

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALTON GARDENS

Meeting was held at the City Hall November 3, 2016, 6:00 PM
Meeting was called to order by Mayor Roberge
Councilmember Smith led the pledge

ROLL CALL:

Present were: Councilmembers Lundy, Jordan, Smith and Myers. Also present were Cheri Howell, Code Enforcement/Planner and Valerie Anderson, City Clerk

CONSENT CALENDAR:

Minutes of the Special & Regular Meeting October 6, 2016 & a Special Meeting October 20, 2016 a copy of which had been provided and the Financial Statement from October 1, 2016 to October 31, 2016 and the claims so listed.

Councilmember Lundy made a motion to approve the consent calendar as listed on the agenda.
Councilmember Smith seconded the motion. Motion carried.

PUBLIC COMMENT PERIOD

Chief Warren Merritt – Kootenai County Fire & Rescue – He reported that the annual Candy Cane Run will be held on December 7th, 2016 @ 6:00 PM in Dalton Gardens. He explained that the run would be collecting money, toys and food for the local Food Banks.

Tony Kastella – 6088 N. 18th Street – He expressed a concern with the turkeys in Dalton Gardens. He suggested a youth hunt in his backyard.

Tim Johnston – 3616 Sherman Dr., CDA – He expressed his concern on the building permit process used by the City. He stated he had a building permit which took 3 weeks and 2 days for approval and stated that the process needs to be shorter. The council discussed the matter and will look into the process.

Public comment period was closed.

PUBLIC HEARING NUISANCE DETERMINATION – 6751 N. 15TH STREET

Cheri Howell gave a staff report on the residential lot which has been presented to the council for nuisance determination. She stated that Mr. Kinney has failed to comply with council order of decision dated July 2010 and also the correction agreement. The applicant was ordered to complete the fence screening within 10 days of the signed order. It also stated that all tires, vehicles and parts be placed behind the fence. Complaints have been received on the property since 2007. The conditions of the order were to complete the 75% site obscuring fence to house the vehicles, parts and recreational vehicles. Cheri went through the power point presentation. The fence is in a portion of the one acre parcel and is all chain-link fencing with red slats inserted in for privacy. The council is concerned if Mr. Kinney is also in violation of Title 3-3 of the city code which is junk dealer.

Patrick Kinney – 6751 N. 15th Street – Mr. Kinney questioned Cheri Howell as to her OK on the fence permit in 2010. He also asked if she recalled talking to him about three months ago on the letter which he received and wanted to discuss the issues. He stated the camper in the photo is gone and the jet-ski will be put in the shop building for the winter. Mr. Kinney stated that all of the vehicle and recreational vehicles are licensed and insured. The debris around the house he stated is not visible from the street. Councilmember Myers asked if he was selling parts of the vehicles which are disassembled. Mr. Kinney stated he was not selling parts from the vehicles and that he is rebuilding some of the cars.

Mark Durant – Code Inspections Officer – Mr. Durant stated that he visited the property on November 1, 2016 took pictures and discussed the property with Mr. Kinney. He stated that the vehicles are inside the fence and there are a lot of other items outside of the fence on the north and west side of the property. Mr. Durant stated that the fence is in disrepair and does not meet the 75% site obscuring for the vehicles on the property. The slats on the fence are weathered and would need to be brought into compliance with the code.

Cheri Howell stated that the fence does not meet the code and is in disrepair, if we read the code to the letter he is allowed three vehicles or vehicles parts not visible from the street and completely screened by at least a 75% site obscuring fence. He is allowed three recreational vehicles according to the ordinance. In regards to the Nuisance Ordinance passed in December 2015, she stated that there is an accumulation of trash and debris on the property which in violation and does not have to be visible from the street. The fence on the property is five foot with red slats on three sides of the property. Cheri clarified the nuisance ordinance details to the council.

Public Comment Period was opened.

Les Likes – 6847 N. 15th Street – He stated that he a neighbor to the north of Patrick Kinney and has no problem with what he has on his property and stated that he is a good neighbor. He does not think the property is an issue for the city.

Patrick Kinney stated that the photo from 2010 has the same boats in the area as it does at the present time. He stated that he does not allow trash on his property, and that he is cleaning up on the property and will be hauling some loads to the dump. He stated that the bumper cars are not behind the fence and are still on the property.

