

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF DALTON GARDENS JULY 13, 2017**

Executive Session: 5:05PM

Councilmember Myers made a motion to enter into executive session pursuant to Idaho Code 67-2345 (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Councilmember Lundy seconded the motion. Motion carried.

Councilmember Myers made a motion to come out of executive session at 5:53 pm.  
Councilmember Jordan seconded the motion. Motion carried.

In executive session compensation for personnel was discussed for the Fiscal Budget.

Councilmember Myers made a motion to take a recess until 6:00 pm. Councilmember Jordan seconded the motion. Motion carried.

Councilmember Myers made a motion to come out of recess for the regular meeting at 6:00 pm.  
Councilmember Lundy seconded the motion. Motion carried.

Regular 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 Attorney Ken Jacobsen, Valerie Anderson, City Clerk and Cheri Howell, City Planner

**CONSENT CALENDAR:**

Minutes of the Regular Meeting June 1, Special Meeting June 6, and June 21, 2017 a copy of which had been provided and the Financial Statement from June 1, 2017 to June 30, 2017 and the claims so listed. Councilmember Lundy made a motion to approve the consent calendar with an amendment to the June 21 Special Meeting as listed on the agenda. Councilmember Smith seconded the motion. Motion carried.

**PUBLIC COMMENT PERIOD**

Chris Kastella – 6088 N. 18<sup>th</sup> Street – She asked when the bike path on Hanley was going to be repaired, Councilmember Myers stated it would be the week of the 25<sup>th</sup> of July.

Gary Sonnen – 7447 N. Valley – He stated that the Schloss Homeowners Association is in the process of updating their CC&R requirements.

Public Comment was closed.

**PUBLIC HEARING – REQUEST FOR VARIANCE JAKE & REBECCA HEFFTER**

A Public Hearing for a variance request from Jake and Rebecca Heffter to allow construction and/or remodel of buildings on the property. The variance request is for setbacks and lot size under Title 5 Chapter 5 of the Dalton Gardens Municipal Code. The property is located at 1963 E Hanley, parcel number D140030052AB.

Councilmember Myers stated that he had worked with the Clerk's and Planner on the calculation of lot sizes.

Cheri Howell – City Planner gave a staff report which stated that the lot does not meet the setbacks of 25' from the front property line. Hanley Avenue was expanded and 16<sup>th</sup> Street has some issue related to the property lines and right away. The variance is requested for a front porch which 8' from the front property line. The Planning Commission made recommendation for approval with conditions. The house was built in 1948 prior to the expanding of 16<sup>th</sup> Street. The primary dwelling is 23' back from the property line.

Jake Heffter – 1963 E. Hanley – The porch will be 17' from the front property line. The roof will extend out 8' from the edge of the house but the last step will remain the same location. He was not sure where the property lines are and the neighbors are in agreement on the location of the fence line. At the Planning Commission there were no neighbors that contested the variance.

The public hearing was closed.

The council was in agreement that there is no problem with the variance.

Councilmember Myers made a motion to approve the variance request with the conditions recommended by the Planning & Zoning Commission meeting of June 20<sup>th</sup>, 2017 and based on the findings and facts and conclusions of law. Councilmember Lundy seconded the motion. Roll Call vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – Yes. Motion carried.

#### **PUBLIC HEARING – REQUEST FOR VARIANCE HOWARD & SUSAN MARIE FIELD**

A Public Hearing for a variance request from Howard Scott and Susan Marie Field to allow construction and/or remodel of buildings on the property. The variance request is for setbacks under Title 5 Chapter 5 of the Dalton Gardens Municipal Code. The Applicant is CDA Structures. The property is located at 7312 N. Mt. Carrol Street, parcel number D140025122AB.

The staff report was presented by Cheri Howell on a variance for Howard and Susan Marie Fields which is to build a new pole barn and live in the existing home which is approximately 3' from the side property line and store personnel belonging in the pole barn while a new home is being built and demo the old existing home. The Planning Commission made a recommendation for approval with conditions of no living in the pole barn, used as storage only. If new primary dwelling building permits is requested the existing home will only be allowed until the new dwelling has reached the final inspection. A demolition permit shall be obtained for the existing dwelling and not occupancy certificate will be issued until demolition of the home is completed. All new structures on the property shall meet all setbacks and be code compliant. Property shall be limited to 35% of lot coverage with structures and impervious surface for the entire lot. No subdivision of the land will be allowed.

Richard Rock, CDA Structures – 2147 W. Hayden Ave, Hayden, ID – The location of the new home will be east of the existing home on the property. He reported that the neighbors in the area have no complaints with the proposed building. The distance for the setback on the shop will be 11' on the back and sides.

The public comment period was closed.

Councilmember Lundy made a motion to approve the variance for Howard and Susan Marie Fields based on the findings and facts and conclusions of law by the Planning Commission and amend the second condition to the existing dwelling be demoed prior to the issuance of the certificate of occupancy on the new residential dwelling. Councilmember Myers seconded the motion. Roll Call vote: Councilmember

Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – Yes. Motion carried.

**PUBLIC HEARING – REQUEST FOR VARIANCE ALAN & LATRECIA SARVER**

A Public Hearing for a variance request from Alan and Latrecia Sarver to allow construction and/or remodel of buildings on the property. The variance request is for lot frontage on a public street and lot size under Title 5 Chapter 5 of the Dalton Gardens Municipal Code. The property is located at 6320 N 15th Street, parcel number D140031068AD.

The staff report was given by Cheri Howell in which she explained there are lot size and lot frontage issues. Mr. Sarver gave testimony through court that the property is one gross acre and that the frontage is the only issue in question. The Planning and Zoning staff report explained the ordinance change and the Planning Commission approved the variance for approval.

Alan Sarver – 6320 N. 15<sup>th</sup> Street – The property has a shop and he would like to build on in order to work on his cars and put in a lift.

Public comment period was closed.

Councilmember Myers made a motion to approve the variance based on the Findings and Facts and conclusions of law set forth and the additional condition that the shop addition will be used for personnel use only. Councilmember Jordan seconded the motion. Roll Call vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – Yes. Motion carried.

**PUBLIC HEARING – REQUEST FOR VARIANCE ILONA HEFFRON & KATHERINE DUNKER**

A Public Hearing for a variance request from Ilona Heffron and Katherine Dunker to allow construction of buildings on the property. The Applicant's name is Buck Melton. The variance request is lot size under Title 5 Chapter 5 of the Dalton Gardens Municipal Code. The property is located at 6172 N 4th, Dalton Gardens, parcel number D140036199AA. It has been determined by the City that the lot does not meet the minimum lot size including right of way per Dalton Gardens Municipal Code Title 5 Chapter 5.

The staff report was given by Cheri Howell in which she explained that the lot is .91 of a gross acre with the right away. The lot in this variance was created by a deed in 2003 with a record of survey done. The parcel was a remaining piece splits prior to the short plat and no short plat application were found, so a short plat and a variance were required to create a buildable lot. The Planning and Zoning Commission recommended approval of the short subdivision through a record of survey. The Planning Commission further recommends the approval of the variance. The .91 acre was determined by Welch Comer surveyor and Gale Dalman.

Buck Melton – 7885 N. Lockham Drive – He explained that the lot meets the 110' of frontage but is less than one acre. The house will be 21.4' from the property line. The lot line adjustment which was done in 2003 is what created a lot less than one acre. The address on the property is 6172 N. 4<sup>th</sup> Street and there is a water meter on the site and Panhandle Health was issued a septic permit.

Ilona Heffron – 6172 N. 4<sup>th</sup> Street – She stated that she would really like to see this variance approved so that a new home can be built.

Gene Hibbard – 6172 N. 4<sup>th</sup> Street – He stated he has a 27 years law enforcement career and he feels very relaxed in Dalton Gardens. He is asking for the variance approval by the council.

Public comment period is closed.

Councilmember Lundy made a motion to approve the variance for Ilona Heffron & Katherine Dunker based on the findings and facts and conclusions of law with no conditions as recommended by the Planning & Zoning Commission. Councilmember Smith seconded the motion. Roll Call vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – Yes. Motion carried.

**APPROVAL FOR CITY CLERK TO ATTEND ICCTFOA INSTITUTE**

Councilmember Myers made a motion to approve the City Clerk to attend the ICCTFOA Institute in Boise September 20-22, 2017. Councilmember Lundy seconded the motion. Motion Carried.

**APPROVAL OF STRIPPING CONTRACT - SHARP LINE INDUSTRIES**

Councilmember Jordan made a motion to approve the contract for striping with Sharp-Line in the amount of \$12,160.65. Councilmember Smith seconded the motion. Roll Call vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – Yes. Motion carried.

**REACQUISITION OF FIRE STATION BUILDING 6288 N. 4<sup>TH</sup> STREET, DALTON GARDENS**

Attorney Jacobsen explained that the City of Dalton Gardens will do a reacquisition of the fire station building as of September 1, 2017.

**Council Reports:**

Councilmember Smith reported on the Enhanced Patrol with 22 citations written. The next traffic committee meeting will be on July 20, 2017 @ 6:00 PM. She also thanked Tony Kastella for putting together the bike rake for the City. The picnic is September 9, 2017 and we are looking for volunteers.

Councilmember Myers reported that he had been attending several meeting with staff. He reported that the Dalton Water Association will not be putting in their water line until next spring.

Mayor Roberge reported that Cheri Howell will be retiring at the end of the year and she will be putting together a request for qualification to advertise for a new planner. He appointed Councilmember Myers and Lundy to help with the selection of a new planner. He has been attending meeting with Kootenai County Fire on the fire station and building inspector agreement, and is working on the SMA and a new ordinance change for the one acre requirement in Dalton.

Councilmember Lundy reported that the comprehensive plan is moving along good and the next public forum will be held on July 18, 2017 at City Hall. She reported that Dalton has about 170 business licenses and that she is working on the Facebook page for the City.

Councilmember Jordan reported that the chip seal is completed and fogging will be done by July 25<sup>th</sup>. The sweeping will also be done after the fog is done. Solar radar signs will be discussed with the traffic committee next week. We are also having some problems in the right away areas with rocks and realtor signs.

City Clerk reported we are in the process of doing business licenses renewals, building permits, quarterly reports for finance were presented to council. We are working on the Fiscal Year 2017-2018 budget with a budget workshop meeting on Monday, July 17<sup>th</sup> @ 5:00 PM. She reported that she attended several meetings and working a couple legal matters.

City Attorney – Ken Jacobsen reported that the final rejection letter to the contractor for the Government Way Project has been completed and that we will be looking at our funding plan for the LID.

City Engineer – No report

City Planner – Cheri Howell thanked Councilmember Lundy for all of her work on the Planning Commission and the Comprehensive Plan. The draft of the plan will be in September and public hearing process will be. She reported she is working on ordinance amendments and some code enforcement issues and building permits.

Building Inspector – Dan Ryan stated he is now the Deputy Chief for the Kootenai County Fire and Rescue.

Code Enforcement Report – He is working on several code enforcement complaints.

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

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Mayor Steve Roberge

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Valerie S. Anderson, Clerk