending rain. Lake City Senior Center (667-4628), Post Falls Senior Center (773-9582) and Rathdrum Senior Center (687-2028) are available to provide resource information to seniors who need assistance. City Crews are using all resources available to help keep roads open with street crews providing 24-hour service. Mrs. Gabriel asked residents to do their best do clear their sidewalks and especially those who are along school walking routes. She gave kudos to Kyle Marine, Gary Nolan, Dion Holton, Mike Murillo, and Pat Cardwell for repairing a water main tap break on New Year's Day with water service being returned to area residents under very challenging conditions. The Winter Special Olympics' first torch stop will be in Coeur d'Alene on January 29th at 8:30 a.m. and asked as many residents as possible to line the streets beginning at the 3rd Street Boat launch. And on a final note, she reminded everyone that summer is only a few months away.

Councilman Edinger noted that City Street crews have been piling snow in several locations, and asked if we are running out of places to stack snow. Mrs. Gabriel responded that the Kootenai County Fairgrounds have recently offered space to the City.

PROPOSAL TO PROHIBIT FEEDING DEER INSIDE CITY LIMITS: Deputy City Administrator Jon Ingalls reported that Councilman Goodlander requested Council consider the issue of the presence of deer along the east side of the city. He noted that although this is not a new issue, deer are destroying private property and causing traffic accidents. Over the past several years, the City has advised residents not to feed deer. Mr. Ingalls noted that Mark Taylor from Idaho Fish and Game is present tonight to answer any technical questions regarding controlling deer inside the city limits. He also noted that he has learned that for any regulations to work all area cities need to establish similar regulations as the deer population does not know the city limits between Fernan Village, Coeur d'Alene, Dalton Gardens, Hayden, and Hayden Lake.

Mark Taylor, Idaho Dept. of Fish and Game representative, reported that he has been reviewing the issue of deer within the area city limits for some time. He noted that the results he found are that people love seeing wildlife, but sometimes it is too much of a good thing. Deer issues in urban areas, although not a new issue in the east, are relatively new for the western states. The issue is how a city would want to deal with it. It was determined that because Fernan was a very small area geographically, Idaho Fish and Game used them for a pilot program to allow deer to be trapped and released. Last year they successfully trapped and removed 9 deer and this year they have trapped 18 deer. He noted that at this point they do not know if it is working; however, this spring Fish and Game would like to radio collar four deer to track where they spend their summers and if they return to the same area next fall. He explained that deer need security, shelter, and food to survive and if any one of those factors is missing they will move in order to survive. The issue in urban areas is that all three factors are present. So, the thought is if the food source is removed the deer will move out of the city.

Councilman Edinger asked if the new construction along the east side of town along the hillside is forcing deer into the city limits. He noted that he has lived in Coeur d'Alene

for 58 years and until recently the deer population has not been an issue. Mr. Taylor responded that when the City was small the deer stayed in the hillside but now that the city has grown into the hillsides the deer do not have anywhere else to go.

Councilman Goodlander asked about deer becoming habituated to residential areas. Mr. Taylor responded that deer communicate to other deer when and where there is a food source and moms teach their little ones where there is food, so one of the steps is to remove as much of the food source as possible but noted that not all food sources can be removed such as landscaping.

Councilman McEvers commented that Fernan trapped 9 deer in 2007 and then those deer brought back their friends and Fernan trapped 18. Mr. Taylor responded that since the deer were not tagged they do not know if they are the same deer. Councilman McEvers also asked if there were 9 deer trapped last year and then 18 deer this year how can they say that not feeding the deer is working.

Councilman Kennedy commented that some residents feel that this is no big deal and that we should leave things as they are. Mr. Taylor responded that when you have polarized opinions there is no correct response and that is why the Fish and Game Department went with Fernan Village for their pilot program where the residents all wanted to control the deer population in their city. Councilman Kennedy asked what are the detriments outside of the landscaping damage or occasional traffic accidents that creates the need to control deer. Mark Taylor responded that there is no danger to residents until deer predators come into town.

Councilman Hassell noted that the week before Christmas a deer was hit by a car on 4th Street just south of Kathleen and he has noticed there have been deer trying to cross US 95. Mr. Taylor clarified that there have not been any human deaths from deer in the city.

Councilman Goodlander noted that a former Councilman commented that they had so many deer in their yard that the deer droppings had covered the lawnmower wheels. Mr. Taylor responded that they get more complaints of turkey droppings and duck droppings than deer droppings. He also noted that another component for deer is security and since there is no hunting allowed inside a city some eastern cities are allowing controlled hunting within their city limits. He noted that this winter will be extremely hard on the deer population and it may affect the population next year.