Public comment period is closed.

The council discussed the nuisance determination case with the five foot fence which is in disrepair and does not meet the 75% site obscuring provision of the ordinance. The east side of the property is not enclosed according to the report. The council clarified that the code as of today is not being met.

Councilmember Myers stated that we have a nuisance issue and that we need to work with Code Enforcement and legal for a continuance of 60 days to clean up the property. He indicated that he had a concern as to the safety, fire hazard and breeding grounds for insects on the property. Councilmember Lundy stated that the council needs to be fair to all citizens and follow the ordinances on the books. Councilmember Smith and Jordan also stated that we do have nuisance and a health hazard and must follow the law and treat all citizens equally.

Councilmember Myers made a motion to adopt the findings and declare the property at 6751 N. 15th Street is a public nuisance. Councilmember Jordan seconded the motion. Roll Call Vote: Jordan – yes, Lundy – yes, Myers – yes, Smith – yes. Motion carried.

Councilmember Myers made a motion to have the property owner by order come into compliance with the city codes by April 15th, 2017. Councilmember Jordan seconded the motion. The council identified the fence, quantity and quality, debris and fire hazard materials. Roll Call Vote: Jordan – yes, Lundy – yes, Myers – yes, Smith – yes. Motion carried.

APPROVAL OF WINTER MAINTENANCE CONTRACT

Councilmember Jordan explained that Prime Time Construction will be awarded the winter maintenance contract with approval of the council. The contract has been presented and Mr. Jordan will be meeting with Prime Time Construction to go through the details and the roads. The sidewalks and round-a-about

are not included in the contract at this time, but Councilmember Jordan will talk to them about cleaning these areas. We have the Certificate of Insurance for Prime Time Construction in the office. Councilmember Myers stated that there is a maintenance agreement between the owners on 18th Street and we need to look into the 18th Street maintenance. A meeting will be set up to discuss the contract with Prime Time Construction, City of Coeur d'Alene, and Lakes Highway District.

Councilmember Jordan made a motion to approve the winter maintenance contract with Prime Time Construction for the 2016 – 2017 not to exceed the \$24,930.00. Councilmember Myers seconded the motion. Motion carried.

LID PHASE II – FINANCING UPDATE

Councilmember Myers explained that we met with bond counsel and our engineer to discuss the financing on the LID Phase II Government Way Sewer Project. We will need to have our match to the City of Coeur d'Alene by the first of January for construction in March. Our share of the project will be approximately one million dollars. We have put out a Request for Proposals on the project for the funding to nine different banks in the area. The proposal would be a warranty bond for the construction with the option to do the entire bond for the LID. The award of the entire bond would save the business district some money. The proposals will be due in the office by the November 18th, 2016.

COUNCIL REPORTS:

Councilmember Smith reported on the Enhanced Law Enforcement Agreement with the Sheriff's Department is all complete and will be starting soon. She is working out the details with Captain Boyle and will be posting some information on the website.

Councilmember Myers – No report

Mayor Roberge – No report

Councilmember Lundy reported that the new computer for the council chambers and the mayor's office has been ordered and should be arriving next week. She is also work on getting an intern to help in the office with the record retention as far as scanning documents and going through old files.

Councilmember Jordan reported that we had some corners repaired on Hanley, Davenport, Canfield and Valley. He reported that the city will get the deicer for the winter maintenance from the City of Coeur d'Alene at a cost of forty seven cents a gallon which will be the beet brine juice. He reported that he took the truck out to Lakes Highway District and went over the operation of the truck.

Clerk Anderson reported that Association of Cities will have the fall conference at the Best Western Hotel on November 28th, 2017 from 9-3. The city audit will be done on November 14th, working on the LID financing, building inspector contract and the court revenue.

Planning Consultant reported that the Planning & Zoning will be having four Public Hearing on November 15th, two special use permits and two are ordinance amendments and working on comprehensive plan. We are working on one other code enforcement case which will be brought forward in the next few months.

Councilmember Jordan made a motion to adjourn the meeting. Councilmember Smith seconded the motion. Motion carried.

Steve Roberge, Mayor

Valerie S. Anderson, Clerk