



Coeur d'Alene

CITY COUNCIL MEETING

June 1, 2010

MEMBERS OF THE CITY COUNCIL:

Sandi Bloem, Mayor

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

CONSENT CALENDAR

correct this situation. Mayor Bloem will relay his concerns to the appropriate departments.

BOY SCOUTS INTRODUCED: Chad and Greg from Boy Scout Troop 99 were attending tonight's Council meeting to finish their community citizenship badge.

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

1. Approval of minutes for May 4, 2010.
2. Setting the General Services Committee and the Public Works Committee meetings for Monday, May 24th at 12:00 noon and 4:00 p.m. respectively.
3. RESOLUTION 10-016: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING A SOLID WASTE SYSTEM PARTICIPATION AGREEMENT , WITH KOOTENAI COUNTY.
4. RESOLUTION 10-017: A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, ACCEPTING THE PROPOSED ENGINEER'S REPORT RELATING TO THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 149; SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING ON SAID ASSESSMENT ROLL; PROVIDING FOR PUBLICATION OF NOTICE OF THE HEARING; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.
5. Approval of bills as submitted and on file in the Office of the City Clerk.
6. Authorization for an early pay-off of State Loans for Local Improvement Districts.

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

COUNCIL ANNOUNCEMENTS:

COUNCILMAN GOODLANDER : Councilman Goodlander noted that at the Arts Commission meeting they voted to have the two pieces of art which were in the previous Library building to be placed on permanent loan to Sorenson School.

COUNCILMAN BRUNING: Councilman Bruning announced that there will be a going away party for Father George Rassley this Saturday, May 22nd, at Holy Family Catholic School. He noted that Father Rassley's mother was the principal of Central School. Councilman Goodlander noted that his mother was her 5th grade teacher.

ADMINISTRATOR'S REPORT: City Administrator Wendy Gabriel reported that the City received a grant of approximately \$133,000 for maintenance of trees that pose a hazard into the public rights-of-way. This is Bike to Work Week. There is a vacancy on the Planning Commission and anyone interested in serving on this committee may contact Shana in the Planning Dept. The I-90 construction information is available on www.itd.idaho.gov . The City's Consolidated Annual Performance and Evaluation Report is now available for public review and comment on the city's web site. The Kootenai County Area Construction Map has been updated for 2010 and is available to the public. Kudos to the CDA Police Department and KC Sheriff's Department for their quick apprehension of some local robbery suspects. Street

Maintenance updates for street painting and maintenance can be viewed on www.streets.cdavid.org or call 769-2233. The Committee for the 10-year plan to end homelessness will hold a meeting this week and has invited the faith based community to attend. The McEuen Field project is under way with request for qualifications currently being sought. An oversight committee comprised of representatives from various committees and residents has been formed to oversee this project. Applications for temporary Seasonal Parks Maintenance Workers are now being accepted.

3rd STREET PARKING REGULATIONS: Councilman Goodlander requested that the parking be opened up from November through March instead of December through March.

EXECUTIVE SESSION: Motion by Goodlander, seconded by Bruning to enter into Executive Session as provided by I.C. 67-2345 § F: To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel as executive session does not satisfy this requirement.

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

The Session began at 6:50 p.m. Members present were the Mayor, City Council, City Administrator, Deputy City Administrator and City Attorney.

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

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

The meeting adjourned at 7:40 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan Weathers, CMC
City Clerk

RESOLUTION NO. 10-018

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 AMENDMENT TO POLICE RECORDS CATEGORIES IN THE CITY RECORDS RETENTION MANUAL; APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BERNARDO-WILLS ARCHITECTS FOR EAST SHERMAN GATEWAY PROJECT; CDBG AD HOC COMMITTEE GRANT AWARDS FOR 2010 AND 2011 AND APPROVING A FUNDING AGREEMENT WITH HUD FOR CDBG ENTITLEMENT FUNDING OF PLAN YEAR 2010.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "1 through 4" and by reference made a part hereof as summarized as follows:

- 1) Amendment to the Police records Categories in the City Records Retention Manual;
- 2) Approving a Professional Services Agreement with Bernardo-Wills Architects for East Sherman Gateway Project;
- 3) CDBG Ad Hoc Committee Grant Awards for 2010 and 2011;
- 4) Approving a Funding Agreement with HUD for CDBG Entitlement Funding of Plan Year 2010;

AND;

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

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "1 through 4" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

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

DATED this 1st day of June, 2010.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

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

ROLL CALL:

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

GENERAL SERVICES COMMITTEE
STAFF REPORT

DATE: May 24, 2010
FROM: Wayne Longo, Police Chief
RE: Amendment to City Records Retention Manual

DECISION POINT: The Committee is requested to approve an addition to the list of public records contained in the City Records Retention Schedule.

HISTORY: On December 5, 2006, the City Council adopted Resolution 06-075 establishing the City's Records Retention Manual and Records Retention Schedule as prescribed by I.C. 50-907. The manual contains a listing of a records maintained by the City and establishes the length of time in which a certain records must be retained. The police Department would like to add the following item to the list of records being maintained.

Police	Confidential Personnel issues	Formal and informal inquiries: Complaints, Internal Investigations, Accident Review Boards, Use of Force, Pursuits, and Firearm Discharge Reports	Semi-Permanent	60 mo	No	(Original disciplinary letters to HR) Original Investigation in PD files. Destroy upon resignation/termination of employee, unless litigation is pending, in which case records to be retained until completion of the litigation.
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FINANCIAL ANALYSIS: There is no financial impact by amending the Records Retention Schedule.

PERFORMANCE ANALYSIS: By updating the Records Retention Schedule, the City is keeping an accurate listing of all records maintained by the City. It also provides a guideline by which outdated, non-vital records can be purged.

DECISION POINT/RECOMMENDATION:
Staff recommends approval of a resolution amending the City's Records Retention Manual.

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

DATE: April 12, 2010

FROM: Sean Holm, Planner

SUBJECT: East Sherman Gateway (ESG) Professional Services Contract

Decision Point: To approve an agreement for professional services in assisting the City of Coeur d'Alene to achieve its vision for future land use and development along the East Sherman corridor.

History:

In 2007, the City Council asked the Planning Commission to look at and recommend what regulatory changes should be made to the area on Sherman east of 11th with C-17 commercial zoning. Of particular interest was the height of buildings that should be allowed.

From June 2007, through January 2009, the Planning Commission with the assistance of Mark Hinshaw, conducted numerous workshops and public hearings that resulted in a recommendation in February 2009 of the East Sherman Gateway Zoning District and Design Guidelines.

The Planning Commission and City Council held a public workshop on May 21, 2009 and determined that there were key issues dividing the public's acceptance of the proposal that may benefit from additional work. A motion was made by Kennedy, seconded by Bruning, that the city commit resources to a professional meeting facilitator and provide meetings for the entire community to discuss East Sherman and form a "blue ribbon" commission to study the zoning and design standard specifics of East Sherman based upon the Comprehensive Plan.

The City received proposals from four consulting firms to conduct this work. All firms were interviewed by Mayor Bloem, Councilman Kennedy, City Administrator Gabriel and Planning Director Yadon.

Performance Analysis: Based on the proposal by Bernardo-Wills Architects (BWA) the Scope of Work was split into three phases. Phase one and two would be included in this portion of approval. Phase one, "*Project Initiation & Community Workshops*" followed by phase two, "*A Vision for the Avenue*". The final phase, "*Adoption of the Plan*" will be reviewed after the first two phases. If it is determined that the process would be greatly enhanced by the continued efforts of BWA, discussion and funding options would be completed at that time.

Financial Impact: Phase one and two are \$15,000. Funding would come from the Planning professional services budget. It should be recognized that our entire professional services budget is \$15,000, \$19,000 less than last year. Because we have already spent \$678 this year, we will exceed this line item by that amount and a budget amendment will be presented later this year for your approval.

Decision Point/Recommendation: To approve an agreement for professional services in assisting the City of Coeur d'Alene to achieve its vision for future land use and development along the East Sherman corridor.

PROFESSIONAL SERVICES AGREEMENT

Between the

CITY OF COEUR D'ALENE

and

BERNARDO WILLIS ARCHITECTS, PC

for the

EAST SHERMAN GATEWAY PROJECT

THIS Agreement, made and entered into this 1st day of June, 2010 between the **CITY OF COEUR D'ALENE**, Kootenai County, Idaho, a municipal corporation organized and existing under the laws of the state of Idaho and **BERNARDO WILLIS ARCHITECTS, PC**, a professional corporation organized and existing under the laws of the State of Washington.

WITNESSETH:

Section 1. Definition. In this agreement:

A. The term "City" means the city of Coeur d'Alene with its principle address at: 710 Mullan Avenue, Coeur d'Alene, Idaho 83814.

B. The term "Consultant" means Bernardo Willis Architects, PC with its principal place of business at 153 S. Jefferson Street, Spokane, WA, 99201.

C. The term "Mayor" means the mayor of the city of Coeur d'Alene or her authorized representative.

Section 2. Employment of Consultant. The City hereby agrees to engage the Consultant and the Consultant hereby agrees to perform the services hereinafter set forth.

Section 3. Scope of Services.

A. The Consultant shall perform the Phase I and II services described in Consultant's proposal and more particularly described under the headings "Project Approach" and "Scope of Work", hereafter referred to in total as Scope of Work attached hereto as Exhibit "A" and by this reference incorporated herein.

B. Area Covered: The Consultant shall perform all the necessary services provided under this Agreement respecting the tasks set forth in the Scope of Work.

Section 4. Personnel.

A. The Consultant represents that it has or will secure at its own expense all personnel required to perform its services under this Agreement. Such personnel shall not be employees of or have any contractual relationship with the City.

B. All of the services required hereunder will be performed by the Consultant or under its direct supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services.

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

Section 5. Time of Performance. The services of the Consultant shall commence upon execution of this agreement by the Mayor and shall be completed within ninety (90) days of the Notice to Proceed. The period of performance may be extended for additional periods only by the mutual written agreement of the parties.

Section 6. Compensation.

A. Subject to the provisions of this Agreement, the City shall pay the Consultant the sum of Fifteen Thousand Dollars and no/100 (\$15,000.00).

B. Except as otherwise provided in this Agreement, the City shall not provide any additional compensation, payment, use of facilities, service or other thing of value to the Consultant in connection with performance of agreement duties. The parties understand and agree that, except as otherwise provided in this Section, administrative overhead and other indirect or direct costs the Consultant may incur in the performance of its obligations under this Agreement have already been included in computation of the Consultant's fee and may not be charged to the City.

Section 7. Method and Time of Payment.

A. The City will pay the Consultant the sum of Five Thousand Dollars and no/100 (\$5,000.00) thirty (30) days after start of the project, Five Thousand Dollars and no/100 (\$5,000.00) sixty (60) days after the start of the project, and Five Thousand Dollars and no/100 at the satisfactory completion of the project.

Monthly invoices, in a form acceptable to the City, shall be submitted to the City and each invoice shall summarize the work performed during that thirty (30) day period for which the invoice applies. Payment will be rendered within forty-five (45) calendar days of receipt of invoices submitted to the City.

B. If the services subject to a specific invoice do not meet the requirements of this Agreement as the City may determine, The City may notify Consultant in writing and provide specific deficiencies in the work that do not meet the requirements. Consultant shall have seven (7) working days to correct or modify the work to comply with the requirements of the Agreement as set forth in the City's written notice. If the City again determines the work fails to meet the requirement, The City may withhold payment until the deficiencies have been corrected or may terminate this Agreement for cause as set forth in Section 8 of this Agreement.

Section 8. Termination of Agreement for Cause. If, through any cause, the Consultant shall fail to fulfill in a timely and proper manner his obligations under this Agreement, or if the Consultant shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Consultant of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, and reports or other material prepared by the Consultant under this agreement shall at the option of the City become its property, and the Consultant shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and materials. Equitable compensation shall not exceed the amount reasonably billed for work actually done and expenses reasonably incurred.

Section 9. Termination for Convenience of City. The City may terminate this Agreement at any time by giving thirty (30) days written notice to the Consultant of such termination and specifying the effective date of such termination. In that event, all finished or unfinished documents and other materials as described in Section 8 above shall, at the option of the City, become its property.

Section 10. Modifications. The City may, from time to time, require modifications in the scope of services of the Consultant to be performed under this Agreement. The type and extent of such services cannot be determined at this time; however, the Consultant agrees to do such work as ordered in writing by the City, and the City agrees to compensate the Consultant for such work accomplished by written amendment to this Agreement.

Section 11. Equal Employment Opportunity.

A. The Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Consultant shall take affirmative action to ensure that applicants are employed and that employees are treated during

employment without regard to their race, color, religion, sex, or national origin. Such actions shall include, but not be limited to the following: employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; selection for training, including apprenticeship; and participation in recreational and educational activities. The Consultant agrees to post in conspicuous places available for employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause. The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. The Consultant will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this agreement so that such provisions will be binding upon each subconsultant, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

B. The Consultant shall keep such records and submit such reports concerning the racial and ethnic origin of applicants for employment and employees as the City may require.

Section 12. Interest of Members of City and Others. No officer, member, or employee of the City and no member of its governing body, and no other public official of the governing body shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he is, directly or indirectly, interested or has any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

Section 13. Assignability.

A. The Consultant shall not assign any interest in this Agreement and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the City thereto. Provided, however, that claims for money due or to become due to the Consultant from the City under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.

B. The Consultant shall not delegate duties or otherwise subcontract work or services under this Agreement without the prior written approval of the City.

Section 14. Interest of Consultant. The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The Consultant further covenants that no person having any such interest shall be employed in the performance of this Agreement.

Section 15. Findings Confidential. Any reports, information, data, etc., given to or prepared or assembled by the Consultant under this Agreement which the City requests to be kept confidential shall not be made available to any individual or organization by the Consultant without the prior written approval of the City.

Section 16. Publication, Reproduction and Use of Materials. No material produced, in whole or in part, under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

Section 17. Audits and Inspection. This Agreement anticipates an audit by the city of Coeur d'Alene, and infrequent or occasional review of Consultant's documents by City staff. During normal business hours, there shall be made available for examination all of the Consultant's records with respect to all matters covered by this Agreement and will permit representatives of the City to examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoiced materials, payrolls, records, or personnel conditions of employment, and other data relating to all matters covered by this Agreement.

Section 18. Jurisdiction and Choice of Law. Any civil action arising from this Agreement shall be brought in the District Court for the First Judicial District of the State of Idaho at Coeur d'Alene, Kootenai County, Idaho. The law of the state of Idaho shall govern the rights and obligations of the parties.

Section 19. Non-Waiver. The failure of the City at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this Agreement or any part thereof, or the right of the City thereafter to enforce each and every protection hereof.

Section 20. Permits, Laws and Taxes. The Consultant shall acquire and maintain in good standing all permits, licenses and other documents necessary to its performance under this Agreement. All actions taken by the Consultant under this Agreement shall comply with all applicable statutes, ordinances, rules, and regulations. The Consultant shall pay all taxes pertaining to its performance under this Agreement.

Section 21. Relationship of the Parties. The Consultant shall perform its obligations hereunder as an independent contractor of the City. The City may administer this Agreement and monitor the Consultant's compliance with this Agreement but shall not supervise or otherwise direct the Consultant except to provide recommendations and to provide approvals pursuant to this Agreement.

Section 22. Integration. This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties.

Section 23. City Held Harmless.

A. The Consultant shall save, hold harmless, indemnify, and defend the City, its officers, agents and employees from any liability arising out of the acts, errors, omissions, or negligence, including costs and expenses, for or on account of any and all legal actions or claims of any character resulting from injuries or damages sustained by any person or persons or property arising from Consultant's performance of this Agreement in any way whatsoever.

B. The Consultant shall save, hold harmless, and indemnify the City, its officers, agents, and employees from and against any and all damages or liability arising out of the Consultant's professional acts, errors, and omissions, including costs and expenses for or on account of any and all legal actions claims of any character resulting from injuries or damages sustained by persons or property arising from Consultant's professional performance of this Agreement.

Section 24. Notification. Any notice under this Agreement may be served upon the Consultant or the City by mail at the address provided in Section 1 hereof.

Section 25. Special Conditions. Standard of Performance and Insurance:

A. Consultant shall maintain general liability insurance naming the City, its entities, and its representatives as additional insureds in the amount of at least \$500,000.00 for property damage or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the number of claimants, it being the intention that the minimum limits shall be those provided for under Chapter 9, Title 6, Section 24 of the Idaho Code.

B. In performance of professional services, the Consultant will use that degree of care and skill ordinarily exercised under similar circumstances by members of the Consultant's profession. Should the Consultant or any of the Consultants' employees be found to have been negligent in the performance of professional services from which the City sustains damage, the Consultant has obtained Errors and Omission Insurance in at least the amount of five hundred thousand dollars (\$500,000.00). The Consultant shall maintain, and furnish proof thereof, coverage for a period of two years following the completion of the project.

C. The Consultant shall obtain and maintain auto liability insurance in the amount of \$500,000.00 for the duration of the project.

D. Prior to work under this Agreement, the Consultant shall furnish to the City certificates of the insurance coverage required herein, which certificates must be approved by the City Attorney. Certificates shall provide cancellation notice information that assures at least thirty (30) days written notice to the City prior to cancellation of the policy for any reason.

IN WITNESS WHEREOF, this agreement executed the day and year first written above.

CITY OF COEUR D'ALENE

BERNARDO WILLS ARCHITECTS

Sandi Bloem, Mayor

Gary Bernardo, Vice President

ATTEST:

ATTEST:

Susan K. Weathers, City Clerk

Secretary

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 1st day of June, 2010, before me, a Notary Public, personally appeared **Sandi Bloem** and **Susan K. Weathers**, known to me to be the Mayor and City Clerk, respectively, of the City of Coeur d'Alene that executed the foregoing instrument and acknowledged to me that said City of Coeur d'Alene executed the same.

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

Notary Public for Idaho
Residing at _____
My Commission expires: _____

STATE OF _____)
) ss.
County of _____)

On this _____ day of June, 2010, before me, a Notary Public, personally appeared **Gary Bernardo**, known to me to be the Vice President of **Bernardo Wills Architects, PC**, and the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

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

December 16, 2009

Ms. Wendy Gabriel, City Administrator
Mr. Dave Yadon, Planning Director
Coeur d'Alene City Hall
720 Mullan Avenue
Coeur d'Alene, Idaho 83814

RE: **Statement of Qualifications: Planning Services
East Sherman Gateway Project**

Dear Ms. Gabriel and Mr. Yadon:

Bernardo-Wills Architects (BWA) is pleased to submit this proposal to assist the City of Coeur d'Alene, property and business owners, and adjoining neighborhoods in the formation of a consensus-driven *Vision* for future land use and development along the East Sherman corridor. Our services outlined in this proposal include the provision for a community workshop process, collaboration with a council-appointed "Blue Ribbon Committee," presentation to City Council at key junctures in the planning process, and preparation of new and/or revised zoning ordinances and design guidelines, to be developed under the intent of the City's Comprehensive Plan.

In addition to the inclusion of our Project Approach and a Scope of Work, our proposal addresses the selection requirements contained within your Request for Proposals, listing our team's relevant experience, our understanding of the project objectives, familiarity with the community, and demonstration of our creativity related to generating solutions based on key user input and proven planning and urban design principals. Our process is one that encourages outcomes based on respect of opinion and education to the process of consensus building. We are available to initiate work promptly following our selection and execution of contractual agreements, anticipated to be early January 2010.

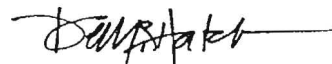
Although our proposal will provide a similar though alternative approach to previous professional studies and meetings that have been undertaken over the last year, we feel it will be important to consider and evaluate those issues where agreement was reached, and to incorporate that information into our own findings. Unanimous decisions are rare to nonexistent, especially regarding future commercial growth in such a diverse district. Our ultimate goal will be to reach a majority consensus on the most critical issues that may still be unresolved; such as zones identifying building heights that exceed current ordinances, development of an eastern community gateway, and specific design guidelines and land use issues related to parking, architectural standards, etc.

We look forward to meeting with both of you and Mayor Sandi Bloem to further discuss working together to help guide the revival and growth of the East Sherman Corridor. Please feel free to call us should you need additional information or clarifications.

Sincerely,



Gary Bernardo, AIA – Principal-In-Charge
gbernardo@bwarch.com



Dell Hatch, ASLA – Landscape Architect
dhatch@bwarch.com

Firm Overview

BERNARDO-WILLS ARCHITECTS, P.C.

Our Client-Focused Philosophy

CAPABILITIES
ARCHITECTURAL DESIGN (PRE-DESIGN,
SCHEMATIC DESIGN, DESIGN DEVELOPMENT,
CONSTRUCTION DOCUMENTS, AS-BUILT RECORDS)
PROJECT MANAGEMENT
CONSTRUCTION COORDINATION & ADMINISTRATION
SITE SELECTION & ANALYSIS
PROGRAMMING/SPACE PLANNING
SITE/FACILITY/CAMPUS MASTER PLANNING
FEASIBILITY/DESIGN STUDIES
CAPITAL REQUEST REPORTS & STUDIES
COST STUDY/ESTIMATING
LEED/SUSTAINABLE DESIGN
LAND PLANNING & ENTITLEMENTS
PROJECT BIDDING &
CONTRACT AWARD ASSISTANCE
CONSULTANT/TEAM MEMBER COORDINATION
PARTICIPATE/LEAD DESIGN CHARETTES,
PUBLIC PARTICIPATION MEETINGS
PROJECT CLOSE-OUT
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
GRAPHIC DESIGN

PROJECT TYPES
CIVIC BUILDINGS & PUBLIC FACILITIES
(ADMINISTRATIVE, CITY HALL, LIBRARY)
COMMERCIAL, PROFESSIONAL &
MEDICAL/DENTAL OFFICE BUILDINGS
FINANCIAL CENTERS
K-12 & HIGHER EDUCATION (CLASSROOM,
RECREATIONAL FACILITIES,
CAMPUS MASTER PLANNING)
LIGHT INDUSTRIAL & OFFICE PARK
MIXED-USE CENTERS & FACILITIES
MULTI-FAMILY HOUSING
ON-BASE MILITARY
RETAIL CENTER, BIG-BOX,
PAD TENANT IMPROVEMENTS, MODERNIZATION

STAFF MEMBERS: 24 (8 LICENSED ARCHITECTS)
FOUNDED: 1991 BY ROBERT WILLS & GARY BERNARDO

107 SOUTH HOWARD, SUITE 420
SPOKANE, WASHINGTON 99201

509 838.4511

WWW.BERNARDOWILLS.COM

Bernardo-Wills Architects is committed to providing the highest level of client-focused service, while developing the best possible design solution. *What does this mean to you?*

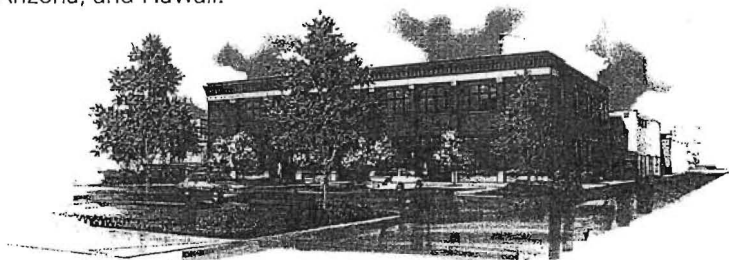
Every member of your project team is COMMITTED TO SERVING YOU – OUR CLIENT. Ultimately, our success comes only when we have developed a solution that satisfies your goals. Our focus is to create SOLUTIONS THAT MEET YOUR NEEDS, NOT OUR OWN. We are committed to this client-focused philosophy, along with our objective to PROVIDE YOU WITH A VALUE-BASED DESIGN.

Our Culture

The firm was formed in 1991 by partners Robert Wills and Gary Bernardo. With 24 staff members, Bernardo-Wills offers a full range of services including: Architectural Design, Landscape Architecture, Interior Design, and Graphic Design.

As LEED® accredited members of the US Green Building Council (USGBC), Bernardo-Wills Architects is committed to providing its clients with energy efficient and sustainable design solutions.

Bernardo-Wills Architects serves public works and private sector clients in Washington, Oregon, Idaho, Montana, Utah, Colorado, Arizona, and Hawaii.

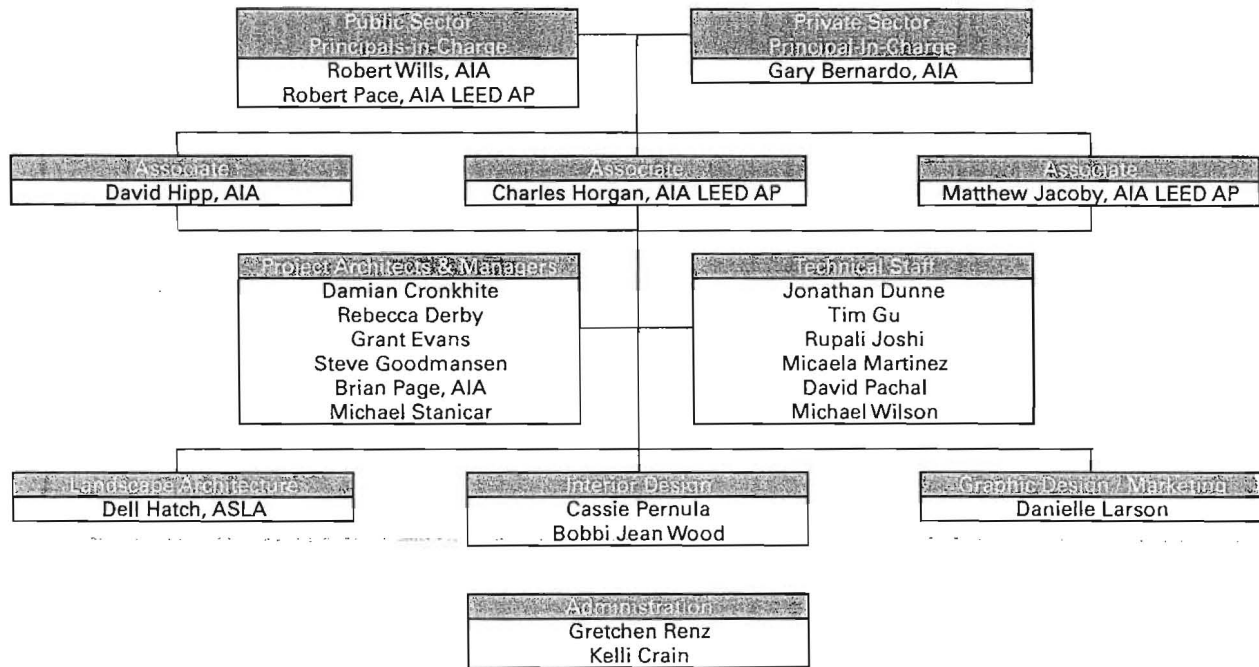


FUTURE OFFICE OF BERNARDO-WILLS ARCHITECTS (HISTORIC 1910 BISSINGER BUILDING)
CURRENTLY UNDER RENOVATION & EXPANSION, ESTIMATED COMPLETION: SPRING 2010
SPOKANE, WASHINGTON

Firm Overview

TEAM ORGANIZATION

B W A BERNARDO | WILLS
ARCHITECTS PC



Overview

Our approach to assisting the City in this endeavor is one of education of all participants as to confirmation of community intent, and assessment of beneficial growth as it relates to the corridor. Our philosophy for generating a community-based and endorsed plan that positions a commercial district such as East Sherman Avenue for integration of future development pressures, change and opportunities must be crafted as a result of understanding the aspirations of the stakeholders of the district. Property owners, merchants, homeowners in adjacent neighborhoods, and city officials must all embrace an attitude of teamwork to pursue final recommendations and solutions that identify a distinct vision for the corridor. We know from experience that proactive civic leadership, relevant and honest community discussion, and an innovative planning and design process combine to offer the best potential for success related to revitalization and development of commercial districts. Equally important to the process of establishing newly-developed or modified zoning ordinances and design guidelines is to encourage diversity and flexibility for beneficial growth, while at the same time maintaining recognition of historic uses and community values as imperative in the realization of placemaking.

Open Communication

We feel strongly that the most effective communications during public workshops are based on confidence and trust between the participants and the consultants, and, the most concise exchanges occur when the facilitator(s) are part of the design team. Because of this belief, our office will undertake this role. This allows for a direct dialogue between the public and the people who are asking the questions, interpreting answers, offering alternatives, and structuring the solutions. As such, our public workshops will not be conducted by a professional meeting facilitator, but will be facilitated by architect Gary Bernardo and Dell Hatch, landscape architect. Gary Bernardo, a Principal with Bernardo-Wills Architects, is regionally recognized for his understanding of not only designing commercial and mixed-use projects in an urban setting, but as also having a thorough understanding of the physical and economic requirements that contribute to their success. As a resident of the Coeur d'Alene area for the past 28 years, and having worked on numerous projects associated with revitalization and development projects throughout Coeur d'Alene, Dell has a solid understanding of the issues to be addressed related to East Sherman. His past experience in leading or participating in community design workshops related to consensus-based planning and design has led to adopted master plans for city parks, multi-use projects and commercial districts, the downtown, civic facilities, and the Educational Corridor.

Identifying Opportunities & Challenges

We understand that past studies and community workshops have generated significant feedback, but limited agreement in the development of proposed regulations and design guidelines for East Sherman. To understand the frustrations and division of opinion generated during previous meetings, it is important to acknowledge the inherent differences between the East Sherman corridor and its nearest competitor, Downtown Coeur d'Alene, and how pertinent influences affect the perception of planning for change. Primary among these differences is the nature of East Sherman as a thoroughfare for commuters, and the dependence on the automobile for the prosperity of the businesses. Is there a destination within the District that can be built on to encourage further commerce? Is there opportunity to develop a greater mix of services or housing? Does East Sherman have an anchor business or element that draws people encouraging walking to other destinations besides the primary shopping visit? Ultimately, questions must be asked to solicit a response that is based on values as much as economic need. A question such as, "What does this district or community have that money can't buy?" is one we have asked in the past to generate honest answers. All answers must come from the residents of East Sherman in order for any substantial and meaningful change to occur.

East Sherman Avenue is an established commercial district within the City that presents a diversity of land uses including commercial, professional and residential components. A physical "revitalization" effort was undertaken in the early 90s. This was a modest effort from an amenities standpoint, with minimal streetscape

Project Approach

EAST SHERMAN GATEWAY PROJECT

features; it did however, provide new sidewalks, a new street and below-grade utilities. It followed on the heels of the Downtown Revitalization completed a few years prior, intended to help spur growth for the eastern portion of Sherman Avenue. East Sherman presents and functions with distinct differences from Sherman Avenue from 1st Street to 7th Street. The downtown portion of Sherman is pedestrian-oriented with larger, nearby public parking lots, as well as curbside parking; sidewalk activities are encouraged, including outdoor dining, sidewalk sale displays, and placement of public art among pedestrian amenities such as benches, lights and trees. Within the downtown core, multi-level professional offices exist independently or above street-level commercial businesses. In recent years, multi-level housing and mixed-use structures have been constructed, some being 7 to 16 stories high. These recent "high rise" buildings were met with mixed approval and led in part to the City adopting a Height Ordinance, limiting building heights without required setbacks and participation by developers to take advantage of height incentives via Floor Area Ratios (FAR).

By contrast, East Sherman is primarily an auto-oriented shopping district, with a large variety of commercial businesses, low-level offices constructed for that purpose, and/or conversion of older (sometimes historic) residences to offices. A neighborhood grocery is a fixture along Sherman, accompanied by hardware and various restaurants/pubs and bars. In the zones of highest density within the corridor, most businesses are located on 50 ft lots. It is not unusual for commercial or office uses to have small individual parking lots servicing the use; accessed from Sherman, side streets or alleys north and south of Sherman. These parking lots are rarely screened, and are void of substantial landscape amenities. Housing is intermixed with these activities, along with multiple, single level hotels, many decades old. The sidewalks are not especially inviting for pedestrian shopping from store to store. The variety of uses and multiple parking lots require many access drives crossing the walks. Street trees are minimal and primarily limited to the most recent of projects, or are part of City-owned grounds or the cemetery, and are maintained by the Parks and Recreation Department. Commercial uses also include some "quick stop"/auto fueling facilities, as well as auto-related businesses. There are some vacant lots or lots associated with non-inhabited/rundown residences that could offer opportunities for new development. At the corridor's eastern-most boundaries, the interchange of Interstate 90 dominates, and for practical purposes separates the community of Fernan from Coeur d'Alene. This relationship contributes to the commuter aspect of East Sherman, as it not only collects traffic from I-90 moving to downtown, but also residents traveling to and from Fernan. Residential uses recede at about 17th Street, and from 17th to 23rd Street the corridor is exclusively commercial/office oriented.

Height limits through the corridor are currently limited to 45 feet. Past prospective projects at various locations have sought to exceed this limit, but have not been viewed favorably or approved for variance. This speaks in part to the uniqueness of the district in that its borders on the north and south are defined by alleys and not full blocks (with the exception of one parcel). This condition forces commercial and professional uses adjacent to residential uses. Parking, access, traffic, noise, lighting, hours of use and height of buildings related to shadows cast are all elements that can negatively influence these relationships. Since certain properties offer developers potential opportunities should height limits be raised, these issues will continue to be brought to light without identification of "zones" where additional height can be allowed and seen as appropriate.

East Sherman presents a grand opportunity to develop an eastern gateway to the community of Coeur d'Alene, much as Northwest Boulevard has for its west side. Welcoming visitors and introducing them to the District should be a goal of the redevelopment, and must be integrated with all recommended solutions within the corridor.

These contrasts between East Sherman and Downtown are significant and should be respected and built upon, verses trying to change East Sherman into another downtown. The challenge exists in providing development opportunities for East Sherman that not only provide for sustained economic benefits, but also celebrate a "sense of place" unique to the corridor.

Validating Objectives for the District

Our proposal will outline the means for encouraging open dialogue to generate solutions based on pertinent and relevant public input. The goal will be to configure the corridor so that applicable and acceptable future land uses will be viewed as appropriate and compatible with established businesses and residences. Our work plan will contain a framework to guide growth and change along the Corridor in the following major ways:

- Enhance the economic fortunes of existing properties within the District by outlining a strategy for potential investors to maximize the development potential of sites currently underutilized or positioned for redevelopment.
- Establish zones within the corridor to identify areas where added height for development is considered appropriate and compatible, and is based in part on current City height ordinances and floor area ratios.
- Coordinate public and private opinion to consolidate a strategy for beneficial growth throughout the district.
- Develop policies and guidelines that encourage appropriate presentation of businesses, properties, buildings and supporting facilities.
- Project an attractive and memorable image of the City at its eastern Gateway and establish an identity to the Corridor for new physical improvements that build on the most successful of existing development.

Realizing a substantial amount of planning work has been completed to date by Mark Hinshaw, it is our intent to review those elements during the initial public workshop in order to confirm topics of agreement, utilizing existing consensus items to build upon. The following sections of our proposal provide a detailed Scope of Work that our firm will provide, based on the following inclusive areas:

PUBLIC INVOLVEMENT WORKSHOPS – BUILDING COMMUNITY COMMITMENT AND CONSENSUS

Our success in working within the format of public workshops is based on a collaborative approach to acquiring pertinent feedback and input. Along with the City's commitment to a public process that invites shared learning, dialogue and decision-making, we welcome a city-wide participation during our workshops, but will encourage a focus on property owners (commercial, residential, and business), that currently make up the District. City staff, City Council, Planning Commission and the "Blue Ribbon" Committee (BRC) will all play a critical role as well in the development of the plans. All of these participants must positively contribute with the intent of reaching a common understanding and support for the final proposal so that each shares a sense of ownership and works to champion the plan's success. The educational aspect of the meetings will be two-fold: as the consultants facilitating the meetings, we will learn from the community members, as well as offering considerations and suggestions based on our experience throughout the process. Gary Bernardo and Dell Hatch are both skilled in communicating the physical and economic parameters of the issues, and how they influence the results the community aspires to achieve.

LAND USE DEVELOPMENT – IDENTIFYING BENEFICIAL GROWTH

The current economic condition that has affected all sales and development projects for the last year and a half is as evident along the Corridor as it is nationwide. Vacant store fronts throughout Coeur d'Alene are present, but seem to be exaggerated along East Sherman. During more prosperous times, new mixed use developments within the community have captured what may have been traditional, stable services along East Sherman. This can be reflected in the cost to redevelop an existing structure within the confines of the District's smaller lot sizes, the favorable price of real estate in outlying newer developments along with developer incentives, more generous parking opportunities, and less restrictive ordinances that can be achieved with different zoning. These influences, combined with linear strip-type developments having fallen out of favor with primary shopping industry investors in favor of larger concentrations at freeway off-ramps and major intersections, magnify the state of East Sherman's prosperity.

Our efforts will focus on the opportunity to identify the most appropriate structure that is capable of serving the needs of the District, and to return enhanced value to the underutilized and disinvested portions of

the Corridor. By approaching the plan with the intent of offering alternative solutions which strives for a more balanced development mix that focuses on establishing compatible land use patterns along the Corridor, while incorporating the vision of its residents, we feel that new investment opportunities will be presented and competitive. In order to ensure success with this approach, land use and development regulations must be significantly revised to take advantage of current and anticipated market trends, providing some incentive for reinvesting along East Sherman. The critical component in reevaluating these regulations is how to ensure their compatibility with the current residential uses. Collaboration with the "Blue Ribbon" committee in addressing these issues and recommending adoption of changes will be a major component of this phase of the work.

REGULATORY DOCUMENTS AND DESIGN STANDARDS – RENEWAL OF THE AVENUE

Based on the vision established during the public workshops and working with the "Blue Ribbon" committee, we will provide a thorough evaluation of potential revisions to the land use and development policies contained in the current zoning code. It is our goal to provide recommendations for change that would:

- Enhance the effectiveness of zoning within the Corridor to guide physical changes in the direction the community intends, and is described in the Comprehensive Plan
- Look for opportunities to streamline the development process by providing clear and comprehensive instructions to developers and designers identifying incentives as they correspond to opportunities
- Ensure that the City's Planning Department has tools that are user-friendly and effective in serving prospective investors and addressing property owner questions

One of the challenges for the Corridor will be to transform the high-volume arterial nature of East Sherman into a more comfortable pedestrian-friendly environment. In collaboration with City staff and council, community members and the "Blue Ribbon" committee, we will identify the look and feel of the Corridor. The plan will provide recommended detailed standards and guidelines to achieve the goals outlined in the Comprehensive Plan and vision of the District. Much of this work was prepared in the Hinshaw study, and the validation of the previous effort will be addressed both at this phase of the work and the initial public workshop. Our goal is to develop specific guidelines and standards for the planned improvements necessary to attract the various forms of desired investment along the Corridor, while maintaining the quality of residential uses adjacent business uses.

In a slight departure from your Request for Proposals, we are proposing up to three public workshops as part of our scope of work. Should we find following our initial public meeting that past work conducted by Mark Hinshaw has established substantial public and stakeholder agreement with regard to critical elements of the study, we will adjust our scope appropriately.

Phase I – Project Initiation & Community Workshops

This phase will focus on the development of an understanding of existing conditions and the influences that shape and guide change. The public is positioned as an integral participant; providing their aspirations for revitalization in the context of a public workshop, expressing and understanding what can reasonably be accomplished.

STEP 1. PROJECT START-UP

Step 1 will entail a kick-off meeting and project orientation between Bernardo-Wills Architects and City Staff. The consultants will receive base maps and distribution of background information from the City along with appropriate background information and documents. This meeting will confirm the project intent, the anticipated role of the Corridor within the larger context of the City and review of past consultant studies and conclusions. Confirmation of the "Blue Ribbon" committee make up is anticipated at this time.

STEP 2. EXISTING CONDITIONS INVENTORY AND BASE MAP PREPARATION

Bernardo Wills (BWA) will conduct site visits to further familiarize the team with the study area, photograph the Corridor and establish a collection of images, notes and sketches to be used throughout the study.

STEP 3. ANALYSIS OF EXISTING CONDITIONS

The design team will prepare a plan graphic illustrating their general perception of the East Sherman Corridor related to the intent of the study. This drawing will address such items as; streetscape character, pedestrian access and opportunities, pedestrian/auto conflicts, configuration of off street parking areas serving business, general conditions of buildings, open or undeveloped parcels, infill opportunities, apparent conflicts with adjacent residential, etc. The image will be used for discussion purposes with staff and the "Blue Ribbon" committee as well as be available for review and comment during public workshops.

STEP 4. COMMUNITY WORKSHOP #1 – VALIDATION OF THE EFFORT

BWA will organize and coordinate workshop #1, preparing the agenda with input from City Staff. The purpose of the first workshop will be to introduce the consultants, review past studies performed by Mark Hinshaw and confirm the positive outcome of those meetings as well as the deficiencies. The meeting will be held in a City venue on a weekday evening, expected to last between 2 and 2-1/2 hours. Facilitation of discussions will be directed at developing a clear, concise Vision Statement that embodies the community's aspirations for the Corridor and goals and objectives for achieving them.

Phase II – A Vision for the Avenue

This phase will deal with considerations for potential change within the Corridor, focusing on development possibilities and recommendations that will serve to enhance prospects for the Corridor within the parameters of the Comprehensive Plan. The suggestions will be developed in graphic plan form as a result of the design team's interpretation of input garnered from workshop #1, input from City Staff and consensus agreement from previous studies. Zones along the Corridor will be identified for different reinvestment/development opportunities along with exploration of developing East Sherman as a Gateway to Coeur d'Alene as means to present the community and the district. The intent is to prepare information to assist the community to understand the various directions that it can reasonably aspire to achieve, and to evaluate those options with respect to potential impacts of form, character and impact to adjacent properties. Collaboration with City Staff and the "Blue Ribbon" committee will be essential in the development of this initial plan.

STEP 1. COMMUNITY WORKSHOP #2 – CORRIDOR CONCEPT DEVELOPMENT

BWA will prepare a workshop process and presentation materials to engage workshop participants in a review and discussion of potential futures referencing the overall patterns and land uses suggested and illustrated in the Vision for the Avenue graphic. City staff, BRC and the design team will meet prior to the workshop to agree to the format for presentation of this material and make any changes, added alternatives or corrections prior to the evening workshop meeting. Initial outline suggestions for design guidelines will be introduced and discussed along with street design or streetscape suggestions to support the recommendations. BWA will record all comments made by workshop participants for consideration of inclusion in the development of the Final Concept Level Recommendations.

STEP 2. BLUE RIBBON COMMITTEE'S REVIEW AND COLLABORATION

We would anticipate at this stage in the process that more focused dialogue with the City Staff and the BRC would occur, through a number of exclusive meetings with BWA. The intent would be to refine and clarify land use and design guideline issues developed up to this point in the process. Preparation of applied examples for anticipated development scenarios will be assembled for public presentation and understanding as part of the final concept level recommendations.

STEP 3. FINAL CONCEPT LEVEL RECOMMENDATIONS

Based on direction and input received from the previous community workshops and focused input from BRC, BWA will modify and refine the final concept for the Corridor. The presentation documents will be in plan graphic form accompanied by recommendations, diagrams and supporting illustrations. The intent of the plan will be to provide a "Big Picture" reflection of decisions made earlier. We will address in detail with example applications, design standards, and guidelines for the District. Recommendations will specifically address the following:

- Architectural design related to approved heights for buildings within agreed upon development zones.
- The plan will identify zones of compatibility for reinvestment projects or development that are allowed building heights exceeding current standards.
- Building façade treatment –proportion, materials, transparency, etc.
- Signage for buildings, streets and public areas.
- Landscape and streetscape treatments for public and private areas.
- Parking lot development and access.
- Alley uses and enhancements.
- Incentives for development related to the revitalization of the Corridor.
- Private Use of Public spaces.

Discussions related to exploration of expanded Urban Renewal District to include the district. Relevant photos corresponding to envisioned development types would be included.

A full review of the final concept plan will be conducted with City Staff, BRC and BWA prior to the third and final community workshop. We also propose a City Council or joint City Council/Planning Commission study session be conducted at this time to inform Council members as to the primary direction the project has taken, and to verify that the Council approves the preliminary recommendations, or to take direction from the Council as to changes that need to be made prior to the final public workshop.

STEP 4. COMMUNITY WORKSHOP #3 - COMMUNITY COMMITMENT TO ACCEPT POTENTIAL CHANGE

This final public workshop will be conducted as a presentation of the material as confirmation to the public that their input has been fully considered and incorporated. Dialogue concerning the detailed aspects the recommendations is anticipated; however it is the goal of the final workshop to declare a consensus in the general approach and acceptance of recommendations.

Phase III – Adoption of the Plan

Phase I and Phase II of the process will clearly define the community's vision for the East Sherman Gateway, and Phase III will develop planning and administrative tools to implement the vision and revitalization. Depending on the results of Phase I and Phase II, the implementation could be a detailed Sub-Area Plan setting forth East Sherman-specific development standards on such topics as parking, landscaping, building envelope, streetscape, etc. Alternatively, the implementation could be as simple as redefining East Sherman-specific.