Councilman Edinger noted that the Village of Fernan prohibits feeding the deer and the first year there were 9 deer and yet this year there were 18 deer; so, how can they say the ordinance is working. He asked that if there were an ordinance within the City of Coeur d'Alene how do they believe it will work in the City of Coeur d'Alene and do they expect the City to trap deer. In other words how is it going to be enforced. Jim Elder, Mayor of Fernan Village, reported that the Village of Fernan had experienced a huge increase in the deer population with over 30 deer feeding in their village. The trapping that was done in 2007 was only for a two week period of time in which they trapped 9 deer. This year, the village has authorized 20 trappings and they have trapped 18 so far. Their plan is to

do the trapping for one year to see what the effects in the deer population are in their village. The other facet to the overall plan was to implement a ban on feeding deer which they have used their ordinance as a means of educating their residents. He noted that once you feed a deer it imprints that area for the deer. Again, Fernan Village has not cited anyone for feeding the deer.

Councilman Goodlander asked what has been the financial cost to the Village for trapping deer. Mayor Elder noted that they pay \$250 per deer to trap and this year they have trapped 18 deer.

Councilman Kennedy noted that tonight the Council is only discussing the issue of feeding deer. He asked if residents in Coeur d'Alene have been approached to remove their feeders for deer. Mayor Elder responded that they had approached one owner who has a feeder in his yard and had approximately 20 deer per night in his yard; but with education, he is hoping that he will stop feeding the deer. Councilman Kennedy asked if other cities are looking at this issue. Mayor Elder responded that Dalton Gardens, Hayden, and Hayden Lake have expressed an interest in receiving a copy of Fernan's ordinance. He noted that since these communities abut each other and in order for all cities to control their deer population they need to adopt similar regulations.

Councilman Edinger asked that outside of having an ordinance that can't really be enforced couldn't cities just have an education program for residents as he does not like the idea of having an ordinance that we cannot enforce. Councilman Edinger noted that he believes it is development that is chasing deer into the city. Mayor Elder believes that feeding the deer is what is causing deer to come into town. He also commented that by adopting an ordinance you are creating a level of influence of having residents comply with the regulations or receive a \$200 fine. Councilman Edinger noted that a few years ago, they tried to create an ordinance to control the cat population and that failed. Councilman Edinger asked Police Chief Longo how he would enforce this type of ordinance if the City Council adopted one. Chief Longo responded that it depends on how the ordinance is prescribed to be enforced. If the ordinance is written so that a neighbor can file a complaint against a neighbor the Police Department could enforce that. The issue is the number of calls that they could receive as they will be triaged with all other citizen calls.

Councilman Goodlander believes that this would be an ordinance that Code Enforcement could enforce, not the Police Department. Chief Longo responded that it would be his choice that Code Enforcement carry out this responsibility; however, the issue is when the city's one code enforcement officer is not working it falls onto the rest of the Police Department.

Councilman Edinger believes that by placing it in Code Enforcement, it will become a long drawn-out issue. He believes that education of the residents along the east side of town where the deer population is an issue is needed but he doesn't believe that we need an ordinance for the entire city. Chief Longo responded that Code Enforcement's philosophy is more of education than enforcement. Mayor Bloem noted by combining

Code Enforcement's education and an ordinance it would have more clout for the Code Enforcement Officer. Mr. Taylor commented that a final thought he would like to share is that no one wants to have a sterile environment where no wildlife exists, but rather they are looking for a manageable number than to entirely eliminate the deer population.

Councilman McEvers asked why Fernan limited the trapping to only 20 deer. Mr. Taylor noted that this number was a pilot program. Mayor Elder also noted that there was a financial limit to the cost of trapping and that Fernan Village had budgeted for the removal of 20 deer. Again, he noted that by adopting an ordinance you begin to educate the people.

MOTION: Motion by Hassell, seconded by Goodlander to authorize staff to prepare an ordinance prohibiting the feeding of deer and/or wildlife within the City limits.

DISCUSSION: Councilman McEvers believes that this ordinance is unenforceable. Councilman Edinger noted that he believes that it will also pit neighbor against neighbor. Councilman Kennedy commented that he will vote after seeing the ordinance but will vote for staff to prepare an ordinance.

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

RECESS: Mayor Bloem called for a recess at 7:55 p.m. and the meeting reconvened at 8:00 p.m. (Councilman Goodlander left the meeting at the recess).

