

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF DALTON GARDENS NOVEMBER 2, 2017**

Meeting called to order by Mayor Steve Roberge.

ROLL CALL: Present were Councilmembers (CM) Lundy, Jordan, Smith and Myers. Also present were, City Planner (CP), Rand Wichman and Deputy Clerk, Rebecca Harshaw. Attorney, Ken Jacobsen was absent, however did submit written comments (attached).

CM Myers requested to make a motion that an amendment be made to the agenda in order to add in a request to waive fees for Robert & Penny Ciraulo. Motion seconded by CM Lundy. All in favor. Mayor Roberge stated that this item be added in as 3A, following the Public Hearing for the Ciraulos.

CONSENT CALENDAR:

Minutes of the Regular Meeting October 5, 2017 a copy of which had been provided and the Financial Statement from October 1, 2017, to October 31, 2017 and the claims so listed. CM Lundy made a motion to defer approval of the consent calendar until the December 7 meeting. Councilmember Myers seconded the motion. Motion carried.

PUBLIC COMMENT PERIOD

Chief Warren A. Merritt, Kootenai Co. Fire & Rescue gave information on the upcoming Candy Cane Run tentatively scheduled for Tuesday, December 5 in Dalton Gardens and Wednesday, December 6 in Post Falls. There will be a press release coming out which will include the routes. Proceeds will go to Toys For Tots, Food Banks and Christmas For All. Flyers will be supplied to the city for distribution and posting to the website.

Chief Merritt also wanted to remind everyone that a good time for chimney cleaning and changing batteries in your smoke detectors and CO2 detectors is when you change your clocks, this weekend.

KCFR along with KC Sheriff's Office will be participating once again in the Holidays & Heroes program on December 10. Event organizers chose participant's names based upon recommendations from school resource officers, school counselors, patrol officers, deputy sheriffs, and firefighters to help make Christmas a little brighter for children in need. Following the shopping they participate in activities at the Greyhound Park and Event Center in Post Falls.

Public comment closed.

PUBLIC HEARING – REQUEST FOR VARIANCE ROBERT & PENELOPE CIRAULO

A public hearing for a variance request from Robert & Penelope Ciraulo to build an addition onto their house under Title 5, Chapter 8 of the Dalton Gardens Municipal Code. The existing parcel does not meet lot size. The property is located at 6471 N. 16th Street, parcel number D140030052AA. No conflicts of interest noted.

Applicants Robert & Penny Ciraulo, 6471 N 16th St, explained that they purchased the house last December in order to assist with the care of their grandchildren. The split living arrangement seemed ideal for their needs. They soon discovered the 2nd living area was built on a downgrade and would result in flooding. Submitting the building permit resulted in the need for a variance due to lot size.

No questions or other comments. Public comment period closed.

CP Wichman stated that this variance was heard at the October 10 Planning Commission meeting where it was approved with one condition, that all new building on the property will meet current setbacks and code compliance. The lot size is .92 gross acre. It would however, mostly likely be 1 gross acre if it weren't for there being no right of way on this and several other lots on 16th Street. It does have 150' of road frontage.

CP Wichman went on to say there have been permits issued to this parcel in the past between 1973 and 2007. The current plan is to remove the poorly constructed add-on and rebuild it to code. This variance will allow all future permits. The clerk sent out notices to neighboring properties and the Coeur d'Alene Press, and P&Z has a recommendation for approval.

No questions.

Mayor Roberge noted the written recommendation for approval from the City Attorney, Ken Jacobsen.

No further comments. Public comment closed.

CM Lundy asked if the structure to be demoed was a possible accessory dwelling.

CP Wichman stated that it did appear to have been an accessory dwelling, but the remodel will now make it legal.

CM Smith made a motion to approve with the Planning & Zoning condition. CM Jordan seconded the motion. Roll call vote: CMs Jordan, Lundy, Myers & Smith all voted yes.

CIRAULO REQUEST TO WAIVE VARIANCE FEE

CP Wichman brought attention to the letter from the Ciraulos requesting that the \$250 fee be waived. He stated that he is sympathetic since the 1 acre requirement is a bit unorthodox, and noted that it is within the purview of the City to waive all or part of the fee. However, he also noted that the City has had some expenses, including his time, clerk hours, and Coeur d'Alene Press charges.

