

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALTON GARDENS

Meeting was held at the City Hall July 7, 2016
Meeting was called to order by Mayor Roberge
Councilmember Lundy led the pledge

ROLL CALL:

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

CONSENT CALENDAR:

Minutes of the Regular Meeting June 2, 2016, a copy of which had been provided and the Financial Statement from June 1, 2016, to June 30, 2016 and the claims so listed.

Councilmember Lundy made a motion to approve the consent calendar as listed on the agenda with corrections. Councilmember Smith seconded the motion. The motion carried by a roll call vote: Aye Councilmembers, Lundy, Jordan and Smith and Myers. Nay: None, Abstain: None

PUBLIC COMMENT PERIOD

Rick Nordhausen – 5928 N. Davenport Street – He addressed the snow plowing for the upcoming winter with requiring the contractor to have a 45 degree blade to clean the driveways of residents.

Public comment period was closed.

INTERPRETATION OF RIGHT-A-WAYS

Melissa Cleveland – Welch Comer Engineering – 350 E. Kathleen, CDA – Melissa explained the engineer standards for road side design and the clear zone requirements for the amount of traffic we have on the streets in Dalton. Melissa presented a memo which included the Clear Zone requirements for Dalton streets and stated that there is a two foot wheel path from the edge of the roads. So on a 10 foot wide lane the edge of the right wheel path will be two feet from edge of roadway. She recommended evaluation of the Title 9 code to comply with the clear zone so that it is understood by residents. Attorney Jacobsen suggested revising the ordinance based on the standards presented by the engineering office.

Councilmen Myers made a motion to direct staff to prepare a draft of 9-1-2 & 3 of city ordinance to incorporate the clear zone. Councilmember Lundy seconded the motion. Motion carried.

PUBLIC HEARING – REQUEST FOR VARIANCE GENE & PAMELA STORY

Cheri Howell – Code Enforcement gave a staff report which explained that the Gene & Pamela Story property does not meet the setbacks on the property and therefore a variance application was submitted to the Planning & Zoning Commission which the Commission approved and makes the non-conforming use run with the property.

Gene Story – 7688 N. Baillie – He explained that the new building which is to be erected will meet all of the setbacks and will improve the property. Mr. Story showed photos of the current structure and the area where the new structure will be built.

Mike Sloan – 80 E. Wilbur – He talked on the fire protection issue which was talked about and suggested that the inside be painted with a self-extinguishing paint which works great in building.
Public comment period was closed.

Councilmen Myers made a motion to adopt recommendations of the Planning & Zoning Commission and based on the findings of facts and conclusions of law recommend approval with conditions of all new buildings shall meet current setbacks and the property owner shall be limited to 35% of lot coverage. Councilmen Jordan seconded the motion. Roll Call vote: Councilmen Jordan, Councilmember Lundy, Councilmember Smith and Councilmen Myers all approved.

PUBLIC HEARING – NOISE ORDINANCE

Cheri Howell gave a staff report which stated the amending of 5-3-12 Noise Ordinance adopted in 2012 for commercial district and has attempted to amend the ordinance. Attorney Jacobsen stated that this is a very controversial ordinance for the city. We are looking for direction and we should read it by title only from code 59-02. Mr. Jacobsen read the ordinance by title.

Comment period was opened.

Cheri read the comments from the people who were opposed to the ordinance: Rosalie Protratz – 6719 Rude St, Michelle Sloan – 80 E. Wilbur St, Laurie Clark – 7352 N. Government Way, Ste H. Kenneth Egbert – 7232 Rude St.

Gary Domanski – 6984 Mt. Carrol – He was in favor of the removal of decibel levels and state no noise at the receiving property line. We have to respect the neighbors.

Jill Dougherty – 7920 N. Rude St. – She stated that all of the teeth have been taken out of the noise ordinance which is being considered. The hours of operation for a business need to be looked to protect the residents. She asked how we plan to enforce the ordinance.

Michael Hill – 6103 N. 15th – He addressed the 65 decibels which he felt is very low and that the ordinance is being too restrictive to the community. Dalton Gardens enjoys the low taxes and the quality of life which we have so let's not spend more money on enforcement.

Ben Halderman – 7448 Aqua Circle – He manages the Pacific Steel facility in Dalton Gardens which has been in operation for 20 years and just the last 5 years we started to get noise complaints. He stated that they have done a lot of things at the facility to mitigate noise. He stated that the 65 decibels is very low and hard to enforce. He stated that if the City of Dalton Gardens does not want us here please let us know.

