

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALTON GARDENS

Meeting was held at the City Hall June 2, 2016
Meeting was called to order by Mayor Roberge
Councilmember Jordan led the pledge

ROLL CALL:

Present were: Councilmembers Lundy, Jordan and Smith. Council President Myers was absent. Also present were Attorney Ken Jacobsen, Cheri Howell, Code Enforcement and Valerie Anderson, City Clerk

CONSENT CALENDAR:

Minutes of the Regular Meeting May 5, 2016, a copy of which had been provided and the Financial Statement from May 1, 2016, to May 31, 2016 and the claims so listed.

Councilmember Lundy made a motion to approve the consent calendar as listed on the agenda.

Councilmember Jordan seconded the motion. The motion carried by a roll call vote: Aye

Councilmembers, Lundy, Jordan and Smith. Nay: None, Abstain: None

Mayor announced that the Public Hearing for 6568 N. 4th Street has been cancelled due to an agreement.

PUBLIC COMMENT PERIOD

Dale Heimbigner – 624 E. Hanley – Dale stated that he received a letter concerning his property which stated he is out of compliance with a code violation. He stated he has acquired a fence permit to correct the issue, and was told that the plans were inadequate for the fence permit. He stated he has had some health issue and is working on the problem. He feels that is being singled out and there are other properties in Dalton Gardens which need to be addressed.

Chris Kastella – 6088 N. 18th Street – Thanked councilmember Jordan for his hard work he has done on the streets.

Lila Tatum – 7080 N. Valley Street – She explained that the ordinances are not being enforced, as there are several properties which have businesses operated from the home, cars, trucks and buses on properties which have not been moved in years. She is concerned about the property values in the area.

Public comment period was closed.

PERMISSION TO LIVE IN RV

Robert & Linda Wuest – 6735 N. Mt. Carrol – Robert Wuest explained that he is asking to live in his RV for about 120 days while his new home at 7776 N. Mt. Carrol is being completed.

Attorney Jacobsen explained that the City has had 10 or 12 of these request over his time and we have not had any problems. He explained that Mr. Wuest has a building permit and we would need to put together an affidavit for the 120 days to make it a formal agreement.

Councilmember Smith made a motion to approve permission to live in the RV with no hook up to the septic and the agreement is put in writing for 120 days. Councilmember Lundy seconded the motion. Motion carried.

APPEAL OF INTERPRETATION

Curtis Exley – 7520 N. Mt. Carrol – Mr. Exley stated that he received a letter from Code Enforcement on April 27th quoting Title 9 of the City Code. He stated he had met with Cheri Howell regarding the request to remove the rocks he placed in the right of way adjacent to his property. He stated that he discussed the code with Ms. Howell on his views of obstruction. (Letters attached) Cheri informed Mr. Exley that if he would like to appeal her discussion on the rocks in the right of way he would have to appeal to the City Council at the June 2, 2016 meeting. He commented on the code which was quoted of 9-1-2 view at intersections. He stated that there is no view obstruction at the intersection. He stated that the letter was dated April and the picture was dated February and questioned the time frame between the two was so long. HE stated that the letter was not appropriate and felt he was being singled out as there are a number of other places around the City with the same rocks and obstructions in the right of ways. In a letter from the City in June of 2013 he was asked to remove the rebar which he had place in the right of ways as it was a safety issue. The rebar was removed and the rocks remain in place today. He stated that he had gone around the city and collected a number of pictures of corners with bushes over grown, rocks in the edge of the road and numerous other obstructions in the roadways. He stated that large trucks are running off of the pavement and hitting fences, sprinkler and breaking off the corner.

Attorney Jacobsen addressed that Mr. Exley is stating he is being singled out and needs an interpretation of the ordinance. The state statute states the city is empowered to control any encroachments on the right of ways. He stated that the City Ordinance 9-1-3 should have been the section to be quoted in the letter. Mr. Jacobsen read the section to the public. The city received a letter from the engineer's office which states that the clear zone distance on right of ways should be at minimum of 7' and preferably 10' back for safety issues. Mr. Jacobsen stated that he felt it is unlawful to have rocks in the right of way and that they are a safety issue.

Mr. Exley stated that the city has rocks in the easement which are more of a traffic hazard due to the site of vision as you go east bound in the round-about. He stated that the rocks in his right of way are to slow the traffic and big trucks from running into fences and building. He stated that if the city is going to enforce the ordinance he would comply with the law, but he would like to see of the residents of Dalton Gardens comply also. He felt that the right of ways being taken care of by the public is an enhancement to the city. He stated that he had police officers come by and state that the rocks do slow traffic down.

Councilmen Jordan stated that most of the residents in Dalton Gardens have extended the right of way of their property and maintained them to keep the city looking good. Mr. Jordan stated that he believed we should deal with these issues on case by case bases as a hazard to the public. We have put up no truck traffic signs and would like to get the large trucks to use the main streets like Hanley, 4th, 15th and Dalton.

Councilmember Smith stated she remembers a conversation years ago with council on this issue for approval. The council at that time requested that the companies be contacted to use the main roads.

Councilmember Lundy asked Mr. Exley how far the boulders are from the edge of the road for safety and snow plowing. She stated her concern for the liability of other citizens.

Attorney Jacobsen stated that when we have an ordinance and we do not enforce it we are creating a liability for the City of Dalton. He stated that we have to go by what the engineers have given us on their opinion. He stated that the City needs to enforce the ordinance or make changes. He suggested we get the engineers in and study the ordinance and give us their suggestions.

Councilmember Lundy made a motion to table this issue until our next meeting and have Welch Comer evaluate the issue. Councilmen Jordan seconded the motion. Motion carried.

CODE ENFORCEMENT/COMPLIANCE INSPECTOR – ADVERTISEMENT

Mayor Roberge directed Clerk Anderson to advertise in the Coeur d' Alene Press for the Code Enforcement/Compliance Inspector.

COUNCIL REPORTS

Councilmember Smith reported that we are now done with the park area. We have had several donations of plants, tree work and Coeur d' Green for the beds. She also thanked her parents for their help and the donation of plants. We are going to start working on the round-about area. We are starting to find volunteers for the annual picnic which is September 10th. She reported she is also working with the Sheriff's Department for more coverage in the area of patrol for the City.

Mayor Roberge reminded the council that we will have a budget meeting @ 5:00 PM, July 7, 2016.

Councilmember Lundy stated that the home page website was approved and we are now in the design phase and will show you a picture of the before and after of the home page. We will have new email for all of the city personnel. She also spoke to Chris Bosley from Welch Comer Engineering on the design of the Bike/Ped paths for the city.

Councilmen Jordan stated that he has been putting up No Parking signs on Prairie on the south side, and also on Dalton & 16th St. He stated he is in the process of getting bids to seal coat the parking lot at City Hall. At the end of Wilbur we moved the dead end sign to the intersection of 16th Street. He stated he met with Welch Comer on the construction of 4th Street and we will start seeing bills as the design goes.

Attorney Jacobsen stated he drafted a letter to Dalton Water Association on the sewer hookups and the association has not given us meter reading so the three services on the sewer have not been charged and the City of CDA is not approving permits to hookup until the agreement is resolved. The Public Hearing on the Noise Ordinance will be held on July 7th.

Planner/Code Enforcement Officer – Cheri Howell – Planning Ordinances drafting, doing variances and subdivisions, met with Councilmember Lundy on the Comp Plan on some new ideas for working with the Planning Commission and the committee. She stated this last month she has put in 20 hours a week of code enforcement.

Fire Chief – Steven Issacson – Division Chief – KCFR – The fire fighters will be doing training in Dalton Gardens at 6351 N. Davenport to clean up the property. The date has not been set as of yet.

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

Mayor Steve Roberge

Valerie S. Anderson, City Clerk