ORDINANCE NO. 3348
COUNCIL BILL NO. 08-1026

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING MUNICIPAL CODE CHAPTER 13.30 AND ADOPTING A NEW CHAPTER 13.30 ENTITLED STORM WATER MANAGEMENT; PROVIDING DEFINITIONS AND A PURPOSE CLAUSE; REQUIRING SUBMISSION OF A STORM WATER MANAGEMENT PLAN WITH ANY LAND DISTURBING ACTIVITY; ESTABLISHING PERFORMANCE AND DESIGN STANDARDS FOR STORM WATER IMPROVEMENTS; AUTHORIZING THE ADOPTION OF SUPPLEMENTAL MATERIAL BY RESOLUTION OF THE CITY COUNCIL; ESTABLISHING PROPERTY OWNER'S OBLIGATION TO MAINTAIN STORM WATER IMPROVEMENTS AND PROHIBITED CONDUCT; AUTHORIZING AND PROVIDING RULES TO OBTAIN A VARIANCE FROM THE STORM WATER REQUIREMENTS; ESTABLISHING ENFORCEMENT PROCEDURES TO ENFORCE THE ORDINANCE AND OTHER GUARANTEES OF INSTALLATION TO ENSURE THAT STORM WATER IMPROVEMENTS ARE INSTALLED; ESTABLISHING THAT VIOLATIONS OF THE REQUIREMENTS OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS OR BY BOTH FINE

AND IMPRISONMENT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Hassell, seconded by Kennedy to pass the first reading of Council Bill No. 08-1026.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 08-1026 by its having had one reading by title only.

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

ORDINANCE NO. 3349
COUNCIL BILL NO. 09-1001

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTION 5.08.170 TO EXTEND THE EXEMPTION BOUNDARIES FOR THE ON-SITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FROM 5TH TO 7TH STREET; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

Motion by Kennedy, seconded by Hassell to pass the first reading of Council Bill No. 09-1001.

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

Motion by Kennedy, seconded by McEvers to suspend the rules and to adopt Council Bill No. 09-1001 by its having had one reading by title only.

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

RESOLUTION NO. 09-002

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING AN AMENDMENT TO THE CITIZEN PARTICIPATION PLAN AND AMENDMENTS TO THE 2008 CDBG ANNUAL ACTION PLAN INCLUDING CHANGING THE PLAN YEAR FROM JANUARY 1 THROUGH DECEMBER 31 ANNUALLY TO APRIL 1 THROUGH MARCH 31 ANNUALLY; AND A REALLOCATION OF \$70,000 WITHIN EXISTING PROJECT LINE ITEMS.

Motion by Hassell, seconded by Kennedy to adopt Resolution 09-002

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

PUBLIC HEARING – O-8-08 – AMENDMENTS TO METHOD OF ESTABLISHING FEES-IN-LIEU OF PARKING IN MIDTOWN AREA: Mayor Bloem read the rules of order for this public hearing. City Planning Director Dave Yadon and Finance Director Troy Tymesen gave the staff report.

Mr. Yadon reported that over two decades ago the City adopted an option of providing a fee to the city “In-Lieu of” constructing parking spaces in the downtown.

Section 17.05.727 of the municipal code states that the city council “adopt a resolution setting out the value of off street parking spaces *based on acquisition and construction costs of a surfaced parking lot* designed and constructed to standards then in effect in Coeur d'Alene. Such costs and value shall be reviewed at least every three (3) years by the city council.”

The Parking Commission recently recommended an update of a fee in-lieu of parking space. During that process the Commission examined the methodology of determining that fee based on a review of present practice as provided in the 2007 Comprehensive Parking Study by Rich and Associates. Of the range of options presented, the Parking Commission recommended that the fee is designed to be within 20% of the market value of the land. (Property value per square foot multiplied by 350 square feet (the size of a parking stall and a portion of the access drive).

In order to utilize the proposed methodology, the City Council must also amend the zoning ordinance.

In a review of current practices the commission re-enforced earlier ideas that in areas of more intense activity or where the community wants to promote density, requiring each use to provide separate parking facilities can degrade the pedestrian environment, limit density, and encourage drivers to drive from one site to the next rather than parking once and walking between nearby destinations.

A new request had been submitted to establish fees-in-lieu of parking for the Midtown area. Mr. Yadon described the area in which the fees-in-lieu of parking would be permitted for the

Midtown area. He also noted that LCDC and the City have purchased property for public parking thus providing an opportunity to allow for fees-in-lieu of parking.

In the Midtown area there is a lower limit of parking spaces allowed for fees-in-lieu of parking which is 1-8 parking spaces must be provided and of the 9-20 parking spaces required that 60% of those spaces could be paid through fees-in-lieu of parking spaces. Mr. Yadon noted that another option for parking spaces for property owners is to place some of the required number of parking spaces on their property as well as provide for off-premises parking. He noted that if parking becomes an issue in the residential areas surrounding Midtown that the City could implement permitted parking such as what is done in the Fort Grounds area.

Councilman Kennedy asked if the funds from the fees-in-lieu of parking are restricted to the zone in which they are collected. Mr. Yadon responded that they are.