Regardless of the actual implantation method, it is critical that development standards define a method towards attaining the vision, include policy tools to guide both public investment in the area to encourage and stimulate private investment and development, present a vision that has clarity and certainty as a way of appealing to potential investors, and defining the process for project review and approvals.

Key Phase III tasks will include:

- Implementing the vision using existing City code framework or developing a separate Sub-Area Plan document that is complimentary to existing City codes.
- Collaborate with Staff to develop an Administrative Review Draft for internal review by the Plan Commission, City Council, Staff, Legal Counsel, and other key departments/organizations, including Consultant-driven workshops prior to public review and comment.
- Based on an internal City review, develop a Public Review Draft for public comment using public outreach methods such as public meetings, a project-specific website, and presentations to community, stakeholder, and business groups.
- Prepare a final draft of the Code revisions or Sub-Area Plan document for formal Plan Commission and City Council review and adoption.

The overriding principal for Phase III will be to develop clear, concise, and reliable development standards that are predicable, user and Staff friendly, and that reflect the Community's vision.

Team Member Roles

The personnel of Bernardo-Wills Architects who will undertake the lead roles throughout the project are uniquely qualified to work with the City and the public to provide planning, zoning, redevelopment, and design guideline development for the East Sherman Gateway Project. Their strengths and experience in facilitating public meetings related to these efforts are also noteworthy, with both Gary Bernardo and Dell Hatch having performed these roles on numerous past projects with similar scopes. They will conduct up to three public meetings for this project, encouraging full and respectful participation from all attendees. These workshops take on the character of information gathering and exchange, and (in an attempt to gather the most pertinent input, understand issues) begin the process of developing creative and effective design solutions, they will reflect BWA's integration of the principles of a Design Charrette. Gary's and Dell's ability to initiate and guide public discussions on vision, mission statements and issues related to current and future needs of the East Sherman Corridor will be paramount in the success of the process.

Gary Bernardo will act as Principal-in-Charge for the East Sherman Gateway project and will be responsible for overseeing the quality control of all documents and drawings throughout the project. For the past 25 Gary has been regionally recognized for his design and understanding of retail facilities and the economic influences and requirements that make them successful. In addition to playing a vital role in all public workshops, he will maintain contact with the City's staff and administration throughout each key milestone of the project, ensuring the design team is on track in terms of schedule and performance.

Dell Hatch will be the Project Manager for this work and will be the day-to-day contact representing BWA, working closely with City Staff and the Blue Ribbon Committee throughout the process. Dell is a county resident and a business and property owner in Coeur d'Alene. His involvement with past projects throughout the area has dealt with downtown revitalization, design guidelines and streetscape enhancements and community gateways. Dell's design experience related to multiple projects influenced by the zoning and land use requirements of the city will ensure an understanding of issues critical to building a consensus based plan. Dell will co-lead all public workshops and presentations along with Gary Bernardo.

Danielle Larson is a graphic designer with Bernardo-Wills Architects and brings to our firm a unique in-house service not common with many architectural firms. Her ability to design, coordinate and display a clear understanding of issues required for visual communication related to signage for storefronts, streets and directional and orientation signage will be incorporated as part of our work. Danielle will work directly with Dell to recommend changes that will provide a new visual identity for East Sherman Avenue as a community gateway and prosperous business district.

Our firm staff of 24 includes personnel with expertise in architecture, landscape architecture and planning. This will allow us to augment our staffing of public meetings that may incorporate potential 'breakout groups' exploring detailed design solutions, and to assist with any document or graphic production needed for public display or final publication and submittal.

The last members of our design team, and arguably the most important, will be the members of the "Blue Ribbon" committee, the City Staff and the public and stakeholders of the East Sherman corridor. We would expect that all members of the Committee and applicable City Staff attend the public workshops so that a consistent first-hand understanding of comments and input from the public can be acquired. We believe that this continuity is critical in the public's perception of the City's commitment to developing a successful and appropriate solution to issues that will define the corridor.

Key Personnel

QUALIFICATIONS & CAPABILITIES

GARY BERNARDO AIA

Principal-In-Charge

A co-founding partner and Principal of Bernardo-Wills Architects, Gary brings 28 years of architectural experience to design and development projects throughout the Spokane region. He has gained a reputation in the development community for his work on land-use findings, zone changes and variances, conditional-use permits, administrative exceptions, and street and alley vacations. Gary specializes in land-use entitlements and shopping center site and building design, as well as conceptual planning for large and small commercial developments. As Principal-In-Charge, his role will be to coordinate and effectively communicate the requirements of the project to the client and all team members.

EDUCATION

BACHELOR OF ARCHITECTURE,
BACHELOR OF SCIENCE,
UNIVERSITY OF SOUTHERN CALIFORNIA (1979)

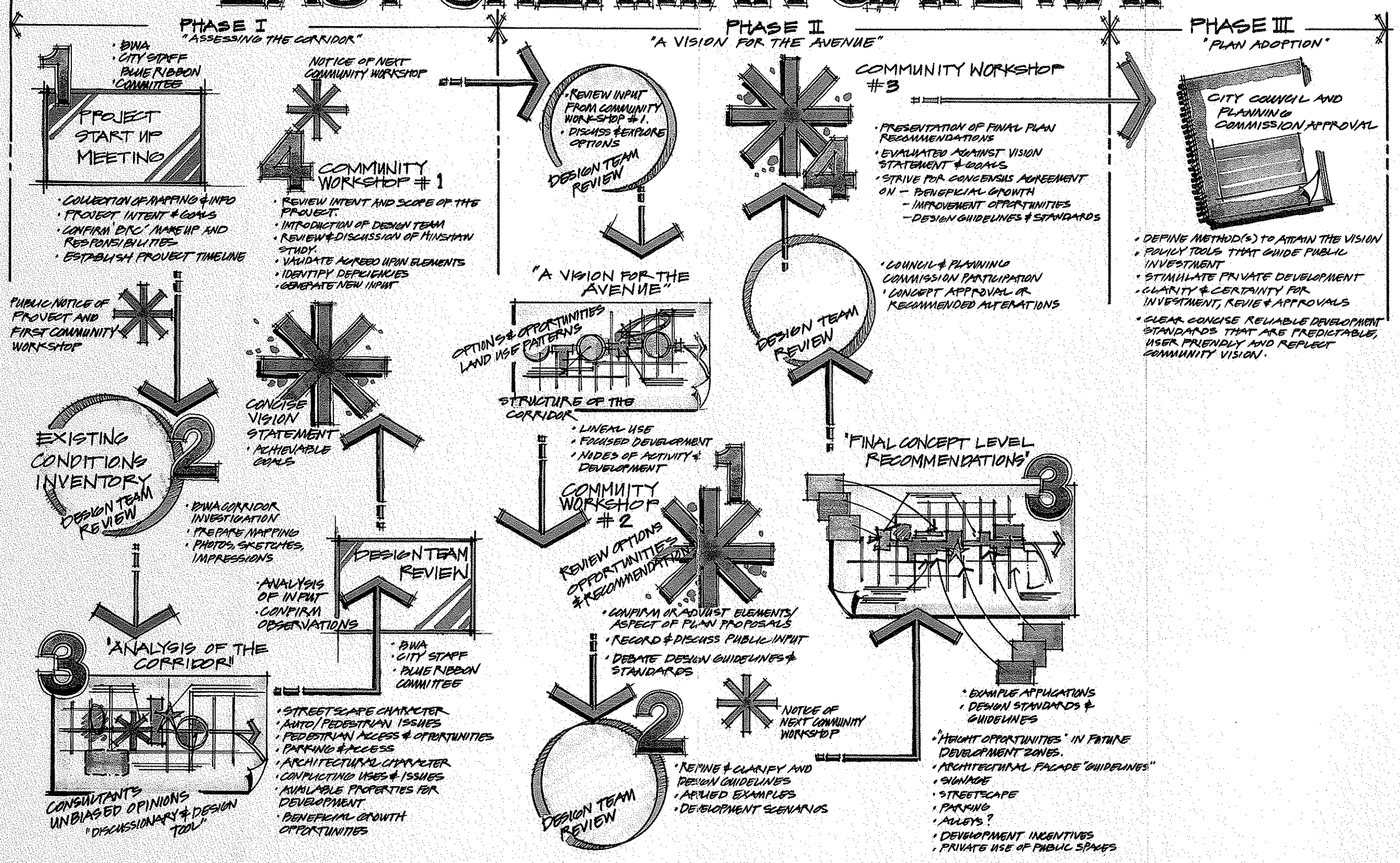
CREDENTIALS

REGISTERED ARCHITECT: WA, ID, MT, OR, AZ, UT,
CO, CA, HI

RELEVANT PROJECT EXPERIENCE

- City of Spokane Valley City Center Design
Spokane Valley, Washington
- City of Liberty Lake Community Center Pre-Design
Liberty Lake, Washington
- City of Spokane Valley City Hall Predesign and Programming
Spokane Valley, Washington
- Broadway-Scott Gateway Rezone and Masterplan
Missoula, Montana
- Spokane River Properties Business Park Planning
Spokane, Washington
- Argonne Village Redevelopment
Spokane, Washington
- Shadle Center Redevelopment
Spokane, Washington
- University City Redevelopment
Spokane, Washington
- Pre-Design and Planning, Kalispell Shopping Center
Kalispell, Montana
- Pre-Design and Planning, Grant Creek Shopping Center
Bozeman, Montana
- Pre-Design and Planning, Marketpointe II
Spokane, Washington
- Pre-Design and Planning, Palouse Empire Mall
Pullman, Washington
- Pre-Design and Planning, Boulevard Square Shopping Center
Pullman, Washington

EAST SHERMAN GATEWAY



1.25.10

GENERAL SERVICES COMMITTEE M E M O R A N D U M

DATE: MAY 18, 2010

FROM: RENATA MCLEOD, PROJECT COORDINATOR

RE: APPROVAL OF CDBG AD HOC COMMITTEE GRANT AWARD
RECOMMENDATIONS FOR ACTION PLAN YEAR 2010 AND 2011

DECISION POINT:

To authorize the recommendations of the CDBG Ad Hoc Committee for the 2010 Annual Action Plan including the following:

- Community grant award recommendation to Whitewater Development, Inc. for the Mill River Senior Apartments in the amount of \$40,000, that will be used for soft costs (including architecture and engineering), benefiting the development of 50-units of senior housing.
- Community grant award recommendation to Community Action Partnership in the amount of \$46,000 for housing counseling to approximately 100 households.

To authorize the recommendations of the CDBG Ad Hoc Committee for the 2011 Annual Action Plan including the following:

- Community Grant award recommendation to TESH, Inc. for rehabilitation to an existing housing complex for adults with disabilities (7-units)
- Community grant award recommendation to Community Action Partnership in the amount of \$46,000 for housing counseling to approximately 100 households.

HISTORY: On February 3, 2010, the City advertised the request for proposals for projects benefiting low to moderate people or neighborhoods, and/or promote job creation/economic development. Additionally, the notice was posted to the City webpage and emailed directly too many service organizations and interested parties. On February 10, 2010, a training/technical assistance workshop was held in the Library Community Room. This year's grant opportunities were open to Plan Year 2010 and Plan Year 2011 (in order to pre-plan the 2011 funding that will be included in the annual action plan rather than another substantial amendment). Six applications were received for Plan Year 2010 funding and three applications were received for Plan Year 2011 funding. The committee members met on March 25, 2010 and March 26, 2010 to review and rate the applications. Based on the grant criteria the committee has made the following recommendation.

Plan Year 2010

- Grant award to Whitewater Development, Inc. (Whitewater) in the amount of \$40,000 for the architect and engineering services for 50-units.
- Grant award to Community Action Partnership (CAP) in the amount of \$46,000 for housing counseling to 100 households.

Plan Year 2011

- Grant award to TESH, Inc. (TESH) in the amount of \$80,000 for facility enhancements to an existing 7-unit apartment complex for adults with disabilities.
- Grant award to Community Action Partnership (CAP) in the amount of \$46,000 for housing counseling to 100 households.

Based on our prior year's HUD allocation, we established our 2010 Action Plan at the same rate of \$309,576, of which only 15% can be spent on public services, so our maximum allowable expenditure was set at \$46,000, which the CAP project is classified. All of the other Plan Year 2010 grant requests were for public service, other than the Whitewater request. Those two projects total \$86,000; therefore, \$14,000 remains unallocated of the \$100,000 originally allocated. For Plan Year 2011 there is no real basis to assume the full allocation amount; therefore, staff estimated the same budget and cap, leaving potential for additional funds to be allocated during Plan Year 2011. The TESH request was in the amount of \$100,000, some of the requested expenditures were ineligible HUD expenses, however, there is room for some flexibility in the estimated costs as the project timeline approaches.

Two projects have been recommended to the City Council for approval and funding in Plan Year 2010 are more fully described below.

Mill River Senior Apartments Project

Whitewater will utilize \$200,000 (funds from PY 2009 and 2010) from the City's CDBG Entitlement program for land acquisition and \$40,000 under the City's Community Grant program for architecture and engineering activities during the development and construction of Mill River Seniors, a 50-unit project for low-income seniors. The project will consist of eight one-bedroom and 42 two-bedroom units predominantly serving the 40% & 50% area median income (AMI) households. The development will integrate an additional ten units at Fair Market Value to provide a continuum of housing options. Mill Ranch Seniors Apartments will provide safe, clean, affordable housing for tenants who are 55+ years of age. The project site is located on the north side of Seltice Way, just to the west of Grandmill Lane. The development site, located in the City's Urban Renewal District will utilize 5.42 acres with nine, one-story buildings and a detached community center for supportive services. In addition to funding from the City's Entitlement program, the Community Opportunity grant and Lake City Development Corporation, the project will include HOME funds, Low Income Housing Tax Credit (LIHTC) program dollars and private investment. The estimated total budget for the project is \$6,587,376. The project will meet HUD's National Objective of benefitting low-to-moderate income persons.

Community Action Partnership, Housing Counseling

CAP will provide housing counseling from their Coeur d'Alene office to help people reach housing goals and solve housing problems by providing information, looking at options, advocating and making referrals. Topics for assistance will include foreclosure prevention and reverse mortgages; beneficiaries may be homebuyers, homeowners, renters and the homeless. Successful counseling efforts may result in stopped or delayed foreclosures, modified mortgages, completion of tenant requested repairs, prevention of eviction, mutually acceptable negotiations, establishment of reverse mortgages, informed housing purchases and sheltering of homeless persons. The City will provide \$46,000 to CAP through the Community Grant program. The

funding will be used to provide housing counseling services to 100 households in the Coeur d'Alene area. At least 51% of the persons assisted by the program will be low-to-moderate income; CAP anticipates approximate 68% of the clientele will be low-to-moderate income. The project will meet HUD's National Objective of benefitting low-to-moderate income persons.

Since the Plan Year 2010 Action Plan has previously been approved by HUD, a substantial amendment process is required, and will include a thirty-day public comment period.

By specifically identifying projects to be awarded under Plan Year 2011, those projects will be noted in the Annual Action and a substantial amendment will not be required. More detailed information regarding these Plan Year 2011 projects will be presented at that time.

FINANCIAL: Plan Year 2010 will be amended to specifically include the community grant awards of \$40,000 to Whitewater for a 50-unit senior housing project, and \$46,000 to CAP for housing counseling to 100 households. Additional and remaining funds will be reallocated under the substantial amendment process that will follow this approval.

PERFORMANCE ANALYSIS: Authorizing this recommendation will allow these organizations to plan their programs and projects, and allow the City to move forward with the HUD substantial amendment process.

DECISION POINT/RECOMMENDATION:

To authorize the recommendations of the CDBG Ad Hoc Committee for the 2010 Annual Action Plan including the following:

- Community grant award recommendation to Whitewater for the Mill River Senior Apartments in the amount of \$40,000, that will be used for soft costs (including architecture and engineering), benefiting the development of 50-units of senior housing.
- Community grant award recommendation to Community Action Partnership in the amount of \$46,000 for housing counseling to approximately 100 households.

To authorize the recommendations of the CDBG Ad Hoc Committee for the 2011 Annual Action Plan including the following:

- Community Grant award recommendation to TESH for rehabilitation to an existing housing complex for adults with disabilities (7-units)
- Community grant award recommendation to CAP in the amount of \$46,000 for housing counseling to approximately 100 households.

**CITY COUNCIL
MEMORANDUM**

DATE: MAY 13, 2010

FROM: RENATA MCLEOD, PROJECT COORDINATOR

RE: FUNDING AGREEMENT WITH HUD FOR CDBG ENTITLEMENT FUNDING OF
PLAN YEAR 2010

DECISION POINT: To ratify the funding Agreement with the Department of Housing and Urban Development (HUD), authorizing acceptance of the Community Development Block Grant (CDBG) funding for the 2010 Plan Year, a \$336,475.00 allocation.

HISTORY: On October 16, 2007, the City Council authorized the 2008-2012 Consolidated Plan, which was the beginning step in receiving the direct annual allocation of HUD CDBG funding. The Federal Government has appropriated and released the 2010 program funding. The City of Coeur d'Alene has completed the applicable required plans, established this year's action plan, therefore, funds will be released upon receipt of the signed agreement. HUD required the agreement to be signed and returned within 2 weeks of receipt of the letter, which was May 10, 2010, therefore, it had to be signed and returned prior to the City Council meeting.

FINANCIAL ANALYSIS: The agreement allows the \$336,475.00 allocation to be released to the City of Coeur d'Alene and expended according to the approved 2010 Action Plan.

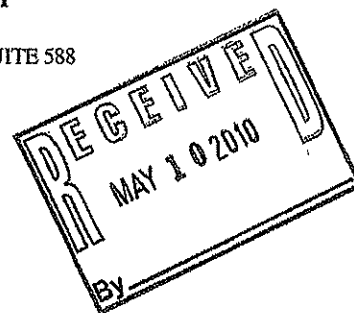
PERFORMANCE ANALYSIS: Approving this agreement will provide the proper documentation of this process.

DECISION POINT/RECOMMENDATION:

To ratify the funding Agreement with the Department of Housing and Urban Development (HUD), authorizing acceptance of the Community Development Block Grant (CDBG) funding for the 2010 Plan Year, a \$336,475.00 allocation.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
IDAHO STATE OFFICE
THOMAS FOLEY U.S. COURTHOUSE BUILDING • 920 W. RIVERSIDE, SUITE 588
SPOKANE, WA 99201-1010
PHONE: (509) 368-3200 • FAX: (509) 368-3209



OFFICE OF FIELD POLICY
AND MANAGEMENT

May 5, 2010

The Honorable Sandi Bloem
Mayor, City of Coeur d'Alene
Attn: Renata McLeod
710 Mullan Avenue
Coeur d'Alene, ID 83814

Dear Mayor Bloem:

SUBJECT: Program Year 2010 Action Plan Funding

I am pleased to provide Coeur d'Alene's 2010 funding based on the Annual Action Plan submitted by the city. The city's approved funding for the 2010 program year is:

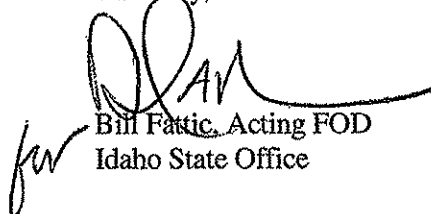
- B-10-MC-16-0007: Community Development Block Grant (CDBG) in the amount of \$336,475

Enclosed are three originals of the grant agreement that will enable HUD to make the funds available to the city. Please complete the grant agreement by signing and dating each of the documents (in original signature). Please return two signed copies to the Portland HUD office within two weeks and retain one for your records.

This funding approval is not a determination that the eligibility and statutory objectives of the authorizing legislation will be met by the proposed activities. It is primarily the responsibility of the city to ensure that funded activities meet these and all other applicable program requirements.

We look forward to working with the city on the effective implementation of the activities described in your Annual Action Plan. If you have questions, please contact Doug Carlson, CPD Director, at (971) 222-2612 or Scott Rich, CPD Representative, at (971) 222-2617.

Sincerely,


Bill Fatic, Acting FOD
Idaho State Office

Enclosures

www.hud.gov/idaho

espanol.hud.gov

Funding Approval/Agreement


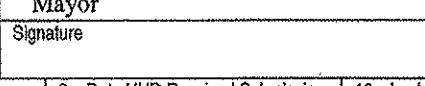
Title I of the Housing and Community Development Act (Public Law 930383)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

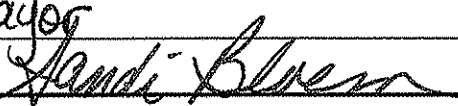
HI-00515R of 20515R

1. Name of Grantee (as shown in Item 5 of Standard Form 424) City of Coeur d'Alene	3. Grantee's 9-digit Tax ID Number 826000176	4. Date use of funds may begin (mm/dd/yyyy) 04/01/2010
2. Grantee's Complete Address (as shown in Item 5 of Standard Form 424) City of Coeur d'Alene 710 Mullan Avenue Coeur d'Alene, ID 83814 DUNS # 06-390-5418	5a. Project/Grant No. 1 B-10-MC-16-0007	6a. Amount Approved \$336,475
	5b. Project/Grant No. 2	6b. Amount Approved
	5c. Project/Grant No. 3	6c. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Doug Carlson	Grantee Name City of Coeur d'Alene, Sandi Bloem
Title Director, Community Planning & Development	Title Mayor
Signature 	Signature 
Date (mm/dd/yyyy) 05/04/2010	Date (mm/dd/yyyy)

7. Category of Title I Assistance for this Funding Action (check only one) <input checked="" type="checkbox"/> a. Entitlement, Sec 108(b) <input type="checkbox"/> b. State-Administered, Sec 108(d)(1) <input type="checkbox"/> c. HUD-Administered Small Cities, Sec 108(d)(2)(B) <input type="checkbox"/> d. Indian CDBG Programs, Sec 106(a)(1) <input type="checkbox"/> e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/> f. Special Purpose Grants, Sec 107 <input type="checkbox"/> g. Loan Guarantee, Sec 108	8. Special Conditions (check one) <input checked="" type="checkbox"/> None <input type="checkbox"/> Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 02/15/2010	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number
		9b. Date Grantee Notified (mm/dd/yyyy) 05/04/2010	
9c. Date of Start of Program Year (mm/dd/yyyy) 04/01/2010			
11. Amount of Community Development Block Grant			
	FY (2010)	FY ()	FY ()
a. Funds Reserved for this Grantee	336475		
b. Funds now being Approved	336475		
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency City of Coeur d'Alene 710 E. Mullan Avenue Coeur d'Alene, ID 83814
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency Sandi Bloem
	Title Mayor
	Signature 

HUD Accounting use Only

Batch	TAC	Program Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153										
	176										
			Y				Project Number		Amount		
			Y				Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: May 24, 2010
FROM: Gordon Dobler, Engineering Services Director
SUBJECT: Approval for sole source expenditure of traffic signal equipment at 15th & Harrison intersection.

DECISION POINT

Staff is requesting Council approval of sole source expenditure for traffic signal equipment for the signal at 15th Street and Harrison Ave from Northwest Signal Supply.

HISTORY

A traffic signal at 15th & Harrison was on the Capitol Improvement plan for this year. The signal has been designed and we are now ready for construction. 15th street will be widened from 36' to 40' to allow for left turn pockets. In addition, the curb radii will be widened to 30' to facilitate school buses and other large vehicle turns. When traffic signals are constructed as a stand alone project by the City, the City will buy the traffic signal equipment in order to make sure it is compatible with existing equipment.

FINANCIAL ANALYSIS

Funds for the traffic signal equipment come from impact fees. The cost for all the equipment is around \$150,000. A list of the specific equipment to be purchased is shown on the approved traffic signal plans.

PERFORMANCE ANALYSIS

Idaho code requires purchases for personal property in excess of \$50,000 to publicly bid. However, an exception can be made for sole source expenditures when there is only one source reasonably available and "Where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration" (67-2808).

All of our traffic signal equipment (poles, mast arms, lights, cabinet, controllers, detection, conflict monitors, etc.) is provided by the same manufacturers in order to maintain compatibility between the component parts, availability of service, and to reduce the expense necessary to stock replacement parts. Many of the component parts are configured to operate with other specific component parts of the signal, making it infeasible to accept substitutes that would inevitably occur through the bidding process. In addition, service for the controllers, detection, and related signal logic equipment is provided by the supplier. So, it is critical that the

supplier be located close to Coeur d'Alene in order to provide timely response to equipment failures. Northwest Signal Supply is the closest and they are located in Portland, in addition, all of the existing signal equipment is serviced by them. Finally, it is infeasible to stock replacement parts for multiple manufacturers of a single piece of equipment. When equipment fails it must be replaced immediately or the signals will not operate, so we must have these parts on hand. Having one manufacturer means we only need one or two controllers, conflict monitors, load switches, etc. instead of several of each. The cost of keeping an inventory like that would be substantial.

RECOMMENDATION

Staff recommends that Council adopt a resolution approving the sole source expenditure for traffic signal equipment for the 15th Street and Harrison Ave intersection.

PUBLIC WORKS COMMITTEE

STAFF REPORT

DATE: May 24, 2010
FROM: Gordon Dobler, Engineering Services Director
SUBJECT: Fernan Ct street repair

DECISION POINT

Staff is requesting Council approval to contract for unplanned street repairs on Fernan Ct.

HISTORY

For several years, a portion of Fernan Ct. has been settling due to the subsurface materials. Recently there was a water main break in the area of subsidence. The main was temporarily repaired and a geotechnical investigation was ordered to assess the problem and potential fix. The results of the investigation indicate that about 100' of the roadway needs to be excavated to anywhere from 5' to 13' in order to remove the deleterious material and stabilize the roadway. Both water and sewer mains will be removed and replaced within the excavated area.

FINANCIAL ANALYSIS

We will contract for the excavation and placement of fill material, curbing, and sewer main. The Water Department will install the new main, and the Street Department will place road base and asphalt. The total cost for the project will be about \$50,000 - \$55,000 depending on how much material has to be excavated. About \$30,000 of that would be funded by Water and Wastewater, leaving around \$25,000 to be funded from the General Fund. This is not a budgeted item and will need to be included in a budget amendment.

PERFORMANCE ANALYSIS

The road will continue to subside causing utility main breaks, ponding of street runoff onto adjacent property, and related distress issues, until it is fixed. Waiting any longer would risk further damage. We have a tentative date with Peck & Peck contractors to start work the first week in June. The work should be completed within 5 to 7 days.

RECOMMENDATION

Staff recommends Council authorize staff to proceed with the repairs as outlined above.



CITY OF COEUR D'ALENE

MUNICIPAL SERVICES DEPARTMENT

to Council 6/11/2010

CITY HALL, 710 E. MULLAN COEUR D'ALENE, IDAHO 83816-3964 208.769.2229 or fax 769.2237 kathylew@cdaid.org

OUTDOOR EATING FACILITY ENCROACHMENT APPLICATION - Valid April 1-Oct 15 annually New Applications or renewals with changes will be submitted to the City Council for approval-must be received in Customer Service Center a minimum of seven days prior to a City Council meeting (First and Third Tuesdays of each month) Payment is due with application.

Table with 2 columns: Field Name and Value. Fields include Name of Eating Establishment (Barrel Room No.6), Applicant's Name (Coeur d'Alene Cellars), Mailing Address (3890 N. Schreiber Way, CDA 83815), Physical Address (503 E. Sherman, CDA 83814), City, State Zip (Coeur d'Alene, ID 83814), Business Telephone (208.664.2336), Contact person (Kimber Gates), and Contact Numbers (Home Phone: 208.691.5850, Cell: Same, e-Mail: kimber@cdaecellars.com).

Is application: New [X] Renewal [] Any changes from previous year? Yes [] No [] Any change of ownership or type of use? Y or [N] If yes, please specify []

Do you hold a current State of Idaho, Kootenai County and City Of CDA alcohol license? [Yes] If yes, on your State of Idaho alcohol license do you have a restaurant designation? Yes or [No] Is anyone under 21 allowed in the area inside your establishment here alcohol is served? Yes or [No]

[X] Please supply a copy of your current menu Alcohol on sidewalk ends at 10:00 pm What hours is the full menu available? Start 4pm End 11pm

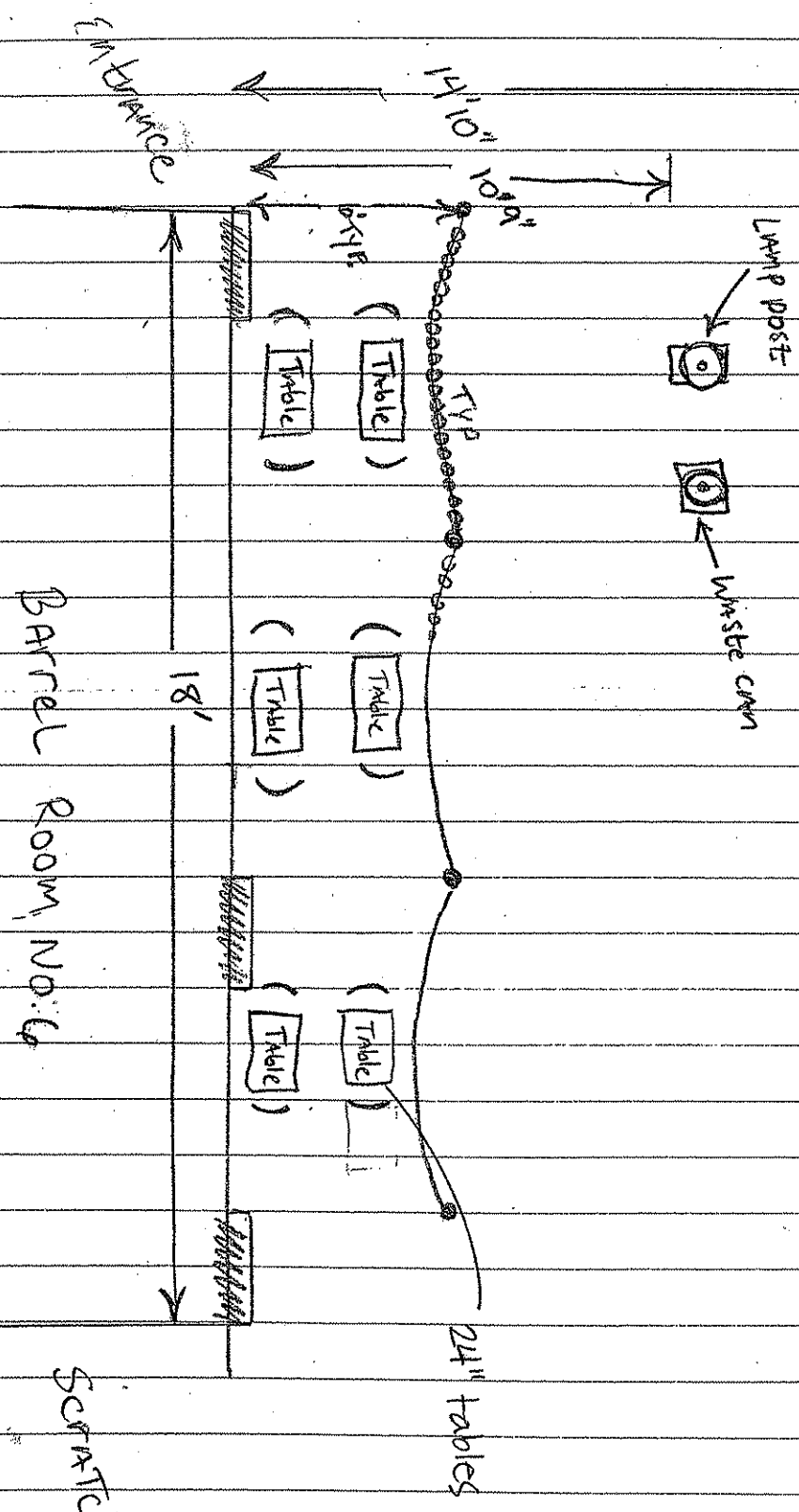
What days are the full menu available? Wednesday through Saturday

- [X] Please supply a proposed site/seating plan, which is subject to approval and includes the following: [10] x Show table sizes and chair placement, distance from building (side street 24" tables max); [B] x Show distance to any tree grate, bench, light post, bicycle rack, news rack etc.; [B] x What is width of sidewalk from property line to curb; [B] x Please show location of refuse receptacle and disposal of cigarette remains

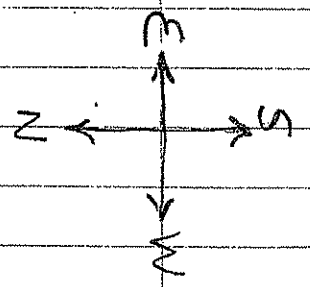
[X] Insurance: Please supply copy of liability insurance naming City as additional insured (\$1,000,000.00)

[X] Signed encroachment application

Include Fee: 12 Number of Seats x \$19.28 per seat (Sewer Cap fee) = 231.36 If located on sidewalk or City property \$100.00 Encroachment Fee 100.00 Total Due \$ 331.36



SHERMAN AVE.



12 SEATS

CEMETERY LOT TRANSFER/SALE/REPURCHASE PROCEDURE AND ROUTING SLIP

Request received by: City of CDA - Municipal Services Kathy Lewis 5/12/10

Department Name / Employee Name / Date

Request made by: Dusty Dionne 208-660-7872

Name / Phone

6545 Hawk Owl lane Coeur d'Alene Mail: PO 765
Address CDA 83816

The request is for: / / Repurchase of Lot(s)
 Transfer of Lot(s) from Elizabeth Nichols to Dusty Dionne

Niche(s): _____

Lot(s): 7, _____, _____, _____, _____, _____, _____ Block: 81 Section: B

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

Copy of / / Deed or / / Certificate of Sale must be attached.

Person making request is / / Owner / / Executor* Other* Great Granddaughter

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

Title transfer fee (\$ 40.00) attached**.

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

ACCOUNTING DEPARTMENT Shall complete the following:

Attach copy of original contract.

Vonnie Jensen
Accountant Signature

CEMETERY SUPERVISOR shall complete the following:

1. The above-referenced Lot(s) is/are certified to be vacant: Yes / / No

2. The owner of record of the Lot(s) in the Cemtery Book of Deeds is listed as:

3. The purchase price of the Lot(s) when sold to the owner of record was \$ 76.00 per lot.

RJE 5/13/10
Supervisor's Init. Date

LEGAL/RECORDS shall complete the following:

1. Quit Claim Deed(s) received: / / Yes / / No. A.L. 5-13-10

Person making request is authorized to execute the claim: _____
Attorney Init. Date

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

Susan K. Weather 5-24-10
City Clerk's Signature Date

COUNCIL ACTION

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

CEMETERY SUPERVISOR shall complete the following:

Change of ownership noted/recorded in the Book of Deeds: / / Yes / / No

Cemetery copy filed / /; original and support documents returned to City Clerk / /

Cemetery Supervisor's Signature Date

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

To: City Council
 Date: May 14, 2010
 From: Kathy Lewis, Deputy City Clerk
 Re: FIREWORKS STANDS 2010

The following vendors are requesting approval to sell Fireworks at stands in the City of Coeur d'Alene from 8:00 am on June 23rd until 10 pm on July 5th.

	Location	Vendor/ Address	Distributor
1	K-Mart 201 West Neider Avenue Coeur d'Alene, ID 83815	Chris Galvin c/o TNT Fireworks 104 South Freya, White Bldg #120B Spokane WA 99202	TNT Fireworks
2	Walgreen's 335 West Appleway Coeur d'Alene, ID 83815	Journey 2900 N Government Way #302 Coeur d'Alene ID 83815	TNT Fireworks
3	Albertson's 1223 Government Way Coeur d'Alene, ID 83814	Joe Hoffman c/o TNT Fireworks 104 South Freya, White Bldg. #120B Spokane WA 99202	TNT Fireworks
4	Super One Foods 305 West Kathleen Avenue Coeur d Alene, ID 83815	Mary Quinn 251 Pine Crest Loop Sandpoint, ID 83864	TNT Fireworks
5	Goodwill Store 1212 North Fourth St Coeur d'Alene, Id 83814	Linda Morgan 16151 North Marble Lane Hayden, ID 83835	TNT Fireworks
6	Safeway #295 1001 North Fourth Street Coeur d'Alene, Id 83814	Jeff Heuschkel 734 Villard Street Cheney, WA 99004	TNT Fireworks
7	Fred Meyer 560 West Kathleen Avenue Coeur d'Alene, ID 83815	Jeff Heuschkel 734 Villard Street Cheney, WA 99004	TNT Fireworks
8	Safeway #1470 121 Neider Avenue Coeur d'Alene, ID 83815	Janet Stutzman North 3621 Molter Avenue Otis Orchards, WA 99027	TNT Fireworks
9	Skate Plaza 5685 Pioneer Drive Coeur d'Alene, ID 83815	Candlelight Fellowship 5795 Pioneer Drive Coeur d'Alene, Id 83815	Rolling Thunder Fireworks- Dan Holmes
10	Runge Furniture Spokane Street Coeur d'Alene, ID 83814	Steven L Bartlett 2123 East Prairie View Drive Post Falls, ID 83854	Big Boom Fireworks John Peterson

DATE: MAY 12, 2010
TO: MAYOR AND CITY COUNCIL
FROM: PLANNING DEPARTMENT
RE: SETTING OF PUBLIC HEARING DATE: JULY 6, 2010

Mayor Bloem,

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

<u>ITEM NO.</u>	<u>REQUEST</u>	<u>COMMISSION ACTION</u>	<u>COMMENT</u>
ZC-4-10	Zone change from R-12 to C-17 Applicant: Gary Fredrickson Location: 139 & 141 E. Spruce Avenue	Recommended Approval	Quasi-Judicial
0-2-10	Amendment to Shoreline Ordinance regarding height limits along W. Lakeshore Drive Applicant: Rick Gunther	Recommended Approval	Legislative

In order to satisfy the mandatory 15-day notice requirement, the next recommended hearing date will be **July 6, 2010.**

JS:ss

ANNOUNCEMENTS

Memo to Council

DATE: May 25, 2010

RE: Appointments to Boards/Commissions/Committees

The following appointments and reappointments are presented for your consideration for the June 1st Council Meeting:

HEATHER BOWLBY (Appointment)	DESIGN REVIEW COMMISSION
GEORGE IVES (Reappointment)	DESIGN REVIEW COMMISSION
MIKE PATANO (Reappointment)	DESIGN REVIEW COMMISSION
ADAM GRAVES (Appointment)	PARKING COMMISSION

A copy of Mr. Grave's data sheet is in front of your mailboxes.

Sincerely,

Amy Ferguson
Executive Assistant

cc: Susan Weathers, Municipal Services Director
Tami Stroud, Design Review Commission
Troy Tymesen, Parking Commission

OTHER COMMITTEE MINUTES
(Requiring Council Action)

March 24, 2010
**GENERAL SERVICES COMMITTEE
MINUTES**

COMMITTEE MEMBERS PRESENT

Mike Kennedy, Chairperson
Ron Edinger
John Bruning

CITIZENS PRESENT

Tom Hasslinger, CdA Press

STAFF PRESENT

Wayne Longo, Police Chief
Monte McCully, Trails Coordinator
Warren Wilson, Deputy City Attorney
Renata McLeod, Project Coordinator
Steve Childers, Police Captain
Bill McLeod, Police Sergeant
Jon Ingalls, Deputy City Administrator
Troy Tymesen, Finance Director
Juanita Knight, Senior Legal Assistant

**Item 1. Amendment to City Records Retention Manual / Adding a Category to Police Records.
(Consent Resolution No. 10-018)**

Wayne Longo is requesting approval to amend the City's Records Retention Manual to add a category to Police Records 'Police Confidential Personnel Issues'. The records will be semi-permanent and held for 5 years (60 months). Currently, they are storing files from the early 1970's which are taking up considerable space and filing cabinets. Councilman Edinger asked if the City will encounter any public records request issues with purging these records. Warren Wilson, Deputy City Attorney, responded 'no' since most personnel records are exempt from disclosure.

MOTION: by Councilman Edinger seconded by Councilman Bruning that Council adopt Resolution No. 10-018 amending the City's Records Retention Manual.

**Item 2. Professions Services Contract / East Sherman Gateway Project.
(Resolution No. 10-018)**

For Sean Holm, Warren Wilson presented a request to approve a Professional Services Agreement with Bernardo-Wills Architects for services in assisting the City of Coeur d'Alene to achieve its vision for future land and development along the East Sherman Corridor. Mr. Wilson stated that several years ago the Council discussed a decision to put an emphasis on design standards and guidelines for East Sherman. A year later, there was still some disagreements between neighbors and developers as to what East Sherman should look like. The Council directed staff to look at hiring someone to facilitate and come up with a plan that everyone would be happy with. Based on the proposal by Bernardo-Wills Architects (BWA) the Scope of Work was split into three phases. Phase one and two would be included in this portion of approval. Phase one, "Project Initiation & Community Workshops" followed by phase two, "A Vision for the Avenue". The final phase, "Adoption of the Plan" will be reviewed after the first two phases. If it is determined that the process would be greatly enhanced by the continued efforts of BWA, discussion and funding options would be completed at that time.

Councilman Edinger asked how much will this cost and where the money will come from. Mr. Wilson read from the Staff Report that Phase one and two are \$15,000. Funding would come from the Planning professional services budget. It should be recognized that the entire professional services budget is \$15,000, \$19,000 less than last year. Because they have already spent \$678 this year, they will exceed this line item by that amount and a budget amendment will be presented later this year for your approval.

Councilman Edinger noted that there were no representatives from the East Sherman HOA on the RFP review committee. Mr. Wilson stated that it is not typical for outside members to be on the review team as they will be the target audience that will get involved after a firm is hired.

MOTION: by Councilman Bruning seconded by Councilman Edinger that Council adopt Resolution No. 10-018 approving the Professional Services Agreement with Bernardo-Wills Architects for assisting the City to achieve its vision for future land use and development along the East Sherman corridor.

Item 3. 2010 Master Plan / 2010 Trails and Bikeways.
(Agenda)

Monte McCully presented that one of the top three priorities of the Parks Master Plan was trail connectivity throughout the City. The goals of the plan are to include safe, accessible, and enjoyable, trails, bike ways, and ped/bike facilities. Actively strive to increase trail connectivity throughout the City and surrounding communities, encourage acquisition and development of natural trails in the city natural open spaces. Provide physical amenities that support and enhance active living opportunities. Reduce the number of motorized to non-motorized accidents. Encourage cooperation and partnerships with local jurisdictions and public and private entities. Provide efficient and high quality maintenance of trails, bike lanes, and ped/bike facilities. Inform city staff on the complete streets policy and implementation. The greatest concern is to provide safe routes. The highest concentration of accidents occur in areas without bike lanes. There were nineteen accidents on roads with bike lanes compared to seventy without. Connectivity will improve safety.

Councilman Edinger noted that at the last council meeting a citizen had a complaint that bicyclist don't share the road with vehicles. Monte responded that they are creating and televising PSA's that not only educate drivers but cyclists as to the correct way to interact with each other. Councilman Edinger asked if the proposal for bike lanes on 15th street include a bike lane for both the north and south side of the road. Monte responded yes. Councilman Edinger asked about opposition to the plan at the meeting / workshops that have been held. Monte responded that the opposition has dramatically decreased and support has increased.

Councilman Bruning suggested making the Trails and Bikeways Master Plan an appendix to the Comprehensive Plan rather than an update to the plan. Councilman Bruning suggested adding *improve education and safety for both drivers and bicyclist* as another bullet point under Goal 5 (page 52).

Councilman Kennedy pointed out that at the beginning of the document, the plan needs to be changed from the 2009 Plan to the 2010 Plan.

MOTION: by Councilman Bruning seconded by Councilman Edinger that Council adopt the 2010 Trails and Bikeways Master Plan to include the suggested changes by Councilmen Bruning and Kennedy.

Item 4. Council Bill No. 10-1008 / Amendments to Park Rules.
(Agenda)

For Doug Eastwood, Warren Wilson is requesting approval to adopt amendments pertaining to Parks and Public Property. A couple months ago the Council directed staff to draft an ordinance that would implement park closing hours. In doing so, staff ran into the issue that parks regulations are scattered throughout various chapters of the Municipal Code. Staff decided to adopt a new title that will gather all the provisions of Parks and

Public Property into one title to include parks, cemetery, open spaces, parking lots all located in one title. Mr. Wilson stated that this draft has been endorsed by the Parks and Recreation Commission.

Councilman Edinger noted that he previously voted against the closing hours for city parks as noted on page 42. He suggested that he would vote against adopting this ordinance if it contains the closing hours for parks.

MOTION: by Councilman Bruning seconded by Councilman Kennedy that Council adopt Council Bill No. 10-1008 adopting amendments to the Park Rules with Councilman Edinger voting NO.

Item 5. Council Bill No. 09-1028 / Amendments to Animal Control Regulations.
(Agenda)

Warren Wilson is requesting approval of the proposed animal control ordinance along with a recommendation regarding feeding feral cats and raising chickens. Earlier this year, staff presented the proposed animal control ordinance to the City Council at a workshop. At that time staff was directed to prepare a final version that incorporated changes in the enforcement mechanism. Under this proposed final draft, dangerous dog issues will be heard by a city appointed hearing officer rather than a citizens committee. This will make it easier to schedule hearings and should result in a more consistent application of the code. Other animal control violations will continue to be addressed in the existing manner. However, the code has been drafted in a fashion that it can easily be amended to send other matters to a hearing officer if future budgeting and staffing allows. There are two new questions that warrant discussion. In the past month that City has received multiple inquiries about raising chickens. The existing code allows chickens to be kept so long as they are kept in a secure building or yard. The proposed code would not allow chickens or other domestic animals except in the R-1 zone. The second issue is feeding feral cats, which can create problems for neighbors. The proposed code prohibits feeding wild animals but likely would not prohibit feeding feral cats.

Councilman Bruning asked if those who currently have chickens, would they be grandfathered in. Mr. Wilson replied no.

Councilman Edinger asked about the Indian Meadows area. Mr. Wilson stated that those keeping domestic animals and fowl have an exception if they have one acre or more in the R1 zone.

Councilman Kennedy asked if there have been many complaints regarding chickens. Mr. Wilson replied no. Councilman Kennedy stated that other cities have limitations of 3 chickens. Councilman Bruning added that many also have a ban on Roosters.

Councilman Edinger stated that he's been around here a long time and this is the first time he's ever heard about regulating chickens.

Councilman Kennedy stated that he's heard a lot of complaints about feeding feral cats. Chief Longo said enforcement would be difficult. Capt. Childers stated that the City contracts with Kootenai Humane, who do not take cats. Call volumes would go up as well as man power. Enforcement would be difficult as many citizens feed their own cats outside, which draws feral cats.

Councilman Edinger stated that he's has all along believed that no feeding provisions will be very difficult to enforce. He would support a provision for cats but not deer. He would also support limiting chickens to 3.

Councilman Bruning stated that Fernan has a huge problem with deer and believes it will also help them out if the city also has the no feeding provision.

MOTION: by Councilman Bruning, seconded by Councilman Kennedy that Council adopt Council Bill No. 09-1028 adopting the Animal Control Regulations with the addition of limiting chickens to 3 in R-1 Zone and prohibiting the feeding of feral cats, with Councilman Edinger voting NO.

**Item 6. CDBG Ad Hoc Committee / Grant Award Recommendations for 2010 and 2011.
(Consent Calendar)**

Renata McLeod stated that in the plan year 2009 action plan for the Community Development Block Grant dollars that the City received from HUD, \$100,000 was allocated for community grants. A notice was placed in the Press on February 2, 2010 and a workshop for folks who wanted to get more information on how to submit applications for this community grant was held on February 10th. The deadline for submission was March 10th. This year applications for plan year 2010 and 2011 were accepted, in order to prevent the need for a substantial amendment in Plan Year 2011. However, an amendment will be needed for Plan Year 2010, since the action plan for that year is already complete.

Six applications were received for Plan Year 2010 funding and three applications were received for Plan Year 2011 funding. The Ad Hoc Committee members met on March 25, 2010 and March 26, 2010 to review and rate the applications. Based on the grant criteria the committee has made the following recommendation.

Plan Year 2010

- Grant award to Whitewater Development, Inc. (Whitewater) in the amount of \$40,000 for the architect and engineering services for 50-units.
- Grant award to Community Action Partnership (CAP) in the amount of \$46,000 for housing counseling to 100 households.

Plan Year 2011

- Grant award to TESH, Inc. (TESH) in the amount of \$80,000 for facility enhancements to an existing 7-unit apartment complex for adults with disabilities.
- Grant award to Community Action Partnership (CAP) in the amount of \$46,000 for housing counseling to 100 households.

Ms. McLeod is requesting approval of the Ad Hoc Committee's recommendation, which will allow the substantial amendment process to move forward and will include the 30-day public comment and public hearing before the City Council.

MOTION: by Councilman Edinger, seconded by Councilman Bruning, that Council approve the recommendation of the CDBG Ad Hoc Committee for the 2010 and 2011 Annual Action Plan.

The meeting adjourned at 1:00 p.m.
Respectfully submitted,

Juanita Knight, Recording Secretary

STAFF REPORT

Date: May 17th, 2009
From: Monte McCully, City of Coeur d'Alene Trails Coordinator
SUBJECT: **Trails and Bikeways Master Plan** (*action required*)

DECISION POINT:

The Coeur d'Alene Parks Department is requesting Parks and Recreation Commission to recommend to General Services Committee the adoption of the 2010 Trails and Bikeways Master Plan.

HISTORY:

During the 2008 update of the Coeur d'Alene Parks Master Plan area residents were surveyed on their vision for the future of Coeur d'Alene. Enhancing our trails and bikeways system was one of the top three requests. This plan inventories all trails and bikeways facilities as well as provides suggested recommendations for future trails and trail connectivity. The community is seeking safer ped/bike corridors that connect neighborhoods to schools, parks, and other points of interest.

FINANCIAL ANALYSIS:

The City General Fund has historically allocated \$7,500 per year for trail maintenance/improvements. These funds have been placed in the Parks Capital Improvement Fund as a dedicated line item. The funds are also allowed to accrue if not used and we also use the fund as part of a trail grant match. Due to budget constraints this year that allocation is no longer made by the general fund. Other short and long term solutions can include establishing a line item in the Parks Capital Improvement Fund with revenues generated within the parks and trails system. That line item should be the same as it was with the general fund allocation. Areas of trail improvements that might be associated with the Centennial Trail and/or the Prairie Trail can also get funding assistance through the North Idaho Centennial Trail Foundation and the Kootenai County Joint Powers Board. A long term solution might be that we re-examine our impact fee structure and include trails in that formula.

PERFORMANCE ANALYSIS:

Adopting the Bikeways and Trails Master Plan will provide a blueprint for pedestrian and bicycle facilities for the next ten years.

DECISION POINT/ RECOMMENDATION:

The Coeur d'Alene Parks Department is requesting Parks and Recreation Commission to recommend to General Services Committee the adoption of the 2010 Trails and Bikeways Master Plan.



City of

Coeur d'Alene

Photo courtesy of Museum of North Idaho, Dec 9-2

Hiking Trails

Trails and Bikeways

Pedestrian/Bike Paths

Bicycle Boulevards

Bike Lanes

Mountain Bike Trails

Master Plan



ACKNOWLEDGMENTS

City Staff

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Melissa Brandt, Administrative Assistant
Monte McCully, Trails Coordinator

City Council

Sandi Bloem, Mayor
Loren R. "Ron" Edinger
Deanna Goodlander
A.J. "Al" Hassell, III
Mike Kennedy
Woody McEvers
John Bruning

Ped/Bike Masterplan Sub-Committee

Monte McCully
Chris Bosley, PE
Bev Moss

Ped/Bike Committee

Chris Bosley, PE, Chair
Mac Cavasar, Vice Chair
Aman Sterling, Walking Community
Bev Moss, General Public
Bill Porath, Special Needs/Physically Challenged Community
Doug Eastwood, Parks Director
Gary Mamola, General Public
Gordon Dobler, PE, Growth Services Director/City Engineer
Grant Stimmel, Alternate Student Representative
John Kelly, Citizen at Large
John Bruning, Council Member Liaison
Juanita Knight, Committee Secretary
Larry Strobel, Senior Citizens
Lucas Hutson, General Public
Mike Dolphin, General Public
Mike Gridley, Concerned Citizen

Monte McCully, Trails Coordinator, City Liaison
Paige Kelly, Student Representative
Tom McTevia, Special Needs/Physically Challenged Community
Warren Fisher, Centennial Trail
Will Button, Bicycling Community

Prepared by:



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TABLE OF CONTENTS

Introduction	1
A. Document Organization	2
Chapter 1 Planning Context	3
A. Planning Area	3
B. The Coeur d'Alene Landscape.....	4
C. Population and Demographics.....	7
D. Existing Trail Resources	8
E. Additional Trail Facilities	17
F. Regional Trail Connections	19
G. Community Connections.....	20
Chapter 2 Trails, Bikeways and Facility Needs	23
A. Survey Results.....	23
B. Connectivity	24
C. Complete Streets.....	27
D. Education and Encouragement.....	28
Chapter 3 Trails and Bikeways Recommendations	31
A. Class I, II, and III Trails Recommendations.....	31
B. Nature Trails	39
C. Bicycle Boulevards.....	41
D. Pedestrian Bridges, Grade Separations and Crossing Lights	41
E. Trail Heads.....	42
F. Connectivity.....	42
G. Planning for Use	42
Chapter 4 Standards	43
A. Trail Facility Standards by Classification.....	43
B. Other Considerations	49
Chapter 5 Policy and Operations Goals and Recommendations	51
A. Goals.....	51
B. Policy Directions.....	53
C. Administration and Operations.....	55
D. Internal Acceptance	56
E. Funding	57
Conclusion	58
APPENDICES	59
Trail Disruption Ordinance.....	59
Committees	61
Prohibited Use.....	63
Rules of the Road.....	65

Trails and Bikeways Master Plan Vision Statement

“We will actively strive to provide a quality trail system that offers uses for both recreational purposes and as a means for commuters to safely use alternative modes of transportation, provide connectivity throughout the city, and promote healthy life styles through physical activity.”

Introduction:

The 2009 *Coeur d’Alene Trails and Bikeways Master Plan* is a comprehensive document that sets out an overall strategy for the management of the Coeur d’Alene trail system over the next ten years. It was created as a specialized document dealing specifically with non-motorized, alternative modes of transportation and is supported by the 2008 Parks Master Plan and 2007 City Comprehensive Plan.

The purpose of this plan is to improve pedestrian and bicycle connectivity throughout the city in an effort to accommodate the growing number of users for both recreational and commuter purposes. It is intended to promote commuting and safe travel by significantly increasing pedestrian and bicycle transportation options and decreasing dependency on motorized transportation by providing the residents of Coeur d’Alene with a complete network of pedestrian and bicycle trails throughout the city. This plan also addresses recreational nature trails and trail head access.

In 2008, the City updated its Parks Master Plan. An extensive citizen outreach was an integral part of the planning process to capture the visions, values, and preferences of Coeur d’Alene’s residents. Surveys were taken of over 1,200 residents in which a variety of questions were asked pertaining to many topics including biking and trail use. The needs to improve connectivity and create an extensive trail network were among the top three requests citizens made. The Coeur d’Alene Trails and Bikeways Plan used the results from the citizen input to create a plan that addresses those needs.

A. Document Organization

Introduction

The introduction states the historical background of the City of Coeur d'Alene's trails, and bikeways and provides an overview of the document organization and planning process.

Chapter 1: Planning Context

Chapter 1 gives an overview of Coeur d'Alene: its location, landscape, people, and resources. This chapter includes an inventory of existing trail resources in Coeur d'Alene and discusses regional connectivity.

Chapter 2: Ped/Bike Needs

Chapter 2 presents public involvement specifically relating to Coeur d'Alene's ped/bike needs. Building upon this input, this chapter details trail and trail facility needs.

Chapter 3: Trails and Bikeways Recommendations

Chapter 3 offers recommendations and policies for the development or redevelopment of trails, bike ways and ped/bike facilities.

Chapter 4: Standards

Chapter 4 provides the City of Coeur d'Alene's trails and bikeways design standards and standard drawings.

Chapter 5: Policy & Operations Goals and Recommendations

Chapter 5 provides goals and recommendations for policy directions and changes. It also discusses operations of and funding for the trail system.

CHAPTER 1: PLANNING CONTEXT

Community Background



The City of Coeur d'Alene is the largest city in northern Idaho. Located at the southern end of the Idaho Panhandle, Coeur d'Alene is the hub of Kootenai County, and is bordered by Canfield Mountain to the east, the Rathdrum Prairie to the west and Lake Coeur d'Alene to the south.

The city of Post Falls is located to the west of Coeur d'Alene. Hayden, Hayden Lake, and Dalton Gardens are located to the north. Fernan Village is located to the east. The farm lands once separating these cities are gradually disappearing and are being replaced with a mix of residential and commercial developments. It is particularly important that we work towards connecting these areas with bicycle and pedestrian facilities in the planning stages of new developments.

Spokane, Washington is the largest city in the eastern half of Washington State and is located thirty miles west of Coeur d'Alene. Connections to Spokane and other smaller cities in Washington, Idaho, and Montana are provided via Interstate 90, as well as intrastate connections via the state of Idaho's main North/South connector, US-95. This intersection of major vehicular networks, coupled with the City's beautiful water resources and access to dense North Idaho forests, has made Coeur d'Alene a recreation destination for a variety of different user groups. Trails, such as the Centennial Trail, the Trail of the Coeur d'Alene's, and the Hiawatha Trail, make Coeur d'Alene a Mecca for hikers, bikers and runners. Given the City's location and its physical growth, Coeur d'Alene will continue to serve as a regional commercial, cultural and recreational attraction in future years.

A. Planning Area

The area identified in this Plan includes that within the Coeur d'Alene city limits and also that within the Coeur d'Alene area of impact. This area was determined by the Coeur d'Alene Planning Department and is consistent with the planning area used for the 2007 Coeur d'Alene Comprehensive Plan. Nearby communities were also considered to increase connectivity between local communities in this region.

B. The Coeur d'Alene Landscape

Coeur d'Alene's natural resources and residential characteristics give the City its unique sense of place. The availability of these resources and the design of neighborhoods impact the planning and implementation of trails and bikeways.

Waterfront

Lake Coeur d'Alene is one of the most defining features of the area. The North Idaho Centennial Trail follows the lake shore from west of the City, through several new developments and parks, past North Idaho College and parallels the Spokane River as it flows out of the lake. The Trail then follows the lake shore through downtown and meanders east out of town to its terminus at Higgins Point. The Spokane River flows by several parks and the adjacent land has not been completely developed, allowing opportunities for more connectivity to existing trails. Trails routed along scenic areas, such as the river, are highly desirable.



East of Coeur d'Alene, and abutting the city, is the city of Fernan Village and Fernan Lake where there is a 51 acre waterfront parcel dedicated to the Coeur d'Alene Parks Department that is the possible future location of a nature trail.

Forested Areas

The City of Coeur d'Alene is located in a forest-rich environment. Large forested hills and mountains enhance the viewshed. Canfield Mountain, Blossom Mountain, Mica Peak, Blackwell Hill, Best Hill and Tubbs Hill sit at the edges of Coeur d'Alene and create a recreational draw to the area and there is an ever increasing demand for nature trails. The City of Coeur d'Alene currently manages 226 acres of forested Natural Open Space; Kootenai County has 178 acres and the Idaho Department of Parks and Recreation manages over 9,500 acres in the area as well. To the east of Coeur d'Alene spreads the Coeur d'Alene National Forest with 800,000 acres of Natural Open Space. Within two hours driving time, the U.S. Forest Service has an additional three million acres of forest land that are set aside for public use.

Prairie

The Rathdrum Prairie was created as a result of massive flooding from prehistoric Glacial Lake Missoula when an ice dam near modern day Sandpoint collapsed, draining the lake and depositing millions of tons of sediment across the valley to form the Rathdrum Prairie. The prairie extends from Coeur d'Alene to Spokane and north to the southern end of Lake Pend Oreille. The prairie was once covered with grasslands and was partially forested. When Europeans settled the area the prairie gave way to farms and, eventually, the beginnings of residential development. Coeur d'Alene at build

out will extend into the Prairie as far as Huetter Road to the west and Prairie Avenue to the north. The primary make-up of the area will be residential homes. Since these developments will have trails systems, it's important to have cooperation with Kootenai County and the surrounding communities to develop an interconnecting network of trails and bike routes.

Downtown and Surrounding Neighborhoods

Coeur d'Alene's downtown area is located adjacent to City Park, Tubbs Hill, the North Idaho Centennial Trail and Lake Coeur d'Alene. Annual events, such as the Iron Man and the Coeur d'Alene Triathlon, bring thousands of visitors to the downtown area and provide a boost to the local economy.

Surrounding the downtown core are older residential neighborhoods that are within walking or biking distance to a wide variety of activities available in the area. Restaurants, hotels, shops, parks, theatres, outdoor entertainment, lake access, hiking trails, Tubbs Hill and the Centennial Trail are a few of the amenities available. One of the goals of this plan is to improve bicycle and pedestrian access to downtown parks, shops and other points of interest in these surrounding neighborhoods.

Recent and Future Developments

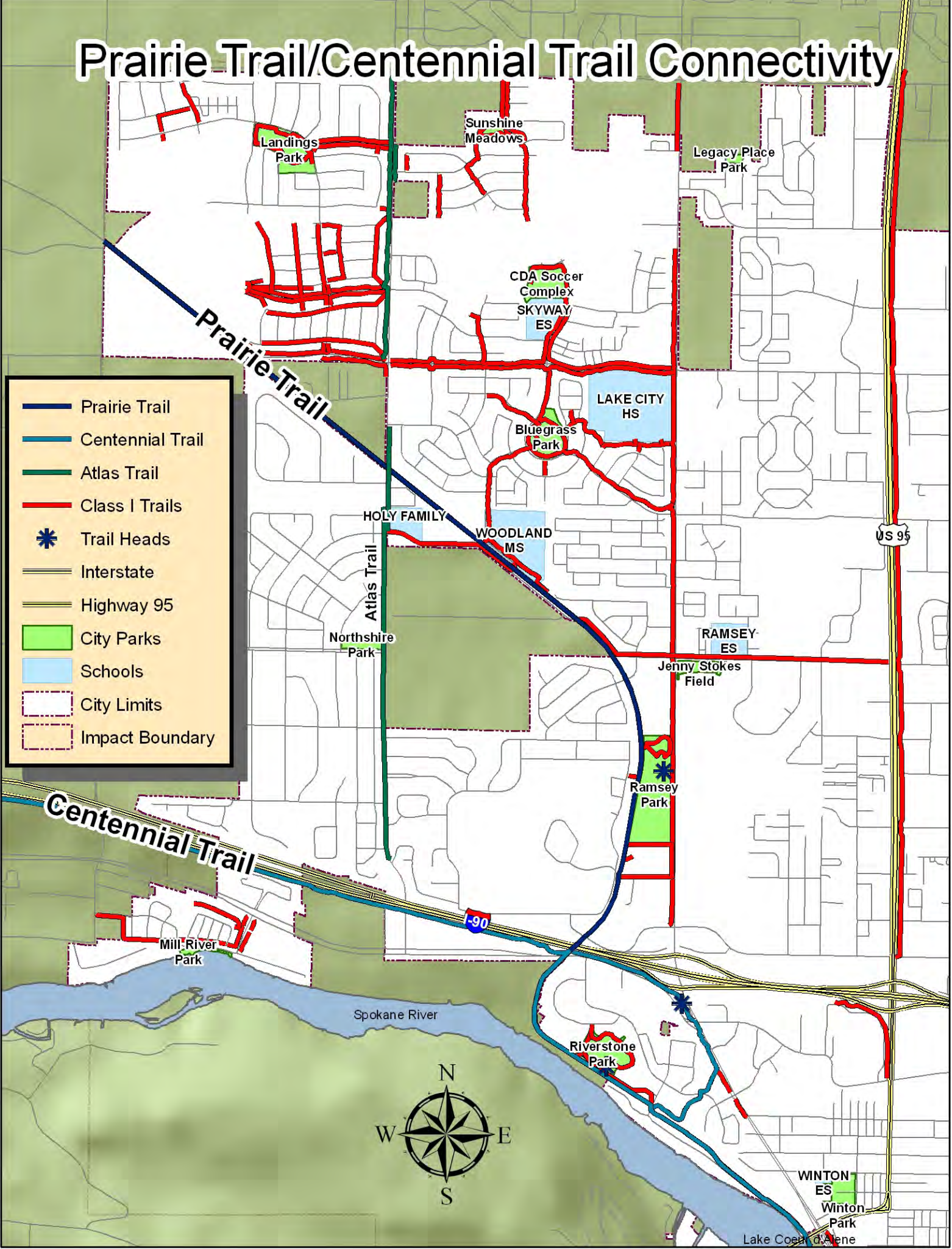
New residential subdivisions have been encouraged by the City to provide Class I trails. The City of Coeur d'Alene passed an ordinance stating: "Proper provisions for park land and pedestrian/bike trail layout, location, size, and accessibility [must be] made." The Coeur d'Alene Place and Hawk's Nest subdivisions are excellent examples of the type of residential development the City has desired, where Class I trails run throughout the neighborhood, connecting homes to parks and schools.

As the Prairie fills with residential developments, more trail facilities will be needed. Most recently constructed is the Prairie Trail linking the new housing developments located in the northwest corner of town to Woodland Middle School, the Coeur d'Alene Place neighborhood trail system, Lake City High School, the Kroc Center, Riverstone Park, Ramsey Park, and the Centennial Trail. The Centennial Trail connection links the aforementioned parks, schools, and neighborhoods to North Idaho College and downtown Coeur d'Alene and provides connections to Tubbs Hill, Coeur d'Alene City Park, the Third Street Docks, and McEuen Field. The Prairie Trail also links to major Class I corridors running north/south on Ramsey Road and Atlas Road. These links provide access to Ramsey Elementary, Jenny Stokes Field, Northshire Park, and Holy Family Catholic School as well as all the neighborhoods in between.

***SEE MAP ON PAGE 6: PRAIRIE TRAIL CONNECTIVITY**

Prairie Trail/Centennial Trail Connectivity

	Prairie Trail
	Centennial Trail
	Atlas Trail
	Class I Trails
	Trail Heads
	Interstate
	Highway 95
	City Parks
	Schools
	City Limits
	Impact Boundary



In addition to the residential development on the prairie, Coeur d'Alene has experienced growth along the Spokane River. As these developments occur, the opportunity to create or expand non-motorized transportation facilities is available. The older areas of the city are already built out and connecting bike lanes or building trails is difficult. As the population of the area increases, the demand for non-motorized transportation will rise considerably making it expensive and difficult to retrofit. These new areas, however, have the potential to include bicycle and pedestrian facilities in the planning stages, therefore saving money over time. This open area of the City is also directly adjacent to North Idaho College and two satellite campuses that have a constant influx of students. Students would benefit greatly from an increased trail network connecting campuses to commercial areas and residential neighborhoods. NIC has recently acquired the former De Armand Mill property and plans to expand the education corridor. During planning, it is important to promote trail development and to require connections between parks, neighborhoods, schools, and commercial areas.

City Streets

Currently there are 218 miles of streets within Coeur d'Alene city limits. Seventeen miles are arterials, 31 miles are collectors and 170 miles are residential. Class II bike lanes will provide the majority of connectivity for bicycle commuters. Bike lanes give cyclists a higher degree of comfort and provide connection for cyclists traveling faster than the 15 mile per hour limit a paved trail allows. Currently 12% of arterials, 12% of collectors and 1% of residential streets within Coeur d'Alene city limits have bike lanes. In order to increase connectivity, the number of collectors and arterials that have bike lanes will have to increase. Residential streets typically don't need bike lanes, but should have signage to indicate a Class III or "Share the Road" bikeway if designated as one.

C. Population and Demographics

As the population increases so does demand for trail and bikeway connections. The demographics of an area have a great influence on the type of non-motorized activities desired and the levels of participation. This section describes the findings from the Parks Master Plan about the population and demographics of Coeur d'Alene that influence the Trails and Bikeways Plan.

Population

As of 2009, the population of Coeur d'Alene was estimated at 46,274. Since 1990 the population of Coeur d'Alene has increased by almost 40%. By the year 2025 the city's population is estimated to be 90,731.

Coeur d'Alene and the surrounding communities have been growing towards each other as new developments appear. The downturn in the economy in late 2008 is likely to slow down expansion in the short term, but if history is any indication of the future, growth will resume and population growth rates for the city and the region will continue to increase.

Demographics

The median age in Coeur d'Alene is 35. Youth, age 18 or younger, make up 21% of the population; young adults and older adults make up 47% of the population, and the 55 and over group comprise nearly 25% of the population according to information from the Coeur d'Alene Chamber of Commerce.

The 2008 Parks Master Plan found that 6 out of the top 20 preferred activities by youth are trail related. Among those activities, most are related to nature trails. Walking and bicycling are the two most popular activities among youth and adults and Coeur d'Alene has a much higher rate of participation than the average city according to MIG, the Portland based planning firm that provided Coeur d'Alene with its 2008 Parks Master Plan. A high level of interest for more natural trails is shown among all age groups.

The demographic make-up of the area should help steer the City of Coeur d'Alene to plan and provide for the needs of cycling and pedestrian users. Recreational trails, both natural and paved, as well as event training and commuter routes should be considered.

D. Existing Trail Resources

This section defines and summarizes the City's inventory of Class I, II and III Trails or Bikeways and facilities.

Coeur d'Alene's Trails

Coeur d'Alene's trail system has valuable and highly used trails, the worth of which is immeasurable and has yet to be fully realized. There are a large number of connections throughout the city to other trails, city parks, schools, and businesses, but the system as a whole has a long way to go to be a truly comprehensive network.

Many of the trails and bikeways are located near, or connected to, parks and schools providing easy, non-vehicular access for youth and families. Constant monitoring of the Coeur d'Alene trail system revealed notably high levels of trail use by residents in all seasons and all weather.

The City of Coeur d'Alene currently requires trails to be considered in all new developments and pushes for new bike lanes as the city expands outwards and overlays existing streets.

Coeur d'Alene's Trail Inventory

Trails are classified in a manner to describe separation from vehicular traffic. The presence of vehicular traffic limits the amount and type of use of a trail system. By classifying trails in this manner, we can evaluate connectivity priorities and plan more easily for a usable and safe trail system that provides for the needs of the community and minimizes conflicts between vehicular and pedestrian/bicycle traffic.

Coeur d'Alene's classifications for trails are:

Class I Trails

Class I trails, or multi-use paths, are paved, non-motorized facilities separated from motor vehicle traffic by an open space or barrier, either within the road right-of-way or within an independent right-of-way. These are typically used by pedestrians, joggers, skaters, and bicyclists as two-way facilities. Multi-use paths are appropriate in corridors not well served by the street system (if there are few intersecting roadways), to create short cuts that link origin and destination points, and as elements of a community trail plan. Shared-use paths should be thought of as a complimentary system to off-road transportation and not used to preclude on-road facilities, but rather to supplement them. Typically, bike paths are a minimum of 10 to 12 feet wide, with an additional graded area maintained on each side of the path. A 14 to 16 foot wide path is preferable to a smaller trail as it helps to avoid congestion and user conflicts.

Class II Bicycle Lanes

Class II lanes are striped lanes, between 4 and 6 feet in width, on a street or roadway designating a lane for bicycle traffic only. These lanes are especially useful for commuting because they offer a more direct route to and from various destinations. Adding bike lanes to a street tends to narrow traffic more tightly into the lane of travel and allow bicycles more room. There is some research to show bike lanes make bicycle travel safer than an unmarked wide curb lane. According to transportation engineers at the University of Texas at Austin, bike lanes tend to help cyclists stay centered in the bike lane and gives vehicular traffic greater perception of the cyclist in relation to their vehicle. More important is the perception of a bike lane as an available facility to encourage cycling. Pedestrians are not prohibited from using these lanes, but due to safety issues, they are rarely used for that purpose except where no sidewalks are available.



A properly designed bike lane can provide the following benefits:

- Increase the comfort of bicyclists on roadways
- Increase the amount of lateral separation between motor vehicles and bicycles
- Indicate the appropriate location to ride on the roadway with respect to moving traffic and parked cars, both at mid-block locations and approaching intersections
- Increase the capacity of roadways that carry mixed bicycle and motor vehicle traffic
- Increase predictability of bicyclist and motorist movements
- Increase drivers' awareness of bicyclists while driving and when opening doors from an on-street parking space

Class III "Share the Road"

A Class III designation is generally a shared street that alerts vehicles to the potential presence of bicycles by signage and in some areas by road markings. Class III trails are generally located on lower volume roads that don't have enough room for painted bike lanes. On a shared roadway, bicyclists and motorists share the road. On narrow roads motorists will usually have to cross over into the adjacent travel lane to pass a bicyclist. Shared roadways are common on neighborhood streets. A street may be recommended as part of the bikeway network although no widening or other specific improvements other than signing have been or can be easily implemented to accommodate bicycles. Such Class III routes have an important function in providing continuity to the bicycle route system that serves the entire City and connects with other routes.



A Class III shared road may be a local or residential street, an arterial or collector with wide outside lanes, a rural roadway with paved shoulders, or a bicycle boulevard.

- **Wide Outside Lanes**
Where shoulder bikeways or bike lanes are warranted but cannot be provided due to severe physical constraints, a wide outside lane may be provided to accommodate bicycle travel. Wide outside lanes should be 14- to 16-feet wide. A wide lane usually allows an average size motor vehicle to pass a bicyclist without crossing over into the adjacent lane. Wide outside travel lanes on arterial roadways are

generally acceptable for experienced cyclists, but less-experienced bicyclists may not feel comfortable on this type of facility.

- **Paved Shoulders**

Paved roadway shoulders on rural roadways provide space for pedestrian and bicycle use. A minimum width of four feet in addition to the travel lane is desirable for paved shoulders. Paved shoulders also improve safety for motor vehicles, prevent pavement damage at the edge of the travel lanes, and increase the effective turning radius at intersections. Rumble strips are not desirable for paved shoulders used by bicyclists.

- **Bicycle Routes**

Bike Routes are Class III shared-use designations that continue from one street to another to either direct traffic to a specific destination or on a scenic loop.

- **Bicycle Boulevards**

Bicycle boulevards are low volume, low speed streets that are designed to allow bicyclists to travel at a consistent, comfortable speed along low-traffic roadways and to cross arterials conveniently and safely. Priority is given to “through” bicycle movement by turning stop signs away from the bicycle boulevard. Traffic calming devices and traffic management treatments such as traffic circles, chicanes, and diverters control traffic speeds and discourage through-trips by automobiles. Quick-response traffic signals, median islands, or other crossing treatments are typically provided to facilitate bicycle crossings of arterial roadways.

There are currently no Bicycle Boulevards in Coeur d’Alene. The 2008 Parks Master Plan recommends the implementation of Bicycle Boulevards as they tend to be a safer alternative than placing bike lanes on high speed, high volume roads. This plan recommends locating areas where they might be feasible and implementing them.



Nature Trails

A Nature Trail is a dirt or gravel trail in a natural area and is used for hiking, running, and, where permitted, mountain biking. Nature trails should be between 3 and 6 feet wide, depending on level of use. These trails are typically for recreational use and are used for the purpose of hiking in a natural setting.

Class I Trails

North Idaho Centennial Trail

This trail starts at the state line, where it connects to the 39 mile Spokane River Centennial Trail, and travels east 23 miles to Higgins Point. The North Idaho Centennial Trail is highly utilized by both the general public and by organizations for events both large and small. The trail runs through Coeur d'Alene along Lake Coeur d'Alene and the Spokane River connecting six parks in Coeur d'Alene alone, as well as the library, downtown, and North Idaho College. It also adds many facility connections via an intersection with the Prairie Trail.



Prairie Trail

This is the newest addition to the trail system. At just under 5 miles in length, the trail connects the northwest corner of the City to the southwest and to the downtown area via the Centennial Trail. Several schools and parks, as well as the Kroc Center and the Riverstone Complex, are connected to this trail.

Atlas Trail

This trail starts at Prairie Avenue on the northern border of Coeur d'Alene and runs south along Atlas Road stopping just 1000 feet shy of the Centennial Trail. The city has received Federal Transportation Enhancement funding that will extend the trail and connect to the North Idaho Centennial Trail in 2010.

Kathleen Trail

This trail begins at the intersection of Kathleen and Atlas, joins and crosses the Prairie Trail and continues to US-95. From there it is intermittent as Kathleen continues and crosses 4th Street becoming Margaret Avenue. The trail continues east of 15th Street on Shadduck Lane until its terminus just past Shadduck Lane Park.

Ramsey Trail

This trail runs from the northern border of Coeur d'Alene heading south to the Kroc Center where it turns into a Class II bike lane. There is a 1,800 foot section near Prairie Avenue that hasn't been completed creating a gap in the connectivity. It is anticipated that the trail will be finished by developers as new neighborhoods are completed.

Park Trails

Coeur d'Alene has an extensive system of parks with Class I trails built into the parks.

These Parks include:

- Bluegrass Park
- Coeur d'Alene City Park
- Landings Park
- Ramsey Park
- Riverstone Park
- Shadduck Lane Park
- Sunshine Meadows Park

Other trail resources are also available in Coeur d'Alene:

US-95 Trail

This trail runs from Appleway Avenue to the northern border of Coeur d'Alene and continues north to Garwood. The US-95 trail is managed by the Idaho Transportation Department. This trail likely needs to be completely reconstructed as it has fallen into disrepair.

Neighborhood Trails

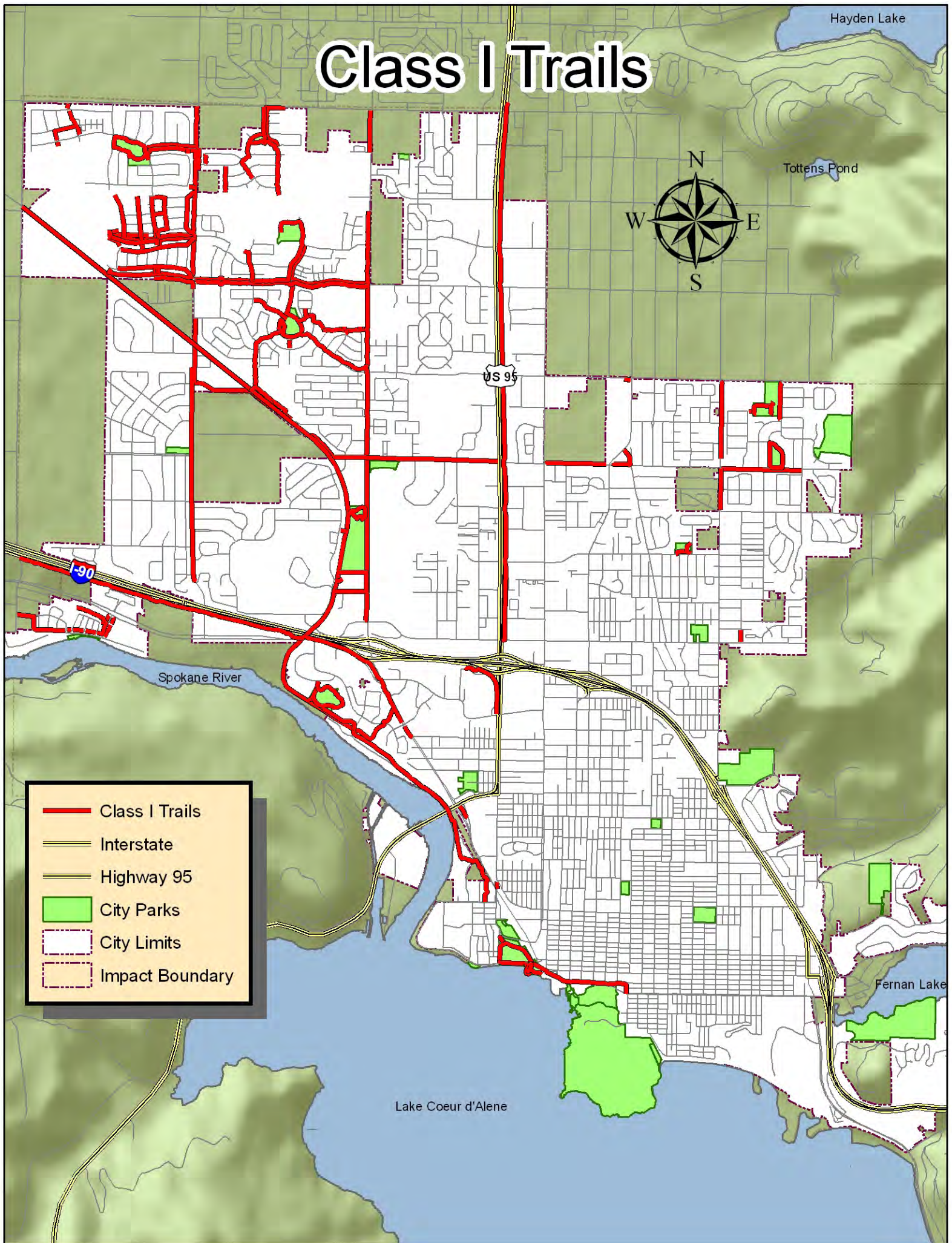
There are a large number of Class I trails in residential areas throughout the City of Coeur d'Alene that do not fall under city maintenance agreements or even, in some cases, ownership. These neighborhoods have extensive trail networks not maintained by the City. Maintenance of these trails is not the responsibility of the City of Coeur d'Alene, whether they are in our right-of-way or owned by us, unless by previous agreement. These trails are the responsibility of the property owners and home owners associations.

These Neighborhoods include:

- The Landings at Waterford
- Sunshine Meadows
- Hawks Nest
- Coeur d'Alene Place
- Echo Glen
- Bentwood
- Mill River
- Riverstone

***SEE MAP ON PAGE 14: CLASS I TRAILS MAP**

Class I Trails



Class II Bike Lanes

Coeur d'Alene currently has 14 miles of Class II bike lanes. Three miles of bike lanes are part of the Centennial Trail and the rest are at various locations across the city. The bike lanes are located on portions of the following streets:

- Government Way
- Ironwood Drive
- Northwest Boulevard
- 4th Street
- Harrison Avenue
- Neider Avenue
- 15th Street
- Best Avenue
- Lake Coeur d'Alene Drive (Centennial Trail)
- East Mullan Avenue (Centennial Trail)
- Rosenberry Drive (Centennial Trail)

There are Class II bike lanes on Prairie Avenue and Dalton Avenue and, although both streets are on the edge of Coeur d'Alene and are available to residents, they are managed by Lakes Highway District.

Class III "Share the Road"

Coeur d'Alene currently has 4.5 miles of Class III "Share the Road" routes. These routes are located on the following roads

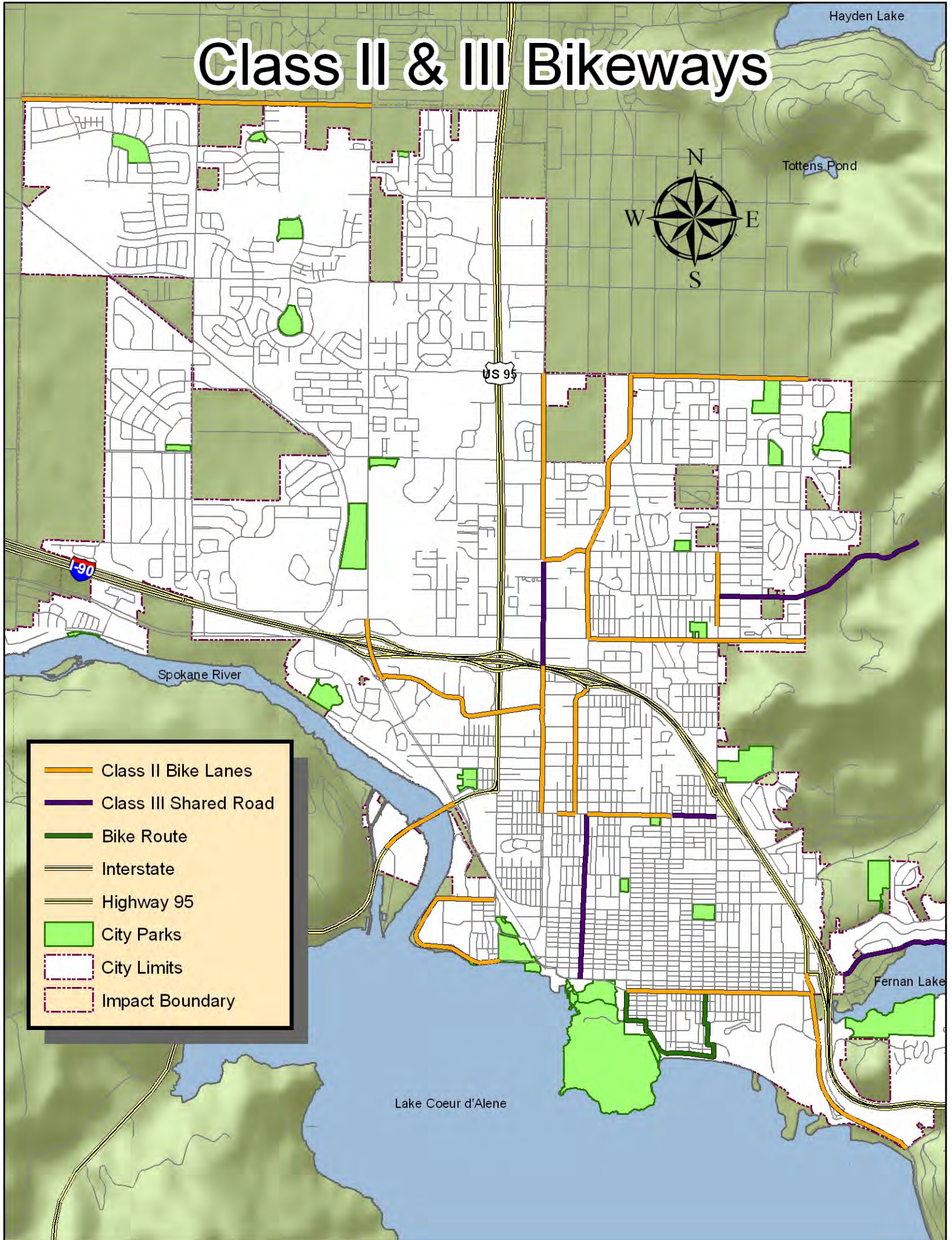
- Government Way
- Nettleton Gulch Road
- Harrison Avenue
- Fernan Lake Road
- 8th Street (Sanders Beach Bike Route)
- Pine Street (Sanders Beach Bike Route)
- 10th Street (Sanders Beach Bike Route)
- Mountain Drive (Sanders Beach Bike Route)
- Lakeshore Drive (Sanders Beach Bike Route)
- Ash Street (Sanders Beach Bike Route)
- 14th Street (Sanders Beach Bike Route)

***SEE MAP ON PAGE 16: CLASS II and CLASS III BIKEWAYS MAP**

Class II & III Bikeways



- Class II Bike Lanes
- Class III Shared Road
- Bike Route
- Interstate
- Highway 95
- City Parks
- City Limits
- Impact Boundary



Coeur d'Alene's Nature Trails

Tubbs Hill



This is home to the first City-owned and maintained hiking trail. It is approximately two miles in length and is one of the most used areas in town. In addition to the perimeter trail there is an upper trail and a fire access road that are heavily used by visitors. At peak season, an estimated 1,000 people a day use the trail and twice that number on holiday weekends. Between 120,000 and 150,000 people per year are estimated to access Tubbs Hill. The 2008 Parks Master Plan survey results found "Natural area trails are the trail type respondents identified as most needed. Most want natural areas to have some form of public access and adult residents would like to see an *enhanced trail network*."

Canfield Mountain Natural Area

This 24 acre natural park is located in the north-east corner of town and has a hiking and mountain bike trail system under construction, with views of both the prairie and the lake. The Canfield Mountain Natural Area has a recently constructed first loop of a proposed trail network. The majority of the work has been done on a volunteer basis and in order to widen and improve the trail in the future, additional funds will be needed. The City-owned Canfield Mountain Natural Area abuts the Idaho Panhandle National Forest that hosts 32 miles of mountain bike and off road vehicle trails of its own.

Fernan Hill Open Space

This is a newly donated parcel of land overlooking and abutting the south side of Fernan Lake. A hiking trail in this area would be highly utilized; thus, acquiring waterfront property for public access is identified in the Parks Master Plan as a high priority.

E. Additional Trail Facilities

Trailheads

A trailhead is the point at which a multi-use path, bike lane or natural trail can be accessed. Many trailheads provide rest rooms, maps, signs and parking areas for vehicles.

Seltice Way Trailhead

This facility was designed as a trailhead for the Centennial Trail.

Amenities include:

- Parking, restrooms, drinking fountain, benches, BBQ grills, public art, and bike racks.

Riverstone Park Parking Lot

This facility is a city park with direct access to the Centennial Trail.

Amenities include:

- Parking, picnic shelter, playground, restrooms, drinking fountains, benches, signage, dog waste bag dispensers, BBQ grills, public art, and bike racks.

Independence Point/City Park Parking Lot

This facility is a city park with direct access to the Centennial Trail.

Amenities include:

- Parking, playground, restrooms, picnic shelters, drinking fountains, benches, signage, dog waste bag dispensers, BBQ grills, public art, and bike racks.

Coeur d'Alene Library/City Hall Parking Lot

This facility is a public building with direct access to the Centennial Trail.

Amenities include:

- Parking, restrooms, drinking fountains, benches, public art, and bike racks.

3rd Street/McEuen Field Parking Lot

This facility is a public parking lot with direct access to the Centennial Trail, Veterans Memorial Park, the 3rd Street Marina and Docks, and the Tubbs Hill Natural Trail.

Amenities include:

- Parking, playground, picnic shelter, restrooms, drinking fountains, benches, signage, dog waste bag dispensers, BBQ grills, public art, and bike racks.

East Tubbs Hill Park Parking Lot

This facility is a public park with indirect access to the Centennial Trail, Sanders Beach and the Tubbs Hill Natural Trail.

Amenities include:

- Parking, restrooms, drinking fountain, signage, public art, and dog waste bag dispensers.

Ramsey Park Parking Lot

This facility is a public park with direct access to the Prairie Trail.

Amenities include:

- Parking, playground, picnic shelter, restrooms, drinking fountains, benches, signage, BBQ grills, and bike racks.

Shadduck Lane Park Parking Lot

This facility is a public park with access to the Canfield Natural Area and Hiking Trails.

Amenities include:

- Parking, playground, picnic shelter, restrooms, drinking fountains, benches, signage, BBQ grills, and bike racks.

F. Regional Trail Connections

Coeur d'Alene's system of trails is supplemented by trail resources owned by other agencies and groups. Major regional trails include:

The North Idaho Centennial Trail

Coeur d'Alene has built segments of the North Idaho Centennial Trail within city limits, but the North Idaho Centennial Trail extends far beyond the City. Extending from Coeur d'Alene west to Post Falls and beyond to the Washington border, the North Idaho Centennial Trail continues as the Spokane River Centennial Trail. Going the other direction, the trail continues from Coeur d'Alene east to Higgens Point. Plans to extend it so there would be connection from Coeur d'Alene to the 73 mile Trail of the Coeur d'Alene's are being discussed.

The Prairie Trail

This trail currently ends at the western edge of Coeur d'Alene's area of impact at Huetter Road. Since the trail is located on abandoned railroad right-of-way, there could be future opportunities to extend it to connection points as far north as Rathdrum and west to Post Falls.

US-95 Trail

The US-95 Trail begins at Appleway Avenue, just north of the I-90 intersection of US-95, and continues nine miles to the town of Garwood north of Coeur d'Alene. With the widening of US-95 from Garfield to

Sagle project scheduled by the Idaho Transportation Department, right-of-way will be set aside for future trail development. Extending the trail from where it currently ends and connecting it to the trail that extends south from Sandpoint to Sagle would provide a valuable regional trail connecting Sandpoint to Coeur d'Alene.

The Trail of the Coeur d'Alene's

The Trail of the Coeur d'Alene's is a 73 mile trail extending from Plummer in the southwest to Mullan in the northeast. This is an incredible recreational asset to Northern Idaho. Connecting the Trail of the Coeur d'Alene's to the Centennial Trail is possible in two directions:

- The eastern connection to the Trail of the Coeur d'Alene's could be made by continuing the Centennial Trail from Higgins Point over the Fourth of July Pass and connecting it to the Trail of the Coeur d'Alene's near Rose Lake.
- The western connection could be made from North Idaho College, across the proposed Blackwell Island Pedestrian Bridge, continuing down US-95 south to connect to the Trail of the Coeur d'Alene's at Plummer.

G. Community Connections

Hayden

The City of Hayden has an extensive Trail Masterplan and Coeur d'Alene should coordinate efforts with them to plan for connectivity.

Dalton Gardens

The City of Dalton Gardens currently has Class II bike lanes connecting Coeur d'Alene with Dalton Gardens, Hayden and beyond.

Post Falls

The City of Post Falls and Coeur d'Alene are growing towards each other. Before they meet, every effort should be made to match bike lanes and bike paths to increase connectivity.

Rathdrum

The City of Rathdrum is building trails throughout their city that extend into the Prairie with possibilities for connections with the north west corner of Coeur d'Alene.

Kootenai County

Coeur d'Alene and surrounding communities should utilize the Kootenai Metropolitan Planning Organizations Non-Motorized Transportation Plan to connect the respective communities to each other.

***SEE MAP ON PAGE 26: ALL TRAILS AND BIKEWAYS MAP**

CHAPTER 2: TRAILS, BIKEWAYS & FACILITY NEEDS

A. Survey Results

In 2007, a survey of 450 Coeur d'Alene area residents was performed to determine recreational needs for the 2008 update of the Parks Master Plan. A significant portion of the questions were dedicated to trails and bikeways.

When asked the primary reasons to develop more trails, the top three responses were:

- Experience nature - 24%
- Increase non-motorized transportation options – 22.3%
- Exercise – 20.3%

When asked what type of trails/pathways should have the highest priority, the top three responses were:

- Nature trails – 43.9%
- Trails that link neighborhoods and community destination points – 32.1%
- Bicycle lanes – 16.3%



When asked how Coeur d'Alene residents used the trails and bikeways:

- 11% of respondents stated they commute to work by bicycle one or more times per week with another 18% bicycle commuting less often.
- 24% of respondents stated they use the trails for recreational purposes one or more times per week with another 48% using the trails for recreational purposes less often.

When asked why they don't use trails or bike lanes, the top five responses were:

- #1 - lack of time, interest or equipment
- #2 - lack of trails and connectivity
- #3 - feel unsafe
- #4 - too far away, not easy access
- #5 - conflicts with other types of trail users

The results show Coeur d'Alene area residents want more nature trails, bike lanes and bike paths to experience nature, commute to work and exercise. They want to be able to travel to various places using connecting paths and bike lanes and they feel they would use paths and lanes more if they were provided with better connecting, safe, and accessible trails and bikeways.

The numbers of commuters and recreational cyclists in Coeur d'Alene and the prioritization of bicycle lanes by them are considered higher than normal among other communities surveyed by MIG, the Portland based company that prepared the Coeur d'Alene Parks Master Plan.

B. Connectivity

Connectivity is the most needed aspect for non-motorized travel throughout Coeur d'Alene. When bike lanes or paths end without bringing the user to either a destination or another connecting route, it is not only a safety issue, it is also an incomplete corridor. While they are able to use the main roads, the majority of cyclists do not feel safe sharing the road with motorized vehicles without lanes being identified to keep cars and bikes in their respective lanes. "Share the Road" signs or Class III routes are adequate on lower volume roads to alert vehicular traffic to the presence of bikes on the road. Increasing connectivity for bicycling is one of the main goals of this plan as written in the Mission Statement.

In discussing connectivity it is important to first identify the different reasons people use bike lanes and paths:

The primary reasons people use Class I paths are for recreational purposes or for exercise. The pace on a Class I trail is limited to 15 miles per hour and often times the trail has children, dog walkers, people in wheelchairs, parents with strollers, runners, and bikers. They are used by a wide array of people for various reasons. When users have destinations, they are usually parks, schools, shops, neighborhoods, restaurants or theatres.

The primary reason people use Class II bicycle lanes is to commute to and from work. Other reasons include athletic training for events and children commuting to school where Class I trails are not available. People commuting to work on bicycles are usually moving at a higher rate of speed and find bike paths aren't conducive to faster or direct travel. The speed limit on Class II lanes is the same as that of motor vehicle traffic and the danger of running into other users is reduced. The perception of higher risk on a Class II usually keeps recreational users either confined to Class I trails or without a place to recreate.

In order to provide for all users it is necessary to provide connections for Class I trails separately from Class II bike lanes. An effective Class I trail network provides safe, separated connectivity to many destinations; including schools, parks and neighborhoods. A Class II bicycle network needs to have connectivity to all parts of town just as the road network does for cars. People who commute by bicycle are distributed throughout town and have to get to the same places as people who travel by car. Increasing connectivity for

bicycles using Class II lanes throughout the city will provide safe service for many users.

The following map shows great connectivity for parts of town, but also shows whole sections of town with no access to Class I trails.

The east side of town has limited options for Class I trails as it is already developed and would be difficult to find right-of-way for a continuous trail. However, other options are available to provide connections for recreational and commuter traffic in older areas. Bicycle Boulevards and Class III "Share the Road" routes can help direct cyclists to lower volume residential streets.

***SEE MAP ON PAGE 26: ALL TRAILS AND BIKEWAYS MAP**

All Trails and Bikeways



C. Complete Streets

In 2008, the City of Coeur d'Alene received nationally recognized status as a Bicycle Friendly Community. This designation involved intense study of the policies, facilities, enforcement, and education practices the community has that supports bicycles. At the end of the evaluation an assessment was made to provide feedback on both achievements and areas that need improvement in the city. One of the main issues was the City's lack of a Complete Streets policy.

On May 5th, 2009 the Coeur d'Alene City Council unanimously approved resolution number 09-021: a Complete Street Policy specifically for the city of Coeur d'Alene.

Complete Streets are designed and operated to enable safe, attractive, and comfortable access on city streets and right-of-ways so all users, pedestrians, bicyclists, children, motorists, transit riders, and people of all ages, with or without disabilities, are able to safely move along and across the city streets. Creating Complete Streets means that the City of Coeur d'Alene will not build solely for motor vehicles, but (the City) will ensure and routinely design and operate the entire right-of-way to enable safe access for all users. Complete Streets also creates a sense of place and improves social interaction, while generally improving adjacent property land values. The inclusion of Complete Streets within the community should occur during any new street development and/or street overlay improvements.

The Complete Streets idea is a shift in how non-motorized transportation is viewed and planned. Non-motorized transportation is given the same consideration as motor vehicles when planning a street and not omitted without meeting certain criteria or standards. Under this policy streets would automatically be considered to include bike and pedestrian facilities, as well as motor vehicles and transit without first having to be proposed and designated by a separate committee.

Road and Lane Diets

A road diet is a technique in transportation planning whereby a road is reduced in number of travel lanes and/or lane width in order to accommodate bike lanes and/or transit. A typical application of a road diet is to reduce four travel lanes to two, with a two-way left turn lane and bike lanes. In a lane diet, the width of a lane is decreased in order to add bike lanes, transit or other transportation goals. When implemented, road diets and lane diets provide room for bicycles and pedestrians and can help reduce the speed of traffic.

D. Education and Encouragement

Education

Bicycle education is an essential ingredient to increase bicycling and walking while improving safety, encouraging ridership, and reducing harassment and resentment between cyclists and motorists. As the population of the city increases, so will non-motorized transportation use. It is important to educate not only the bicyclists and pedestrians but motorists as well, to reduce the number of motorized/non-motorized vehicular accidents. The community must develop regular programs to educate adults and children on both riding a bike in traffic and driving a car around bicycles. A healthy respect and acceptance between the two groups will have lasting impacts on travel throughout Coeur d'Alene even when the City reaches capacity which is twice the population we enjoy now.



Cyclists are often perceived as not obeying traffic laws and in many cases, are seen running red lights or stop signs, going the wrong way down the street and riding double on narrow roads forcing traffic to back up. These behaviors can put cyclists at risk and increase conflicts with motorists and sometimes pedestrians as well. The majority of cyclists are courteous, but those that behave poorly leave the biggest impression on motorists. At the same time, motorists often drive dangerously around bicycles and sometimes go out of their way to endanger them by driving too close, yelling obscenities, honking their horns, and attempting to strike them or throw objects at them.

The fear of being hit by a car is a major deterrent to both biking and walking. Safe riding and driving practices need to be addressed in order to encourage more people to cycle or walk. Violations of traffic laws by cyclists and motorists can lead to conflicts in which the cyclist always loses.

The lack of facilities is a large contributor to motor/bicycle conflicts since bicycles are forced onto narrow roads where drivers may become resentful of sharing the road and harass them. Many potential cyclists will not take the risk to cycle if they feel threatened and will instead choose to drive.

Cyclists are, for the most part, also drivers and bad driving etiquette occurs whether the driver is in a car or on a bike. Educating both motorists and cyclists about the rules of the road is one of the most important elements in developing cooperative driving etiquette.

Education Goals:

- Teach children proper bicycling and walking safety.

- Teach adult bicyclists the rules of the road.
- Teach motorists to respect, accept, and “Share the Road” with all forms of transportation.
- Work to get bicycling and motorist education messages added to routine local activities such as tax renewal notices, drivers licensing and testing, agency websites, and public service announcements on local television and radio stations.
- Increase the amount of local newspaper columns dedicated to bicycle and motorist education.
- Provide educational programs for adults and children on bicycle safety and the rules of the road.
- Provide bicycle education training for all local law enforcement.
- Now that driver’s education has been amended to include sharing the road with bicycles, advocate the State add a biking section to the drivers license test.
- Develop a bicycle education course for both motorists and cyclists who have been cited for traffic violations to attend in lieu of a fine.

Encouragement

Encouraging people to lead more active lifestyles will improve health and quality of life, encourage more face to face social interaction, and provide children with a solid foundation for healthy lifestyles as adults.

The population of Coeur d’Alene is expected to reach over 90,000 at build-out. Congestion and pollution are problems that will grow as the population increases and more cars are added to our road system. Encouraging people to ride or walk more can help reduce the number of cars on the road.

Encouragement Goals:

- Provide a well-connected system of trails and bikeways which people can easily use to get from neighborhood to neighborhood, neighborhood to park, park to park, and neighborhood to school or work.
- Increase the amount of bicycle parking facilities within the City. Key locations include parks, government offices, business districts, and transit stops.

- Promote Bike-to-Work Week and the Commuter Challenge and continually work to increase participation.
- Increase the amount of way-finding signage around the community.
- Develop an active “Share the Road” campaign.
- Continue to support Safe Routes to School grants to encourage children to walk and bike to school.
- Support efforts to obtain funding for bicycle education and encouragement programs.
- Continually update and distribute the Coeur d’Alene bike map and brochure.
- Promote encouragement programs through partnerships with other agencies or organizations, such as the Police Department, the Library, the Kroc Center and the School District.
- Develop an online bicycle route wayfinding program and link it the City Website.
- Encourage advocacy groups to provide incentives, such as raffles or prize giveaways at local biking events and work-sponsored reimbursement funds for cycling or walking to work.

CHAPTER 3: TRAILS & BIKEWAYS

RECOMMENDATIONS

This chapter makes recommendations for trail and bikeway improvements including additional Class I, II and III trails, nature trails, bike corridors, pedestrian bridges and tunnels, trail heads, policy changes, connectivity, and planning for use.

A. Class I, II and III Trails Recommendations

Class I Improvement Recommendations

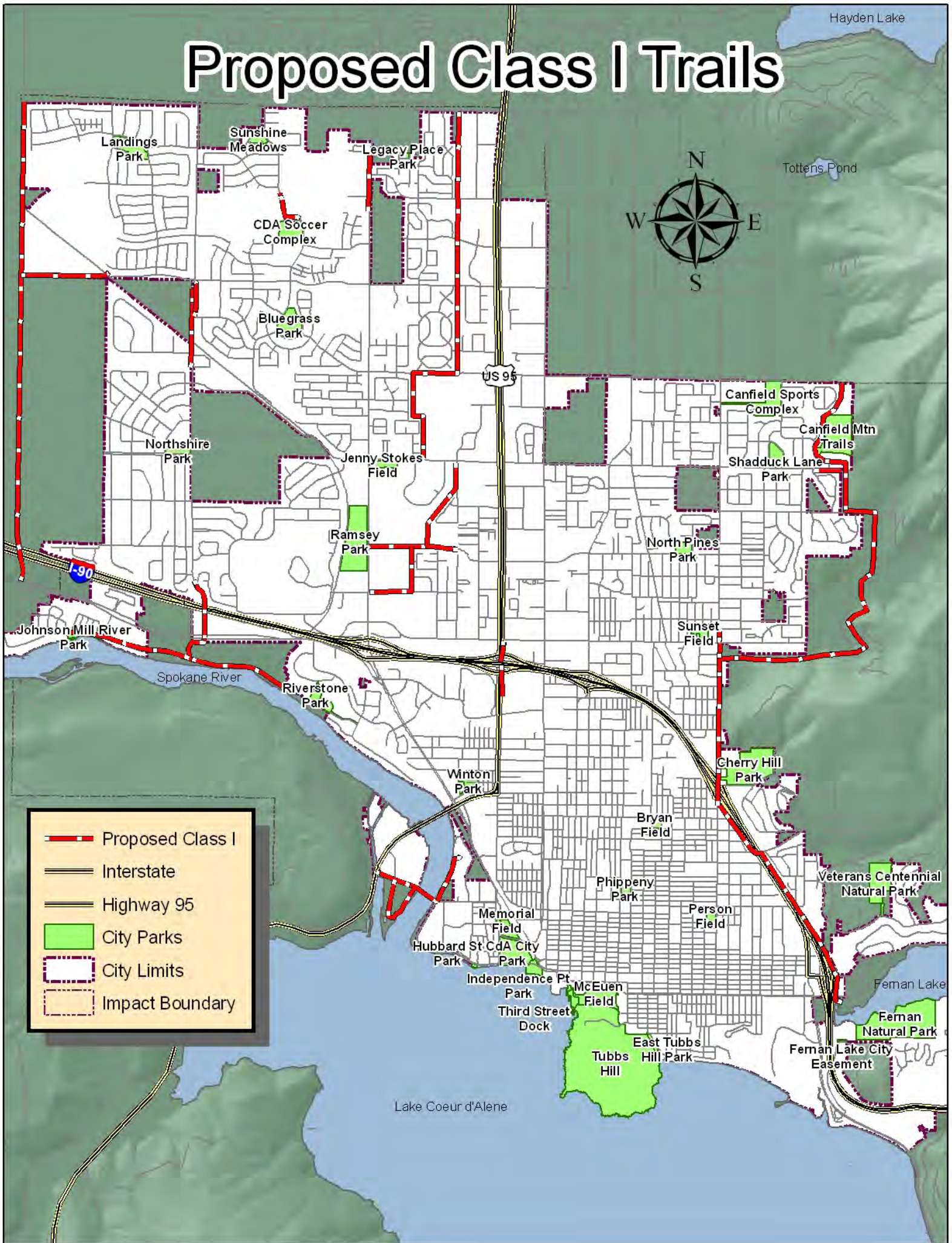
- Work with the Centennial Trail foundation and Kootenai County to extend the Prairie Trail from Huetter Road to Meyer Road.
- Acquire the Burlington Northern Santa Fe (BNSF) right-of-way (ROW) and pave a trail from Riverstone west to the city limits at Mill River Park. Coordinate with the North Idaho Centennial trail Foundation (NICTF) and the City of Post Falls to continue the trail into Post Falls.
- Extend the Atlas Trail from its current terminus across Seltice Way to the proposed BNSF rail line trail.
- Connect the Atlas Trail sections from Kathleen Avenue to Hanley on both sides of Atlas Road.
- Connect Ramsey Trail north to Prairie Avenue.
- When Courcelles Parkway is connected from Charlemagne Drive to Joanna Drive, add a Class I trail from the existing trail at Joanna Drive to the trail that skirts the Coeur d'Alene Soccer Complex.
- Build a Class I trail from Prairie Avenue to the future dog park. Efforts should be made to negotiate a trail easement with private property owners, businesses, Heartland HOA and ITD from Prairie Avenue to Hanley Avenue. The trail will travel North/South in the undeveloped land between Mineral Drive and Heartland Drive. The trail will continue South on the existing undeveloped ROW from Hanley Avenue to Dalton Avenue between US-95 and Pinegrove Drive. At Dalton Avenue, in order to continue the trail, an easement should be negotiated with Interstate Concrete to place the trail on the west side of their property from Dalton Avenue to Kathleen Avenue, in exchange for the ROW that goes through the property. This trail will continue along Howard Street from Kathleen Avenue south to the future Dog

Park to be located behind the Transfer Station east of Ramsey Road and South of Kathleen Avenue.

- Build a Class I trail on the south side of Golf Course Road/Marie Road from Ramsey to the east side of the ITD property when the road is punched through. The trail should then turn north, skirting the east side of the ITD property connecting to the future Dog Park.
- Work with ITD to build a Class I trail on US-95 from the south terminus of the existing 95 trail at Appleway Avenue to the bridge crossing I-90 where the trail should then be phased into a class II bike lane and resume the class I trail on the other side of the bridge connecting to Ironwood Drive.
- Continue the Class I trail on Shaddock Lane to the end of Shaddock Road.
- Build a trail system on Blackwell Island between the R.V. site and the Blackwell Island Marina and loop the trail around the marina with water access. This trail may eventually connect to the proposed Spokane River Pedestrian Bridge.
- Re-route the Centennial Trail along the Spokane River from the Harbor Center past the Sewage Treatment Plant to the Dike Road, and keep the existing trail.
- Develop a trail system in and around the NIC education corridor as it is being designed and constructed.
- Work with the Post Falls Highway District to build a Class I trail on Huetter Road from Prairie Avenue to Seltice Way.
- Build a Class I trail on Hanley Ave from the Hawks Nest Sub-Division to Huetter Road when Hanley is extended.
- Build a Class I trail on 15th Street from Cherry Hill Park north to Best Avenue
- Build a Class I trail from Fernan Lake to Dalton Gardens. This trail would start at Fernan Lake and connect to Cherry Hill Park, the proposed trail on 15th Street, wrap around Best Hill, connect to Canfield Mountain Natural Area and end at Dalton Garden city limits.
- Identify and build other I-90 corridor trail possibilities.

***SEE MAP ON PAGE 33: PROPOSED CLASS I TRAILS MAP**

Proposed Class I Trails



Class II Improvement Recommendations

- Install bike lanes on 15th Street from Mullan Avenue north to Dalton Avenue – *involves removing parking.*
- Install bike lanes on Honeysuckle Drive from Margaret Ave. to Best Ave – *involves shared bikes and parking.*
- Work with Post Falls Highway District to install bike lanes on Huetter Road from Prairie Avenue to Maplewood Drive.
- Install bike lanes on Hanley Ave from US-95 to Huetter Road.
- Install bike lanes on the US-95 Bridge over I-90.
- Install bike lanes on Carrington Ave from Prairie Avenue to Appaloosa Way when the road is built.
- Install bike lanes on Appaloosa Way from Huetter Road to Atlas Road.
- Install bike lanes on all of Riverstone Drive.
- Install bike lanes on Lakewood Drive from Riverstone Drive to Ironwood Drive.
- Install bike lanes on Beebe Boulevard.
- Encourage ITD to install bike lanes on Highway 95 from Marina Drive south to the City limits.
- Install bike lanes on Government Way from Harrison Ave to NW Blvd – *involves shared bike lanes and parking.*
- Install bike lanes in the gaps on Harrison Ave between Lincoln Way and 4th Street.
- Install bike lanes on the east side of 4th Street from Harrison Ave to I-90 – *involves removing parking.*
- Install bike lanes on Neider Ave from Government Way to Howard Street – *involves shared bike lanes and parking.*
- Install bike lanes on Lunceford Ave from 15th Street to 4th Street.

- Install bike lanes on Margaret Ave from 15th to 4th Street – *involves removing parking or shared bike lanes and parking.*
- Install a bike lane on the north side of Dalton Ave from 4th Street to Government Way and on both sides from US-95 to Ramsey Road.
- Install bike lanes on Kathleen Ave from US-95 to Atlas Road.
- Install bike lanes on Atlas Road from Kathleen Ave to Prairie Avenue.
- Install bike lanes on Government Way from Prairie Ave to Dalton Ave.
- Encourage the Lakes Highway District to install bike lanes on Prairie Ave from Ramsey Road to Loch Haven Drive.
- Install bike lanes on Seltice Way from NW Blvd to City limits.
- Install bike lanes on 4th Street from Appleway Ave south across I-90.

***SEE MAP ON PAGE 36: PROPOSED CLASS II BIKE LANES
MAP**

Proposed Class II Bike Lanes



Class III Improvement Recommendations

Symbols on the pavement can be painted in lieu of or in addition to “Share the Road” signs.

- Install “Share the Road” signs on Nettleton Gulch Road from 15th Street to the City limits.
- Work with the East Side Highway District to install “Share the Road” signs on Fernan Lake Road.
- Install “Share the Road” signs on 3rd Street between Harrison Avenue and Front Street.
- Install “Share the Road” signs along Northwest Boulevard.
- Create bike route and install “Honeysuckle Bike Route” signs on Honeysuckle Avenue from Margaret Ave to Best Ave, then west on Best Ave to 9th Street, then south on 9th to Harrison Avenue, then west on Harrison Ave to 7th Street, then south on 7th to Sherman Avenue.
- Create bike route and install “Fernan Hill Bike Route” signs on Pennsylvania Ave from 15th Street to 23rd Street, then from 23rd to East Fernan Hill Road to City limits.
- Install “Share the Road” signs between Government Way and US-95 on Hanley Ave, Dalton Ave, and Kathleen Ave.
- Install “Share the Road” signs along Atlas Road from Kathleen Ave to Seltice Way.
- Install “Share the Road” signs along Ramsey Road from Prairie Ave to I-90.
- Install “Share the Road” signs along Lincoln/Milwaukee Street from Harrison Ave to Government Way.
- Install “Share the Road” signs along Mullan Rd from NW Boulevard to River Avenue.
- Install “Share the Road” signs along all of Sherman Avenue.
- Install “Share the Road” signs along Appleway Ave from Ramsey Road to 4th Street.

***SEE MAP ON PAGE 38: PROPOSED CLASS III BIKE ROUTES MAP**

Proposed Class III & Bike Routes



B. Nature Trails



Coeur d'Alene is home to one of the Northwest's greatest Natural Open Spaces. Tubbs Hill is a 120 acre Natural Area surrounded by water on three sides and is located next to downtown Coeur d'Alene. Tubbs Hill has a 2.5 mile hiking trail that gives users access to breathtaking vistas and local flora and fauna.

The city has also accepted into receivership a 24-acre parcel on Canfield Mountain and a 50-acre parcel on Fernan Lake.

The city-owned portion of Canfield Mountain has views of both Coeur d'Alene Lake and the Rathdrum Prairie. It is located within a half mile of the Forest Service owned and managed Canfield Trail System and has a .85 mile loop hiking and mountain biking trail built by volunteer labor. An upper loop is proposed that would extend the trail length to 1.5 miles. This plan recommends completion of the upper loop. There may be future opportunities for acquisition of the land separating the city trail system and the forest service trail system. If the land is acquired, all efforts should be made to design and build a hiking and mountain biking trail that connects both systems.

Fernan Lake Natural Area has over 3,500 feet of waterfront access and views of Coeur d'Alene and Fernan Lakes as well as Canfield Mountain and the Rathdrum Prairie. This plan recommends a hiking trail be designed and built that best utilizes all potential viewsheds and water access.

Any other future acquisition of Natural Open Space should be managed for public access via hiking or mountain bike trails.

Nature Trail Improvements

Suggested additions to the Nature Trail system in the City include:

- Finish the upper loop of the Nature Trail in the Canfield Mountain Trail System
- Construct a Nature Trail in Fernan Hill Natural Open Space
- Construct a Nature Trail in Veterans Centennial Park

Nature Trails should be considered in any Natural Open Space the City acquires in the future.

***SEE MAP ON PAGE 40: ALL PROPOSED TRAILS**

All Proposed Trails and Bikeways



C. Bicycle Boulevards

Consider the development of “Bicycle Boulevards” as alternatives to major roadway travel. To do this, the Parks Department and the Coeur d’Alene Ped/Bike Committee will need to work with the Street Department and the Engineering Department to identify parallel routes on low-traffic streets, then place signs on those streets designating them for shared use. The *Trails & Bikeways Plan* includes these routes. A public education campaign to make the public aware of the bike corridor option would then be needed. For example, public bike rides on the corridors could be scheduled, or route maps could be designed and printed.

Suggested Bicycle Boulevard in the City include:

- Honeysuckle Avenue from Margaret Ave to Best Ave, then west on Best Ave to 9th Street, then south on 9th to Harrison Avenue, then west on Harrison Ave to 7th Street, then south on 7th to Sherman Avenue.
- ✱ Alternate streets in the vicinity of this route may be considered if conditions are better.

This plan recommends a cut be put in the curb and sidewalk in the island located on the north side of Lakeside Avenue allowing bicycles to pass through the diverter while preventing motor vehicle traffic. The curb cut would have to have a stop sign and other signage to notify cyclists that they must merge with traffic.

D. Pedestrian Bridges, Grade Separations, and Crossing Lights



This plan recommends the construction of a Pedestrian/ Bicycle Bridge to connect the North Idaho Campus to Blackwell Island. A bridge at this location will connect all the pedestrian/bicycle traffic from all of North Kootenai County to South Kootenai County. The closest safe connection across the river is located in Post Falls. In the future, it is likely that Blackwell Island will be developed providing more bike lanes, paved paths, and natural trails. Constructing a Pedestrian/Bicycle bridge would increase access to recreational and commuting opportunities.

Anywhere a trail crosses an arterial or heavily used collector, grade-separated crossings should be the first consideration. Grade separated crossings over or under US-95 to improve safety and allow better connectivity between the west and east sides of the City should be considered whenever opportunity and funding become available.

Crossing lights increase driver awareness of pedestrians at intersections and should be considered where a school crossing exists on busy streets and anywhere a trail or pathway crosses a road.

E. Trail Heads

Suggested additions to trail heads in the City include:

- Construct a trail head near the west terminus of the Prairie Trail at the future Hawks Nest Park.
- Construct a trail head for the Canfield Mountain Trails.
- Construct a trail head at Mill River Park.
- Encourage construction of a trail head along the Centennial Trail between Atlas Road and Huetter Road by any new developments or reconstruction.
- Encourage developers to construct trail heads whenever new businesses or residential homes and apartments are built adjacent to the Centennial and Prairie Trails.

F. Connectivity

The proposed Class I, II and III bike and pedestrian facilities in this plan are designed to fill in the current gaps in the City's trail system. In the future, unforeseen developments or trail opportunities may become available which would require connectivity to the greater system. If a trail connection need is identified outside this document it should be considered and adopted as an amendment to this plan.

G. Planning For Use

It is important to design streets that serve both recreational cyclists and bicycle commuters. Multi-use paths are used by pedestrians, wheelchairs, bicycles, and dog walkers. The danger of a collision with other users and multiple driveway crossings slow down bike traffic and, added to the distance required to travel to access a bike path, make it likely that the majority of bicycle commuters will use city streets. A common misconception is the idea that if a multi-use path is located near a street then no bike lane is needed. There are situations where bike lanes in addition to bike paths are justified.

CHAPTER 4: STANDARDS

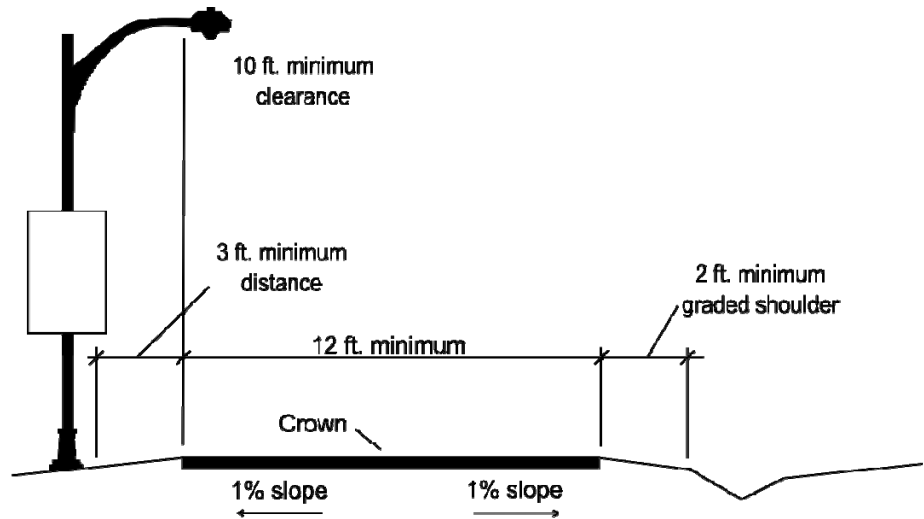
DESIGN CRITERIA

This chapter sets forth the design standards by which all trails shall be designed and constructed. The City's overall goals for transportation improvements should include the enhancement of bicycle facilities and should be made in accordance with the expected use, employing sound engineering judgment.

A. Trail Facility Standards by Classification

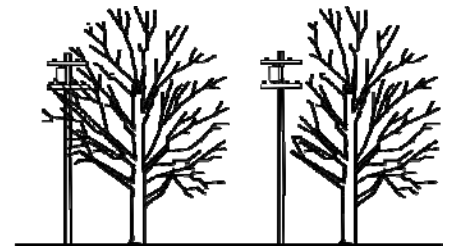
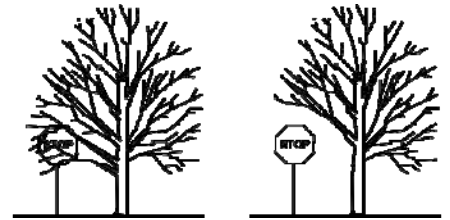
Class I

Class I bikeways are bike paths/trails that are completely separated from existing roadways.



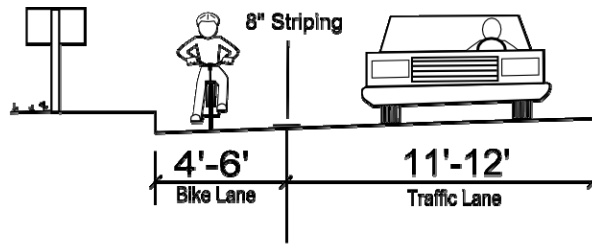
- Lane width standards are 10 feet for this type of facility; however, a 12-foot width is more desirable and ensures adequate room for multiple uses, i.e., pedestrians, persons in wheelchairs.
- Laterally a 3-foot or greater space on both sides of a multi-use path is preferred for safe operation. If there is a railing, retaining wall or other vertical face adjacent to the path, this area should be paved to the face of the vertical barrier. Where there is a fill or cut slope, this area should be unpaved and graded to the same slope as the path to allow recovery by errant bicyclists.

- Standard overhead clearance for utilities is 10 feet. Sign clearance is a minimum of 6 feet off the ground measured from the bottom of the sign and 3 feet from the trails edge measured from the sign edge nearest the trail.
- Where a path is parallel and adjacent to a roadway, there should be a 5 foot or greater width separating the path from the edge of roadway, or a physical barrier of sufficient height should be installed.
- American Association of State Highway and Transportation Officials (AASHTO) recommends a maximum grade of 5% for bicycle use, with steeper grades allowable for distances up to 500 ft., provided there is good horizontal alignment and sight distance. Extra width is also recommended in those instances. Engineering judgment and analysis of the controlling factors should be used to determine what distance is acceptable for steep grades. If use by pedestrians is expected, and no reasonable alternative route exists, ADA requirements must be met. The grade of separated pathways should not exceed 5% to accommodate wheelchair users. Based on AASHTO recommendations and ADA requirements, 5% should be considered the maximum grade allowable for multi-use paths. The standard cross-slope grade is 2% to meet ADA requirements and to provide drainage. However, to make use for wheelchair users less burdensome, crowning Class I trails with a 1% cross slope in each direction is the most desired form of construction.
- Curb cuts for bicycle and wheelchair access to multi-use paths should be built so they match the road grade without a lip. The width of the curb cut is the full width of the path when the approaching path is perpendicular to the curb, and a minimum of 8 ft wide when the approaching path is parallel and adjacent to the curb.
- Trees along public trails must have a minimum vertical clearance of 10 feet above the trail and 3 feet beyond the edge of the trail. New trees should be planted a minimum of 5 feet from the trail edge, but a greater distance should be used where possible. Acceptable styles of pruning include Crown Raising and Side Pruning.

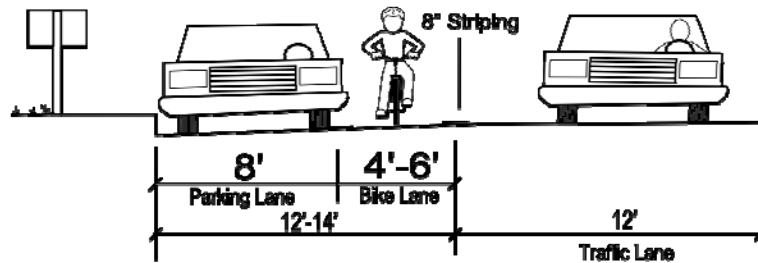


Class II

Class II bikeways are striped bike lanes on new or existing roadways. Class II bike lanes should be one-way and carry bicycle traffic in the same direction as adjacent motor vehicle traffic. Minimum widths for this type of facility are 4 – 6 feet, with a white painted stripe delineating the outside boundary.



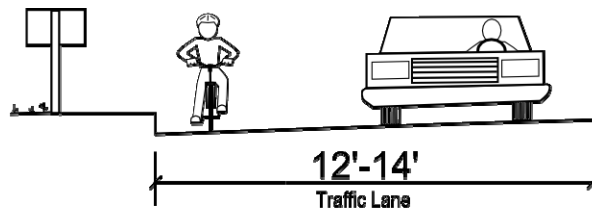
CLASS II



CLASS II WITH PARKING

Class III

Class III bikeways are generally indirect routes that meander through local streets providing the opportunity for leisure rides and connections to higher-Class routes. Class III routes are typically signed, but not striped.



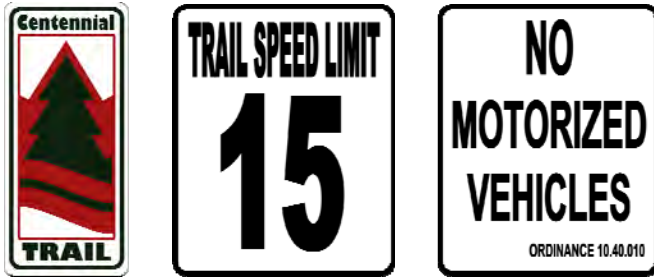
CLASS III

Signage and Striping

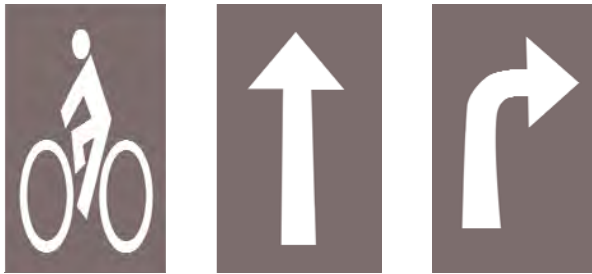
Signage and Striping for Class I Trails

Adequate signage and striping are essential elements on bikeways. Directional signs, route numbers, and street names should be used in a manner similar to roadway signing.

Examples of Class I signs:



Example of painted stencils for Class I trails:



Signage and Striping for Class II Bike Lanes

Signage and striping for class II bike lanes and class III shared roads follow current MUTCD standards and are overseen and managed by the City Engineering and Streets Departments.

Examples of Class II signs:



Signage and Striping for Class III Shared Roads

Class III bikeways generally only require signs to guide bicycle traffic and to inform vehicular traffic of the presence of bicycles on the road.

Examples of Class III signs:

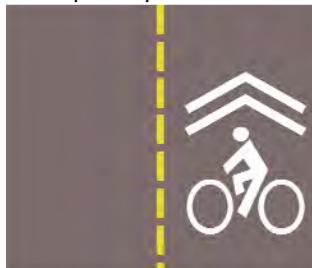


- *Pavement Marking*

Where bike lanes are desired but no room is available, shared lane markings, or “sharrows”, may be used. Sharrows are used to direct bicyclists where to position themselves on the roadway and to make motorists aware of their presence.

When used adjacent to on-street parking, sharrows should be placed 12 feet from the face of the curb in order to reduce the chances of a bicyclist striking the open door of a parked vehicle. Where no on-street parking exists, sharrows should be placed 4 feet from the curb face.

Example of painted stencils or “sharrows”:



Nature Trails

- *Trail Design*

Trail routes should be designed with the intended use of the trail user in mind. Hiking trails should incorporate loops into the design to lead hikers through a variety of landscape, vegetation, and vista points and return them to the same, or close to the same, starting location. Trails that include mountain bikes should avoid sharp switch backs whenever possible.

- *Length*

The size and terrain of the property will have an impact on planning for hiking trails. The overall length of a nature trail should have two options: a shorter trail and a longer trail to provide for different levels of interest and ability. City trails in Natural Open Spaces are intended for day use only and trails should be designed to last no longer than a few hours at a 1-3 mile per hour rate of walking. Connector trails that link to adjoining trails in other properties and loops can be used to offer different trail lengths and can provide options for people wanting to hike for different periods of time.

- *Clearing Width*

Vegetation should be cleared to a width sufficient to avoid injury by protruding vegetation. For light use, the trails should be cleared from 4 to 6 feet across. Heavier use trails are typically wider and the clearing of vegetation also will have to be wider at 7 to 10 feet. However, steeper side slopes are more at risk of erosion and trail clearing width should be reduced to a minimum width of 3 feet.

- *Clearing Height*

The clearing height for natural trails is 8 feet. Additional clearance may be needed to compensate for branches with heavy rain or snow.

- *Trail Width*

Trail width for light use trails should be 2 to 3 feet wide and heavy use trails should be 4 to 6 feet wide to accommodate two-way traffic.

- *Trail Surface*

Trail surface on city-owned nature trails should be natural or graveled.

- *Grade*

Ideally the slope should be between 0 and 5% for the majority of a trail. Sustained grades up to 15% maximum are permissible if there are no other options, but should be avoided for long stretches. However, when the slope of trail has to be steep to cover certain terrain, grades of up to 40% can be included if the steep portion of the trail is 50 feet or less. Erosion problems tend to develop on steeper slopes and out-sloping the trail surface up to 4% to shed water outward is important.

- *Crossings*

Structures for crossing water, seeps (soils saturated by natural springs), or seasonal runoff beds are occasionally needed. Bridges should be used for areas that have water year round or high water levels seasonally. Culverts can be used in areas that receive lower levels of seasonal flow. Turnpikes (i.e. raised trails), French drains, and boardwalks may be necessary in areas that have seeps.

- *Facilities*

Trail heads with parking areas should always be considered and, if no area is available, neighborhood input on street parking is needed. Benches, view points and interpretive signs are important amenities to have, but should be designed to fit with the natural landscape.

B. Other Considerations

Sidewalk Bike Paths

Sidewalk bike paths should be avoided because of the conflict that arises with pedestrians, sign posts, driveways, and intersections. If a combined use is desired or the only type feasible, then it should be of sufficient width (10 feet minimum) to accommodate shared use.

Undesirable Design Situations

It is undesirable and against City ordinance to permit vehicular parking within bike lanes. This presents a danger to the cyclist in the form of unanticipated door openings and vehicle pull-outs. Also, situations where the cyclist has to weave out of the lane and into traffic may occur. Precedents for shared parking and bike lanes in the nation exist and share lanes may be an option to consider in Coeur d'Alene providing the parking/bike lane is built with adequate space, no other options exist, and the ordinance is changed.

Drainage Grates

Grates that run parallel with bike lanes provide the hazard of trapping a wheel and injuring a cyclist. Also, grates that are not properly raised during street overlays or roadway construction projects can present drops in the roadway that can be particularly hazardous. Drainage grates should be set flush with the pavement surface.

CHAPTER 5: POLICY & OPERATIONS

GOALS AND RECOMMENDATIONS

This chapter contains trails and bikeways goals and recommendations on strategic directions for policies and operations. Recommendations are organized into five major categories:

- Goals
- Policy Directions
- Administration and Operations
- Internal Acceptance
- Funding

A. Goals

Using the core values and vision as a guide, a set of goals was developed. These goals are intended to assist the City of Coeur d'Alene in achieving the community vision and enhancing and preserving the core values of the community. A goal is typically a general statement that describes an outcome the City wishes to achieve. It does not change over time unless community values or economic conditions make it necessary.

Through the planning process, eight goals were identified for the City of Coeur d'Alene's Trail System. These goals provide focus for the plan and key directions for the future.

Goal 1

Provide safe, accessible and enjoyable trails, bike ways, and ped/bike facilities.

- Evaluate each new sub-division, new construction, and reconstruction and identify where trails, bikeways and facilities can be placed in order to create the best possible connectivity for neighborhoods, parks, schools, and other destinations.
- Evaluate land in areas already at build-out and identify possible routes that would increase connectivity. Investigate ownership for possible right-of-way easements and pursue grants to fund trail construction.

Goal 2

Actively strive to increase trail connectivity throughout the City and surrounding communities to improve routes from north/south and east/west.

- Identify key routes based on neighborhood demographics and amenity destinations, and create routes that will best serve as corridors for east/west and north/south travel.

Goal 3

Encourage the acquisition and development of natural trails in City Natural Open Spaces.

- Identify and encourage development of possible natural trails in Veterans Centennial Park, Fernan Natural Open Space, Canfield Natural Open Space, and Cherry Hill.
- Identify and encourage development of possible natural trails in any new Natural Open Space acquisition.

Goal 4

Provide physical amenities that support and enhance active living opportunities.

- Identify areas where benches, drinking fountains, garbage cans, trailheads, restroom facilities, picnic shelters, exercise stations, and bike racks are needed and work to add these facilities when opportunities become available.

Goal 5

Reduce the number of motorized to non-motorized accidents.

- Identify problem areas and make needed corrections, such as, crosswalks, crossing lights or grade-separated crossings

Goal 6

Encourage cooperation and partnerships with local jurisdictions and public and private entities to ensure that trail connectivity continues on a regional level.

- Create or continue partnerships with Post Falls, Hayden, Dalton Gardens, Rathdrum, Kootenai County, ITD, IDPR, the various Highway Districts, KMPO, local user groups, bike shops, volunteer organizations, and other private entities.

Goal 7

Provide efficient and high quality maintenance of trails, bike lanes, and ped/bike facilities.

- Continue to provide the same standards of trail maintenance as the trail system grows. Acquire proper equipment and employees as the need increases to prevent the decline of quality due to growth.

Goal 8

Continue to implement Complete Streets policy.

- Integrate and institutionalize bicycle transportation in all transportation planning, design, and construction phases.
- Continue efforts to increase acceptance of bicycling as an alternative form of transportation and achieve a balanced multi-modal transportation system.

B. Policy Directions

Bicycling is an important element in encouraging healthy communities and achieving sustainable growth. As Coeur d'Alene continues to grow, the bicycle infrastructure also requires expansion to keep up with demand. This plan sets forth the community vision for a comprehensive trail system, and specific policies that are needed to ensure that the vision is carried forth. Bicycle infrastructure is supported in City, County, and State policies. In particular it is critical that community expectations regarding trail provision in newly-developed areas be set forth in policies and codes for residents, developers, and city officials. Policy directions on bicycle infrastructure are outlined below. Some of these policy directions recommend changes to other plans, which will require efforts beyond the scope of this plan.

- **Kootenai County Comprehensive Plan.** The vision, goals, and key directions of the *Trails and Bikeways Master Plan* should be incorporated into the Comprehensive Plan update. Kootenai County's Comprehensive Plan encourages the inclusion of bicycling as a viable transportation choice and recommends consideration on all projects.
- **Coeur d'Alene Comprehensive Plan.** The vision, goals, and key directions of the *Trails and Bikeways Master Plan* should be incorporated into the Comprehensive Plan update. The City's Comprehensive Plan encourages the inclusion of bicycling as a viable transportation choice and recommends consideration on all projects.
- **Complete Streets policy.** Coeur d'Alene has recently adopted a "Complete Streets" policy. Complete Streets are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists, and transit-riders of all ages and abilities must be able to safely move along and across a complete street. Creating Complete Streets means transportation agencies must change their orientation toward building primarily for cars. Instituting a complete streets policy ensures that transportation agencies routinely design and operate the

entire right-of-way to enable safe access for all users. Places with Complete Streets policies are making sure that their streets and roads work for drivers, transit users, pedestrians, and bicyclists, as well as for older people, children, and people with disabilities.

- **Work toward Platinum Level Bicycle Friendly Community Designation.** Coeur d'Alene has been designated by the League of American Bicyclists as a Bronze Level Bicycle Friendly Community. The City, with the help of the Parks Department and the Pedestrian and Bicycle Advisory Committee, should work toward achieving a Platinum Level, the highest awarded by the League of American Bicyclists.
- **Where beneficial to the community, partner with other agencies on transportation projects.** The City of Coeur d'Alene has successfully partnered with other agencies in the past to provide facilities that benefit the public. When opportunities arise, the City should continue to seek partnerships.
- **When State or Federal Highway Funds are secured for road improvements, assure that pedestrian and bicycle routes and amenities outlined in this plan are included.** Coeur d'Alene residents highly value pedestrian and bicycle transportation, and these transportation modes should be represented in all road-improvement projects.
- **Coordinate with other transportation modes.** Coordination with Citylink bus service is important to implement a multi-modal transportation system. Existing and proposed bike lanes are on roadways used by the Citylink buses. Bike racks and benches should be provided at designated bus stops to provide for bicycle parking and a waiting area.

Designations such as bicycle lanes and shared lane markings help indicate the roadway space needed for bicyclists and improve the predictability of their movements, resulting in positive effects on motor vehicle and transit operations. Many of the recommended bicycle facilities can be developed by painting new lines or markings in the roadway or narrowing existing travel lanes.



C. Administration and Operations

Due to the diligent efforts of City staff and the Pedestrian and Bicycle Advisory Committee, Coeur d'Alene has built a trail system that is admired throughout the region. The City has been creative and dedicated in using varied resources to develop the City's trail system to suit the needs of residents.

The main recommendation in terms of operations is to continue on the same successful path. Other recommendations include:

- **Periodically evaluate trails and resources.** The Parks Department is responsible for the development, operations, and maintenance of the trail system.
- **Develop a “retention plan” to facilitate replacement of longtime employees and retain institutional knowledge.** The City has an equitable pay scale and benefits package which helps to retain employees. Some positions may not be easy to replace and city leaders will have to decide on the depth of the search for suitable candidates. Once these employees retire, the City should encourage them to participate on any of the various committees dealing with parks or trails.
- **Continue a Trail Maintenance Program.** Class I trails should continue to have the grass mowed, pine needles and leaves blown off, edges and branches trimmed, weeds sprayed, gravel and debris swept off, bridges painted, cracks sealed, seal coating scheduled, snow removed and any other ongoing maintenance that the city currently employs. Hiking trails must continually be monitored for erosion and tripping hazards and fixed as needed. Hiking trails also need to have brush cut back from the trail at regular intervals.
- **Monitor road drains and inlets.** Special attention should be placed on storm-drain inlets and other surface features that could pose a hazard to cyclists.
- **Prioritize trail connectivity with the Engineering Department.** The Parks Department should continue to coordinate with the Engineering Department to prioritize projects and ensure that pedestrians and bicycles are considered for every project.
- **Continue to work with community volunteers to implement trail projects.** The Parks Department has successfully recruited many volunteers to implement improvements to the trail system and

amenities. These efforts have resulted in additional bicycle amenities, such as bike racks, at no cost to the community.

D. Community Acceptance

One of the goals of this plan is to continue efforts to implement bicycle transportation in all transportation planning, design, and construction phases and to increase acceptance of bicycling as a legitimate form of transportation.

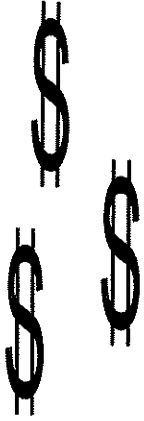
Bicyclists can be seen everyday in Coeur d'Alene in any weather on trails and roadways; facilities for these cyclists are still inadequate in some areas. Facilities to encourage safe use of bicycles should be designed in new or reconstructed roadways.

Meeting bicyclists' needs should be a city-wide objective, particularly within transportation-related departments. Establishing city policies to achieve this objective is a major part of increasing the acceptance of bicycling as an alternative transportation mode. Revised design standards which safely accommodate bicycles should be applied to all new street and roadway projects.

Providing adequate street width to accommodate both bicycles and automobiles safely can encourage more commuting and utilitarian bicycle trips. Facility improvements such as intersection modification, connections between routes, bicycle sensitive signal actuators, and comprehensive signing improvements can make bicycling more user-friendly. Streets designated as bicycle routes can be restriped or otherwise modified with wide curb lanes and a minimum number of stop signs. These routes should also meet both neighborhood and cyclists' needs through the incorporation of traffic management schemes that reduce traffic speeds, cut-through traffic, and the differential in speeds between motorized and non-motorized modes. These traffic management schemes can offset undesirable increases in speed from wider lane widths in some cases.

Off-street facilities can provide uninterrupted bicycle travel in selected corridors, and connect discontinuous on-street segments. They can offer an opportunity for convenient short cuts not provided by the street system.

A program to provide regular maintenance of all on and off street facilities, and associated amenities including street sweeping, can increase the year-round viability of bicycling in Coeur d'Alene.



E. Funding

The Parks Department has diversified funding. The following recommendations will help the City fund trail and other improvements noted in this plan.

- **Continue to pursue grants.** The Parks Department has been very effective at obtaining grants, mostly through the State of Idaho and the Federal Government.
- **Explore the possibility of using Community Development Block Grant (CDBG) funds.** These funds could be used to fund additional trails.
- **Expand efforts to obtain donations.** The Pedestrian and Bicycle Advisory Committee has been effective at obtaining donations for specific projects such as bike racks, maps, and education. These past successful efforts should be built upon and expanded. Corporate sponsorships could be sought, especially from local companies and businesses.
- **Consider other funding sources to broaden the trail system funding pool.** Potential funding sources to explore include general obligation bonds, revenue bonds, exchanges of property, public/private partnerships, life-time estates, certificates of participation, land trusts, private grants/foundations, and shared facilities.
- **Evaluate Impact Fees.** Look into the possibility of including an impact fee line item for the long term improvement of the city's trail system.
- **Identify necessary funding prior to trail improvement or expansion.** Identify short and long term financial impact to the Parks Department/and or other city departments.
- **New Development/Annexations/Redevelopment.** Whenever new roads are created the standards outlined in this document, including the Complete Streets policy, will be implemented. New annexations will also be required to meet these trails standards and connectivity goals. Some older city streets will be replaced and consideration will be made to accommodate active transportation.
- **Parks Capital Improvement Fund.** The Parks Department can generate revenue through events and user participation in trail related activities. These revenues can be used to replace the annual general fund subsidy for trail maintenance and improvements.

CONCLUSION

The Coeur d'Alene area has been progressive with trail development since the inception of the Centennial Trail. High levels of use have proven the value of this trail and demonstrate the growing need to incorporate a complete trail system. The complete system needs to provide safe and complete routes from all areas of town and connect each neighborhood not only with each other, but with nearby schools, parks, businesses and places of work.

Our trails and Bikeways promote an active, healthy lifestyle and provide recreation opportunities and commuter routes for alternative modes of transportation for residents of our city and outlying areas. This document demonstrates the belief that we must focus more attention on increasing our trail system and improving connections within the City and connections with other cities, the county, the region and the state. Coeur d'Alene is an active community and Coeur d'Alene's trails are a precious asset that must be properly managed and developed for residents and visitors. The goals as set forth in this document seek to enhance the quality of life for the citizens of Coeur d'Alene, by insuring that its trails are managed and utilized to their best capacity.

APPENDICES:

TRAIL DISRUPTION ORDINANCE

Debris

Depositing debris on City trails or within the trail right-of-way without first obtaining written approval from the Coeur d'Alene parks department is prohibited.

Surface Disturbance or Closure

It is unlawful to alter, modify, paint, cut or destroy the surface of a trail or the trail right-of-way or to conduct any activity that prevents its normal use without first obtaining written permission from the Coeur d'Alene Parks Department. No person shall close any portion of the trail or trail right-of-way without first obtaining written permission from the Parks Department. An alternate route, approved by the parks department, must be provided and appropriately signed before any permitted disturbance or closure of the trail commences.

Applicability

The requirements of the Trail Disturbance Ordinance apply to those portions of the trail outside of street right-of-ways. The portions within street right-of-ways are subject to all applicable requirements for encroachments, excavations, and other impacts as required by Title 12 of City code.

Restoration of Trail Surface

Any permitted surface disturbance of a trail must be repaired or restored within twenty-four hours after commencement of the surface disturbance unless additional time is specifically allowed by the authorizing permit. An alternate route, approved by the Coeur d'Alene Parks Department, must be provided and appropriately signed during the entire time of the trail disturbance.

Any repair or restoration not accomplished by the permittee within the specified time will be done by the City or subcontracted by the City with no prior notice to the permittee and at the expense of the permittee. The City will also make any immediate repairs, alterations or additions to any barricades, signs or warnings as deemed necessary for the safety of the public without prior notice to the permittee. The permittee shall reimburse the city for the actual cost of materials, labor, equipment, and overhead.

The permittee shall be responsible for the condition of trail surface repairs or restorations for a minimum period of two years following the repair or restoration of any surface disturbance. During the two-year period the permittee shall, upon request from the parks department, repair to the city's satisfaction any of the repairs or restorations that have settled, cracked, broken or are otherwise faulty.

The requirements of the Trail Restoration Ordinance apply to those portions of the trail outside of street right-of-ways. The portions within street right-of-ways are subject to all applicable requirements for encroachments, excavations and other impacts as required by Title 12 of City code.

D. Penalties:

1. Violations: Violation of this section is a misdemeanor and shall be punishable as provided in section 1.28.010 of City code. (Ord. 3275 §1, 2006: Ord. 3257 §2.21, 2006: Ord. 2337 §1, 1991)

COMMITTEES

Joint Powers

Joint Powers is a board of government officials from Coeur d'Alene, Post Falls, and Kootenai County that holds quarterly meetings for the purpose of maintaining capitol improvements and long-term care of the Centennial Trail.

The governing body of each of the parties selects one of its members to serve on the Joint Powers Board. The Board elects, by majority vote, a chairman and a vice-chairman on a yearly basis. The Centennial Trail Joint Powers Board establishes its meeting schedule and provides proper notice of the meetings to the public in accordance with the instructions of the chairman and applicable law.

Each entity contributes annually to the Joint Powers Fund. Expenditures from the Fund are made only with the consent of a majority of the Joint Powers Board.

North Idaho Centennial Trail Foundation

The North Idaho Centennial Trail Foundation was established in 1989 as a non-profit organization to assist with the maintenance and continued improvements of the North Idaho Centennial Trail.

The Foundation's work is funded entirely through memberships, donations and grants.

Coeur d'Alene Parks Foundation

The Parks Foundation is a non-profit organization established for the purpose of acquiring park land, holding property for parks and accruing funds for the development of future parks.

Coeur d'Alene Parks and Recreation Commission

The Parks and Recreation Commission is an advisory commission appointed by the Mayor and Council. Their purpose is to advise the Council on the conduct of, and the supervision of, public parks and public playgrounds, athletic fields, recreation centers, recreational facilities and other recreation activities on any of the properties owned or controlled by the City, or on other properties with the consent of the owners and occupants thereof.

Coeur d'Alene Planning and Zoning Committee

The Planning and Zoning Committee serves in the preparation and implementation of the Comprehensive Plan through which the Commission seeks to promote orderly growth, preserve the quality of Coeur d'Alene, protect the environment, promote economic prosperity and foster the safety of its residents.

Coeur d'Alene Pedestrian and Bicycle Committee

The Pedestrian and Bicycle Committee is an advisory committee appointed by the Mayor and Council. The purpose of the Committee is to promote non-automotive forms of travel and the development of safe pedestrian and bicycle facilities into a well-designed, integrated transportation network for all Coeur d'Alene citizens.

Coeur d'Alene Natural Open Space Committee

The Natural Open Space Committee is an advisory committee appointed by the Mayor and Council. Their purpose of the committee is to offer recommendations to the City of Coeur d'Alene regarding the city's efforts to provide stewardship and enjoyment of natural open spaces including existing areas and future additions.

Tubbs Hill Foundation

The Tubbs Hill Foundation is a non-profit association dedicated to the preservation of Tubbs Hill as a unique and natural lakeshore forest typical of North Idaho while providing for compatible public use. They act as advocates for the park; advise the city administration on issues pertaining to the park and support volunteer efforts, fund raising, community relations, and other tasks as needed to achieve this goal.

PROHIBITED USE

Ordinance # 10.40.050: CENTENNIAL TRAIL

Motorized Vehicles Prohibited

The use of motor vehicles on or within the right-of-way of the Centennial Trail is prohibited.

Exceptions

The prohibition set out in subsection A of this section shall not apply to:

- a. Any portion of the trail which lies across or within a road right-of-way. If the trail lies across or within a road right-of-way, motorized vehicles may drive within that portion of the trail lying across or within the road right-of-way unless signs or other markings prohibiting motor vehicles are erected and maintained;
- b. A motorized wheelchair operated by a disabled person;
- c. Authorized emergency or maintenance vehicles engaged in the performance of emergency or maintenance services.

Horses

Riding, leading or otherwise permitting horses on the Centennial Trail is prohibited.

RULES OF THE ROAD

For Motorized Vehicles

Coeur d'Alene is a very active community with a large number of people using bicycles for both recreation and as an alternative means of transportation.

Cyclists have the same right to use the road as a car and are far more vulnerable in the event of a collision. When a car hits another car at low speed the results are usually mild. When a car hits a cyclist or pedestrian, even at low speeds, the results are often fatal.

When you see cyclists or pedestrians, take the time to slow down and give them plenty of room. Spending a few more seconds to be careful can save a life.

- Give bicycles at least three feet of room when over-taking them.
- Do not honk or shout at cyclists. This is a crime and you can be prosecuted.
- Always check for cyclists or pedestrians when pulling on to a road or out of a driveway.
- Be alert, courteous and predictable.

For Bicycles

- Obey all traffic signals. Bicycles are considered vehicles and must obey all traffic laws with the following exceptions:
 - Idaho law does not require a bicycle to come to a complete stop at a stop sign, rather to treat it as a yield sign.
 - At a stoplight a bicycle may proceed against red after coming to a complete stop, checking for oncoming traffic and yielding the right-of-way.
- Travel at a safe speed when using pedestrian trails. The speed limit is 15 mph and traveling faster than that endangers pedestrians and other trail users.
- Cyclists should always "Stop and Look" at all intersections and rail road crossings.
- Bicycles should always travel in the same direction as traffic.
- Always wear a helmet.

- Lock your bike when not in use.
- Ride in single file and alert other users when overtaking them. Assume other bicyclists and motorists don't see you.
- Be alert, courteous and predictable.

**PARKS & RECREATION COMMISSION
STAFF REPORT**

May 17, 2010

From: Doug Eastwood, Parks Director

RE: ORDINANCE AMENDING PARK RULES

Decision Point: Recommend to General Services to adopt the attached ordinance amendment pertaining to park rules.

History: Rules governing park uses have been adopted and amended over the past several decades. Those rules were placed in different sections of the municipal code book. The parks, over the past several decades, have expanded to include Urban Forestry, Trails, Cemetery, Waterfront, Boating, Swimming and a host of other special events. It is difficult to locate a specific park ordinance, when we need it for reference, as those ordinances are scattered throughout various sections. This became more apparent when we were looking for a place to add the new park hours ordinance. At that time it made sense to consolidate the park related rules/ordinances into one chapter.

Financial Analysis: The cost of codifying the ordinance is part of annual 'house-keeping' of the codes and covered by Municipal Services. There will be less staff time used in searching for related ordinances once everything is moved into the same chapter.

Performance Analysis: This creates a much easier reference system for the Park personnel, and other department personnel that, on occasion, need to look up rules and regulations on park related issues.

Decision Point: Recommend to General Services to adopt the attached park ordinance amendment.

COUNCIL BILL NO. 10-1008
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING CHAPTERS 1.29, 2.36, 2.52, 2.88, 8.06, 8.24, 8.46, 10.26 AND SECTIONS 5.18.015, 5.18.050, 5.18.055, 5.18.060, 5.18.080, 8.12.110, 8.36.090, AND 10.40.040; AMENDING SECTIONS 5.08.160, 5.18.005, 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.045, 5.18.070, 10.40.010, 10.40.030, 12.36.010, 12.36.015, 12.36.020, 12.36.100 AND 12.36.105 TO REMOVE REGULATIONS GOVERNING ACTIVITIES ON PUBLIC PARKS, OPEN SPACES AND OTHER PROPERTY; ADOPTING A NEW TITLE 4, ENTITLED PARKS AND PUBLIC PROPERTY, ESTABLISHING RULES AND REGULATIONS FOR PARKS, CEMETERIES, OPEN SPACES, PARKING LOTS AND OTHER PUBLIC PROPERTY, ADOPTING DEFINITIONS, AUTHORIZING THE ADOPTION OF FEES AND ADDITIONAL PARK SPECIFIC RULES BY RESOLUTION, RE-AUTHORIZING THE PARKS CAPITAL IMPROVEMENT FUND, ESTABLISHING THE PARKS, RECREATION AND CEMETERY COMMISSION AND THE JEWETT HOUSE ADVISORY COMMITTEE, WITH RULES AND DUTIES FOR EACH BODY, ESTABLISHING RULES FOR THE ADMINISTRATION OF THE CITY'S CEMETERIES INCLUDING, FEES, ALLOCATION OF FUNDS, RETENTION OF RECORDS, TRANSFER OF LOTS, RESERVING BURIAL LOTS FOR VETERANS, ESTABLISHING RULES OF CONDUCT, MAINTENANCE, LANDSCAPING, MONUMENTS AND INTERMENTS; ADOPTING RULES FOR USE AND PARKING IN DESIGNATED PUBLIC PARKING LOTS AND USE OF PUBLIC BOAT LAUNCHES AND DOCKS, INCLUDING RE-AUTHORIZING THE PARKING LOT CAPITAL IMPROVEMENT FUND, SIGN ERECTION AND RULES OF CONDUCT; ADOPTING RULES GOVERNING PUBLIC SWIMMING AREAS, WATERWAYS AND DOCKS INCLUDING, ESTABLISHING SWIMMING AREAS, RESTRICTIONS ON USE OF WATERWAYS IN THE CITY, ADOPTING DEFINITIONS, ADOPTING MOORING TIMES AND OTHER RESTRICTIONS AT CITY DOCKS; ADOPTING PARK AND PUBLIC PROPERTY REGULATIONS INCLUDING, PROHIBITING USE OF GLASS CONTAINERS, USE OF ALCOHOL, DAMAGING, OR DRIVING ON, PUBLIC PROPERTY, BURNING OR FIRES ON PUBLIC PROPERTY, PROHIBITING FIREWORKS, OVERNIGHT CAMPING, REGULATING ANIMALS, USE OF BICYCLES, SKATEBOARDS, AND TOYS, ESTABLISHING HOURS OF USE; PROHIBITING COMMERCIAL ACTIVITY IN CITY PARKS WITH EXCEPTIONS FOR CONCESSIONS AND OTHER ACTIVITIES APPROVED BY THE CITY; ESTABLISHING THAT VIOLATIONS OF THIS TITLE ARE MISDEMEANORS, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH, OR INFRACTIONS PUNISHABLE BY A FINE NOT TO EXCEED \$100, OR CIVIL INFRACTIONS SUBJECT TO A \$50 FINE OR OTHER AMOUNT ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the Parks and Recreation Commission, 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 the following Coeur d'Alene Municipal Code provisions are hereby repealed:*

Chapter 1.29	Chapter 2.36
Chapter 2.52	Chapter 2.88
Chapter 8.06	Chapter 8.24
Chapter 8.46	Chapter 10.26
Section 5.18.015	Section 5.18.050
Section 5.18.055	Section 5.18.060
Section 5.18.080	Section 8.12.110
Section 8.36.090	Section 10.40.040

SECTION 2. *That Coeur d'Alene Municipal Code Section 5.08.160 is hereby amended to read as follows:*

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 authorized by the city council. Criteria that must be met for a permit to issue shall be set forth by resolution of the city council.

B. Furthermore, no person shall possess any container, whether open or not, of or containing any beer, wine or other alcoholic beverage ~~in any public park or other~~ on public property, with the following exceptions:

1. A certified forensic laboratory;
2. A public law enforcement facility; or
3. ~~Pursuant to a permit issued by the city for such purpose at the gazebo/amphitheater area of Riverstone park only.~~

SECTION 3. *That Coeur d'Alene Municipal Code Section 5.18.005 is hereby amended to read as follows:*

5.18.005: DEFINITIONS:

The following words shall have the following meanings:

CITY PARK: ~~For purposes of this Chapter shall include the property described in Coeur d'Alene Municipal Code Sections 1.29.001, 1.29.010, 1.29.015, 1.29.025, 1.29.030, 10.26.080, and 10.26.120.~~

COMMERCIAL ACTIVITY: Commercial displays, commercial enterprises, commercial promotions, arts and crafts displays, exhibits and other commercial activities with items for sale, including food concessions; all of which may hereafter be referred to as commercial activity.

MOBILE FOOD CONCESSIONS: Carts or like devices from which food and beverages are sold which are designed to be moved and designed to be propelled by human power.

MOTORIZED FOOD CONCESSIONS: Motorized vehicles from which food and beverages are sold, including trailer houses, watercraft and vans.

NONMOBILE FOOD CONCESSIONS: Temporary stands from which food and beverages are sold that are not designed to be moved during operation.

SECTION 4. *That Coeur d'Alene Municipal Code Section 5.18.010 is hereby amended to read as follows:*

5.18.010: COMMERCIAL ACTIVITY ON CITY STREETS, SIDEWALKS, OR RIGHTS OF WAY PROPERTY-PROHIBITED; EXCEPTIONS:

Unless permitted by Idaho Code §50-1409, no commercial or business activity of any nature, unless specifically allowed in this Chapter, shall be carried on or conducted on City-owned streets, sidewalks or rights of way property.

SECTION 5. *That Coeur d'Alene Municipal Code Section 5.18.020 is hereby amended to read as follows:*

5.18.020: MOBILE FOOD CONCESSIONS; PERMIT; APPLICATION; REGULATIONS:

Mobile food concessions may operate on City streets, sidewalks, rights of way property ~~except property identified in Section 5.18.015 of this Chapter, Tubbs Hill and waterways,~~ under the following conditions and subject to the following standards:

- A. Such concessions shall be moved or propelled by human power.
- B. The concessionaire must obtain a valid public health permit for the mobile food concession to be used prior to issuance of the City permit. All City permits shall be issued on a monthly calendar basis. Application for such City permit shall be made on a form supplied by the City Clerk twenty (20) days in advance of the issuance of such City permit. The City Clerk shall charge a monthly fee established by resolution of the City Council for each monthly mobile food concession. Permits shall be renewed by the first business day following the first day of each month, or the permit shall immediately expire and a new permit shall be required, however, renewal permits may be issued within twelve (12) months without notice.
- C. Each mobile food concession unit must have attached thereto or to a part thereof a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to insure, at all times, public access and use of the container. Each concessionaire or their employees shall at all times keep their cart and the immediate area (within 10 feet) free of litter, grease, and other debris which result from their operation.
- D. Mobile food concessions may operate at approved locations only from sunrise until sunset of each day, ~~except those operating under a sports tournament permit.~~

- E. Mobile food concessionaires shall not use City utilities or property including, but not limited to, picnic tables, benches, electrical power, garbage or trash containers, without written permission ~~from the Parks Director~~ and payment of appropriate fees.
- F. All mobile food concessions shall contain at least one functional fire extinguisher approved by the Fire Department.
- G. All mobile food concessionaires shall agree in writing to hold the City harmless from any injury or damage resulting from the operation of the concession, and shall carry workmen's compensation insurance as required under Idaho law.
- H. Mobile food concession carts or like devices shall not exceed four feet by eight feet by four feet (4' x 8' x 4') (width/length/height) ~~unless specifically allowed by the process set forth in Section 5.18.015 of this Chapter, except that two (2) of the mobile food concession carts permitted at City Park may be eight feet wide by ten feet long by eight feet high (8' x 10' x 8') (width/length/height).~~ If an umbrella or canopy is used, in no event shall the overall height exceed eight feet (8').
- I. ~~It shall be unlawful and a misdemeanor for mobile food concessions to operate on property identified in Section 5.18.015 of this Chapter without having a permit, and conviction thereof shall also result in revocation of any other mobile or motorized food concession permit issued by the City to the violator of their permit.~~
- J. It shall be unlawful and a misdemeanor for mobile food concessions to operate within one thousand two hundred feet (1,200') of a school, during the dates that school is in session. For purposes of this Section, a "school" is defined as a school operated by School District #271 or a private institution for learning, which teaches children, and shall not include day care centers.

SECTION 6. *That Coeur d'Alene Municipal Code Section 5.18.030 is hereby amended to read as follows:*

5.18.030: MOTORIZED FOOD CONCESSION; PERMIT; APPLICATION; REGULATIONS:

- A. ~~Motorized food concession vehicles, such as trailers, vans, etc., shall be allowed in all public parking lots except the Museum Parking Lot, Independence Point Parking Lot, and City Park parking lots when there is a specific event at or adjoining the proposed location and the concession is directly related to the event and meets the approval of the event sponsor and Parks Director. However, motorized food concessions vehicles may be permitted in the City Park if selected as authorized by Coeur d'Alene Municipal Code Section 5.18.015. The City Council may also permit motorized food concessions in the City Park for specific events if no product is sold by the motorized concession.~~

1. It is ~~shall be unlawful and~~ a misdemeanor, punishable as provided in section 1.28.010, for motorized food concessions to operate within one thousand two hundred feet (1,200') of a school, during the dates that school is in session. For purposes of this Section, a "school" is defined as a school operated by School District #271 or a private institution for learning, which teaches children, and shall not include day care centers.

B2. Motorized food concessions, including food concessions operated on or from watercraft shall not be allowed to operate on the waterways within the City limits of Coeur d'Alene.

CB. Motorized food concessions shall meet all the requirements of subsections [5.18.020B](#) through G inclusive, and Section [5.18.025](#) of this Chapter, except that the City permit fee for motorized food concessions shall be a fee established by resolution of the City Council for each monthly City permit.

SECTION 7. *That Coeur d'Alene Municipal Code Section 5.18.040 is hereby amended to read as follows:*

5.18.040: NONMOBILE FOOD CONCESSION STANDS; PERMIT:

A. The City Council at its discretion or in the event of extenuating circumstances, the Mayor or his designee may grant permits and/or enter into contracts for the operation of nonmobile food concession stands on City streets, sidewalks and rights of way ~~property~~ when, in the opinion of the City Council or the Mayor or his designee, the operation of such stands is deemed to be in the best interest of the public and in compliance with the following:

~~1. Nonmobile food concessions with products for sale shall not be allowed in the City Park or Veteran's Park unless such nonmobile food concession with products for sale is part of a Council approved special event or part of a food fair approved by the City Council in years prior to passage of Coeur d'Alene Ordinance 2513, nor shall nonmobile food concessions be allowed at Memorial Field unless selected by bid process and/or by lease or otherwise allowed by subsection [5.18.015B](#) of this Chapter.~~

~~2.~~ Nonmobile food concessions may operate at approved locations only during the hours specified in the permit.

~~23.~~ The concessionaire must obtain a valid public health permit prior to issuance of the City permit. Application for such City permit shall be made on a form supplied by the City Clerk ten (10) days in advance of the issuance of such city permit. The city clerk shall charge a fee established by resolution of the city council for each nonmobile food concession permit.

~~34.~~ The regulations in subsections [5.18.020C](#), E and F of this chapter, shall apply to all nonmobile food concessions.

45. All nonmobile food concessionaires shall agree in writing to hold the city harmless from any injury or damage resulting from the operation of the concession.

SECTION 8. *That Coeur d'Alene Municipal Code Section 5.18.045 is hereby amended to read as follows:*

5.18.045: PERMIT; REVOCATION; NOTICE; HEARING:

- A. It is unlawful for any concessionaire or permittee or their agent or employee to operate a concession in an unauthorized location or without a city permit or without a health department permit or in violation of health department regulations. A violation of any section of this chapter is a misdemeanor punishable as provided by Section 1.28.010~~or any other ordinance of the city or statute of the state of Idaho or of the United States may be subject to criminal prosecution~~ and the permit may be revoked and/or any new permit may be denied for a period of up to three (3) years.
- B. It shall be unlawful and shall be the basis for revocation and/or denial of a food concession permit for any person, persons, corporation, company, association or like organization to collude or otherwise agree to undermine the bidding process for those food concession locations let for bid.
- C. Prior to the revocation of any permit or the denial of a permit, application for a permit or renewal thereof, written notice of reasons for such action shall be served on the applicant or permittee in person or by certified mail at the address on the permit application. Revocation shall become final within ten (10) days of service unless the applicant or permittee appeals the action of the city council. The applicant or permittee shall make his appeal in writing to the city council within ten (10) days of receipt of the notice.
- D. Should the applicant or permittee request an appeal within such ten (10) day period, the applicant shall be notified in writing by the city clerk of the time and place of the hearing. Should an emergency exist and the chief of police or the fire chief certify that there is an immediate danger to life or health, the permit may be summarily revoked pending the notice and hearing herein provided.

SECTION 9. *That Coeur d'Alene Municipal Code Section 5.18.070 is hereby amended to read as follows:*

5.18.070: CONSENT REQUIRED FOR USE OF STREETS, ~~BEACHES AND SIDEWALKS~~ AND RIGHTS OF WAY:

- A. The display, sale, vending or hawking of goods, wares, merchandise or services on the public ~~beaches, streets, or sidewalks,~~ or rights of way of the city without the consent of the adjoining and contiguous property owners and without first having obtained the consent of the city council of the location and method of such activity is prohibited except:
1. As provided in subsections B and C of this section; and
 2. In the case of charitable organizations, recognized as such by the United States internal revenue service, displaying, selling, vending or hawking goods, wares, merchandise or services that convey a religious, philosophical, political or ideological message is allowed upon compliance with standards and conditions adopted by resolution of the city council.
- B. Outdoor eating facilities are permitted to be located in the public right of way upon compliance with chapter 12.44 of this code and pursuant to standards and conditions adopted by resolution of the city council.
- C. The display, sale, vending or hawking of goods, wares, merchandise or services on public sidewalks in the "downtown business improvement district" as defined by city of Coeur d'Alene ordinance 2293, may be permitted on public sidewalks upon compliance with chapter 12.44 of this code and pursuant to standards and conditions adopted by resolution of the city council.
- D. Fees for permits allowed pursuant to section 5.18.060 of this chapter shall be established by resolution of the city council.
- E. In addition to any other remedy or procedure authorized by law, violation or failure to comply with any of the standards or conditions for an outdoor eating facility permit or a sidewalk encroachment permit may result in revocation of the permit, and such revocation procedure shall be as established in subsections 5.18.045C and D of this chapter.

SECTION 10. *That Coeur d'Alene Municipal Code Section 10.40.010 is hereby amended to read as follows:*

10.40.010: DESIGNATED:

- A. ~~Areas Designated: No person shall drive or operate a motor vehicle, as defined by Idaho Code, or snowmobile on city owned or city leased parks, playgrounds or that portion of Tubbs Hill owned or leased by the city except established streets and alleys, or on city owned~~

~~or leased property posted with signage prohibiting motorized vehicles, without specific authorization of the chief of police of the city.~~

~~B.~~ Motorized Vehicles Prohibited; Exception: No person shall drive or operate a motor vehicle upon any officially marked bicycle lane, bicycle path, footpath or other separate right of way specifically set aside for use by pedestrians or nonmotorized vehicles except at an intersection or when entering or leaving a roadway at a driveway, private road or alley. This section shall not apply to authorized emergency vehicles meeting the conditions specified in title 49 of the Idaho Code, or authorized maintenance and construction vehicles while actually engaged in work upon a roadway or nonmotorized right of way.

~~BC.~~ Beautification Area:

1. All vehicular traffic along and over that part of First Street south of Sherman Avenue within the city of Coeur d'Alene more particularly described as follows be and the same is hereby discontinued and prohibited, except as provided in subsection ~~BC~~2 of this section:

Commencing at a point where the east line of the Fort Sherman Military Reserve (now abandoned) intersects the south line of Sherman Avenue in said City of Coeur d'Alene, running thence southeasterly along the south side line of Sherman Avenue fifty two and eight-tenths (52.8) feet to a point which point is fifty feet (50'), measured at right angles, from the east line of said Fort Sherman Military Reserve (now abandoned), and which is the true point of beginning; thence south parallel with the east line of said Military Reserve two hundred seventy three feet (273'); thence east one hundred twenty seven feet (127'); thence north sixty feet (60'); thence west eighty seven feet (87'); thence north two hundred and thirteen feet (213') to the south line of Sherman Avenue; thence northwesterly along the south line of Sherman Avenue to the said place of beginning.

2. Vehicular traffic is hereby permitted for access to private property abutting on the south of the area described in subsection ~~BC~~1 of this section, and for access to a limited parking area abutting the area described in subsection ~~BC~~1 of this section.

SECTION 11. *That Coeur d'Alene Municipal Code Section 10.40.030 is hereby amended to read as follows:*

10.40.030: BICYCLES AND TOY VEHICLES:

A. Prohibited Acts: It shall be unlawful for any person:

1. To ride or operate or cause to be operated a bicycle on the sidewalk along Sherman Avenue between First Street and Sixth Street. No person shall ride or operate or cause to be operated a bicycle on a sidewalk from the south side of the sidewalk right of way on Lakeside Avenue to the north side of the sidewalk right of way on Front Avenue from

First Street to Sixth Street unless to cross such sidewalk into an alleyway, a private drive, or to enter a crosswalk.

2. Bicycles shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles, or other bicycles, or to cause damage to trees, shrubs, other plants, or other property.
3. No person shall ride or operate a skateboard, roller skates, in-line skates, human powered scooter, or other toy vehicle on the streets, highways, or sidewalks in the area set forth in subsection A1 of this section ~~nor shall any person ride or operate a toy or wheeled vehicle except wheelchairs being used to transport physically impaired persons on the bandshell in city park, nor shall skateboards be ridden or operated in Veterans' Memorial park or at the Veterans' Memorial as the same are described below. Veterans' Memorial is located near the southeast corner of the intersection of Third Street and Front Avenue. Veterans' Memorial park is located westerly of the Fourth Street parking lot and southerly of the southwesterly corner of the intersection of Third Street and Front Avenue.~~
4. ~~Toy vehicles, including remote control vehicles, are prohibited at Cherry Hill park.~~
5. Nothing in this section shall prohibit the mayor and/or city council from allowing bicycle, skateboard, or other exhibits or demonstrations by permit or other ordinance.
6. A violation of any of the above subsections shall constitute an infraction which shall be punished only by a penalty established by state law, Idaho Code section 49-1503.

~~B. Bicycles Prohibited On Tubbs Hill: No person shall drive or operate a bicycle on any portion of Tubbs Hill owned or leased by the city of Coeur d'Alene.~~

~~C. City Park Slab: No person shall ride or operate or cause to be operated a bicycle, skateboard, roller skates, a human powered scooter, or other toy vehicle in violation of section 5.18.080 of this code.~~

SECTION 12. *That Coeur d'Alene Municipal Code Section 12.36.010, is hereby amended to read as follows:*

12.36.010: PURPOSE:

~~Trees and shrubs planted along city streets, in public parks and on private property provide a variety of benefits to people and to the environment. By providing shade and reducing glare from pavement, sidewalks and buildings, trees and shrubs aid in energy savings. A city's trees help to maintain windbreak protection, abate soil erosion, muffle noise and, if they are in good condition, can increase property values.~~

The purpose of this chapter is to preserve, protect, maintain, and enlarge the urban forest of Coeur d'Alene and to thereby enhance the natural beauty of the city.

SECTION 13. *That Coeur d'Alene Municipal Code Section 12.36.015, is hereby amended to read as follows:*

12.36.015: DEFINITIONS:

APPLICANT: A person who is applying for a license or permit as required by this chapter.

BOLE: The trunk of a tree.

CONTROLLER: The owner of the private real property that abuts a right of way upon which a public tree or shrub is located.

CROWN REDUCTION: The reduction of the top, sides or individual limbs by the means of removal of the leader or longest portion of a limb to be undertaken as specified in the adopted city standards.

DISEASED TREE: A tree or part thereof which has become blighted, defaced or has acquired a disease.

LICENSEE: A person with a valid license as required by this chapter.

~~**PARK TREES:** All public trees in public parks and in all areas owned by the city or to which the public has free access, but excluding those trees in the public right of way.~~

PERSON: An individual, firm, partnership, joint venture, association, nonprofit organization, corporation, estate, trust, receiver, city, county, special district, or any other group or combination acting as an entity, except that it shall not include the city of Coeur d'Alene.

PRIVATE TREE: A tree that is not a "public tree".

PRUNING: The removal of branches over one inch (1") in diameter.

PUBLIC RIGHT OF WAY: A portion of property reserved for public use, and accepted for such by the city council, to provide circulation and travel to abutting properties, including, but not limited to, streets, alleys, sidewalks, provisions for public utilities, cut and fill slopes, and open public space.

PUBLIC TREE OR SHRUB: A tree or shrub that is situated in such a manner so that fifty one percent (51%) or more of the tree trunk or shrub base at ground level is on ~~public property or~~ public right of way.

REPLACEMENT TREE: A tree having a minimum caliper of one and one-fourth inches (1¹/₄").

ROOT BARRIER: A device designed to force roots downward in order to prevent surface root growth and reduce root damage to sidewalks, streets and curbs.

ROOT CONTROL PLANTER: A root barrier which completely surrounds the roots on all sides while leaving the top and bottom open and which functions to direct root growth in a downward direction.

SHRUB: A multiple stemmed, woody plant which is usually bushy in appearance and which does not exceed fifteen feet (15') in height at maturity.

STREET: That portion of public right of way which is improved, maintained and intended for use by vehicles to provide traffic circulation, primary access to abutting properties and parking. This definition includes all of the area typically located between curbs.

STREET TREES: All public trees located within the public right of way.

TOPPING: The severe cutting back of limbs within a tree's crown to such a degree that only stubs remain, or the removal of the top part (trunk and limbs) of a conifer tree, thereby removing the normal canopy.

TREE: A woody perennial plant usually having one main stem or trunk and many branches. It usually exceeds fifteen feet (15') in height at maturity.

TREE LAWN: That portion of the public right of way lying between the curb and private property lines which is generally unpaved and planted with grass or other vegetation.

TREE SERVICE LICENSEE: A person who regularly or principally engages in pruning, topping, removing, spraying or planting trees or shrubs for a fee.

URBAN FORESTRY COMMITTEE: An advisory committee appointed by the mayor to assist the city in the management of its urban forest.

URBAN FORESTRY COORDINATOR: A city staff member selected by the city administrator to be responsible for coordinating requests to and recommendations from the urban forestry committee, hereinafter referred to as "coordinator". The coordinator administers this chapter and acts as an urban forestry decision maker in certain instances where public health, safety, or welfare would be negatively impacted by delay.

SECTION 14. *That Coeur d'Alene Municipal Code Section 12.36.020 is hereby amended to read as follows:*

12.36.020: APPLICABILITY:

This chapter shall apply to any public tree and all trees and shrubs located in the public right of way, ~~in public parks, and on other city property~~ as well as to those trees and shrubs located on public and private property that have been declared to be a public nuisance pursuant to section 12.36.500 of this chapter.

SECTION 15. *That Coeur d'Alene Municipal Code Section 12.36.100 is hereby amended to read as follows:*

12.36.100: DAMAGING OR DESTROYING PUBLIC TREES:

It is unlawful for any person to ~~willfully~~ willfully damage, mutilate or destroy any public tree or shrub.

SECTION 16. *That Coeur d'Alene Municipal Code Section 12.36.105 is hereby amended to read as follows:*

12.36.105: ~~PUBLIC AND PRIVATE~~ CONTROLLER RESPONSIBILITY:

~~A. The Coeur d'Alene parks and cemetery department shall be responsible for the following:~~

- ~~1. Care and maintenance of park trees and shrubs;~~
- ~~2. Removal of dead, diseased, or hazardous park trees and shrubs;~~
- ~~3. Systematic planting of new and replacement park trees and shrubs;~~
- ~~4. Spraying of park trees and shrubs to control insects or disease.~~

~~B.~~

Every controller shall be responsible for the following:

1. Meeting all the requirements and obtaining all the permits necessary for work done on public trees as described in this chapter;
2. Care and maintenance of public trees and shrubs located on the right of way adjacent to the private real property owned by the controller;

3. Removal and replacement of public trees or removal of those portions of public trees declared to be a public nuisance which are located on the right of way adjacent to the private real property owned by the controller;
4. Trimming or pruning of public trees and shrubs located on the right of way adjacent to the private real property owned by the controller. Branches of mature trees that overhang sidewalks must be trimmed to provide seven feet (7') of clearance and branches that overhang the street must be trimmed to provide fourteen feet (14') of clearance;
5. Spraying of public trees and shrubs located on the right of way adjacent to the private real property owned by the controller, when necessary, to control insects or disease;
6. Spraying of private trees and shrubs on the private real property owned by the controller, when necessary, to control insects or disease;
7. Repairing damage done to the street, sidewalk or curb by the roots of any private trees or shrubs, or public trees and shrubs located adjacent to the private real property owned by the controller;
8. Removal of private trees and shrubs located on the private real property owned by the controller that have been declared to be a public nuisance;
9. Removal and replacement of public trees located in the right of way adjacent to the private real property owned by the controller which have been topped or improperly pruned, as determined by reference to the standards of section 12.36.025 of this chapter, by the controller or his agent.

SECTION 17. *That a new Title 4, entitled PARKS AND PUBLIC PROPERTY, is hereby added to the Coeur d'Alene Municipal Code as follows:*

**TITLE 4
PARKS AND PUBLIC PROPERTY**

**CHAPTER 4.05
ADMINISTRATION**

4.05.010: Authorization:

This title is enacted pursuant to the City's general police power and the authority granted to cities by article 12, section 2 of the Idaho Constitution and Idaho Code Sections 50-302– 50-304.

4.05.020: Purpose:

The purpose of this title is to promote the health, safety and welfare of the citizens of Coeur d'Alene by encouraging responsible use of the publicly owned parks, cemeteries, recreational facilities and parking areas.

4.05.030: Definitions:

A. Public Property: Whenever in this title, or in this municipal code generally, areas of public property are described by the following terms, such terms refer to the areas of property described below.

Bluegrass Park: An approximate 11 acre park located in the Coeur d'Alene Place subdivision at 5757 Dalton Avenue and generally bounded by Dalton Avenue on the south and west sides, private residences on the north side and Lafayette Lane on the east side (Lot 1, Block 14, Coeur d'Alene Place Subdivision).

Bryan Field: An approximate 1.5 acre park located at 1135 North 10th Street and generally bounded by Maple Avenue to the south, private residences to the west, Harrison Avenue to the north and 10th Street on the east (Tax # 3962 and 3964). The park is owned by School District 271 and maintained by the City.

Canfield Mountain Trail Complex: An approximate 24 acre, natural open space area located at 2305 Mountain Vista Drive in the Copper Ridge subdivision and generally bounded by Mountain Vista Drive on the south and west sides (Lot 17, Block 1, Copper Ridge Subdivision).

Canfield Sports Complex: An approximate 16 acre playfield located at 5525 Mountain Vista Drive and generally bounded by Dalton Ave. on the north, Mountain Vista Ave, on the east, private residences on the south and Canfield Middle School and private residences on the west (Lot 1, Block 17, Canfield Park Subdivision and Tax #15594).

Cherry Hill Park: An approximate 30 acre park and natural open space area located at 1525 Hazel Avenue and generally bounded by Best Hill Road to the east, Hazel Avenue to the south, 15th Street and Fire Station #3 to the west, and private property to the north (Tax # 18342 and a portion of Tax # 18970).

City Beach:

A public beach located in City Park and generally bounded on the east by the west line of Government Lot 49, on the west by Park Drive, on the north by the south line of the concrete seawall abutting the south edge of the city park, and the south by Coeur d'Alene Lake.

City Hall Parking Lot: A parking lot adjacent to city hall, paved, reserved and designated for the parking of vehicles east of the west line of Seventh Street, which is the east line of McEuen Field, south of Mullan Avenue, west of the west line of Eighth Street, and north of the north line of Young Avenue.

City Park: An approximate 17 acre park located at 415 West Mullan Road and generally bounded by Lake Coeur d'Alene to the south, Park Drive to the west, Mullan Road to the north and the Human Rights Institute, the Museum of North Idaho, and Independence Point to the east (portions of lots 48 and 49 of the Fort Sherman Abandoned Military Reserve recorded in book "B" of Plats at page 153A, Records of Kootenai County, in sections 13 and 14, Township 50 North, Range 4 West, Boise Meridian).

Coeur d'Alene Soccer Complex: An approximate 8.5 acre playfield located at 6701 N. Courcelles Parkway in the Coeur d'Alene Place subdivision and generally bounded by Skyway Elementary School on the south, Courcelles Parkway on the east, Charlemagne Drive to the north and private property to west (Lot 3, Block 1, Coeur d'Alene Place Seventh Addition and Tax #18992).

Commercial Dock: A floating dock extending from Independence Point into Lake Coeur d'Alene but excluding a private sea-plane dock attached to the end of the commercial dock with a gangway and gate.

East Tubbs Hill Park: An approximate 2 acre natural open space area and trail head located at 982 E. Lakeshore Drive and generally bounded by Lake Coeur d'Alene on the south, Tubbs Hill on the north and west and E. Lakeshore Drive on the east (Tax # 882).

Fernan Lake Natural Area: An approximate 47.20 acre natural open area located at 2751 East Potlatch Road on the south shore of Fernan Lake generally bounded by Lake Fernan on the north and private property on the south, east and west (Government Lot 1 in Section 20, except the south 100 feet thereof, and the east 1050 feet of Government Lot 2 in Section 19, Township 50 North, Range 3 West, Boise Meridian).

First Street Dock: A floating dock extending in to Lake Coeur d'Alene located between the Hagadone office building and the Coeur d'Alene Resort inside of the resorts floating dock at the extension of First Street south from Sherman Avenue.

Forest Cemetery: An approximate 21.20 acres cemetery located at 1001 Government Way and generally bounded by Short Avenue to the north, Government Way to the east, Lincoln Way to the west and private homes on A, B, C and D streets to the south (Ft. Sherman Aban'd Mil Res: Forest Cemetary; Forest Cemetery 1st & 2nd Addn's, Tx #904, All In Lots 9 & 10 Fort Sherman Abandoned Military Res).

Fort Sherman Playground: Fort Sherman Playground is a large mostly wooden playground facility encompassed within a wooden picket fence located in City Park between the Kiwanis Bandshell and Mullan Drive.

Fourth Street Parking Lot: An approximate .75 acre parking lot located at the south end of 4th Street and generally bounded by Tubbs Hill/McEuen Field on the south and east, the Coeur d'Alene Resort on the west and Front Street on the north (Beginning at the SE corner of Block Q

of Coeur d'Alene and Kings Addition to Sec. 13, Twp. 50 N., R. 4 W.B.M.; thence S. 60 ft. to the true point of beginning; thence S. 390 ft.; thence W. 600 ft.; thence N. 390 ft.; thence E. 600 ft. to the true point of beginning).

Fourth Street and Coeur d'Alene Avenue Parking Lot: A parking lot abutting the southwest corner of the intersection of 4th Street and Coeur d'Alene Avenue (Lots 3 and 4, Block H, The Town of Coeur d'Alene and Kings Addition, and the north 85 feet of Lots 5 and 6, Block H, The Town of Coeur d'Alene and King's Addition, Book "C" of Deeds, at page 144, records of Kootenai County, Idaho).

Hubbard Street Beach: An approximate .4 acre park located on the south side of the 800 block of West Lake Shore Drive across from the end of Hubbard Street and generally bounded by Lake Coeur d'Alene to the south, North Idaho College beach front to the west, Lakeshore Drive to the south and private beaches to the east (Finch's Sub-Div, Lt 6 EX Tax # Blk 2).

Independence Point: An approximate 3.1 acre passive use area within City Park located at 105 Northwest Boulevard, generally bounded on the north by a line extended from the seawall to the southwest line of Northwest Boulevard, on the northeast by the southwest line of Northwest Boulevard, on the east by the east line of Lot 49 and the southerly prolongation thereof to Coeur d'Alene Lake and on the west and the south by Coeur d'Alene Lake and the west line of Lot 49.

Independence Point Beach: A beach within Independence Point generally bounded by Lake Coeur d'Alene to the south, the Commercial Dock to the west, the Independence Point parking lot to the north and Coeur d'Alene Resort property to the east.

Independence Point Parking Lot: An 87 space parking lot located at the intersection of First Street and Northwest Boulevard at Independence Point reserved and designated for public parking.

Jenny Stokes Field: An approximate 4 acre sports field located at 3880 N. Ramsey Road and generally bounded by Fire Station #2 and the Street Department yard to the south, Ramsey Road to the west, Kathleen Avenue to the north and private property to the east (Schreiber Addn, Tx # 14468 In Lt 2 Ex Pr/W).

Jewett House: An approximate 2.2 acre special use facility, located at 1501 East Lakeshore Drive and generally bounded by Lake Coeur d'Alene to the south, 15th Street to the west and private property to the north and west (Tax # 11205)

Jewett House Beach: The shoreline and beach in Government Lot 3, Section 19, Township 50 North, Range 3 West, Boise Meridian, lying east of the west line of Section 19 and west of a line that is 200 feet east of and parallel with the west line of Section 19, along with all that land in Government Lot 5, Section 24, Township 50 North, Range 4 West, lying west of the east line of Section 24 and east of a line that is 20 feet west of and parallel with the east line of Section 24 and south of the south line of East Lakeshore Drive.

Johnson Mill River Park: An approximate 2 acre park located at 4340 W. Shoreview Lane generally bounded by the Spokane River on the south, the Mill River Home Owners Association Park on the west, Shoreview Lane on the north and private property beginning at the approximate west right of way line of Grand Mill Road extended on the east (Lot 2, Block 6, Mill River 1st Add).

Landings Park: An approximate 11 acre park located at 3849 West Long Meadow Drive in the Landings subdivision generally bounded by private residences and West Long Meadow Drive to the south, Carrington Lane to the west, West Princeton Lane to the north and North Talon Lane to the east (Lt 1, Blk 6, Landings At Waterford 1st Add, Lt 1, Blk 8, Landings At Waterford 2nd Add & Lt 1, Blk 1, Landings At Waterford 3rd Add).

Legacy Place Park: An approximate 1 acre park located at 1201 West Joy Avenue generally bounded by Joy Avenue on the south, Barbie Street to the west, private farm land to the north and Aaron Street to the east (Lot 1, Block 2, Legacy Place).

McEuen Field: An approximate 15 acre park and sports field located at 420 East Front Avenue and generally bounded by Front Street on the North, Tubbs Hill on the south, City Hall and Library to the east and the Coeur d'Alene Resort on the west (Ptn of Lt 1 & Vac City of Cda). McEuen Field includes Veterans Memorial Plaza, the Third Street Parking Lot, the Third Street Boat Ramp and Mooring Docks and Legion Field.

McEuen Field Parking Lot: The paved area reserved for parking within McEuen Field (Beginning at a point which is at the intersection from the west of the south curblin of Front Street extended from the west and the west curblin of Fifth Street extended; Thence, southerly, 150.5 feet, said point being the true point of beginning; Thence, westerly, 17.5 feet to the west curblin of the parking lot as it now exists; Thence, southerly, 98.5 feet, along the west curblin, which is adjacent to and runs parallel with the sidewalk as it now exists, to a point; Thence, easterly, 76.4 feet along the south curblin of the existing parking lot, to a point; Thence, northerly, 107.6 feet along the east curblin of said parking lot, which runs adjacent to and parallel with the sidewalk which abuts the public restroom and public tennis courts, to a point; Thence, westerly, 58.9 feet to a point; Thence, southerly, 9.1 feet to the point of beginning).

Memorial Field: An approximate 5 acre park and play field located at 501 West Mullan Road and generally bounded by Mullan Road on the south, Park Drive on the west, West Garden Avenue on the north and former BNSF rail line on the east (Sherman Park Add Lt 72 & A Portion Of Lt 48 Ft Sherman Aban'd Mil Res Ex R/W). Memorial Field includes the Memorial Field Skateboard and BMX Freestyle Park, Memorial Field Parking Lot and the large wooden grandstand between the softball field and Mullan Road.

Memorial Field Skateboard and BMX Freestyle Park: A skate park and BMX freestyle park and playground located within Memorial Field at 480 West Garden Avenue and generally bounded by Memorial Field softball field on the south, Park Drive on the west, West Garden Avenue on the north and the former BNSF rail line on the east.

Memorial Field Parking Lot: An approximate 40 space paved parking area reserved for public parking within Memorial Field and generally bounded by Mullan Road, the Memorial Field grandstands and the former BNSF rail line.

Museum Parking Lot: An approximate 107 space paved parking area reserved for public parking adjacent to the North Idaho Museum (Beginning at the intersection of the south right-of-way line of Mullan Avenue with the east right-of-way line of the Burlington Northern Railroad; thence southeasterly 600 feet or more or less along said east line; thence east to the west right-of-way line of Northwest Boulevard; thence northwesterly along said west line and continuing westerly along the south right-of-way line of Mullan Avenue to the point of beginning).

North Pines Park: An approximate 3.5 acre park located at 1015 East Lunceford Lane and generally bounded by East Lunceford Lane to the south, fenced private property to the west and north and 12th Street to the east (Lot 37, Blk 1, North Pines).

Northshire Park: An approximate 3.3 acre park located at 3889 West Nez Perce Road and generally bounded by West Nez Perce Road on the south, Abbey Road on the west, undeveloped land owned by School District 271, currently used as a dog park, on the north, and Atlas Road to the east (Lot 1 Northshire Park Add).

Person Field: An approximate 7 acre park and play filed owned by the City of Coeur d'Alene and School District 271 located at 701 North 15th Street and generally bounded by Garden Avenue to the south, 13th Street to the west, an alley serving private residences off of Pennsylvania Avenue to the north, and 15th Street to the east (Lot 2, Block 1, Persons Add). The dividing line between School District 271 property and city owned property is just east of the eastern edge of the track.

Phippeny Park: An approximate 2.5 acre park located at 827 North 8th Street and generally bounded by private residences to the south, Seventh Street to the west, Montana Avenue to the North and Eighth Street to the East (South 101 feet of Block 9, Block 10 and the North 100 feet of Block 11, Reid's Add To Cda and Tax #832).

Ramsey Park: An approximate 29 acre park and sports field located at 3525 North Ramsey Road and generally bounded by the Kroc Center on the south, the Prairie Trail to the west, a private office building and apartments to the north and Ramsey Road to the east (Lots 1 and 2, Secondary Addition EX R/W & N2-NE-SE E OF RR EX R/W).

Riverstone Park: An approximate 11 acre park and pond located at 1805 Tilford Lane in Riverstone and generally bounded by the Prairie Trail to the south, private property to the west, north and east (Lots 9 and 12, Block 1, Riverstone West 1st Add).

Riverview Cemetery: An approximate 7.2 acre cemetery located at 1065 North Lincoln Way and generally bounded by Northwest Boulevard and private property on the west, Harrison Avenue on the north, . The cemetery has irregular property lines. The south side is bordered by condominiums and a commercial business. Lincoln Way on the east and private property on the

south (Ft Sherman Abn'd Mil Res; Forest Cemetery Annex & Forest Cemetery Annex Replat Into Riverview Addition, All In Lot 2 Fsamr).

Shadduck Lane Park: An approximate 6 acre park located at 1875 East Shadduck Lane and generally bounded by Shadduck Lane to the south, North Deerfield Drive to the west and Magnolia Drive to the north and east (Lot 1, Block 4, Canfield Park).

Sunset Field: An approximate 5 acre park and sports field located at 1355 East Best Avenue and generally bounded by Best Avenue on the south and private property on the west, north and east (W 240' - Tax #3076, Tax #4201 & E 65' Of Tax #3287). A commercial building on Best Avenue is located between the two parking lots on the south side of the property.

Sunshine Meadows Park: An approximate 2.5 acre park located at 2625 West Larix Court and generally bounded by West Larix Court and private property on the south, West Timberlake Loop on the west and north and Courcelles Parkway on the east (Sunshine Meadow 4th Add, Tr A).

Third Street Boat Ramp and Mooring Docks: A watercraft launch and mooring facility locate within McEuen Field at the south end of 3rd Street (Beginning at a point on the 3rd Street ramp adjacent to the City seawall, said point being located at the approximate elevation 2,128 feet (WWP datum) above sea level and being 312 feet, more or less, northerly from the southwest corner of said seawall; said point also bearing south 16°09'18" east a distance of 451.91 feet from the easternmost Western Frontiers property point on Front Avenue as shown on the survey recorded in book 4, page 4A, book of surveys, Kootenai County, Idaho; thence northerly 343 feet, more or less, along said seawall to its northwest corner; thence easterly 67 feet, more or less, to the edge of the asphalt paving; thence, northerly along the edge of the paving 177 feet, more or less, to a point; thence, west north 42°23' west, 112.6 feet, more or less, to the curb on the west side of the City property; thence, southerly along the curb, 280 feet, more or less, to the northwest corner of the ramp; thence, southerly 57.4 feet, more or less, along the west edge of the ramp to a point located at the approximate elevation of 2,128 feet (WWP datum); thence generally east 112.1 feet, more or less, to the point of beginning). The double lane boat ramp is accessed through the Third Street Parking Lot and includes three service docks directly adjacent to the boat ramps. Boat trailer parking for this facility is located southeast of the ramp within the Third Street Parking Lot. The mooring docks are directly west of Tubbs Hill and southeast of the Third Street Boat Ramp.

Third Street Parking Lot: A 600 space paved parking lot located within McEuen Field generally bounded by the mooring docks and the boat ramp on the south, Veteran Memorial Plaza on the west, Front Street on the north and the landscaped areas of McEuen Field on the east (Beginning at the SE corner of Block "P" of Coeur d'Alene and Kings Addition in Sec. 13, Twp. 50 N., R 4 W.B.M.; thence S. 480 ft. to the true point of beginning; thence S. 220 ft.; thence southwesterly along the base of Tubbs Hill to a point that intersects the extended east-west line of the seawall; thence westerly along said east-west line 120 ft. more or less to a point that is on the NS line of the seawall; thence N. 340 ft.; thence SE 230 ft. more or less to the true point of beginning).

Tubbs Hill: An approximate 120 acre, natural open space area located at 210 South 3rd Street. Tubbs Hill extends into Lake Coeur d'Alene and is generally bounded by Lake Coeur d'Alene on the south, west and part of the east sides of the property. The remainder of the east side of the park is bounded by East Tubbs Hill Park. The north side of Tubbs Hill is bordered by McEuen Field and several single family residences. There are several privately owned parcels within Tubbs Hill, three of which contain residences.

Twelfth Street Beach: A small waterfront access area on Lake Coeur d'Alene on East Lakeshore Drive. The public access area is generally the width of 12th Street extended south to the lake.

Veterans Centennial Natural Area: An approximate 16 acre natural open space at 3013 East Fernan Hill Road and generally bounded by private property on the south and west sides, an undeveloped forest area on the north and the Victoria Estates subdivision on the west (Tax #14228 [In Se-Ne], Tx#14738 [In Ne-Se] Ex Tx#17561). Veterans Centennial Natural Area is owned by the Coeur d'Alene Parks Foundation, LLC.

Veterans' Memorial Plaza: An approximate $\frac{3}{4}$ acre park located within McEuen Field at 304 East Front Avenue near the southeast corner of the intersection of Third Street and Front Avenue and generally bounded by Front Street on the north, Third Street Parking Lot on the east and south and the entrance to the Third Street Parking Lot on the west.

Winton Park: An approximate 6.5 acre park located at 810 West Lacrosse Street and generally bounded by Idaho Transportation Department property associated with the US 95 interchange with Northwest Boulevard to the south, private property and Winton Elementary School to the west, Lacrosse Street to the north and Melrose Place to the east (College Add To Cda, Lt 1, N2 Lt 2, 7, 8 & 9 Blk 8, Lts 1, 2, & 3 Blk 9 & Ptn of Vac Sts & Alley)

B. General Terms: Whenever the following terms are used in this title, they have the following meanings unless the context indicates otherwise:

Commercial Activity: Commercial displays, commercial enterprises, commercial promotions, arts and crafts displays, exhibits and other commercial activities with items for sale, including food concessions.

Motorized Food Concessions: Motorized vehicles from which food and beverages are sold, including trailer houses and vans.

Oversized Vehicle: A vehicle that cannot fit into a parking stall without protruding over the marked stall lines or extending beyond the end of the marked stall lines.

4.05.040: Policies and Procedures:

The Parks Director will establish and update, from time to time, written policies and procedures which implement the provisions of this title.

4.05.050: Fees Set by Resolution:

All fees, civil penalties and/or deposits authorized by this title will be established by resolution of the City Council.

4.05.060: Coeur d'Alene Parks and Recreation Capital Improvement Fund:

- A. There is hereby established within the city of Coeur d'Alene a capital improvement fund which shall be known and cited as the Coeur d'Alene parks and recreation capital improvement fund. The levy or appropriation to such fund shall not exceed in the aggregate in any one year more than four-hundredths of one percent (0.04%) of the market value for assessment purposes of the city of Coeur d'Alene in that year. The total amount of such fund shall never exceed in the aggregate four-tenths of one percent (0.4%) of the market value for assessment purposes of the city of Coeur d'Alene. The fund shall not be subject to the provisions of section 50-1014 of the Idaho Code (which provides that the city council may transfer an unexpended balance in one fund to the credit of another fund).
- B. The purposes for which the Coeur d'Alene parks and recreation capital improvement fund may be used are as follows:
 - 1. The acquisition of land for public parks and/or recreational facilities.
 - 2. The construction of public facilities for parks and/or recreational activities.
 - 3. The improvement of Coeur d'Alene public parks and recreational facilities.
- C. None of such funds shall be expended unless specifically appropriated by the city council pursuant to sections 50-1001 through 50-1003, both inclusive, of the Idaho Code.

4.05.070: Parks, Recreation and Cemetery Commission Created:

- A. A Parks, Recreation and Cemetery Commission is hereby established. The commission is an advisory group who will consist of eight (8) members with the following makeup:
 - 1. A representative of School District 271 who is either a member of the school board or an administrative staff person;
 - 2. A high school student, between the ages of fourteen (14) and eighteen (18), who attends school in School District 271;

3. A member of the City Council; and
 4. Five (5) residents of the City.
- B. Commission members will be appointed by the mayor and confirmed by the city council and may be removed in the same manner.
- C. Commission members will serve for a term of three (3) years or until his or her successor is appointed and qualified, except for the high school student whose term shall be one year. Vacancies on the commission occurring before the expiration of a term, will be filled by the mayor for the remainder of the term.
- D. Commission members will be selected without respect to political affiliation and will serve without compensation.
- E. The city parks and recreation directors will serve as liasons to the commission.

4.05.080: Duties:

It is the duty of the commission to:

1. Advise the Mayor and City Council on the conduct and supervision of public cemeteries, parks, playgrounds, athletic fields, recreation centers, recreational facilities and other recreation activities on any of the properties owned, controlled or maintained by the city, or on other properties with the consent of the owners and occupants thereof;
2. Provide monthly, annual and any other reports requested by the Mayor and City Council;
3. Adopt bylaws, rules, and regulations, subject to approval of the Mayor and City Council, for the proper conduct of the parks, recreation and cemetery facilities in and for the city; and
4. Create and update, from time to time, a master plan for development of cemetery lands and facilities, which shall be recommended to the City Council for adoption;
5. Comply with all city policies, procedures, and regulations;

4.05.090: Quorum and Meetings:

- A. At their first meeting of each fiscal year, the members of the commission will elect one of their members to serve as chairperson and elect other officers as may be necessary.
- B. A quorum of five (5) members is necessary for the commission to conduct any business or reach any decisions. All decisions must be approved by a majority of commission members present and participating at meetings.

- C. Commission meetings must meet the requirements of the Idaho Open Meeting Law. The commission will strive to maintain meetings that are expeditious and orderly. The Chairperson is empowered to keep the meeting progressing expeditiously, including cutting off debate, determining appropriate comments, and ensuring that decisions by the commission are arrived at collectively, rather than as individual members.
- D. The commission will meet regularly at a time and place determined by the commission.

4.05.100: Jewett House Advisory Committee Created:

- A. A Jewett House Advisory Committee is hereby established. The committee is an advisory group who will consist of seven (7) members with the following makeup:
 - 1. Two (2) representatives of the Potlatch Corporation, its successors or assigns, as required by Amended Agreement of Trust adopted by City Council Resolution 79-74; and
 - 2. Five (5) residents of the city who will be appointed by the mayor and confirmed by the city council and may be removed in the same manner.
- B. Committee members appointed by the city will serve for a term of three (3) years or until his successor is appointed and qualified. Vacancies on the committee occurring before the expiration of the term, will be filled by the mayor for the remainder of the term.
- C. Committee members appointed by the city will be selected without respect to political affiliation and in accordance with the Jewett House Amended Agreement of Trust. Members will serve without compensation.

4.05.110: Duties:

It is the duty of the committee to:

- 1. Approve expenditures of funds previously appropriated by the City Council for the maintenance, decorating and cleaning of the Jewett House Trust property. Expenditures for all alterations to the property must first be approved by the Mayor and City Council;
- 3. Adopt bylaws, rules, and regulations, subject to approval of the Mayor and City Council and consistent with the Amended Agreement of Trust, for the regulation, use and conduct of activities at the Jewett House Trust property; and
- 5. Comply with all city policies, procedures, and regulations.

4.05.120: Quorum and Meetings:

- A. At their first meeting of each fiscal year, the members of the committee will elect one of their members to serve as chairperson and elect other officers as may be necessary.
- B. A quorum of four (4) members is necessary for the committee to conduct any business or reach any decisions. All decisions must be approved by a majority of committee members present and participating at meetings.
- C. Committee meetings must meet the requirements of the Idaho Open Meeting Law. The committee will strive to maintain meetings that are expeditious and orderly. The chairperson is empowered to keep the meeting progressing expeditiously, including cutting off debate, determining appropriate comments, and ensuring that decisions by the committee are arrived at collectively, rather than as individual members.
- D. The committee will meet regularly at a time and place determined by the committee.

**CHAPTER 4.10
CEMETERIES**

4.10.010: Fees:

The Mayor and City Council will, from time to time, establish fees for all services provided by the city in providing cemetery services including, but not limited to, setting markers and monuments, opening and closing graves, burial of ashes or cremains, disinterment, furnishing concrete linings, setting stones and the price of lots, niches and nameplates.

4.10.020: Allocation of Funds:

Fifty percent (50%) of the revenues received from the sale of lots will be placed in the permanent cemetery investment fund and fifty percent (50%) will be placed in the cemetery maintenance fund.

4.10.030: Supervision of City Cemeteries:

The parks director is responsible for the maintenance and operation of the city cemeteries, including enforcement of all ordinances and rules adopted regarding city cemeteries. Unless otherwise provided in this chapter, all work in the city cemeteries must be done by city employees working under the direction of the park and cemetery director.

4.10.040: Cemetery Records:

The parks director, or his or her designee, will keep and maintain a record of:

1. All interments including the name, age, gender, date of birth, cause of death (if known), and date and place of burial (including section, lot and block);
2. All disinterments; and
3. All lots sold, repurchased or transferred from one owner to another.

Records to be maintained for the above purposes include an interment book, lot book and a lot map or lot map book.

4.10.050: Sale and Transfer of Cemetery Lots:

- A. All cemetery lots are sold subject to the city's ordinances, rules and regulations regarding cemeteries and can only be used for the burial of human dead.
- B. The price of a cemetery lot includes the cost of perpetual care of the lot not including extra care or labor such as planting trees, shrubs or flowers, or for any care over and above that exercised generally in the cemetery.
- C. No transfer or assignment of any lot will be valid without the written approval of the Mayor as attested by the City Clerk following approval by the City Council, which authorization shall appear in the minutes of the meeting when such authorization was given.

4.10.060: Burial Lots Reserved for Veterans:

- A. Blocks 50, 51 and 52 of section "E" of Forest Cemetery are reserved for the burial of veterans of World War II. A lot in this section will be provided free for the burial of a World War II veteran who received an honorable or medical discharge. An additional lot in the section will be provided free for the burial of one spouse of the veteran. The city will not pay the expense of opening and closing the graves.
- B. Blocks 3, 4, 5, 6, 23, 24, 25 and 26 of section "A" of Forest Cemetery (190 lots total) are reserved for burial of members and member's spouses of Kootenai Post no. 14 of the American Legion. Kootenai Post no. 14 will pay to the city fifty dollars (\$50.00) for each of the first 170 lots used. Payment will be made at the time the lot is used if used for the burial of a member or at the time the lot is reserved if reserved for a member's spouse. The allocation of the various lots will be made by the officers of Kootenai Post no. 14. The maximum payment to the city under this subsection is nine thousand five hundred dollars (\$9,500.00) and Kootenai Post no. 14 has prepaid one thousand dollars (\$1,000.00), which reflects the cost of the final twenty (20) lots used.
- C. Blocks 61 to 67 of section "B" of Forest Cemetery (182 lots total) are reserved for burial of members and member's spouses of the Coeur d'Alene post of the Veterans of Foreign Wars. The post will pay to the city fifty dollars (\$50.00) for each of the first 162 lots used.

Payment will be made at the time the lot is used if used for the burial of a member or at the time the lot is reserved if reserved for a member's spouse. The allocation of the various lots will be made by the officers of the Coeur d'Alene Post. The maximum payment to the city under this subsection is nine thousand one hundred dollars (\$9,100.00) and the Coeur d'Alene post of Veterans of Foreign Wars has prepaid one thousand dollars (\$1,000.00), which reflects the cost of the final twenty (20) lots used.

- D. Blocks 68 and 69 of Section "B" and lots 1 to 11 of block 70 of section "B" of Forest Cemetery (59 lots total) are reserved for burial of members and member's spouses of the Coeur d'Alene post of Veterans of Foreign Wars. The post will pay to the city seventy dollars (\$70.00) for each of the first 50 lots used. Payment will be made at the time each lot is used. The allocation of the various lots will be made by the officers of the Coeur d'Alene Post. The maximum payment to the city under this subsection is four thousand one hundred thirty dollars (\$4,130.00) and the Coeur d'Alene post of Veterans of Foreign Wars has prepaid Six Hundred Thirty Dollars (\$630.00), which reflects the cost of the final nine (9) lots used.

4.10.070: Grade and Fencing of Lots:

- A. The grade of all lots shall be determined by the parks director.
- B. Each lot or block in the cemetery shall be marked by an iron pin or pipe at each corner set level with the ground.
- C. No enclosure of any nature, such as fences, copings, hedges or ditches, are allowed upon or around any plots, lots or blocks.
- D. Grave mounds are not permitted and lots may not be raised above the established grade. The graves shall receive the same general care as other parts of the lawn. The grass is to be cut and leaves and debris raked off at the same time that the remainder of the lawn is cleaned.

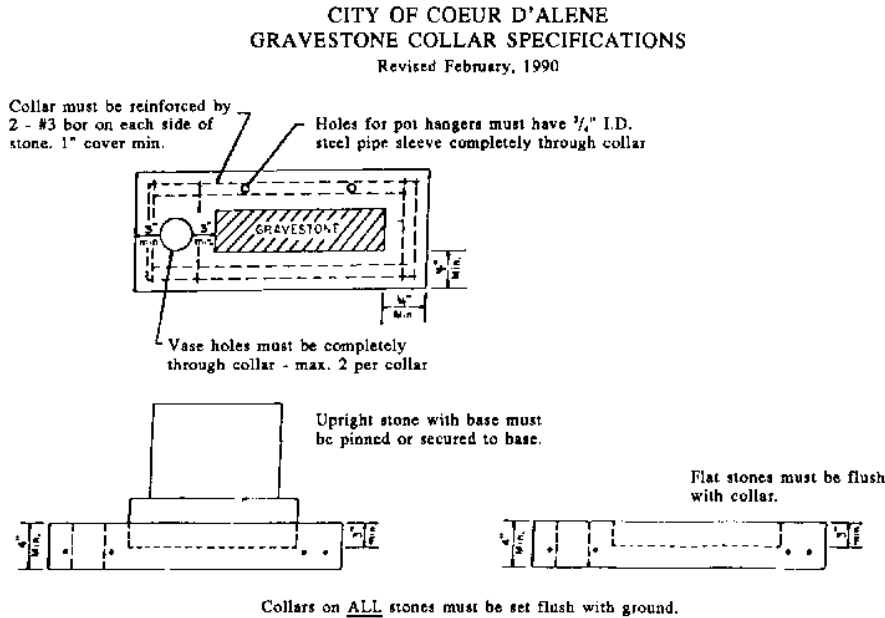
4.10.080: Planting and Removal of Trees, Shrubs and Plants:

No trees, shrubs or plants shall be planted, pruned or removed without the consent of the parks director. The director shall have full authority to prune, remove or transplant any trees, shrubs or plants when he considers it in the best interest of the cemetery.

4.10.090: Monuments and Markers:

- A. All monuments and gravestones must be placed upon foundations built of solid masonry, which shall not be less in size than the lower base of the structure, and which shall be of sufficient depth, in the opinion of the park and cemetery director, to support the monument. There shall be constructed a collar of concrete four inches (4") wide around the base at the bottom of each monument, or granite may be used as the foundation for the gravestone and

must also have a minimum of a four inch (4") wide collar around the base of the monument. The monument must be glued and doweled securely to the granite. The top of the concrete collar or granite collar must be flush with the surrounding ground level. Specifications for a concrete collar are as illustrated in the drawing below.



- B. All stones of sufficient thickness to stand alone shall be properly doweled to their base.
- C. Wooden markers are prohibited.
- D. The base of all monuments shall be cut so as to set fairly level on foundations.
- E. The city is not liable for any damage or injury resulting to raised letterings, carving or ornaments on any memorial or other structure on any lot.
- F. In sections J, K, L, M, N and O of Forest cemetery annex and all future additions or annexations to Forest cemetery, grave markers must be set flush with the surrounding ground level. Width of collar and marker combined is to be four inches (4") less than the width of the lot on which it is to be placed. The length of the marker is not to exceed sixteen inches (16"). No pot hangers may be placed unless inserted within the collar of the headstone. Such pot hangers must be removed from the cemetery by October 1 of every year and may not be again placed in the cemetery until May 1.
- G. All headstones must be placed at the west edge of the lot except in sections G and F where they must be placed at the head of the lot. Any secondary stones must be placed flush to the first stone and flush with the ground.

H. Temporary markers used to identify a grave will be removed in six months from date of burial. Temporary markers are not allowed to have collars and remain as a permanent marker.

4.10.100: Interments and Disinterments:

- A. No interment will be permitted, nor will any body be received for burial, unless a proper certificate is furnished to the park and cemetery director, or his or her designee, setting forth the name of the deceased, the residence of the deceased at the time of his or her death, the name of his or her nearest relative, and the time, place and cause of death.
- B. At least twenty four (24) hours' notice must be given to the park and cemetery director before any interment. Such notice shall give the size of the case used and the location of the grave.
- C. Only one interment shall be made in the grave, except that a parent and infant, or two (2) children, may be placed in one casket, or one interment, and one cremains in the lot or two (2) cremains only in the lot, two (2) cremains in cremain lots K-1-A, K-5-A and K-10-A, and also except that double depth interment may be made in section B, blocks 1-6, 6A and 6B.
- D. No interment or disinterment shall be made except by cemetery employees under the direction of the park and cemetery director, and upon the written consent of the record owner of the lot, his or her surviving spouse and/or members of the immediate family.
- E. The city is not liable for any damage done to any casket, burial case or urn incurred in disinterment.
- F. The city is not liable for any mistake made in the issuance of the interment permit nor for any mistake of identity of the person interred. The city is not liable for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size or location of the plot where interment is made.
- G. No interment will be allowed and no marker may be placed in or on any cemetery until the lot or block reserved has been paid for and the services rendered are paid in full.
- H. Every earth interment shall be enclosed in a concrete vault or liner. Vaults made of heavy noncorrosive metal, fiberglass or other materials which meet or exceed the performance standards and specifications of concrete liners will also be permitted.
- I. No interments, disinterments or removals shall be permitted on Sunday or any of the legal holidays recognized by the city except Veterans Day, Presidents' Day, Labor Day and the day after Thanksgiving; provided, however, that when the death was caused by contagious disease and interment has been ordered within twenty four (24) hours after death by the health officer, such interment may be made on other such holidays.

- J. Two (2) cremain burials will be allowed in the same lot in Forest cemetery on lots with trees which cannot otherwise be used for full burial. Said lots will also be restricted to flat markers set flush to the ground and not to be wider than twelve inches (12") or longer than thirty six inches (36"). All cremains are to be placed in a nonperishable container prior to interment in ground or niche wall.
- K. One cremain urn is allowed in each niche in the cremain niche wall, except where companion niches are provided, then two (2) cremain urns are allowed. A standard nameplate will be provided by the cemetery. Purchaser of cremain niche is responsible for engraving of nameplate and cost of the nameplate including installation. No other nameplates will be allowed except for veteran administration nameplates made of bronze and measuring eight and one-half inches by five and one-half inches (8¹/₂" x 5¹/₂"). When a niche with a nameplate is vacated at the owner's request and nameplate is to be removed, the owner making the request will be responsible for a new niche door.
- L. Opening and closing services and costs are not the responsibility of the city. The mayor and City Council may, by resolution, provide criteria under which a private contractor may perform opening and closing services in the cemetery.
- M. A memorial stone or plaque can be placed on a lot but must not extend beyond the four feet (4') authorized for the headstone and secondary stone on a lot. A memorial stone must be placed within a collar of the headstone or secondary stone and be flush to the ground, a flat bronze memorial plaque can be secured to the collar of a headstone or secondary stone. A "memorial stone or plaque" is defined as a third stone or plaque on a lot memorializing someone that is not actually interred in the lot. The first interment would have a headstone, the second interment would have the secondary stone. The secondary stone must be flush with the ground, placed directly at the base of the headstone and cannot exceed 2' x 2' in size.

4.10.110: Rules of Conduct:

- A. No vehicle shall be driven upon the cemetery grounds faster than ten (10) miles per hour.
- B. Children unaccompanied by parents or guardians will not be permitted on the grounds.
- C. No dogs or other animals will be permitted to run at large upon the grounds, nor shall dogs or other animals be allowed upon the grounds except service animals accompanied by their owners or when dogs or other animals, under proper restraint, are allowed on the grounds as part of a funeral procession.
- D. All persons are prohibited from gathering or taking away any flowers, wild or cultivated, or breaking, damaging or destroying any shrub, plant or tree upon the cemetery grounds.

- E. All persons are prohibited from writing upon, or in any manner marring, defacing or injuring any monument in the cemetery, from playing any games, washing cars, sunbathing, or any other activities unrelated to the proper use, good order and decorum of the cemetery.

4.10.120: Cemetery Hours:

All city cemeteries are closed to the public during the hours of ten o'clock (10:00) P.M. until seven o'clock (7:00) A.M., and all persons are prohibited from entering into any city cemetery during such hours except by special authorization of the park and cemetery director.

4.10.130: Enforcement and Penalties:

- A. The parks director is authorized to maintain quiet and good order in city cemeteries and to eject any person violating any of the provisions of this chapter or who disturbs the quiet, peace and good order of the city cemeteries by loud noise or improper conduct.
- B. Any violation of a mandatory provision of this chapter is a misdemeanor punishable as provided in M.C. Section 1.28.010.

**CHAPTER 4.15
PUBLIC PARKING AND BOAT LAUNCH AREAS**

4.15.010: Coeur d'Alene Public Parking Lot Capital Improvement Fund:

- A. There is hereby established within the city of Coeur d'Alene a "capital improvement fund" which shall be known and cited as "the Coeur d'Alene public parking lot capital improvement fund". The levy or appropriation to such fund shall not exceed in the aggregate in any one year more than four-hundredths of one percent (0.04%) of the market value for assessment purposes of the city of Coeur d'Alene in that year. The total amount of such fund shall never exceed in the aggregate four-tenths of one percent (0.4%) of the market value for assessment purposes of the city of Coeur d'Alene. The fund shall not be subject to the provisions of Idaho Code section 50-1014 (which provides that the city council of the city may transfer an unexpended balance in one fund to the credit of another fund).
- B. The purposes for which the Coeur d'Alene public parking lot capital improvement fund may be used are as follows:
 - 1. The acquisition of land for public parking lots or buildings.
 - 2. The construction of public parking facilities.
 - 3. The improvement of Coeur d'Alene public parking facilities by grading, paving, sealing, signing, striping, draining or otherwise capital improving of such city parking facilities.

- C. None of such funds shall be expended unless specifically appropriated by the city council pursuant to Idaho Code sections 50-1001 through 50-1003, both inclusive.

4.15.020: Sign Erection:

- A. The street superintendent shall cause appropriate signs and markings to be erected and painted on the surface of the parking lots or otherwise establish in the parking lots directions to carry out the purpose of the regulations set forth in this chapter. Signs containing the regulations provided in this chapter for each parking lot shall be placed in a conspicuous place at the entrances to the parking lots so as to be visible to any person entering the parking lot.
- B. The street superintendent shall cause appropriate signs and markings to be erected and painted in conspicuous places on the 3rd Street watercraft launching ramp to carry out the purpose of the regulations contained in this chapter.

4.15.030: Parking and Launching Fees; Suspending Fees:

- A. The City Council will establish parking and watercraft launching fees for the parking lots and launch ramps regulated by this chapter.
- B. The parking fee are suspended annually from October 1 through April 30.

4.15.040: Parking Regulations for all Public Parking Lots:

The following regulations govern the use of the 3rd Street, 4th Street, 4th Street and Coeur d'Alene Avenue, Independence Point, McEuen Field, Memorial Field and Museum parking lots:

- A. Vehicles can only be parked within the stalls designated by markers and as nearly in the center of the designated stalls as possible.
- B. Vehicles can only be driven in the parking lot on the designated roadways and only in the direction indicated by signs.
- C. Vehicles cannot be driven in the parking lot faster than five (5) miles per hour.
- D. Vehicles cannot be parked or left unattended on any roadway in the parking lot.
- F. Vehicles can only be driven into or out of the parking lot at the designated entrances and exits.
- G. No portion of the parking lot can be used in any manner that endangers the person or property of another.

- H. No person can distribute, throw or affix any literature, handbills or fliers in the parking lot into any car parked in the parking lot or on any car parked in the parking lot.
- I. No person can camp or sleep in the parking lot, either in, on or near a vehicle, between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M., unless the camping or sleeping is permitted by the city in conjunction with a special event being held on city property.
- K. Trailers cannot be left parking in the parking lot unless attached to a parked motor vehicle.
- L. The parking provisions contained in this chapter do not apply to city vehicles operated in the normal course of city business.

4.15.050: Additional Regulations for the 3rd Street Parking Lot:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the 3rd Street parking lot:

- A. Vehicles, including motor vehicles with an attached trailer, longer than forty four feet (44') cannot be parked in the parking lot.
- B. Single-unit vehicles cannot park in stalls marked for multi-unit vehicles except from 12:00 a.m. December 21st until 12:00 p.m. March 20th annually.
- C. Cranes are not allowed in the parking lot unless the mayor declares an emergency.

4.15.060: Additional Regulations for the 4th Street Parking Lots:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the 4th Street parking lot:

- A. No vehicle can be parked or allowed to remain parked in the parking lot continuously for more than forty eight (48) hours unless the owner has purchased a permit from the city to do so.
- B. On weekdays and Saturdays between October 1 and April 30 annually, vehicles shall not be parked or allowed to remain parked in the first two (2) rows of the parking lot between the hours of seven o'clock (7:00) A.M. and nine thirty o'clock (9:30) A.M..

4.15.070: Additional Regulations for the 4th Street and Coeur d'Alene Avenue Parking Lot:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the 4th Street and Coeur d'Alene Avenue parking lot:

- A. A parking permit is required to park in the lot except on holidays, weekends and weekdays after six o'clock (6:00) P.M.. Each permittee must park in the assigned parking stall and must hang or display the parking permit, showing the calendar year and permit number, from the vehicles rear view mirror. The monthly permit fee must be paid in advance by the fifteenth day of each month for the succeeding month or the permit becomes invalid.
- B. No trailers, RVs, or oversized vehicles can be parked in the lot.

4.15.080: Additional Regulations for the Independence Point Parking Lot:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the Independence Point parking lot:

- A. No trailers, RVs or oversized vehicles can be parked in the lot.
- B. No vehicle can be parked or allowed to remain parked in the parking lot continuously for more than forty eight (48) hours unless the owner has purchased a permit from the city to do so.
- C. The city, by permit or contract, may authorize mobile food concessions and other vehicles to park in spaces designated by the city and may exempt special events held in City Park from any of the requirements of this chapter pertaining to the use of this parking lot.

4.15.090: Additional Regulations for the McEuen Field Parking Lot:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the McEuen Field parking lot:

- A. Unless a parking space is otherwise designated by the city, no vehicle can be parked or allowed to remain parked longer than two (2) hours in any space in the parking lot.
- B. No trailers, RVs or oversized vehicles can be parked in the lot.
- C. The city, by permit or contract, may authorize mobile food concessions to park in spaces designated by the city.

4.15.100: Additional Regulations for the Memorial Field Parking Lot:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the Memorial Field parking lot:

- A. Vehicle longer than twenty feet (20') in total length, trailers, RVs or other oversized vehicles cannot be parked in the lot.

- B. Parking between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. is prohibited unless the city approves longer hours for baseball or softball events.
- C. The city, by permit or contract, may authorize vehicles serving the Museum of North Idaho, the cultural center to park in spaces designated by the city and may exempt special events held in City Park or Memorial Field from any of the requirements of this chapter pertaining to the use of this parking lot.

4.15.110: Additional Regulations for the Museum Parking Lot:

In addition to the provisions of M.C. 4.15.040, the following regulations governing the use of the Museum parking lot:

- A. Vehicle longer than twenty feet (20') in total length, trailers, RVs or other oversized vehicles cannot be parked in the lot except that RVs may park in designated parking spaces.
- B. Parking between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. is prohibited.
- C. The city, by permit or contract, may authorize vehicles serving the Museum of North Idaho, the cultural center to park in spaces designated by the city and may exempt special events held in City Park or Memorial Field from any of the requirements of this chapter pertaining to the use of this parking lot.

4.15.120: South 3rd Street Watercraft Launching Ramp Regulations:

The following regulations govern the use of the South 3rd Street watercraft launching ramp:

- A. Vehicles, other than emergency vehicles, cannot be parked on or travel on the launch ramp except while in the process of launching or loading watercraft.
- B. Vehicles, other than emergency vehicles, cannot park or travel on the launch ramp for longer than is reasonably necessary to launch or load watercraft and in no event may they remain parked for more than (15) minutes.
- C. Vehicles, other than emergency vehicles, cannot park or travel on the launch ramp in a manner that blocks the ingress or egress of other vehicles launching or loading watercraft.

4.15.130: Enforcement and Penalties:

Any violation of this chapter is subject to the enforcement processes and penalties contained in M.C. Chapter 10.27

CHAPTER 4.20
PUBLIC SWIMMING AREAS, WATERWAYS AND DOCKS

4.20.010: Definitions:

For the purpose of this chapter the following words and phrases have the following meaning:

Length of Vessel: The distance measured at the centerline at the highest point above the waterline from the fore part of the outer hull at the bow to the aft part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment.

Motor Driven Watercraft: Any boat or vehicle of any type which is propelled by any type of motor or machinery including "personal watercraft".

Night: One-half ($1/2$) hour after sunset until one-half ($1/2$) hour before sunrise.

Personal Watercraft: A small vessel which uses an outboard motor or an inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

Shoreline of the City of Coeur d'Alene: The line of demarcation between water and land at the time in question without regard to property lines or high and low water lines or marks within the city limits of Coeur d'Alene.

Toy Boats: A small motor driven craft not designed to be used as a means of transportation that is typically controlled by remote control.