Arnold Hiebert – 231 E. Hanley Ave. – He has a problem with the receiving property line in Section I, it should state all receiving property lines. He also has an issue with the decibels levels which are being proposed in the ordinance. The ordinance cannot be enforced the way it is written. He suggested that a business should not be able to export noise into a residential area.

Laurie Robb – 7367 Rude Street – She stated that in the first 25 years of living in Dalton we had not issue with noise in the commercial district. She stated that the ordinance needs to be changed (Exhibit 1) Page 1, # 2 & 3 should be 90 days not one year. Page 4, the noise standards should be changed from receiving property line to business property line. Remove the decibels levels section as this is hard to enforce. She would like to see no noise between the hours of 6:00 pm to 8:00 am. She passed out (Exhibit 1A and Exhibit 2)

Bill Robb – 7367 Rude Street – Bill handed out (Exhibit 3 & 4) with highlighted areas which need to be addressed by the council. He stated that he would like to add back ambient noise to the ordinance. The day time levels should be 8:00 am to 6:00 pm for operation. Night time noise level would be ambient which would be no noise. He would like to add back in the quiet time on Page 5, above 45 decibels. He stated that the current draft would be to continue to make noise in the commercial district at great levels.

The noise ordinance should not be written to protect the business but protect the zoning. He presented his letter Exhibit 5 to the hearing.

Greg Embrey – Witherspoon & Kelley – 608 Northwest Blvd, Ste 308, CDA – He stated he was the legal attorney for Pacific Steel and that Pacific Steel has perused many remedies with the noise on their own to comply with the ordinance. He stated that Pacific Steel is interested in being a working partner with the City. He pointed out the Comprehensive Plan has the Pacific Steel in the Light Industrial Zoning and that in amending an ordinance the amendments must be consistent with the plan. He referred to the written document which was submitted by Witherspoon & Kelley which also talked about vest rights, non-conforming uses and many others points. He would like to help develop an ordinance that more clear and understandable to the public and businesses so they know how to navigate the ordinance. He also addressed the section on vibrations of noise. The letter from Witherspoon & Kelley is Exhibit 6.

Jerry Lucas – P. O. Box 894, Rathdrum, ID (a worker at Pacific Steel) – He is concerned about the ordinance being passed due to efforts which have already been taken to reduce the noise on site. He stated that radios have been removed from the shops, fans have been reduced in use, material handling has been approached in a different method, reduced Saturday work to half, and trucks are leaving later in the mornings, backup beepers have been revised and doors are closed when possible during hours of operation.

Vicki Rutherford – 7168 Rude Street – She appreciates what commercial does for the community and we need to look at how we can enforce the ordinance and not destroy a business.

Michael Sloan – 80 E. Wilbur – He stated he would like to address two issues in the ordinance which are vibration and noise. He presented Exhibit 7 to the council on different noise levels.

Thomas Getzfrid – 7840 Rude St. – He spoke on two areas in the ordinance which have to do with the decibels levels and changing it to 45 decibels and change nighttime levels to 45 decibels with no noise at property line. We need to state the steps in the enforcement which will be taken.

George Wuest – 6791 Rude Street – He stated he is in opposition to the decibel levels which are set in the ordinance. We need more clarification for all of Dalton Gardens not just the commercial district.

Cynthia Draper – 6832 Rude Street – She stated the decibel level issue is unenforceable for the City of Dalton Gardens. She stated that when sewer comes into the commercial district we are going to see more issues with noise and we need to find a solution to the problem.

Public comment period is closed.

Councilmen Myers asked about having another Public Hearing on the ordinance at a later date. He stated we were presented with a lot of information and we need to go through it and be able to make wise decisions.

Attorney Jacobsen stressed to the council not go and do any site visits. He suggested that an expert be brought in to address the issue and analyze the documents. He suggested we table this issue and go through the documents. He suggested continuing the hearings on the ordinance.

The council all concurred that the City needs to bring in an expert to analyze the material which was presented to the council. The council also requested that all written documents be presented to the City Clerk one week before the meeting.

Councilmen Myers moved to reopen the public hearing comment period in written document only to the clerk's office until August 26th and notice the public hearing for the September 1, 2016 meeting. Councilmen Jordan seconded the motion. Motion carried.

Councilmen Myers made a motion to take a 5 minute recess. Councilmember Lundy seconded the motion. Motion carried.

Councilmen Myers made a motion to come out of recess at 8:20 pm. Councilmen Jordan seconded the motion. Motion carried.