Councilman Kennedy asked who is responsible for determining when a fee needs to be returned and also asked if there is any reason why the City can't just keep the fees until they are used. Mr. Yadon responded that legally we cannot keep a fee forever and noted that the fees will be spent. Councilman Kennedy asked how long the City can hold onto the fees until they must be returned if not used. Mr. Yadon responded that what is currently in the code is that the City can hold fees for 15 years. Councilman Kennedy then asked if that can be extended to 25 years. Councilman Kennedy asked if the Midtown zone for fees-in-lieu of parking is all commercially zoned. Mr. Yadon responded that it is.

Councilman Edinger asked if the lot that LCDC purchased will be offered as free parking. Councilman Hassell responded that a decision on this has not yet been made by LCDC. Councilman Edinger asked how Mr. Williams would be affected by the amendments to the fees-in-lieu of parking in the downtown area. Mr. Yadon responded that unless he is planning on expanding his building, there is no impact on Mr. Williams.

Councilman Kennedy noted that the proposed changes are more restrictive for the larger developments and yet opens up the opportunity for smaller businesses. Mr. Yadon noted that in the downtown area parking must be provided within 1,000 feet of the development site and the 1,000 feet radius is being recommended for the Midtown area as well.

PUBLIC COMMENTS: Susie Snedaker, 821 Hastings, expressed her concern that the east side of the 800 block of 4th street will have all parking eliminated and she believes that will force more traffic into the alley and that the code does not call for the preservation of the existing parking spaces. She also believes that parking will be funneled to 5th street which will impact the residents on 5th Street. She believes that \$5,000 is not going to be adequate in the future for purchasing parking spaces. She asked if the cost that LCDC paid for their parking lot could have been paid at \$5,000 per space. She requested Council consider maintaining the existing parking spaces in Midtown and encourage shared parking spaces instead of fees-in-lieu of parking and that is it not the responsibility of the tax payers to pay for the developers' parking requirements.

Lynn Schwindel, 735 4th Street, asked if this ordinance applies to an entire building or the individual spaces within the building that will be rented out. He noted that he is in favor of fees-in-lieu of parking but he feels that the provisions recommended are too much and the ordinance, as proposed, will create a bigger problem than what is trying to be fixed. His concern is creating too many parking spaces being allowed for fees-in-lieu of parking. City Planner Yadon responded that the fees are based on per use not per building.

Art Williams, 718 E. Sherman Avenue, has a concern about the downtown area in that the development proposed at the southeast corner of 7th and Sherman requires 120 parking spaces and they are allowed to buy down 90 spaces and only provide 30 spaces. Mr. Yadon responded that this project has only gone through design review phase. He noted that with the proposed regulations the maximum number of spaces that could be paid for with fees-in-lieu of would be 23 spaces and the developer would be required to provide parking spaces within 1,000 feet of their site for the remaining 97 spaces.

Cindy Wales, 701 E. Front Avenue, voiced her concern regarding the congestion that is being created with the parking in the Downtown area and maybe the City should increase the parking limits and that the Downtown area is becoming maxed out in building density.

Troy Tymesen, Finance Director, reported that the goal with the proposed regulations was to bring the value of in lieu of parking fees up to today's economic standards. He noted that the total amount collected for the "in lieu of parking" fee over the past 10 years totals \$17,000. He reported that the amendments are being proposed due to the fees being too low and the number allowed for paying the in-lieu of parking space fee is too high. He noted that any business owner knows that in order to have a good business you need adequate parking and that is why there have not been a lot of parking spaces being paid for by fees-in-lieu of parking spaces.

Councilman Kennedy noted that one of the core values of the LCDC is to provide a parking structure in the downtown area.

Councilman Bruning asked about eliminating the parking on 4th street as commented by Susan Snedaker. Mr. Yadon responded that even if the Council does not approve the proposed amendments that construction of lot-line to lot-line is currently allowed. So, in order to require retention of existing spaces in the Midtown area, the Council would have to adopt an ordinance providing for the preservation of existing on-site parking spaces.

Councilman Edinger requested that LCDC look at the parking lot in Midtown and leave it open for free parking.

ORDINANCE NO. 3350
COUNCIL BILL NO. 09-1002

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 17.05.727 AND 17.07.930 TO AMEND THE METHOD OF DETERMINING THE IN-LIEU PARKING FEE AND EXPANSION OF PROGRAM INTO THE MID-TOWN AREA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF

Motion by Hassell, seconded by Bruning to pass the first reading of Council Bill No. 09-1002.

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

Motion by Edinger, seconded by Kennedy to suspend the rules and to adopt Council Bill No. 09-1002 by its having had one reading by title only.

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

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

The meeting adjourned at 9:30 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk