

MINUTES OF THE REGULAR MEETING OF THE CITY OF DALTON GARDENS

Meeting was held at the City Hall August 4, 2016, 6:00 PM

Meeting was called to order by Mayor Roberge

Councilmember Lundy led the pledge

ROLL CALL:

Present were: Councilmembers Lundy, Jordan, 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 July 7, 2016, a copy of which had been provided and the Financial Statement from July 1, 2016, to July 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

No public comments were heard at the meeting.

PUBLIC HEARING – REQUEST FOR VARIANCE STEPHEN NIELSEN

Cheri Howell gave a staff report on the variance for Mr. Nielsen to expand his structure. The existing garage and house do not meet the side yard setbacks; the front yard does meet the front yard setback due to the location of the pins on the property. The Planning and Zoning Commission recommended approval with conditions.

Stephen Nielsen – 1215 E. Hanley Ave. - He stated that he would like to expand his existing home and his home is 27' back from the setback line on Hanley Ave. The addition to the home will meet setbacks which will be to the back of the home. Panhandle Health District has approved the drain field for the addition for the permit. The front porch is 27' back on the property. Councilmen Myers asked about the taking of property when Hanley was widened. The property has two driveways, one on Mt. Carrol and one on Hanley.

Public Comment period was closed.

Councilmen Myers addressed the findings & facts 2-0-6 of the ROW on 4th Street which should be ½ of ROW on Hanley & Mt. Carrol. The one acer includes half of the ROW of Hanley & Mt. Carrol which should be amended.

Councilmember Lundy made a motion to approve the variance based on the Findings & Facts and Conclusions of Law from the Planning & Zoning Commission dated July 12, 2016. Councilmen Jordan seconded the motion. The motion carried on a roll call vote: Aye: Jordan, Lundy, Myers and Smith. Nay: None, Abstain: None.

PUBLIC HEARING – REQUEST FOR VARIANCE CHAD OAKLAND FROM STACIE SICHELSTIEL

Cheri Howell read the staff report which states that Stacie Sichelstiel is purchasing the property at 6215 N. 4th Street from Chad Oakland. One half of 4th Street is the ROW and the garage is too close to the

property line and the owner has applied for a variance to build on to the structure in the back of the property.

Public Hearing is open.

Stacie Sichestiel – 6215 N. 4th Street – She had no comments, so public comment period was closed.

Councilmen Myers asked staff if the shed on the property was the issue with regards to the variance. Cheri Howell stated that the garage does not meet the setback. She stated that a new site plan for the property would be asked for at the time the building permit is applied for by the applicant. We can change the ordinance to conform to the structure that is being built on the property. At the present time if the non-conforming part of the lot is being changed they must get a variance from the Planning & Zoning and City Council.

Councilmember Lundy made a motion to approve the variance by the applicant based on the facts and findings and conclusions of law as presented by the Planning and Zoning Commission at their meeting of July 12, 2016 with conditions as listed. Councilmen Jordan seconded the motion. The motion carried on a roll call vote: Aye: Jordan, Lundy, Myers and Smith. Nay: None, Abstain: None.

PUBLIC HEARING – REQUEST FOR VARIANCE DEBORAH A. JACOBS

Cheri Howell gave a staff report with corrections to 2.06 which indicates the property is on 4th and it is on Mt. Carrol Street and 2.11 can be struck out of the document. The Planning & Zoning Commission held public hearing and approved the variance with conditions. The building permit request is for addition to the house and garage. The Carport does not meet the side yard setbacks. Cheri Howell read into the record Exhibit #1 from Oscar York. Councilmen Myers stated that if this is one structure than we are asking for a variance to a non-conforming structure which does not meet setbacks.

Public Comment Period was opened

Deborah Jacobs – 6104 N. Mt. Carrol St. – She stated that the home was built in 1958 and both the house and carport were in place prior to Dalton Garden's regulations and they were both on the property at time of purchase. She stated she has applied for a building permit to do an addition to the home. The addition will be done to the north, east side and back of the home not to the carport and they all meet the setback requirements.

Councilmen Myers asked is there are footings poured when the carport was constructed? The answer is yes. He also asked if the roofline on the carport would change during the construction. The carport roofline will change, but the carport will remain the same. The carport will not be enclosed or changed.

Oscar York – 6072 Mt. Carrol St. – He stated that he live south of the structure where the permit request is being considered for an addition. He stated that decisions on the enclosure of the carport should not come from Ms. Howell and that the decision should come from the council. He encouraged the council not to approve any change to the carport. The carport is the issue which Mr. York disagrees with on the property. A walk through would be a great idea for the property.

Deborah Jacobs – 6104 Mt. Carroll St. – The carport has existed and has been used as a carport and the permit which I applied for is for an addition to the house. The Planning & Zoning Commission approved the addition and placed a condition which states that the footprint of the carport could not change.

Public Comment period was closed.

Councilmen Myers stated that the variance is to modify a non-conforming structure. Attorney Jacobsen disagreed with the statement and asked the council to look at 5-6-8B dealing with non-conforming facility. Siding of the carport is not increasing the footprint of the carport. The county shows three separate structures a dwelling, carport and garage. Councilmember Smith stated that the variance is asking for an addition to the home and garage not to the carport. The volume of the carport cannot be changed at any time. Ken stated that no structural alteration shall be made to the nonconforming portion of any facility.

Deborah Jacobs was called back to the podium for more questions. Councilmen Myers asked if the roofline on the carport is not changing with this permit. She stated that the roofline will change on the house not the carport. If the carport was enclosed and did not expand the footprint or volume and the roofline was not changed the permit would be granted. The roofline would affect the volume and we need to clarify the definition of a building and a facility.

Councilmember Smith made a motion to approve the application for variance based on the facts and findings and conclusions of law by the Planning and Zoning with adopted conditions. Councilmen Jordan seconded the motion. The motion carried on a roll call vote: Aye: Jordan, Lundy, and Smith. Nay: Myers, Abstain: None.

PUBLIC HEARING - AMENDING TITLE 5, CHAPTER 10

An ordinance of the City of Dalton Gardens, a municipal corporation of the State of Idaho; amending Title 5, Chapter 10 adding definitions and standards for administration of the Dalton Gardens Municipal Code in Dalton Gardens Idaho, providing severability, repealing conflicting ordinances and providing an effective date.

Cheri Howell gave a brief explanation of the administration changes to the Ordinance to make the definitions more clear.

Councilmen Myers made a motion to suspend reading of Ordinance #250, on three different days and have the title read once. Councilmen Lundy seconded the motion. The motion carried on a roll call vote: Aye: Jordan, Lundy, Myers and Smith. Nay: None, Abstain: None.

Councilmen Myers made a motion to adopt Ordinance # 250 by title only under suspension of the rules and that Ordinance #250 becomes an ordinance of the City of Dalton Gardens. Councilmember Lundy seconded the motion. The motion carried on a roll call vote: Aye: Jordan, Lundy, Myers and Smith. Nay: None, Abstain: None.

Councilmen Myers made a motion to approve the summary of Ordinance #250 and call for its publication in the Coeur d'Alene Press. Councilmember Smith seconded the motion. The motion carried on a roll call vote: Aye: Jordan, Lundy, Myers and Smith. Nay: None, Abstain: None.

DONATION OF SURPLUS PROPERTY

Councilmember Lundy made a motion to donate two desks to the Idaho Youth Ranch. Councilmember Jordan seconded the motion. Motion carried.

COUNCIL REPORTS

Councilmember Smith reported that the BBQ grill in the park has been grouted and is back in operation. An organizational meeting was held for the Dalton Gardens Picnic on July 20th and

the picnic will be held on September 10, 2016 in the City Park. We are looking for volunteers and the announcement will be in the upcoming newsletter.

Councilmen Myers reported he has been having staff meetings and that we have had an increase in the number of deer deaths on the city streets.

Mayor Roberge reported that he has written a letter to STCU for the donation which was received for the picnic. He also has written a letter to Ben Wolfinger recognizing Alana Hunt for her excellent service on patrol in the city. He stated we are working on the Enhanced Sheriff Agreement for extra patrol in the city. He asked the council to set an Executive Session for August 10th, 2016 @5:00.

Councilmen Myers made a motion to have an executive session on Wednesday, August 10, 2016 @ 5:00 pm to discuss legal litigation. Councilmember Lundy seconded the motion. Motion carried.

Councilmember Lundy reported that the new website is up and running and she explained the tabs. She also reported that we now have Wi-Fi in the building. She also invited everyone to the first annual concert in the park on Sunday, September 25th, from one to four.

Councilmen Jordan reported that the chip sealing on Rude, Valley and Canfield and they will be fogging sealing in the next couple of week. Crosswalks will be done around the school in August. We are getting a bid on the tree at the corner of Wilbur and Mt. Carrol which needs to be removed. We had a tree removed on Hanley and Snowberry.

Attorney Jacobsen – No report

Cheri Howell – Planner – reported that we have our new code enforcer on board over the past three weeks and is doing a great job. She will be working on the Survey Monkey and Comprehensive Plan.

Building Inspector – Warren Merritt – KCFR – He reported that there is a lot of fuel in the area for fires and we all need to be mindful of our activities in the mountain area. He reported that 2 different fire fighters were recognized from his staff with awards this year. Burn permits are not being issued at this time.

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

Steve Roberge, Mayor

Valerie S. Anderson, City Clerk