CM Jordan asked approx. how much time had he had put into this case.

CP Wichman stated approx. 3-4hrs, but he came on late and had to get caught up. Typically it would be about 2-3hrs.

CM Lundy, also sympathetic, asked if staff could confirm that the city had waived fees for similar instances on 16th. Staff confirmed that the city had recently waived a fee for a similar situation on 16th Street.

CM Myers also stated they have waived fees on 16th Street in the past since they would have their 1 gross acre if not for the road issue. In addition there have been several past permits issued at this site.

Mayor Roberge noted that he does see this as an unusual situation.

CM Myers said he has spoken to the planner and council regarding the issues on 16th Street and how it can be addressed to avoid further variance requests.

CM Lundy agreed that variances are taking up a great deal of staff time.

CM Jordan made a motion to waive the \$250 variance fee. Seconded by CM Smith. Roll call vote: CMs Jordan, Lundy, Myers & Smith all voted yes.

PUBLIC HEARING – REQUEST FOR VARIANCE FRANJO & DAVORKA MUSA

A public hearing for a variance request from Franjo & Davorka Musa to build a shop under Title 5, Chapter 5, & Chapter 8 of the Dalton Gardens Municipal Code. The existing house does not meet setbacks. The property is located at 7520 N. Davenport Street, parcel number D140025133AD. No conflicts of interest noted.

Applicant Franjo Musa stated that when he submitted a building permit to build a shop, he was surprised to find out that he needed to obtain a variance permit due to the setback on the opposite side of his property, especially since he had received a permit for a residential addition with no problem in 2013. The new shop will meet all setbacks.

CP Wichman noted this was before the Planning Commission on October 10 and they did recommend approval with one condition, that all new building on the property will meet current setbacks and code compliance. The garage, which was built with the house in 1962, is just 6ft from the property line and a woodshed further back is only 3'. All required notices were made by the city clerk.

Mayor Roberge noted that the City Attorney concurs with the P&Z approval.

No comments. Public hearing closed.

CM Myers stated that the woodshed appears to be less than 200sqft and therefore would not have needed a permit. Suggested that the owner know the property corners and approved setbacks when building in order to avoid possibly having to move or remove a structure in the future.

CM Jordan asked if the setback measurement is to the building or the drip line.

CP Wichman said it is actually measured to the edge of the eaves which in essence would be the drip line.

CM Jordan noted that the photo showed the 6' setback to the building so is probably more like 5'. Just wanted to let the property know where to measure to when measuring setbacks on future builds.

CM Lundy made a motion to approve the variance request with the recommendations of the Planning Commission. Seconded by CM Jordan. Roll call vote: CMs Jordan, Lundy, Myers & Smith all voted yes.

APPROVAL OF BUILDING INSPECTOR AGREEMENT WITH KOOTENAI COUNTY FIRE AND RESCUE

Chief Merritt stated that the current contract was adopted in 1995 so this has been long overdue. After reviewing the agreement their attorney suggested a 5 year term be implemented under item 11.

Mayor Roberge noted the City Attorney does recommend approval.

CM Lundy asked about the hourly fee. Chief Merritt stated it will be \$70/hr.

CM Jordan asked who pays the additional fee on a failed inspection, the city or resident. Chief Merritt stated the resident would pay.

No further discussion. CM Jordan made a motion to approve for a term of 5 years. Seconded by CM Smith. Roll call vote: CMs Jordan, Lundy, Myers & Smith all voted yes.

PUBLIC TRANSIT FUNDING AGREEMENT WITH KOOTENAI COUNTY

Contract to continue operation of Public Transit in Dalton Gardens.

Mayor Roberge noted that Attorney, Ken Jacobsen, recommended approval.

CM Lundy stated that she believes the Transit Center will be an asset to citizens utilizing the City Link bus and that the fee request to the city is the same as it has been in recent years.

CM Jordan asked if they are planning on more bus stops?

CM Lundy noted there are no changes in the route through Dalton Gardens on Government Way.

CM Lundy made a motion to approve the Public Transportation Funding Agreement. CM Smith seconded. Roll Call vote: CMs Jordan, Lundy, Myers & Smith all voted yes.

APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STUDIO CASCADE, INC.

CP Wichman asked legal counsel to work out an agreement with Studio Cascade requesting they keep the cost under \$17,000, preferably closer to \$15,000. They came in at \$15,450. CP Wichman assisted on the scope of work and City Attorney Jacobsen reviewed the contract and they feel it is now ready for approval.

Mayor Roberge asked if approved, what is the next step?

CP Wichman said he will communicate with Studio Cascade and get the work started.

CM Lundy asked CP Wichman to outline how they ended up with the final dollar amount.

CP Wichman said the original proposal called for 2 days with the “pop-up studio” which was cut back to just 1 day. Also they will be requesting assistance on some things to help cut costs.

CM Lundy stated she will be willing to help out in wherever possible.

CM Myers wanted to make sure to note that this will not replace the efforts of the Comprehensive Plan Committee, but rather augment their work and assist the business community.

CM Lundy noted that she and CP Wichman have already sent an email to the committee members bringing them up to speed on what is happening and will be handing out certificates of appreciation soon.

CM Jordan stated he likes the idea of including the business owners.

CM Myers made a motion to approve the Professional Services Agreement with Studio Cascade, Inc. with a limit of \$15,450.00. CM Lundy seconded the motion. Roll call vote: CMs Jordan, Lundy, Myers & Smith all voted yes.

COUNCIL REPORTS:

CM Smith stated that the city received \$2407 for traffic citations. 26 citations were issued. The Enhanced Service contract has been delayed because the wages stated in paragraph 6 of Appendix A are subject to change throughout the year. Paragraph 6 has been changed but not in a way that exceeds our budget. The contract will be signed next week.

Captain Street has chosen not to mandate overtime hours for the Enhanced Service contract at this time due to the fact their staffing levels are down by 9 deputies and the deputies accrued 6700 overtime hours county wide in the fiscal year 2017, so the attraction for working more hours has waned a bit.

Matt Gillis and Melissa Cleveland gave a power point presentation to the traffic committee showing different types of traffic calming methods. Post Falls is selling their radar speed trailer; Council member Jordan has more on that.

The park and arena have been cleaned up and put to bed for the winter. The gate at the arena will be closed and locked for the winter once it looks like the snow is here to stay.

CM Myers had no report.

CM Lundy represented Dalton Gardens at the Kootenai Metropolitan Planning Organization (KMPO) non-motorized group meeting where they discussed their wish for connectivity throughout the region. She has also been working with the trails community in Coeur d’Alene. The bike/pedestrian Foothills Trail is working on approval to enter into phase 1, the acquisition

phase. The proposed trail would connect from the lake, paralleling I-90, along the flanks of Canfield Mountain, terminating at Dalton Ave. She will keep the city apprised of any developments with the trail.

Also wanted to pass on a reminder for everyone to vote on Tuesday!

Mayor Roberge mentioned that a tentative date of December 14 has been set for this year's Christmas party. Notices will be sent out soon.

CM Jordan spoke with Melissa Cleveland from Welch Comer regarding the chip seal schedule. New tires were put on the truck and he was able to find a free snow blade to install. He spoke to Avista regarding a resident complaint on a temporary pole they were installing and worked it out to have the lines placed underground.

CM Jordan stated that he purchased a radar speed trailer from Post Falls. Mayor Roberge agreed to reimbursement for it.

He noted that the damage done to Davenport has been paid for. He has also been talking to CdA Metals regarding site disturbance issues.

CM Jordan also discussed Municipal Code Title 5, Chapter 12, Section 7B5 regarding shoveling snow into the right of way. He plans to put something in the next newsletter explaining the do's and don'ts of shoveling snow into the street.

CP Wichman reviewed his written report (attached)

CM Jordan suggested adding an electrical rough-in to the inspection sheet which CP Wichman said he will look into it.

No reports for City Clerk, City Attorney, City Engineer, or Building Inspector. However, Chief Merritt wanted to add a point about "traffic calming" in regards to speed bumps, noting that they highly discourage their use as they impede emergency vehicles.

Code Enforcement report was submitted in writing to the council (attached).

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

Steve Roberge, Mayor

Rebecca Harshaw, Deputy Clerk