Vessel: Every description of watercraft, including motor driven watercraft and seaplanes on the water, used or capable of being used as a means of transportation on water, but does not include diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses and inner tubes.

4.20.020: Restrictions on Use of Waterways within City:

A. Lake Coeur d'Alene:

1. No person shall operate, navigate, cause to float, moor or anchor any motor driven watercraft or toy boat of any length or any sail powered vessel longer than twenty feet (20') within designated public swimming areas created by this chapter.
2. No person shall operate, navigate, cause to float, moor or anchor any vessel or toy boat within designated public swimming only areas created by this chapter.

3. No person shall operate or navigate any vessel in any waters within two hundred feet (200') of any shoreline or any dock, pier, other structure or person in Lake Coeur d'Alene at a speed greater than five (5) miles per hour.
4. All persons operating or navigating any vessel within one hundred feet (100') of any other structure or person in Lake Coeur d'Alene shall do so at a speed that is reasonable and prudent, but not in excess of fifteen (15) miles per hour.
5. No person shall operate or navigate a vessel at night, when the speed is not otherwise restricted, at a speed greater than twenty (20) miles per hour.
6. All persons operating or navigating a vessel during the day, where the speed is not otherwise restricted, shall do so at a speed that is reasonable and prudent for conditions, but not in excess of fifty (50) miles per hour.
7. No person shall operate or propel any person on water-skis, aquaplane or similar contrivance within five hundred feet (500') of the shoreline of the city of Coeur d'Alene.

B. Spokane River:

1. No person shall operate, navigate, cause to float, moor or anchor any motor driven watercraft or toy boat of any length or any sail powered vessel longer than twenty feet (20') within a designated public swimming area created by this chapter.
2. No person shall operate, navigate, cause to float, moor or anchor any vessel within designated public swimming only areas created by this chapter.
3. No person shall operate or navigate any vessel in any waters within one hundred feet (100') of any shoreline or any dock, pier, other structure, or person in the Spokane River at a speed greater than five (5) miles per hour.
4. All persons operating or navigating any vessel within fifty feet (50') of any other vessel in the Spokane River shall do so at a speed that is reasonable and prudent, but not in excess of fifteen (15) miles per hour.
5. No person shall operate or navigate a vessel at night, when the speed is not otherwise restricted, at a speed greater than twenty (20) miles per hour.
6. During the day, on those portions of the Spokane River within the city limits of Coeur d'Alene, where the speed is not otherwise regulated, all persons operating or navigating a vessel shall do so at a speed that is reasonable and prudent, but not in excess of thirty five (35) miles per hour.

4.20.030: Designated Public Swimming Areas:

The following areas are designated as public swimming areas:

- A. City Beach: That portion of Lake Coeur d'Alene in the area bounded on the east by a line parallel to and two hundred feet (200') west of the east line of government lot 49 extended and on the west by the east right of way line of Hubbard Street extended and for a distance of two hundred feet (200') into the lake.
- B. Sander's Beach: That portion of Lake Coeur d'Alene in the area bounded on the west by the west right of way line of Twelfth Street extended and on the east by the eastern edge of the Jewett House lot line extended and for a distance of two hundred feet (200') into the lake.

4.20.040: Designated Public Swimming Only Areas:

The following areas are designated as public swimming only areas:

- A. City Beach: That portion of city beach bounded on the east by the concrete steps at Independence Point and extending to the west approximately six hundred feet (600') to a point near Park Drive as marked by floats on a continuous rope in the water.

4.20.050: No Swimming and Diving Areas:

A. No Swimming Areas: No person shall swim or wade in the following areas:

- 1. Within one hundred feet (100') of the First Street dock.
- 2. Within one hundred feet (100') of the Third Street docks.
- 3. Within one hundred feet (100') of the outside of the Mill River park dock.
- 4. To or from the city commercial docks located at Independence Point.
- 5. In the pond located in Riverstone Park.

B. No Diving Areas: No person shall somersault, dive, flip, jump, or enter into the water by any means other than wading from the following areas:

- 1. The concrete steps or within twenty feet (20') of the concrete steps that surround Independence Point;
- 2. The city docks, ramps, pilings, and seawall located at the south end of Third Street;
- 3. The city docks located at the south end of First Street;

4. The ramps, bridge, railing, light posts, signposts, pilings, or any other structures leading to or located upon the Independence Point docks;
5. The Independence Point docks.

4.20.060: Vessel Mooring; Time; Other Restrictions at City Docks:

- A. Commercial Docks: No person other than a lessee of space shall operate or moor any vessel at bays one through four and six through eight of the city commercial dock located at Independence Point.
- B. Mill River Park Docks: No person shall moor a vessel at the dock located at the Mill River park at any time between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. or for more than six (6) hours during any twelve (12) hour period.
- C. First Street Docks: No person shall moor a vessel at the dock located at the south end of First Street at any time between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. or for more than six (6) hours during any twelve (12) hour period.
- D. Third Street Docks: Boats moored at the docks located at the south end of Third Street are subject to the following regulations:
 1. No person shall moor a vessel for more than twenty (20) minutes along any launch docks.
 2. Unless otherwise restricted by this section, vessels may be moored, in designated slips, at the south end of Third Street, other than those designated as twenty (20) minute zones or for use by official city vessels only, without a moorage fee.
 3. Unless otherwise restricted by this section, vessels may be moored at the docks for up to 48 hours or two consecutive nights and must pay the hourly fee for moorage.
 4. No vessel may be moored at any time for more than 48 hours or two consecutive nights.
 5. No vessel may be moored at any bay of any dock if the vessel's length exceeds the length of the bay.
 6. No barbecuing, open flames, smoking, or open containers of alcoholic beverages shall be allowed at any time upon any of the docks.

4.20.070: Buoys:

The restrictions and the restricted areas established by this chapter may be indicated by appropriate buoys approved by the Idaho Department of Lands.

4.20.080: Exceptions:

The provisions of this chapter shall not apply to:

- A. Vessels operating under a permit pursuant to Idaho Code section 67-7030;
- B. Vessels being operated under emergency conditions or in support of any city permitted event, or by any authorized agent of any law enforcement agency of the state, a political subdivision, or the United States of America, while said agent is acting in the performance of his or her duties.

4.20.090: Enforcement and Penalties:

- A. Any person violating any of the provisions of this chapter or any person operating a vessel who willfully flees or attempts to elude a pursuing law enforcement vessel, when given a visual or audible signal to bring the vessel to a stop, shall be guilty of a misdemeanor as provided in section 1.28.010 of this code.
- B. Any police officer or other person(s) designated by the city or chief of police observing any violation of this chapter shall issue a ticket describing such violation and the charge assessed for the violation to the person guilty of the violation. The members of the police department or other person(s) designated by the city or chief of police are authorized to refrain from instituting a prosecution charging the person with a misdemeanor if such person pays the charge herein assessed to the city cashier within ten (10) days of the violation.
- C. Any person violating any of the provisions of this chapter may be assessed a civil administrative penalty of fifty dollars (\$50.00) for each violation.

**CHAPTER 4.25
PARK AND PUBLIC PROPERTY REGULATIONS**

4.25.010: Use of Facilities:

All recreational organizations using city facilities or property for recreational purposes must make their records pertaining to recreational uses, including minutes and financial records, available to the city for inspection and audit. Such organizations shall not be allowed the use of such facilities until they have signed an agreement to make such records available at reasonable times when requested by the city financial director

4.25.020: Glass Containers Prohibited in Parks, Beaches and Playfields:

It is unlawful for any person to throw, carry or have in his possession any glass beverage container on any city owned, leased or maintained beach, natural area, park, playground or playfield.

4.25.030: Beer, Wine and Liquor Prohibitions on Public Property:

No person shall possess any container, whether open or not, containing any beer, wine or other alcoholic beverage on any city owned, leased or maintained beach, natural area, park, playground or playfield. Provided however, that the city may issue permits for such purpose at the gazebo/amphitheater area of Riverstone Park.

4.25.040: Damaging or Destroying Public Property:

It is unlawful for any person to willfully damage, mutilate or destroy any bench, trash can, playground equipment, tree, shrub or any other improvement or fixture on any city owned, leased or maintained beach, natural area, park, playground or playfield.

4.25.050: Burning or Fires on Public Property:

It is unlawful to make, use, or have any open fires in or on any city owned, leased or maintained beach, natural area, park, playground or playfield except in designated barbecue areas or as otherwise authorized by permit from the Fire Chief or his or her designee.

4.25.060: Fire and Smoking Restrictions in City Natural Areas:

Smoking and all activities capable of generating an open flame are prohibited in all city owned, leased or maintained natural areas.

4.25.070: Fireworks Prohibited on Public Property:

Except when permitted as a part of a public display authorized by this chapter, it is unlawful for any person to have in his or her possession or to use fireworks of any kind on any city owned, leased or maintained beach, natural area, park, playground or playfield dock, parking lot or other property.

4.25.080: Animals on Public Property:

No animal shall be taken upon or allowed to be upon the premises of any city owned, leased or maintained beach, natural area, park, playground or playfield park or playfield, whether it is on a leash or not, unless city signs are posted on the city park, playfield or other property allowing animals to be present. If animals are allowed, the owner or custodian of the animal must comply with all animal regulations of the city park, playfield or other property. The City Council may, by resolution, allow animal exhibitions or shows in city parks and establish rules and regulations governing animals when allowed in any city owned, leased or maintained beach, natural area, park, playground or playfield park or playfield.

4.25.090: Overnight Camping Prohibited:

It is unlawful for any person to camp or sleep overnight or longer in or on any city owned, leased or maintained beach, natural area, park, playground or playfield unless prior written permission has been received from the city.

4.25.100: Public Property Hours:

- A. Unless otherwise provided in this chapter, All city owned, leased or maintained beaches, natural areas, parks, playgrounds and playfields are closed between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M..
- B. The Jewett House Beach is closed between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.
- C. No person can be on any public property during its closed hours except for transit through the public property on a paved trail or sidewalk.
- D. The provisions contained in this section do not apply to city employees or other emergency service providers in the normal course of city business.
- E. The City may authorize exceptions to the provisions of this section by permit.

4.25.110: Driving on Public Property:

- A. No person shall drive or operate a motor vehicle, as defined by Idaho Code, or snowmobile on any city owned, leased or maintained beach, natural area, park, playground, playfield or other city owned or lease property posted with signs prohibiting motor vehicles except on established streets, driveways and alleys or with the written authorization of parks director or his or her designee.
- B. The provisions contained in this section do not apply to city employees or other emergency service providers in the normal course of city business.

4.25.120: Bicycles, Skateboards and Toy Vehicles on Public Property:

- A. It is unlawful for any person to ride or operate a toy or wheeled vehicle except wheelchairs being used to transport physically impaired persons on the bandshell in City Park.
- B. It is unlawful for any person to ride a skateboard in Veterans' Memorial Park or at the Veterans' Memorial.
- C. It is unlawful for any person to ride or operate any toy vehicles, including remote control vehicles, at Cherry Hill Park.

- D. It is unlawful for any person to ride or operate a bicycle on any portion of Tubbs Hill owned or leased by the City of Coeur d'Alene.
- E. Nothing in this section shall prohibit the mayor and/or city council from allowing bicycle, skateboard, or other exhibits or demonstrations by permit or other ordinance.

4.25.130: Violations and Penalties:

Violations of Section 4.25.120 are an infraction punishable by a fine not to exceed One Hundred Dollars (\$100.00). All other violations of this chapter are a misdemeanor punishable as provided by Section 1.28.010 of this code.

**CHAPTER 4.30
FOOD CONCESSIONS AND COMMERCIAL ACTIVITY
ON PUBLIC PROPERTY**

4.30.010: Commercial Activity on Public Property Prohibited:

Commercial displays, promotions, arts and crafts displays, exhibits, commercial or business activities, or commercial enterprises with or without items for sale, are prohibited on city owned beaches, natural areas, parks, playgrounds or playfields, unless otherwise specifically authorized in the municipal code or by contact with the City.

4.30.020: Concessions on Public Property:

The City Council, upon recommendation of the Parks, Recreation and Cemetery Commission, may authorize concessions at designated locations on any city owned, beach, natural area, park, playground or playfield by resolution. The items to be sold, size of concession stand, hours or operation, duration of use of the concession location and all other rules regulating the operation of the concession stand will be included in a rental or use agreement between the City and the person operating the concession.

4.30.030: Sports Tournaments:

Sponsors of sport tournaments may reserve City sport fields or facilities by paying the fee established by resolution. Sponsors and tournament participants must abide by all City ordinances and regulations regarding the use of public property. If the sponsor intends to operate a food concession, where allowed, during the tournament, the sponsor must provide the City with a valid public health permit for any food concession not otherwise licensed by the City. There will be no additional charge for the food concession. Any concessions associated with a sports tournament will be non-exclusive.

4.30.040: Motorized Food Concessions:

Motorized food concession vehicles, such as trailers, vans, etc., are allowed in all public parking lots except the Museum Parking Lot, Independence Point Parking Lot, and City Park parking lots when there is a specific event at or adjoining the proposed location and the concession is directly related to the event and meets the approval of the event sponsor and parks director. Motorized Food Concessions authorized by this section must meet all the requirements of Municipal Code subsections [5.18.020B](#) through G and Section [5.18.025](#).

4.30.050: Activities or Events in City Park:

- A. General: The Parks Director may permit activities and events in the city park, which will not attract more than one thousand five hundred (1,500) people. Activities or events which can reasonably be expected to attract more than one thousand five hundred (1,500) people over the duration of the activity or event or more than one thousand five hundred (1,500) people at any given time are prohibited from using City Park.
- B. Date and Time Limits: Only one activity or event may be allowed per weekday or weekend. The City Council may approve an extension of the activity or event for one additional day if the applicant agrees to pay appropriate additional fees and to abide by all other regulations. Activities or events between April 15 and September 30, except on the Fourth of July, may last until ten (10:00) P.M. Activities or events on the Fourth of July may last from sunrise to eleven thirty (11:30) P.M. Activities and events during other times of the year may last from sunrise to sunset.
- C. Approval Process: The sponsor must submit a written request for use of City Park to the Parks Director at least thirty (30) days prior to the date requested for the activity or event. The request must include:
 - 1. A detailed schedule of events,
 - 2. Accurate information regarding the historical audience attendance which has previously been attracted to the event,
 - 3. All appropriate public health permits,
 - 4. An executed hold harmless agreement in a form approved by the City Attorney's office, and
 - 5. The appropriate fee.
 - 6. If the activity or event is anticipated to attract more than two hundred (200) people or last more than three (3) hours, the sponsor must also provide proof of liability insurance naming the City as an additional insured in an amount of one million dollars (\$1,000,000.00) for property damage or bodily or personal injury, death or loss as a result of any one occurrence or accident regardless of the number of persons injured or the

number of claimants. The insurance policy can not be cancelled or modified by the sponsor or insurance company without at least thirty (30) days' advance written notice to the City.

7. If the activity or event is anticipated to attract more than five hundred (500) people or last more than three (3) hours, the sponsor must also post a three thousand dollar (\$3,000.00) bond to guarantee that the sponsor will comply with all regulations and/or reimburse the City for any and all damage to City property which results from the activity or event.

D. Concessions: The event sponsor is allowed to sell nonfood items related to the event or concessions from no more than five (5) stands, booths, or locations upon payment of an additional fee established by resolution. The stand, booth, or individual location cannot exceed eight feet by ten feet (8' x 10'). The related concession can operate only during the hours of the special event. The city accepts no responsibility for security of display booths or materials, and the sponsor and special event concessionaires must agree in writing to hold the City, its agents and employees harmless as part of their permit application. No individual concessionaire is allowed to sell concessions or items from special event booths more than two (2) times between May 1 and October 1 of each year. This is not intended to preclude concessionaires from donating equipment, supplies, or other services at other special events between May 1 and October 1 of each year.

E. Additional Rules: The sponsor must comply and enforce compliance with all applicable park guidelines, rules or regulations and is responsible to reimburse the City for any and all damage to City property resulting from the activity or event. A sponsor cannot reserve a facility more than two (2) times per season.

4.30.060: Violations and Penalties:

Any violation of the provisions of this chapter are a misdemeanor punishable as provided by Section 1.28.010 of this code.

SECTION 18. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 19. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 20. 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 21. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 1st day of June, 2010.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Parks and Public Property

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING CHAPTERS 1.29, 2.36, 2.52, 2.88, 8.06, 8.24, 8.46, 10.26 AND SECTIONS 5.18.015, 5.18.050, 5.18.055, 5.18.060, 5.18.080, 8.12.110, 8.36.090, AND 10.40.040; AMENDING SECTIONS 5.08.160, 5.18.005, 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.045, 5.18.070, 10.40.010, 10.40.030, 12.36.010, 12.36.015, 12.36.020, 12.36.100 AND 12.36.105 TO REMOVE REGULATIONS GOVERNING ACTIVITIES ON PUBLIC PARKS, OPEN SPACES AND OTHER PROPERTY; ADOPTING A NEW TITLE 4, ENTITLED PARKS AND PUBLIC PROPERTY, ESTABLISHING RULES AND REGULATIONS FOR PARKS, CEMETERIES, OPEN SPACES, PARKING LOTS AND OTHER PUBLIC PROPERTY, ADOPTING DEFINITIONS, AUTHORIZING THE ADOPTION OF FEES AND ADDITIONAL PARK SPECIFIC RULES BY RESOLUTION, RE-AUTHORIZING THE PARKS CAPITAL IMPROVEMENT FUND, ESTABLISHING THE PARKS, RECREATION AND CEMETERY COMMISSION AND THE JEWETT HOUSE ADVISORY COMMITTEE, WITH RULES AND DUTIES FOR EACH BODY, ESTABLISHING RULES FOR THE ADMINISTRATION OF THE CITY'S CEMETERIES INCLUDING, FEES, ALLOCATION OF FUNDS, RETENTION OF RECORDS, TRANSFER OF LOTS, RESERVING BURIAL LOTS FOR VETERANS, ESTABLISHING RULES OF CONDUCT, MAINTENANCE, LANDSCAPING, MONUMENTS AND INTERMENTS; ADOPTING RULES FOR USE AND PARKING IN DESIGNATED PUBLIC PARKING LOTS AND USE OF PUBLIC BOAT LAUNCHES AND DOCKS, INCLUDING RE-AUTHORIZING THE PARKING LOT CAPITAL IMPROVEMENT FUND, SIGN ERECTION AND RULES OF CONDUCT; ADOPTING RULES GOVERNING PUBLIC SWIMMING AREAS, WATERWAYS AND DOCKS INCLUDING, ESTABLISHING SWIMMING AREAS, RESTRICTIONS ON USE OF WATERWAYS IN THE CITY, ADOPTING DEFINITIONS, ADOPTING MOORING TIMES AND OTHER RESTRICTIONS AT CITY DOCKS; ADOPTING PARK AND PUBLIC PROPERTY REGULATIONS INCLUDING, PROHIBITING USE OF GLASS CONTAINERS, USE OF ALCOHOL, DAMAGING, OR DRIVING ON, PUBLIC PROPERTY, BURNING OR FIRES ON PUBLIC PROPERTY, PROHIBITING FIREWORKS, OVERNIGHT CAMPING, REGULATING ANIMALS, USE OF BICYCLES, SKATEBOARDS, AND TOYS, ESTABLISHING HOURS OF USE; PROHIBITING COMMERCIAL ACTIVITY IN CITY PARKS WITH EXCEPTIONS FOR CONCESSIONS AND OTHER ACTIVITIES APPROVED BY THE CITY; ESTABLISHING THAT VIOLATIONS OF THIS TITLE ARE MISDEMEANORS, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH, OR INFRACTIONS PUNISHABLE BY A FINE NOT TO EXCEED \$100, OR CIVIL INFRACTIONS SUBJECT TO A \$50 FINE OR OTHER AMOUNT ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending Parks and Public Property, 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 1st day of June, 2010.

Warren J. Wilson, Chief Deputy City Attorney

**GENERAL SERVICES COMMITTEE
STAFF REPORT**

DATE: May 24, 2010
FROM: Warren Wilson, Deputy City Attorney
SUBJECT: Animal Control Ordinance Revisions

DECISION POINT:

Submit the proposed Animal Control Ordinance to the full City Council for Consideration.

HISTORY:

Earlier this year, staff presented the proposed animal control ordinance to the City Council at a workshop. At that time staff was directed to prepare a final version that incorporated changes in the enforcement mechanism. Under this proposed final draft, dangerous dog issues will be heard by a city appointed hearing officer rather than a citizens committee. This will make it easier to schedule hearings and should result in a more consistent application of the code. Other animal control violations will continue to be addressed in the existing manner. However, the code has been drafted in a fashion that it can easily be amended to send other matters to a hearing officer if future budgeting and staffing allows. There are two new questions that warrant discussion. In the past month that City has received multiple inquiries about raising chickens. The existing code allows chickens to be kept so long as they are kept in a secure building or yard. The proposed code would not allow chickens or other domestic animals except in the R-1 zone. The second issue is feeding feral cats, which can create problems for neighbors. The proposed code prohibits feeding wild animals but likely would not prohibit feeding feral cats.

FINANCIAL ANALYSIS:

It isn't possible to quantify the exact financial impacts of the new ordinance at this time. Many provisions remain the same as the previous ordinance. Those provisions should be cost neutral. Some provisions, such as increasing the licensing fee and requiring prepayment for impound fees, are intended to help the city offset expenses that we often end up paying. However, there are other provisions that are new to this draft that will be more staff intensive or may result in new costs to the City. Until the ordinance has been in place for a period of time, we will not be able to tell whether the cost saving measures completely offset the new costs.

PERFORMANCE / QUALITY OF LIFE ANALYSIS:

The proposed animal control ordinance is intended to address several issues including, clarifying the City's animal control requirements, establishing a multiple classification system for addressing aggressive/dangerous/vicious dogs, establishing a wild animal feeding prohibition and recouping some current costs. Staff believes that the proposed

ordinance will address these issues. The enforcement and appeal provisions of the current code remain largely unchanged and staff will continue to struggle in these areas. Overall, however, staff believes that the proposed ordinance is a good step forward. Because of the length and complexity of the proposed ordinance, staff recommends that the City Council hold a workshop with staff to review the proposal.

DECISION POINT/RECOMMENDATION:

Forward the proposed animal control ordinance to the full City Council for consideration along with a recommendation regarding feeding feral cats and raising chickens.

COUNCIL BILL NO. 09-1028
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING TITLE SIX AND ADOPTING A NEW TITLE SIX, ENTITLED ANIMALS, TO ESTABLISH ANIMAL CONTROL REGULATIONS INCLUDING; PROVIDING A PURPOSE CLAUSE AND DEFINITIONS, AUTHORIZING ADOPTION OF FEES BY RESOLUTION, ESTABLISHING DOG LICENSING REQUIREMENTS, REQUIREMENTS FOR THE CARE AND QUARTERING OF ANIMALS, PROHIBITING THE POSSESSION OF CERTAIN WILD OR EXOTIC ANIMALS AND THE FEEDING OF WILD ANIMALS, PROHIBITING CRUELTY TO ANIMALS, REQUIRING VACCINATION OF CERTAIN ANIMALS, ADOPTING REGULATIONS FOR DANGEROUS ANIMALS AND THE IMPOUNDMENT OF CERTAIN ANIMALS, ESTABLISHING LICENSING REQUIREMENTS FOR KENNELS AND PETSHOPS, ADOPTING ENFORCEMENT AND APPEAL PROVISIONS, INCLUDING CIVIL PENALTIES, AND ESTABLISHING THAT VIOLATIONS OF THE TITLE ARE EITHER MISDEMEANORS, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH, OR INFRACTIONS PUNISHABLE BY A FINE NOT TO EXCEED \$100; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the General Service 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 Title 6, entitled Animals is hereby repealed.*

SECTION 2. *That a new Title 6, entitled Animals, is hereby added to the Coeur d'Alene Municipal Code as follows:*

TITLE 6

ANIMALS

CHAPTER 6.05

ADMINISTRATION

6.05.010: Authorization:

This title is enacted pursuant to the City’s general police power and the authority granted to cities by article 12, section 2 of the Idaho constitution and Idaho Code Section 50-319.

6.05.020: Purpose:

The purpose of this title is to encourage responsible animal ownership, to protect the citizens of Coeur d’Alene from the negative effects of irresponsible animal ownership, to reduce the potential for conflicts associated with urban wildlife, and to protect animals from abuse and neglect, which can lead to animal behavior that endangers the health, safety and welfare of the citizens of Coeur d’Alene.

6.05.030: Definitions:

Unless the context indicates otherwise, the following terms, used in this title, have the following meanings:

A. Aggressive Dog: A dog:

1. Shown to have displayed behavior that threatens the physical safety of a person or domestic animal, such as barking or chasing in a menacing manner, lunging, growling, snarling, and baring teeth; or
2. That, without provocation, bites or by its aggressive actions, causes injury to a person or domestic animal; or
3. Charges, chases, or threatens a person in any way that would cause a reasonable person to be fearful.
4. Exceptions:

A dog will not be deemed aggressive if:

- a. It bites or attacks anyone assaulting the owner, a trespasser on the property of the owner, or any person or other animal who has tormented or abused it; or
- b. It is acting in defense of an attack from a person or other animal upon the owner or other person; or
- c. It is a dog or other animal used by the police department or other law enforcement agency.

- B. Aggressively Bites:** Any bite that tears or punctures the skin and is accompanied by an attack where the dog exhibits one or more of the following behaviors: chasing, barking in a menacing manner, snarling, baring teeth, growling, barking, snapping, pouncing, lunging, multiple attacks, multiple lunges, or multiple bites.
- C. Animal Control Hearing Officer:** The employee or other appointee of the City who is appointed to hear appeals under this title.
- D. Animal Control Officer(s):** Those persons hired and authorized by the City to enforce the provisions of this title and to perform the duties set forth herein for animal control officers including police officers.
- E. Animal Control Impound Facility:** The facility where animals that are impounded pursuant to this title are held.
- F. Attractant(s):** Any substance, including but not limited to, food, garbage, or salt lick, which draws wildlife to a particular location.
- G. Bite:** means a puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
- H. Dangerous Dog:** A dog:
1. With a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or domestic animals; or
 2. That aggressively bites any person or any domestic animal or kills or caused the death of a domestic animal; or
 3. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
 4. That has previously been classified as an aggressive animal and has been found running at large two (2) or more times.
 5. A dog will not be deemed dangerous if:
 - a. It bites or attacks anyone assaulting the owner, a trespasser on the property of the owner, or any person or other animal who has tormented or abused it; or
 - b. It is acting in defense of an attack from a person or other animal upon the owner or other person; or
 - c. It is a dog used by the police department or other law enforcement agency.

- I. Dangerous Pet Snake:** Any pet snake which is capable of inflicting physical harm or death to people.
- J. Domestic Animal:** Pet animals, domestic livestock and domestic fowl.
- K. Domestic Fowl:** Includes but is not limited to: chicken, turkeys, ducks, geese, and pigeons and other similar fowl.
- L. Domestic Livestock:** Cattle, domesticated elk, bison, sheep, swine, goats, llamas, rabbits, horses, mules, or other equines.
- M. Exotic Animal:** Any animal that is not a domestic animal including all animals regulated by the State of Idaho as deleterious exotic animals or wildlife, including but not limited to alligators, crocodiles, bears, all cats other than the commonly accepted domesticated cats (such as cheetah, leopard, lion, lynx, panther, cougar, bobcat, and tiger), all dogs other than domesticated dogs (such as wolf, fox, coyote), porcupines; non-human primates, raccoons, skunks, venomous fish and piranha, venomous snakes and lizards and weasels (other than ferrets).
- N. Feed:** means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract Wildlife.
- O. Feeding:** means the intentional depositing, distributing, or tending of feed in an area frequented by Wildlife or intentionally allowing the depositing, distribution or tending of feed by a person on property owned or controlled by them in an area frequented by Wildlife.
- P. Hybrid Animals:** An animal that is a cross between a domestic animal and an exotic animal.
- Q. Kennels:** Means and includes:
1. Noncommercial Kennel: Any one household that keeps, harbors or possesses more than four (4) dogs over six (6) months of age. Incidental sale of said animals shall not disqualify households from noncommercial kennel status.
 2. Commercial Kennel: An establishment primarily offering boarding, training and/or breeding services and the associated sale of dogs, with the exclusion of veterinary hospitals.
 3. Animal Shelter: An establishment that provides temporary homes for stray, surrendered, abandoned or impounded pet animals.
- R. Pet Shop:** A retail or wholesale business primarily offering for sale pet animals and/or pet animal products, excluding commercial kennels.

S. Pet Animal: Any domesticated animal, other than domestic livestock or fowl, which is fed, watered, harbored or allowed to remain at or in the vicinity of a residence or place of business in the city by any person including dogs, cats, birds, small rodents, nonpoisonous snakes or other small nonpoisonous reptiles.

T. Police Chief: The Chief of Police of the City of Coeur d'Alene or his/her designee.

U. Primary Enclosures: A separate enclosure or cage which segregates one animal or another animal or animals.

V. Serious Injury: Any physical injury that includes multiple bites, broken bones, serious disfigurement, or serious impairment of a bodily function, body member, organ, or mental faculty or involves a substantial risk of death, unconsciousness or extreme physical pain. This definition includes bites to a person's neck or stomach.

W. Sterilized: means an animal has been surgically altered, either by the spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

X. Vicious Dog: A dog will be considered vicious if the dog:

1. Bites a person on two (2) or more occasions or on the first bite causes serious injury or death; or
2. Has attacked domestic animals on two (2) or more occasions; or
3. Was previously determined to be "dangerous" and has been found running at large two (2) or more times.
4. An animal shall not be deemed vicious if:
 - a. It bites or attacks anyone assaulting the owner, a trespasser on the property of the owner, or any person or other animal who has tormented or abused it; or
 - b. It is acting in defense of an attack from a person or other animal upon the owner or other person; or
 - c. It is a dog or other animal used by the police department or other law enforcement agency.

Y. Wild Animals: Animals, feral or not, native or not, generally living in a state of nature including, but not limited to, deer, elk, turkeys, ducks, geese, bears, mountain lions, lynx, bobcats, feral cats and other animals classified by the State of Idaho as wildlife.

6.05.040: Policies and Procedures:

The Police Chief will establish and update, from time to time, written policies and procedures which implement the provisions of this title.

6.05.050: Powers and Duties:

The Police Chief will employ and designate those persons within the Police Department who will perform the duties of animal control officers. Animal control officers are authorized to enforce the provisions of this title in all respects, including but not limited to:

1. The apprehension and impoundment of animals found in violation of this title; and
2. Issuance of citations and/or notices of violation for any violations of this title.

6.05.060: Right of Entry for Enforcement:

Any animal control officer is authorized to secure or take possession of any animal, in the presence and plain view of the officer, which is reasonably believed by such officer to be in violation of this title. Nothing in this section shall be interpreted to prohibit any animal control officer from entering property when otherwise authorized by law.

6.05.070: Interfering with Officers:

It is unlawful for any person to knowingly and intentionally interfere with any animal control officer in the lawful discharge of his/her duties established by this title.

6.05.080: Fees Set by Resolution:

All fees, civil penalties and/or deposits authorized by this title will be established by resolution of the City Council.

**CHAPTER 6.10
LICENSING**

6.10.010: License Requirement and Fees:

- A. All dogs must be licensed each year, except:
1. Dogs quartered in a pet shop or shelter and held for resale or adoption;
 2. Dogs whose owners are temporarily (up to 30 days) within the City if the dog's owner can produce evidence that the dog is currently licensed in another jurisdiction;
 3. Dogs under the age of six (6) months.

- B. License applications must be submitted annually to the city clerk or his or her designee utilizing a standard form which requests name, address, and telephone number of the applicant; breed, sex, and color of the dog. The application must be accompanied by the established license fee, a current rabies vaccination certificate meeting the requirements of Section 6.15.150, and proof of sterilization if the applicant wants to license the dog as sterilized. A fee will not be charged for licensing a dog trained and used to assist government officials in the performance of their duties that is owned by the government agency.
- C. The license will be valid for one year from the date of purchase, after which a citation for failing to obtain a license may be imposed.

6.10.020: License Tag:

- A. Upon receipt of a complete application and payment of the license fee, a certificate and tag will be issued for each dog licensed. The tag will be stamped with the license number on the certificate. The owner must attach the tag to the collar or harness of the dog and see that the collar and tag are constantly worn by the dog when it is off the owner's real property.
- B. License tags are not transferable from one dog to another or from one owner to another. No refunds will be made on any license fee for any reason whatsoever. Replacements tags may be obtained upon payment of the established fee.
- C. Removing or causing the removal of a collar, harness, or tag from any licensed dog without the consent of the owner or keeper of the dog is prohibited, except by:
 - 1. A licensed veterinarian or employee of a veterinary hospital or clinic who removes the tag for medical reasons; or
 - 2. An animal control officer who removes the tag as part of his or her official duties.
- D. Any dog found running at large without a valid tag will be presumptively considered unlicensed unless the owner or custodian can provide proof of a current valid license.

CHAPTER 6.15

POSSESSION, CARE AND QUARTERING OF ANIMALS

6.15.010: Domestic Livestock and Fowl Prohibited:

- A. It shall be unlawful for any person to own, keep, or maintain any domestic livestock or fowl within the limits of Coeur d'Alene, except:

1. Any person living on property zoned R-1 may possess domestic fowl, excluding roosters, if the fowl are kept in a secure yard, building or other enclosure at all times, and up to two (2) domestic livestock;
 2. Any offspring of permitted domestic livestock may be kept until weaned.
 3. Any person living on property not subject to subsection 6.15.010(A)(1) above, may possess up to three (3) domestic fowl, excluding roosters, if the fowl are kept in a secure yard, building or other enclosure at all times.
- B. Any domestic livestock or fowl that are in compliance with zoning/animal control ordinances within the city limits must still comply with all applicable ordinances regarding removal of waste and carcasses, animals disturbing the neighborhood, foul odors and all other nuisance and zoning performance standards contained in the municipal code.
- C. It is unlawful for the owner or person in care of domestic livestock or fowl to permit such animals to trespass upon the property of another or be in a public place, except:
1. Horses or other equines may be ridden on approved equestrian trails;
 2. Horses or other equines may be ridden or pull wagons in parades upon public streets if approved through the parade permitting process; or
 3. Horses or other equines may be used to pull wagons conveying passengers upon public streets if approved by resolution of the City Council

6.15.020: Exotic and Hybrid Animals Prohibited:

It is unlawful for any person to own, keep, maintain, display or offer for sale any exotic or hybrid animal within the city limits except:

1. Temporary traveling exhibitions such as circuses staged for public entertainment or education.

6.15.030: Dangerous Pet Snakes Prohibited in Public Places:

Public display, possession or maintenance of a dangerous pet snake on public property within the city limits is prohibited.

6.15.040: Feeding Wild Animals:

It is unlawful to feed or provide food or other attractants (other than ornamental plants or vegetable gardens) to wild animals within the city limits except:

1. Feeding birds, other than turkeys, geese, and ducks, by utilizing a bird feeder that may be accessed only by birds or squirrels.

6.15.050: Animals Disturbing Neighborhood:

It is unlawful for any person to keep or harbor any animal which by loud, continued or frequent barking, howling, yelping, meowing, screeching, crowing or other noise, or by noxious or offensive odors endangers the health and welfare or disturbs the peace and comfort of any reasonable person or neighborhood. The provisions of this section do not apply to:

1. The animal control impound facility; or
2. Veterinary hospitals.

6.15.060: Animal Waste Disposal:

It is unlawful for the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park, or other area, or upon the property of another unless the owner or custodian immediately removes and disposes of all animal waste that may result in a trash can. This section does not apply to:

1. A service animal belonging to a person who is physically incapable of removing and disposing of the animal waste.

6.15.070: Carcass Disposal:

It is unlawful for the owner or custodian to allow the carcass of a dead animal, or portion thereof, to remain anywhere in the City for longer than one (1) day without disposing of it as required by Chapter 8.04.

6.15.080: Animals Running At Large:

It is unlawful for the owner or custodian of any animal, except domestic cats, to allow such animal to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he/she knows that the animal is running at large. Animals are considered running at large if they:

1. Leave their residential property unrestrained on a leash no longer than ten feet (10') in length, of sufficient strength to restrain the animal, and in control of a person of sufficient age and physically able to restrain and control such animal;
2. Are allowed to trespass upon the property of another by way of damage or destruction of a mutual fence line;

3. Are left unattended in a vehicle in a manner that allows any part of the animal to hinder the public's use of or access to any place that the public may lawfully be;
4. Are herded on or across city property without city approval; or
5. Are chained, staked out, or otherwise tethered on or attached to any public property, sign, or structure or in a manner that allows the animal to go beyond the owner's property line or onto public right of way.

6.15.090: Animals in Parks:

Animals in parks and on other public property are governed by Municipal Code Section 4.25.080.

6.15.100: Willfully Abandon or Turn Loose:

It is unlawful for any person to abandon, place at large or turn loose any animal for any reason, including inability to care for, refusal to maintain, disease, old age, or injury. Persons having possession of such animals are responsible for placing the animal in the care of another person capable of maintaining and caring for the animal or having the animal humanely euthanized.

6.15.110: Cruelty to Animals Prohibited:

In addition to those acts prohibited by Idaho State Code, the following activities are also prohibited:

1. Chaining, staking or tethering any animal in a manner that may cause physical injury or death to the animal.
2. Using any equipment, device, substance or material on any animal that will or could cause physical injury or death to the animal or cause unnecessary cruelty to the animal.
3. Quartering animals which are natural enemies or are otherwise incompatible together or so near each other as to cause injury, fear or torment.
4. Teasing, tormenting, physically abusing, or provoking an animal with the intent to harass or cause injury.
5. Tranquilizing an animal except under the direction and supervision of a licensed veterinarian or by an animal control or other officer in the performance of official duties.

6.15.120: Care and Quartering of Animals:

- A. All animals shall be supplied with sufficient nutritious food and clean water as often as the feeding habits of the respective animals require, but not less than two (2) times every twenty four (24) hours in the case of juveniles and once every twenty four (24) hours for adults.
- B. Adequate shelter from the weather shall be provided each animal.
- C. All animals and animal enclosures shall be maintained in a clean, sanitary state of good repair to protect the animals from injury.

6.15.130: Animals Attacking, Biting, or Chasing:

- A. It is unlawful for the owner or custodian of any animal to allow the animal to attack, bite, or chase any person or domesticated animal or wild animal.
- B. The injuring, capturing, or killing of an animal by any person while the animal is engaged in any act prohibited by this title, if reasonably necessary to stop the animal's actions, shall not be a violation of any other provision of this chapter, provided such injuring, capturing, or killing in no way endangers another's safety or property or violates any provision of federal, state or city law or code.

6.15.140: Selling Diseased Animals Prohibited:

It is unlawful for any person to bring into the City for sale or have in their possession with intent to sale, any animal having a communicable disease, or which has been exposed to, or which is liable to carry infection from a communicable disease.

6.15.150: Vaccinations:

- A. Rabies vaccination is required for all dogs within thirty (30) days of when the dog:
 - 1. Reaches the age of three (3) months;
 - 2. Is acquired or brought into the City if over three (3) months old; or
 - 3. The expiration of the most recent vaccination.

This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

- B. Each veterinarian, when vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) which includes the following information:
 - 1. Owner's name and address;

2. A description of animal (breed, sex, markings, age, name);
3. The date of vaccination;
4. The rabies vaccination tag number;
5. The type of rabies vaccine administered; and
6. The manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and the original retained by the issuing veterinarian.

6.15.160: Rabies Emergency Proclamation:

Whenever the Mayor deems it necessary to safeguard the public from rabies, he or she may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his or her premises, unless such dog has a muzzle of sufficient strength to prevent its biting any person or animal. Any un-muzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs noticeably infected with rabies or displaying vicious propensities, shall be destroyed by any animal control officer without notice to the owner.

6.15.170: Quarantine:

- A. Any domestic animal, without proof of a current rabies vaccination, that is known to have bitten a person must be placed in strict quarantine for veterinary observation for a period of not less than ten (10) days, which shall be determined from the date the bite occurred.
- B. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or that is known to have been exposed to rabies, must be placed in strict quarantine for veterinary observation in a manner that securely segregates the animal from other animals or humans for a period not less than six (6) months.
- C. The animal control impound facility or a veterinary hospital will be the normal place for quarantine, however, the Police Chief, or designee, may approve other quarantine arrangements, including confinement by the owner, if the Police Chief or designee, following an inspection, determines:
 1. That the animal will be securely and humanely housed during the term of the quarantine;
 2. The animal will be segregated to prevent exposure of other animals or humans; and
 3. The public will be adequately protected.

- D. A person who has custody of an animal under quarantine shall immediately notify the Police Chief if the animal shows any signs of sickness or abnormal behavior, dies, or if the animal escapes confinement.
- E. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination of the animal or the quarantine area during the period of quarantine.
- F. It is unlawful for any person to remove any animal from the place of quarantine without the written permission of the Police Chief.
- G. The cost of quarantining an animal must be paid in advance by the owner or custodian of the animal otherwise the animal will be euthanized.

6.15.180: Duty to Report Bites:

Any owner or custodian of an animal of a species subject to rabies having knowledge that the animal has bitten any person or another animal or that the owner's animal was bitten by an animal of a species subject to rabies shall report the incident immediately to an animal control officer, giving the name and address of the person bitten, or whose animal was bitten, and of the owner or custodian of the biting animal, if available. Failure to provide such information or otherwise assist the City in discovering possible exposure to rabies or in ascertaining the immunization status of an animal is a violation of this chapter.

6.15.190: Reporting Injury or Death of Animals:

- A. The operator of a motor vehicle, other than an emergency vehicle, that strikes and injures any domestic animal shall immediately stop the vehicle at the scene of the accident and notify the owner of the animal of the accident or report it to animal control if the owner cannot be determined.
- B. Any person who injures or causes the death of an animal shall immediately notify the owner of the animal or report it to animal control if the owner cannot be determined.

CHAPTER 6.20

DANGEROUS ANIMALS

6.20.010: Authority to Impound or Destroy Animals Posing an Immediate Threat:

Animal control officers are authorized to impound or destroy, if necessary, any animal that the officer reasonably believes is about to attack or is attacking a person or domestic animal or otherwise poses an immediate threat to public health or safety.

6.20.020: Authority to Classify and Impound Aggressive, Dangerous or Vicious Dogs:

- A. Animal control officers are authorized to declare dogs as aggressive, dangerous or vicious. In determining whether a dog is aggressive, dangerous or vicious, the animal control officer will be guided by the following:
1. Whether the dog meets the definition of aggressive, dangerous or vicious;
 2. Whether the dog has displayed threatening behavior at other times;
 3. Whether the dog has caused physical injury at other times;
 4. The circumstances surrounding the incident;
 5. The officer's observations and reports about the dog's upbringing, training, and the owner's or custodian's control of the dog; and
 6. Any other information relevant to a reasonable determination the dog poses a potential threat to public health or safety.
- B. At the time of declaring the dog aggressive, dangerous or vicious the animal control officer must impound the animal, at the owner's expense, if the dog:
1. Is declared vicious;
 2. Is running at large; or
 3. Cannot be housed and maintained by the owner or custodian as required by this chapter.
- C. The animal control officer will make reasonable attempts to contact the owner or custodian of any dog declared aggressive, dangerous or vicious, and provide written notification of the declaration along with the requirements for keeping such dogs. The owner or custodian of the dog at the time of written notification may elect to:
1. Appeal the declaration by requesting a hearing as allowed by chapter 6.35 of this title;
 2. Accept the declaration, and if the dog was declared aggressive or dangerous, agree to meet the requirements for keeping the dog set out in this chapter; or
 3. Surrender and quit claim the dog to the city.
- C. It is unlawful for the owner or custodian of any dog declared aggressive, dangerous or vicious to keep or maintain such dog contrary to the provisions of this chapter.

- D. An impounded dog that has been declared aggressive, dangerous or vicious will be held for ten (10) business days before disposal as authorized by chapter 6.25 of this title unless:
1. The declaration has been appealed and the owner or custodian has paid any incurred veterinary and other costs and impound fees and has prepaid impound fees through the date of the hearing; or
 2. The owner or custodian of a dog declared aggressive or dangerous has contacted animal control, paid any incurred impound fees and veterinary and other costs, and prepaid any additional expected impound fees and made arrangements to redeem the dog within an additional fourteen (14) days. To redeem the dog, the owner or custodian must provide proof that they can house and maintain the dog as required by this chapter.
- E. Any person may request, in writing, that a dog be declared aggressive, dangerous or vicious. Complaining parties must be forthcoming with their testimony including the signing of a witness statement or citation or providing sworn testimony. All written complaints will be investigated and both complaining party and the dog's owner or custodian will be advised of the outcome of the investigation.