PUBLIC HEARING - AMENDING TITLE 4, CHAPTER 1, SECTION 4

Cheri Howell explained the amending of Title 4, Chapter 1, and Section 4 Ordinance #248, Building Codes adding standards for administration.

Attorney Jacobsen read the title to the ordinance. Public comment period was opened and closed due to no comment.

Councilmen Myers moved to suspend reading of Ordinance #248 on three different days and have the title read once. Councilmen Jordan seconded the motion. Motion carried by roll call vote: Councilmen Jordan, Myers, Councilmember Lundy and Councilmember Smith.

Councilmen Myers moved to adopt Ordinance #248 by title only under suspension of the rules and that Ordinance #248 become an ordinance of the City of Dalton Gardens. Councilmen Jordan seconded the motion. Motion carried by roll call vote: Councilmen Jordan, Councilmen Myers, Councilmember Lundy and Councilmember Smith.

Councilmen Myers moved to approve the summary of Ordinance #248 and call for its publication in the Coeur d'Alene Press. Councilmember Smith seconded the motion. Motion carried by roll call vote: Councilmen Myers, Councilmen Jordan, Councilmember Lundy and Councilmember Smith.

PUBLIC HEARING – AMENDING TITLE 1, CHAPTERS 4 AND 9, ADDING TITLE 1, CHAPTER 10

Cheri Howell explained the ordinance changes to the council and clarifies the language which is set forth. Public comment period was and opened and closed due to no response.

Councilmen Myers moved to suspend reading of Ordinance #247 on three different days and have the title read once. Councilmen Smith seconded the motion. Motion carried by roll call vote: Councilmen Jordan, Myers, Councilmember Lundy and Councilmember Smith.

Councilmen Myers moved to adopt Ordinance #247 by title only under suspension of the rules and that Ordinance #247 become an ordinance of the City of Dalton Gardens. Councilmen Jordan seconded the motion. Motion carried by roll call vote: Councilmen Jordan, Councilmen Myers, Councilmember Lundy and Councilmember Smith.

Councilmen Myers moved to approve the summary of Ordinance #247 and call for its publication in the Coeur d'Alene Press. Councilmember Smith seconded the motion. Motion carried by roll call vote: Councilmen Myers, Councilmen Jordan, Councilmember Lundy and Councilmember Smith.

CONTRACT HIRE FOR CODE ENFORCEMENT

Councilmen Jordan moved to hire the code enforcement inspector with approval of legal counsel. Councilmen Myers seconded the motion. Motion carried.

APPROVAL FOR CITY CLERK TO ATTEND ICCTFOA INSTITUTE

Councilmember Lundy moved to approve the clerk to attend the ICCTFOA Institute in Idaho Falls on September 21 -23, 2016. Councilmember Smith seconded the motion. Motion carried.

COUNCIL REPORTS

Councilmember Smith reported that Oscar York helped remove the stump of the cherry tree in the park this last week. The Dalton Gardens annual picnic will be held on September 10, 2016, we will be having an organizational meeting on July 20, 2016 @ 9:30 am.

Councilmen Myers reported that the Kootenai County Weed Board will be spraying weeds in the ROW's, park and Arena on Tuesday next week.

Mayor Roberge reported that the next budget workshop will be held on July 14, 2016.

Councilmen Myers made a motion to do a budget workshop & executive session on July 14th @ 5:00 pm. Councilmen Jordan seconded the motion. Motion carried.

Councilmember Lundy reported that the website home page is done and now we need to add the content on the back end so we can go live.

Councilmen Jordan reported he attend the Lakes Highway District meeting and talked to them about using equipment for snow removal and we would provide the operators. He reported some new signs for no commercial traffic were installed; he is working with Boy Scouts to rebuild the mailbox stand in front of City Hall. Stripping at the school will be done around August 15th; crack sealing and stripping at city hall is completed, the city has a 20' easement on Dalton Ave from 17th to end of road we are looking at grading and oil seal. Baillie Street was repaired and a tree on Snowberry and Hanley will be removed by Grace Tree Service.

Attorney Jacobsen reported that on June 15th, 2016 we received a letter from the City of Coeur d'Alene addressed to the Dalton Water Association on the commercial hookups. He recommended that we should amend the ordinance for the city.

No Code Enforcement Report

Councilmen Jordan made a motion to adjourn the meeting, Councilmen Myers seconded the motion. Motion carried.

Steve Roberge, Mayor

Valerie S. Anderson, City Clerk