6.20.030: Aggressive Dogs:

- A. All dogs declared aggressive must be quartered and/or restrained as follows:
1. All or a portion of the owner or custodian's property must be fenced with a fence of sufficient strength and height to prevent the dog from leaving the enclosed area. The dog must not be allowed into unfenced areas of the property without being restrained as provided in subsection 4 of this section;
 2. The aggressive dog must be humanely confined in a secure enclosure, such as a home or a kennel inside the required fence. The secure enclosure may not share common fencing with the required fence or interfere with the public's legal access to the property and must be of sufficient strength and height to keep the dog within the enclosure;
 3. Under no circumstances may an aggressive dog be left unattended on a chain, cable, trolley or other tether;
 4. The owner or custodian shall not allow the aggressive dog to be off the owner or custodian's property unless the dog is accompanied by a responsible adult and muzzled in such a manner as to prevent it from biting or injuring any person, and restrained by a leash of adequate strength to control the dog; and
 5. The owner or custodian of an aggressive dog must place a sign in a prominent place that is visible from the street or sidewalk on the owner's or custodian's property indicating that there is an aggressive dog on the property. A similar sign must be posted on the dog's secure enclosure;

- B. In addition to the quartering and restraint requirements the owner or custodian must:
1. Immediately notify animal control if the dog is running at large or has attacked a person or domestic animal; and
 2. Notify animal control within three (3) days if the dog is moved to a different address or if the dog has a new owner or custodian. The name, address and telephone number of the new owner/custodian must also be provided.
- C. If the animal control officer is informed or finds that the owner or custodian of the aggressive dog has violated any of the duties and responsibilities placed upon the owner or custodian, the animal control officer may, after written notice mailed, return receipt requested, or personal service, impose additional restrictions on the owner or custodian of the dog including:
1. Attendance at responsible ownership and/or dog management/training classes; and/or
 2. Sterilization of the animal; and/or
 3. Purchase of a general liability insurance policy of at least five hundred thousand dollars (\$500,000.00) insuring the owner or custodian for any damage or personal injury which may be caused by the dog, which names the City as an additional insured. The policy must provide thirty (30) day advance notice to the City prior to lapse or cancellation; and/or
 4. Additional requirements as to the size, construction and design of the secure enclosure, including but not limited to, requiring a double security gate or concrete floor; and/or
 5. Forfeiture of the dog.
- D. The owner or custodian may appeal any additional restrictions placed on the dog by following the requirements contained in chapter 6.35 of this title.
- E. An owner or custodian may request that the declaration of aggressiveness be removed after two (2) years without incident if:
1. The animal has been sterilized; and
 2. The owner or custodian and the dog have satisfactorily completed an approved pet ownership and or animal management/training program.

6.20.040: Dangerous Dogs:

- A. All dogs declared dangerous must be quartered and/or restrained as follows:

1. All or a portion of the owner or custodian's property must be fenced with a fence of sufficient strength and height to prevent the dog from leaving the enclosed area. The fence must have a double security gate. The dog must not be allowed into unfenced areas of the property without being restrained as provided in subsection 4 of this section;
2. The dangerous dog must be humanely confined in a secure enclosure, such as a home or a kennel inside the required fence. The secure enclosure may not share common fencing with the required fence or interfere with the public's legal access to the property and must be of sufficient strength and height to keep the dog within the enclosure. An outside secure enclosure shall be a minimum of five feet (5') wide, ten feet (10') long and five feet (5') in height above grade, and with a horizontal top covering the entire enclosure, all to be at least 9-gauge chain link fencing with necessary steel supporting posts. To prevent escape of the dog, the floor shall be at least three inches (3") of poured concrete with the bottom edge of said fencing imbedded in the concrete or extending at least one foot (1') below grade. The gate must be of the same material as the fencing, fit closely and be securely locked. The enclosure must provide protection from the elements for the dog;
3. Under no circumstances may a dangerous dog be left unattended on a chain, cable, trolley or other tether;
4. The owner or custodian shall not allow the dangerous dog to be off the owner or custodian's property unless the dog is accompanied by a responsible adult and muzzled in such a manner as to prevent it from biting or injuring any person, and restrained by a leash of adequate strength to control the dog; and
5. The owner or custodian of a dangerous dog must place a sign in a prominent place that is visible from the street or sidewalk on the owner's or custodian's property indicating that there is a dangerous dog on the property. A similar sign must be posted on the dog's secure enclosure;

B. In addition to the quartering and restraint requirements the owner or custodian must:

1. Have the dog sterilized, photographed and micro-chipped or tattooed to identify it as a dangerous dog within seven (7) days of the final declaration;
2. Attend an approved responsible ownership and/or dog management/training course with the dog within sixty (60) days of the final determination of dangerousness;
3. Immediately notify animal control if the dog is running at large or has attacked a person or domestic animal; and
4. Notify animal control within three (3) days if the dog is moved to a different address or if the dog has a new owner or custodian. The name, address and telephone number of the new owner/custodian must also be provided.

5. Allow animal control officers to inspect the dog and its enclosure upon request and produce, upon request, proof of compliance with all restrictions and conditions placed upon the owner and/or custodian of the dog.
- C. If the animal control officer is informed or finds that the owner or custodian of the dangerous dog has violated any of the duties and responsibilities placed upon the owner or custodian, the animal control officer may, after written notice mailed, return receipt requested, or personal service, impose additional restrictions on the owner or custodian of the dog including:
1. Purchase of a general liability insurance policy of at least five hundred thousand dollars (\$500,000.00) insuring the owner or custodian for any damage or personal injury which may be caused by the dog, which names the City as an additional insured. The policy must provide thirty (30) day advance notice to the City prior to lapse or cancellation; and/or
 2. Additional requirements as to the size, construction and design of the secure enclosure, or required fencing; and/or
 3. Forfeiture of the dog.

The owner or custodian may appeal any additional restrictions placed on the dog by following the requirements contained in chapter 6.35 of this title.

6.20.050: Vicious Dogs:

- A. It is unlawful for any person to own, keep, possess, or maintain a dog within the city limits that has been declared vicious under this title or under similar provisions in any other jurisdiction.
- B. Upon a final determination that the dog is vicious, the owner or custodian must:
1. Provide the City with the name, address and telephone number of the place where the dog will be quartered so that the City can notify the appropriate jurisdiction that a vicious dog has moved into their area;
 2. Pay any accrued costs and fees including the cost of having the dog micro-chipped and/or tattooed with identifying marks; and
 3. Immediately remove the dog from the City.
- C. If arrangements have not been made to pay any accrued costs and fees and move the dog within five (5) business days after the final determination of viciousness, the dog will be euthanized.

- D. Any dog found running at large that has previously been declared vicious will be euthanized upon a final determination that the dog found running at large is the dog that was declared vicious. The presence of a micro-chip or an identifying tattoo will be conclusive proof that the dog was previously declared vicious.

CHAPTER 6.25

IMPOUNDMENT

6.25.010: Authority; Applicable Animals:

- A. Except as otherwise provided by this chapter or other applicable law, animal control officers shall place animals taken into custody in the designated animal control impound facility.
- B. The following animals may be taken into custody and impounded:
1. Any animal running at large contrary to the provisions of chapter 6.15;
 2. Any animal which is required to be licensed and is not licensed or wearing a tag;
 3. Any abandoned or stray animal;
 4. Animals which are not vaccinated for rabies in accordance with the requirements of chapter 6.15;
 5. Any aggressive, dangerous or vicious animal kept contrary to the provisions of chapter 6.20; and
 6. Any other animal being kept or maintained contrary to the provisions of this title.

6.25.020: Notice to Owner:

Not later than one (1) day after the impounding of any animal, the owner shall be notified, if known, by telephone or by mail, or if the owner of the animal is unknown, written notice shall be posted at the police station, describing the dog and the place and time of taking.

6.25.030: Information Required:

The following information will be kept on all impounded animals:

1. A complete description of the animal, including tag numbers if any;
2. The manner and date of impound;

3. The location of the pick up and name of the officer picking up the animal;
4. The name and address of any person relinquishing an animal to the impound facility;
5. The name and address of the person redeeming the dog and the date thereof;
6. All applicable violations of this title;
7. All applicable fees and penalties;
8. All expenses accrued during impoundment;
9. The date and manner of disposition including the name of the person adopting the animal if applicable.
10. If licensed, the name and address of the owner of the animal and the license number.

6.25.040: Redemption:

The owner of any impounded animal, or a person over the age of eighteen (18) who has provided reasonable evidence that they are the owner's agent, may reclaim the animal upon payment of the following:

1. The impound fees;
2. The daily board charges;
3. Veterinary costs and any other costs incurred during the impound period;
4. License fees, if required; and
5. All accrued civil penalties for the animal that were not appealed.

6.25.050: Period of Impound:

- A. Impounded animals will be held for five (5) business days from the date of notice to the owner or posting of notice before being euthanized, placed for adoption or otherwise disposed of unless earlier relinquished by the owner or custodian, except:
 1. Any animal that appears to be infected with rabies or other infectious or dangerous diseases or is seriously injured will be immediately euthanized.

CHAPTER 6.30

KENNELS AND PETSHOPS

6.30.010: License; Required; Fee:

It is unlawful for any person to operate, keep or maintain a kennel or pet shop within the city limits without:

1. Possessing a valid license from the city; and
2. Complying with all provisions of this chapter.

6.30.020: License Application, Term and Issuance:

- A. Any person applying for a license must file the required application with the city clerk along with the annual license fee.
- B. No license will be issued unless an animal control officer or other city designee determines, following an inspection, that:
 1. There is an adequate means of restraining animals from running at large or disturbing the peace;
 2. The proposed facilities are located in an appropriate zone under the Coeur d'Alene zoning code; and
 3. All requirements of this chapter can be met by the licensee at the proposed premises.
- C. All licenses issued under this chapter will be valid until January 31st of the year in which the license was issued.
- D. Licenses are not assignable or transferable either to another person or for another location.
- E. When issued, a license shall be displayed in a manner and at a location so as to be readily visible to the public.

6.30.030: General Facility Standards:

All licensed facilities must meet the following general requirements:

1. All animals must be kept in a manner that allows them to stay dry and clean;

2. Supplies of food and bedding shall be stored and adequately protected against infestation or contamination by vermin. Refrigeration must be provided for perishable food;
3. Provisions shall be made for the timely removal and sanitary disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall also be provided and operated as to minimize vermin infestation, odors and disease;
4. Animals four (4) months or older which are housed longer than a twenty four (24) hour period must be provided with separate cages and must be given exercise periods at least twice each day for a minimum of five (5) minutes each period unless an exercise run is provided. Such an exercise run must have an area of twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty six (36) square feet for dogs over thirty (30) pounds;
5. Washrooms, basins, sinks and related fixtures must be provided to maintain cleanliness among caretakers; and
6. Animals with potential communicable diseases must be housed in separate rooms from healthy, boarding animals.

6.30.040: Indoor Facility Standards:

In addition to the requirements of section 6.30.030 of this chapter, indoor facilities must also meet the following requirements:

1. Indoor housing for animals shall be adequately ventilated to provide for health and comfort of the animals at all times. Fresh air must be provided either by means of windows, doors, vents or air conditioning, and the building must be ventilated so as to minimize drafts, odors and moisture condensation. Auxiliary ventilation such as exhaust fans and vents or air conditioning must be provided when the ambient temperature is eighty five degrees Fahrenheit (85°F) or higher unless the needs of the breeds being housed require a different ambient temperature;
2. Ample lighting must be provided. The lighting must be well distributed and provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning during the entire working period;
3. The interior building surfaces of the facility or any primary enclosure must be impervious to moisture; and
4. A suitable method of rapidly eliminating excess water from the building must be provided. If drains are used, they must be properly constructed and kept in good repair to avoid the escape of foul odors. If closed drainage systems are used, they must be equipped with traps installed to prevent any backup of sewage and escape of any foul odors.

6.30.050: Outdoor Facility Standards:

In addition to the standards required under section 6.30.030 of this chapter, outdoor facilities must also meet the following requirements:

1. When sunlight is likely to cause overheating or discomfort to the animals, sufficient shade must be provided to allow all pet animals kept outdoors to protect themselves from the direct rays of the sun;
2. Pet animals kept outdoors must be provided with access to shelter to allow them to remain dry during rain or snow;
3. Shelter must be provided for all pet animals kept outdoors when the temperature falls below fifty degrees (50°F) Fahrenheit. Sufficient clean bedding material or other means of protection from the elements must be provided when the ambient temperature falls below the temperature to which the animal is acclimated; and
4. A suitable method must be provided to rapidly eliminate excess water.

6.30.060: PRIMARY ENCLOSURES:

- A. Primary enclosures must be provided at commercial kennels and pet stores. They are not required at noncommercial kennels.
- B. Primary enclosures, where required, must meet the following requirements:
 1. Primary enclosures must be structurally sound and maintained in good repair to contain the animal and to protect the animal from injury and predators. The enclosure must be constructed of a material that is impervious to water and is easily cleanable;
 2. The enclosure must provide a minimum square footage of floor space per animal as follows: For each animal the minimum square footage of floor space is equal to the mathematical square of the sum of the length of the animal in inches, as measured from the tip of its nose to the base of its tail, plus six inches (6"), expressed in square feet. This requirement may be calculated with the following equation: (length of animal in inches plus 6) times (length of animal in inches plus 6) equals required area in square inches (divided by 144) equals required square feet of floor space. Additionally, the enclosure must provide sufficient space to allow each animal to turn about freely and to stand, sit and lie in a comfortable, normal position; and
 - a. **Exception:** This requirement does not apply to animals being housed for less than seventy two (72) hours or animals being housed for veterinary or grooming purposes.

3. No more than one animal may be housed in each primary enclosure without the written consent of the owner of each animal housed in the enclosure.

6.30.070: SANITATION; CLEANING OF PRIMARY ENCLOSURES:

- A. Feces and urine must be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When hosing or flushing out the enclosure, the animals must be removed during the cleaning and adequate measures must be taken to protect the animals in other enclosures from being contaminated with water and other wastes.
- B. Cages, rooms, hard surfaced pens and runs must be cleaned by washing all soiled surfaces with a safe and effective disinfectant.
- C. Pens and runs using gravel, sand or dirt must be sanitized by removing the soiled gravel, sand or dirt and replacing it as necessary.
- D. A written program for the control of insects, ectoparasites, avian and mammalian pests must be established and maintained where necessary.

6.30.080: Food and Water:

- A. Animals which are housed for more than twenty four (24) hours must be fed at least once a day unless veterinary orders provide otherwise. The food must be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- B. Potable water must be available to animals kept longer than (24) hours at all times unless veterinary orders provide otherwise.
- C. Food receptacles must be accessible to the animal and must be placed in a location that minimizes contamination by feces and urine. Feeding and watering pans must be durable and cleaned at least daily. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food but they must be sanitized regularly to prevent molding, deterioration or caking of feed.

6.30.090: Inspection of Licensed Facilities and Violations:

- A. Every licensee shall, at all times during business hours, open each and every portion of the licensed facility for inspection by animal control officers, or other designated City employees, for the purposes of enforcing the provisions of this chapter.
- B. If the inspection of a licensed facility discloses a violation, the licensee will be notified of the following:

1. The specific violations found;
 2. The civil penalties assessed for the violations, if any;
 3. A reasonable period of time during which the licensee must correct the violations found. The time period will not be less than five (5) days or more than two (2) months unless exigent circumstances require a different time period; and
 4. Notice that failure to correct may result in immediate suspension or revocation of the license.
- C. Notice will be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the licensee or person in charge of the licensed facility or when such notice has been sent by certified mail to the last known address of the licensee.

6.30.100: Revocation or Denial of License:

- A. Any application for a license, whether original or renewal, required by this chapter may be denied or an issued license revoked for the following reasons:
1. Providing false or misleading information in the permit application or falsifying any required document;
 2. Not properly maintaining the licensed facility upon inspection;
 3. Animal neglect is reported or discovered upon inspection;
 4. Animals are found running at large;
 5. Refusal of licensed facility to allow an inspection by animal control upon request;
 6. Any other violation of this chapter or any other law regulating the licensed facility; or
 7. Any violation of any City ordinance or any other law of another jurisdiction involving cruelty or mistreatment of animals by any operator or the licensee.
- B. Prior to the revocation of a license or denial of a license application, written notice of the reasons for the revocation or denial will be given to the applicant or licensee by the city clerk. The notice must notify the applicant or licensee that the decision to deny or revoke the license may be appealed to City Council within ten (10) days of receiving the notice. If an appeal is filed, the appeal procedures contained in chapter 6.35 of this title will be followed.

- C. Notice will be deemed to have been properly served when a copy of the notice of revocation or denial has been delivered personally to the licensee or person in charge of the licensed facility or when such notice has been sent by certified mail to the last known address of the licensee.

6.30.110: Effect of Denial or Revocation of License:

Any person whose license has been denied or revoked shall:

1. Lose the right to apply for a new license under this chapter for a period of two (2) years from the date of the final decision denying or revoking the license; and/or
2. Be subject to the seizure and removal of all animals remaining in the facility. All applicable impound fees will be the responsibility of the licensee and/or the owner of the animal.

CHAPTER 6.35

ENFORCEMENT, PENALTIES AND APPEALS

6.35.010: Criminal Violations:

Except as provided by section 6.35.020, any person violating any of the provisions of this title is guilty of:

1. An infraction punishable by a fine not to exceed One Hundred Dollars (\$100.00) for violations of section 6.15.080 (animals at large).
2. Any other violation of this title is a misdemeanor punishable as provided in M.C Section 1.28.010.

6.35.020: Civil Penalties for Violations:

- A. Violations of this title are subject to a civil penalty, which is payable at the city cashier's office within thirty (30) days of receipt of the civil citation. Any animal control officer observing a violation or determining that a violation occurred shall issue a citation describing the violation and the civil penalty assessed for the violation to the person guilty of the violation.
- B. The members of the police department or other designees of the city are authorized to refrain from instituting a prosecution charging the person with a misdemeanor under this chapter if such person pays the assessed civil penalty within thirty (30) days of the violation.
- C. For the purposes of section 6.35.030(C) of this chapter, payment of any civil penalty will be considered a conviction.

6.35.030: General Penalty Provisions:

- A. Each day any violation of this title is committed or permitted to continue constitutes a separate offense.
- B. Surrender or transfer of an animal does not avoid the consequences of past actions, including any violations of this title.
- C. Any person who is convicted of excessive violations as listed below is prohibited from owning, keeping or maintaining any domestic animals within the City limits for a period of two (2) years. Any animal found in possession of such person during the term of probation shall be confiscated and impounded.
 - 1. Four (4) or more violations of animals at large within any twelve (12) month period;
 - 2. Three (3) or more violations of animals disturbing the neighborhood within any twelve (12) month period;
 - 3. Three (3) or more violations of any provisions governing aggressive, dangerous or vicious animals;
 - 4. Two (2) or more violations of failing to obtain a kennel or pet shop license within any two (2) year period; or
 - 5. Two (2) or more violations for cruelty to animals at any time.

6.35.040: Appealable Matters:

- A. The following matters arising under this title may be appealed to the Animal Control Hearing Officer:
 - 1. A declaration that an animal is aggressive, dangerous or vicious under chapter 6.20;
 - 2. A decision by animal control placing additional restrictions on an animal previously declared aggressive or dangerous under chapter 6.20; or
 - 3. The decision that an animal found running at large was previously declared vicious under chapter 6.20.
- B. The following matters arising under this title may be appealed to the City Council:
 - 1. The revocation or denial of a kennel or pet shop license under chapter 6.30.

6.35.050: Standing:

The following persons have standing to appeal decisions regarding appealable matters:

1. An applicant for a license or a licensee may appeal a decision denying or revoking the license;
2. The owner or custodian of an animal declared aggressive, dangerous or vicious;
3. The owner or custodian of an animal that has previously been declared aggressive or dangerous that has been placed under additional restrictions pursuant to chapter 6.20; and
4. The owner or custodian of an animal found running at large that was previously declared vicious.

6.35.060: Filing of Appeal:

- A. Any person with standing may appeal from an appealable decision. Any appeal must be in writing and received by the city clerk's office within ten (10) business days of the decision from which the appeal is taken. If mailed, the decision shall be deemed received five (5) calendar days after the date of mailing.
- B. The written appeal must include the mailing address of the appellant and describe in detail:
 1. The decision appealed from;
 2. The factual or legal error or errors made in the decision,
 3. The relief being sought;
 4. The evidence and arguments supporting the relief being sought; and
 5. Whether a hearing is requested.
- C. In order to file the appeal, the processing fee for the costs of processing the appeal must be paid or the person requesting the appeal must sign a sworn statement indicating that they cannot afford the processing fee.

6.35.070: Hearing:

- A. If a hearing is requested, a hearing will be scheduled as soon as reasonably possible, but not earlier than five (5) days nor more than thirty (30) days from the date the appeal was received, unless the appealing party agrees to another date.

- B. Notice may be provided to the appellant in person, by United States Mail to the address provided by the appellant, or personally on any agent or employee of the appellant's business if the appellant is a business entity. Notice will be served personally on the appellant if the hearing is scheduled five (5) days or less from the date of service.
- C. At the hearing, the hearing body will allow the appellant, animal control, and the owner of the animal, if any, or their representatives to present and rebut testimony and other evidence and argument relevant to the decision under appeal. The Mayor or chairperson of the hearing body may establish time limits and procedural standards for presentation of any appeal.
- D. The hearing body will conduct the hearing in an orderly and timely manner and will rule on all issues that arise during the course of the hearing.
- E. No party to the appeal will have any ex-parte communications with any member of the hearing body about the subject matter of the appeal. Any ex-parte communications must be disclosed to allow the other party an opportunity to rebut the contents of the ex-parte communication.
- F. The hearing body will issue an order affirming or overturning the decision appealed from within fifteen (15) days of the filing of the appeal or the date of the hearing if one was held. The order will be in writing and contain:
 - 1. A summary of the evidence contained in the appeal record;
 - 2. A reasoned statement, based on the evidence received, explaining and supporting the decision by the hearing body.

All parties to the appeal will be provided with a copy of the order.

- G. The decision of the hearing body is final.

SECTION 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 5. 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 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 1st day of June, 2010.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Animal Control Regulations

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, REPEALING TITLE SIX AND ADOPTING A NEW TITLE SIX, ENTITLED ANIMALS, TO ESTABLISH ANIMAL CONTROL REGULATIONS INCLUDING; PROVIDING A PURPOSE CLAUSE AND DEFINITIONS, AUTHORIZING ADOPTION OF FEES BY RESOLUTION, ESTABLISHING DOG LICENSING REQUIREMENTS, REQUIREMENTS FOR THE CARE AND QUARTERING OF ANIMALS, PROHIBITING THE POSSESSION OF CERTAIN WILD OR EXOTIC ANIMALS AND THE FEEDING OF WILD ANIMALS, PROHIBITING CRUELTY TO ANIMALS, REQUIRING VACCINATION OF CERTAIN ANIMALS, ADOPTING REGULATIONS FOR DANGEROUS ANIMALS AND THE IMPOUNDMENT OF CERTAIN ANIMALS, ESTABLISHING LICENSING REQUIREMENTS FOR KENNELS AND PETSHOPS, ADOPTING ENFORCEMENT AND APPEAL PROVISIONS, INCLUDING CIVIL PENALTIES, AND ESTABLISHING THAT VIOLATIONS OF THE TITLE ARE EITHER MISDEMEANORS, PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT NOT TO EXCEED 180 DAYS OR BOTH, OR INFRACTIONS PUNISHABLE BY A FINE NOT TO EXCEED \$100; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, Amending Animal Control Regulations, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 1st day of June, 2010.

Warren J. Wilson, Chief Deputy City Attorney

May 24, 2010
PUBLIC WORKS COMMITTEE
MINUTES

COMMITTEE MEMBERS PRESENT

Council Member Al Hassell
Council Member Deanna Goodlander
Council Member Woody McEvers

STAFF PRESENT

Chris Bates, Project Manager
Amy Ferguson, Executive Assistant
Jon Ingalls, Deputy City Administrator
Mike Gridley, City Attorney
Gordon Dobler, Engineering Svcs Dir.
Monte McCully, Trails Coordinator
Jim Markley, Water Superintendent
Troy Tymesen, Finance Director

Item 1 Sole Source Expenditure for Traffic Signal Equipment – 15th & Harrison
Consent Calendar

Gordon Dobler, Engineering Services Director, presented a request for Council approval of sole source expenditure for traffic signal equipment for the signal at 15th Street and Harrison Avenue from Northwest Signal Supply. Mr. Dobler explained in his staff report that the traffic signal equipment is provided by the same manufacturers in order to maintain capability between the component parts, availability of service, and to reduce the expense necessary to stock replacement parts. Councilman Goodlander asked if there would be room for bike lanes on both sides once the traffic signal is completed. Mr. Dobler said that the bike lanes would die out once they approach the intersection. In order for the bike lanes to remain, the city would have to purchase an additional 5 or 6 feet of right of way which would push into the front yards. Mr. Dobler further confirmed that the traffic signal would contain loops, rather than cameras.

MOTION by Goodlander, seconded by McEvers, to recommend council authorize the sole source procurement of traffic signal equipment for the signal at 15th Street and Harrison Avenue from Northwest Signal Supply. Motion carried.

Item 2 Street Repair – Fernan Court
Consent Calendar

Gordon Dobler, Engineering Services Director, presented a request for approval to contract for unplanned street repairs on Fernan Court. Mr. Dobler explained that Fernan Court has been experiencing settling for years and it has slowly gotten worse. They have done patching and repaired the curb, but a few weeks ago the water main finally broke. It has been determined that there is deleterious material 5 to 13 feet deep and that they have identified the area that will need to be removed and replaced. In addition, the water main and sewer main will also be replaced. Mr. Dobler confirmed that this repair is not a budgeted item and was not anticipated. He explained that they have received bids for a portion of the work and the total cost for the project will be about \$50,000 - \$55,000. The General Fund exposure would be about \$25,000 and the rest of the costs would be absorbed by the utilities and stormwater. The work is tentatively scheduled for June 1st if approved by council. Mr. Dobler said that the repair work will take about five days and the patch is only about 100 feet long. The Streets Department will take care of the paving and base. Mr. Dobler said that the deleterious material under the street consisted of tree roots, organics, etc.

Councilman McEvers asked if the street was built pursuant to city code, or was it built and then later annexed into the city. Mr. Dobler responded that the development was platted in 1970 but he thinks it was built and then annexed into the city. He further confirmed that borings have been done on the rest of the street and it is okay.

MOTION by Goodlander, seconded by McEvers, to recommend Council authorizing street repairs on Fernan Court. Motion carried.

Item 3 V-10-1 – Vacation of a Portion of Alley in Block 6, Block 7, Landings at Waterford 4th Addition, and Lot 29, Block 6, Landings 5th Addition

Consent Calendar

Christopher Bates, Engineering Project Manager, presented a request for council approval of the request of Landings Homeowners Association for the vacation of a portion of the forty foot (40') access easement that crosses the rear yard of all of the lots in Block 6, and Block 7, Landings 4th Addition, and a portion of Lot 29, Block 5, Landings 5th Addition. The association is requesting the vacation of ten feet (10') on each side of the forty foot easement, which would leave a twenty foot (20') access easement corridor. Mr. Bates explained that the alleys were designed at 40 feet wide, with rear entry lots. None of the builders built rear entry lots for the garages. They alleys are about 20 feet wide and centered in the 40 foot easement. The residents are looking to vacate 10 feet on each side, which gives them an additional 10 feet that they can utilize. Mr. Bates confirmed that the alley will not go away, but is only reduced and that nothing else is impacted. He further confirmed that there is no change in the tax base and no change in ownership. They property lines all go out to the center of the alley.

MOTION by McEvers, seconded by Goodlander, to recommend that council direct staff to proceed with the vacation process and set a public hearing before the City Council for June 15, 2010. Motion carried.

[NOTE: Upon further legal review, it has been determined that a public hearing is not required and that the Homeowners Association will relinquish a portion of the easement.]

Item 4 Class II Bike Lanes on 15th Street

Monte McCully, Coeur d'Alene Ped/Bike Committee Liaison, presented a request on behalf of the Ped/Bike Advisory Committee for the installation of Class II bike lanes on both sides of 15th Street from Mullan Avenue north to the I-90 overpass, and the removal of parking from the east side of 15th Street in that area. He explained that last year they met with homeowners and area cyclists at the Fire Station to get citizen input on adding bike lanes and removing parking on the east side of the road. The reaction was mixed. They asked for reasons why the citizens were against the bike lanes and got a whole host of issues. Most of the issues were with safety, speeding, etc. The committee addressed a lot of these issues and had another meeting a month ago, and then took this request to the Parks & Recreation Commission last week.

Mr. McCully explained that bike lanes can calm traffic, improve safety, and provide bicycle connectivity and they are part of the Trailways Master Plan. He further noted that bike usage on 15th Street is probably higher than anywhere else in town except for the Centennial Trail. Between 2006 and 2009 there were ten collisions between bikes or pedestrians and cars on 15th Street between Best Avenue and Mullan. There were no accidents during the same time period north of Best where there are bike lanes.

Mr. McCully discussed concerns expressed about the speed being too fast for bikes. He noted that there are many roads with higher speeds that have safe bike lanes. Traffic can be slowed by the addition of bike lanes.

Mr. McCully noted that the average number of parking spaces per house is 4.5, with only three homes having only two spaces. The side streets are also available for parking. He further explained that less than 20 parking spaces would be removed from Persons Field.

Citizens have expressed concern that 15th Street is hard to back out onto. The calming effects caused by the addition of bike lanes could make backing into traffic easier, and the removal of parked cars will increase visibility.

Another concern expressed by citizens is that property values will go down. Research indicates that proximity to bike lanes and paths can increase home values and that homes sell faster when bicycle amenities are present.

Another concern expressed is that bikes should use side streets. Mr. McCully noted that the city cannot force bikes to ride on certain streets. Cyclists will ride where it is most convenient for them. He further explained that the danger of leaving the street as it is is that the current design pushes many bikes to use the parking lane going both directions. There is a greater chance of cars colliding with each other when they are forced to go around a cyclist.

Councilman Goodlander asked when 15th Street is slated for overlay. Mr. Dobler said that it will be a few years because the southerly portion of 15th Street was overlaid about 10 years ago. He further noted that the striping of the street would be addressed by blasting off the center line and moving it over, and said that it does not damage the street, although you can see where the striping was blasted off. Councilman Goodlander said that it would be nice if the overlay of the street could be moved up and information provided at the next council meeting.

Lynn Holom, 1116 N. 15th Street, commented that she has lived in her house for 23 years and that there are a lot of things in Mr. McCully's presentation that she has problems with. She thinks the pictures are not a good example and the comparison between N. 15th and S. 15th is unfair in that N. 15th is much wider. A lot of the street portion on N. 15th has a Class I bike path. She noted that the fire and police departments go down 15th Street really fast and that she doesn't think that a white painted line will save anyone on a bike in that it will give the kids on the sidewalks a false sense of protection.

Mrs. Holom is also concerned about property values. She noted that she worked in an appraisal firm as an office manager for 15 years and wants to know what Mr. McCully's source is for saying that bike lanes could increase property values. She further commented that her house would have limited parking in that they are no alleys and they are almost land-locked where they live.

Don Holom, 1116 N. 15th Street, said that before the city makes a move like this, a licensed engineering company should be contracted to do an extensive traffic study because he doesn't think they want to put kids in harm's way without a good study.

Mrs. Holom said that the traffic study was done by the ped/bike group. She has also done studies and her numbers are completely different. She has a huge problem with the city taking her parking away.

Councilman Hassell asked Mr. McCully to address the Holom's concerns and questions prior to the city council presentation. He commented that the city engineers have looked at the proposal and don't have a

problem with it. He further noted that this matter will proceed on to the city council meeting and encouraged the neighbors in the area to attend the meeting with their concerns.

Mrs. Holom said that most of her concerns are with Mr. McCully's presentation in that she doesn't think it is an honest representation and that he is painting it to fit his side. She said that it needs to be backed up with some information, not just his word.

Chris Copstead, 502 N. 20th Street, said that he lived on 15th Street for 25 years and drove 15th Street daily, heading north. Many times he was passed on the inside by cars after they painted the center lines because there is an assumption that the road is wider. Heading south on 15 Street, the lane is extremely narrow and there is only one car. Bicyclists are urged and most do stay against the curb. However, every time there is a storm, they have to go around the storm drains. He further noted that he rides bikes with a 6 year old grandchild and they do not ride on the sidewalk as it is not safe. Mr. Copstead encouraged bike lanes to be painted on both sides of the street so that the bikes can travel in the correct direction.

Councilman Goodlander asked Mr. Copstead how the parking issue has worked out on Harrison. Mr. Copstead said that a lot of children use Harrison – especially kids going to Cherry Hill. When there are cars parked along the road because they didn't continue the bike lanes, the kids swerve out around the cars. He thinks it is an unsafe area, but it is a direct route and bicyclists will take a direct route.

Councilman McEvers asked about the perceived feeling of safety in a bike lane, and there was discussion about who is liable if there is an accident. Mr. McCully said that if you make a mistake and are hit by a car, it is your fault. You take a lot of responsibility upon yourself. He also noted that a bike path has a speed limit of 15 miles per hour and that could be why bike commuters and athletes might not choose to use them and use the road instead. He also confirmed that a Class II bike path is between 5 and 6 feet wide. On certain bike lanes, half is paved and half is the gutter. Bikes with narrow tires will sometimes hug the lane to make it safer for them.

Councilman McEvers asked about any special permit process for special occasions to allow parking. Mr. McCully said that had talked about that before when they thought they could do a bike lane/parking lane, but Mr. Dobler told them that even if you did a special permit, the car would be out too far for the city's standards and it is therefore not possible to have a special permit for parking.

Councilman McEvers expressed concern about bikers needing to follow the rules and stay in their bike lanes and getting more of a buy in from the homeowners.

MOTION by McEvers, seconded by Hassel, to send this item to council without a recommendation. Motion carried with Councilman Goodlander voting no.

The meeting adjourned at 5:00 p.m.

Respectfully submitted,

Amy C. Ferguson
Public Works Committee Liaison

PARKS & RECREATION COMMISSION STAFF REPORT

Date: May 17th, 2009
From: Monte McCully, Coeur d'Alene Ped/Bike Committee Liaison
SUBJECT: **CLASS II BIKELANES ON 15th STREET** *(action required)*

DECISION POINT:

The Coeur d'Alene Ped/Bike Advisory Committee is requesting Parks and Recreation Commission recommend to Public Works Committee, installation of class II bike lanes on both sides of 15th street from Mullan Avenue north to the I-90 overpass, and the removal of parking from the east side of 15th street in that area.

HISTORY:

15th street is a major route for traffic on the east side of Coeur d'Alene. It is also the only street east of Government Way that runs the entire length of town from North to South. As far back as the 1980 Bikeways Plan it was recommended that bike lanes be placed on 15th street running from Front Street all the way to Hazel North of I-90. With the formation of Coeur d'Alene Ped/Bike committee in 2002 interest has been renewed in adding bike lanes on both sides of 15th from Mullan to the I-90 overpass and eventually beyond to create a bike route that connects the entire east side of town to the downtown area. Two neighborhood workshops were held a year apart regarding this issue. The first year's meeting yielded a large number of concerns the residents had with the street including speeding, safety, property values, parking, football games, and children getting to school. The Ped/Bike committee spent a year researching all the issues and during the second meeting addressed all the issues. The second meeting showed a large number of people turn out in favor of bike lanes and very few against. 15th street is directly connected to two schools; Lakes Middle School and Canfield Middle School, and two parks; Cherry Hill and Persons Field, with four more schools and seven other parks within a few blocks. There currently is no parking allowed on the west side of 15th and while there is parking allowed on the east side it is rarely used.

FINANCIAL ANALYSIS:

Center line striping removal and a class II stripe on both sides of 15^h Street will need to be added during this year's street striping program. The Street Department is aware of this possible addition.

PERFORMANCE ANALYSIS:

Adding bike lanes to 15th street would provide for the growing number of cyclists in the Coeur d'Alene area. Traffic counts were done last fall that showed well over 100 bicyclists use 15th street on any given day. The need is great for bike trail and pathway connectivity throughout the area in order to promote healthy alternatives to motorized transportation. One of the goals of the 2008 Parks Master Plan is to "Create a comprehensive trail system that connects users to recreational amenities, parks and schools, as well as to downtown, the Spokane River, Lake Coeur d'Alene and regional trails". This goal was developed from a survey taken of area residents about community recreational needs. Improving/Enhancing our trails and bikeways system was one of the top three requests by Coeur d'Alene residents in the Parks Master Plan survey. Permit parking or parking for special events could be considered to accommodate residents and visitors.

DECISION POINT/ RECOMMENDATION

The Coeur d'Alene Ped/Bike Advisory Committee is requesting Parks and Recreation Commission recommend to Public Works Committee, installation of class II bike lanes on both sides of 15th street from Mullan Avenue north to the I-90 overpass, and the removal of parking from the east side of 15th street in that area.

OTHER BUSINESS

COUNCIL BILL NO. 10-1009
ORDINANCE NO. _____

AN ORDINANCE DEANNEXING FROM AND DECLARING THE SAME TO BE SEPARATE FROM THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF THE SW ¼ SE ¼ SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN; BY DECLARING SUCH PROPERTY TO BE NO LONGER A PART OF THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Mayor and City Council find it to be in the best interests of the City of Coeur d'Alene and the citizens thereof that said property be deannexed; NOW, THEREFORE,

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

SECTION 1. That the property as set forth in Exhibit "A", attached hereto and incorporated herein, previously annexed pursuant to Ordinance No. 3295 adopted the 16th day of October, 2007, be and the same is hereby deannexed and declared to be separate from and no longer a part of the City of Coeur d'Alene, Kootenai County, Idaho.

SECTION 2. That the Planning Director be and is hereby instructed to make such change and amendment on the three official zoning maps of the City of Coeur d'Alene and the three official comprehensive plan maps of the City of Coeur d'Alene to reflect said deannexation, and that said real property upon passage and publication of this ordinance shall be deannexed and no longer a part of the city limits of the City of Coeur d'Alene, Kootenai County, Idaho.

SECTION 3. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 5. 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 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

APPROVED, ADOPTED and SIGNED this 1st day of June, 2010.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
De-Annexation of KYRO Community Arena Property

AN ORDINANCE DEANNEXING FROM AND DECLARING THE SAME TO BE SEPARATE FROM THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, SPECIFICALLY DESCRIBED PORTIONS OF THE SW ¼ SE ¼ SECTION 4, TOWNSHIP 50 NORTH, RANGE 4 WEST, BOISE MERIDIAN; BY DECLARING SUCH PROPERTY TO BE NO LONGER A PART OF THE CITY OF COEUR D'ALENE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. _____, De-Annexation of KYRO Community Arena Property, 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 1st day of June, 2010.

Warren J. Wilson, Chief Deputy City Attorney

EXHIBIT 'A'

CITY OF COEUR D'ALENE ORDINANCE NO. _____

Legal Description

A portion of the SW ¼ SE ¼ Section 4, T50N, R4W., B.M., City of Coeur d'Alene, Kootenai County, Idaho and lying between the Rights of Way for Interstate 90 and U.S. Highway No. 10 (Seltice Way) and further described as follows:

Commencing at the South ¼ corner of said Section 4;

thence N01°34'25"W as taken from that record of survey by PLS #5078 recorded at Book 24 of Surveys, Page 103 Records of Kootenai County, Idaho, a distance of 827.36' to an I. Pin on the North Right-of-Way of old Hwy #10;

thence N01°34'41"W a distance of 605.00' to an I. Pin on the Southerly Right-of-Way of Interstate Highway 90;

thence S74°11'48"E along said Right-of-Way a distance of 972.53' to a Right-of-Way monument;

thence continuing along said Right-of-Way S59°27'03"E a distance of 97.30' to a Right-of-Way monument at a point of non-tangent curve;

thence continuing along said Right-of-Way and around a 23043.32' radius curve to the left through a central angle of 00°10'03", an arc distance of 67.40', a chord bearing of S74°15'50"E a distance of 67.40' to a point on said curve and the True Point of Beginning for this description;

thence continuing around said curve to the left through a central angle of 00°10'52", an arc distance of 72.88', a chord bearing of S74°26'18"E a distance of 72.87' to an I. Pin on the existing city boundary of Coeur d'Alene;

thence leaving said Right-of-Way and along said existing city boundary S01°08'57"E a distance of 314.21' to an I. Pin;

thence leaving said existing city boundary N71°30'26"W a distance of 74.11' to a point;

thence N01°08'57"W a distance of 310.26' to the True Point of Beginning.

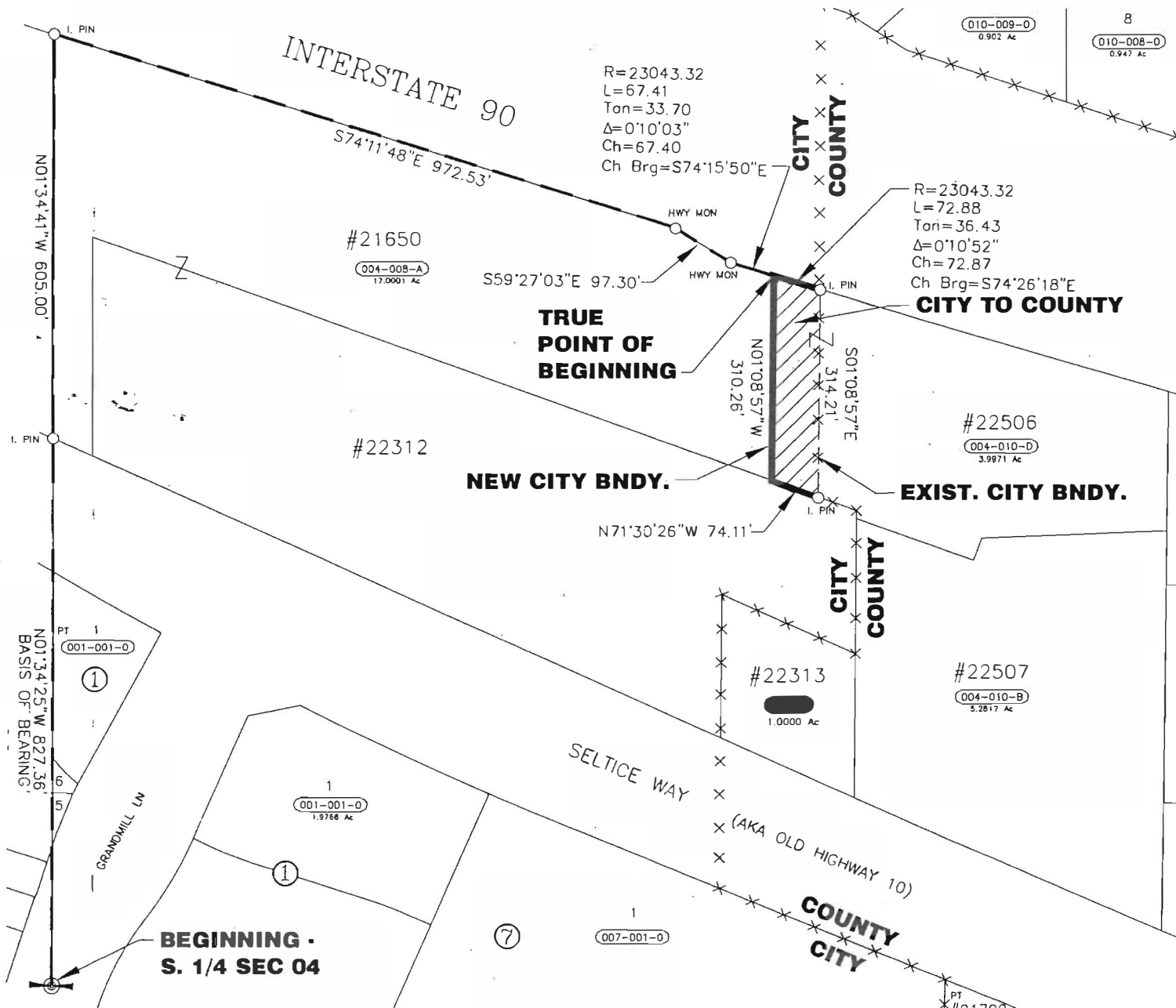
Contains 0.500 acres more or less.



DE-ANNEXATION FROM THE CITY OF COEUR D'ALENE

EXHIBIT _____
CITY OF COEUR D'ALENE ORDINANCE NO. _____

A PORTION OF THE SW 1/4 OF THE SE 1/4 OF SEC. 4, T50N, R4W B.M.
CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO



BASIS OF BEARING:
THE LINE BETWEEN THE SOUTH QUARTER
CORNER OF SECTION 4, T50N, R4W, B.M.
AND AN EXISTING I. PIN ON THE NORTH
RIGHT-OF-WAY OF OLD HWY. #10 IS
TAKEN TO BE N01°34'25\"W FROM THAT
RECORD OF SURVEY BY PLS # 5078
RECORDED AT BOOK 24 OF SURVEYS,
PAGE 103 RECORDS OF KOOTENAI
COUNTY, IDAHO.



NOTE: THIS MAP WAS PREPARED
FOR THE PURPOSE OF ADJUSTING
MUNICIPAL BOUNDARIES BASED ON
RECORD INFORMATION. NO FIELD
SURVEY WAS PERFORMED BY ME
OR UNDER MY DIRECT SUPERVISION.



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SHEET 1 OF 1 DATE 5/25/10