

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF DALTON GARDENS SEPTEMBER 7, 2017**

CALL TO ORDER

ROLL CALL: Present were: Councilmembers Lundy, Jordan, Smith and Myers. Valerie Anderson, City Clerk, Attorney Will Herrington.

Executive Session: 5:00PM

Pursuant to I.C. Section 74-206(1)(d) the council may vote to go into executive session for the purpose of considering records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code.

Councilmember Myers made a motion to go into executive session at 5:00 PM pursuant to Idaho Code Section 74-206(1) (d). Councilmember Jordan seconded the motion. Motion carried.

Councilmember Myers made a motion to come out of executive session @ 5:39 PM. Councilmember Jordan seconded the motion. Motion carried.

Mayor Roberge explained that in executive session legal counsel provided the council with options for consideration of the request of the Streeter Lot Splits.

Councilmember Myers stated that the City received two letters from Attorney Magnuson and that there would be no reconsideration at this time.

Councilmember Myers made a motion to deny the request for consideration and direct legal counsel to notify the parties involved. Councilmember Smith seconded the motion. Roll Call Vote: Councilmember Jordan – No, Councilmember Lundy – Yes, Councilmember Myers – Yes, Councilmember Smith – Yes. Motion carried.

Mayor Roberge directed Attorney Will Herrington to draft a letter to the Streeter's and their Attorney to be sent on Monday.

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

Councilmember Myers made a motion to reconvene the regular meeting at 6:00 pm. Councilmember Jordan seconded the motion. Motion carried.

Regular meeting was called to order by Mayor Roberge
Pledge of Allegiance was led by Councilmember Myers.

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 August 3, and Special Meeting August 31, 2017 a copy of which had been provided and the Financial Statement from August 1, 2017 to August 31, 2017 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

Robert Wuest – 7776 N. Mt. Carroll – He explained that he had applied for a building permit and the Health Department called him and asked for a fee of \$75.00 for approval. He stated that he did not agree with this process and asked the council to look at their permitting process and get this changed as no other cities are sending to PHD for the fees. Attorney Jacobsen explained that Dalton Gardens is different because of our Sewer Management Agreement on the septic tanks.

Leo Miller – 5615 Colfax Street – Thanked the city for the great job which has been done on the roads over the past year.

Tony Kastella – 6088 N. 18th Street – He asked the council to consider adding money in the budget for grounds maintenance and snow plow operator.

Public comment is closed.

PUBLIC HEARING – WIND POWER GENERATORS

An Ordinance of the City of Dalton Gardens, amending Title 4 Chapter 4 of The Dalton Gardens Municipal Code, amends clarifying and adding to regulations for Wind Power Generators in Dalton Gardens, Idaho, providing severability, repealing conflicting ordinances and providing an effective date.

Cheri Howell gave a staff report on the ordinance, which is to mend what is on the books for wind power generators. The Planning & Zoning Committee reviewed the ordinance in several workshops and approved for it to be heard by the city council.

Robert Wuest – 7776 N. Mt. Carroll – He asked the council to hold off on the approval of the ordinances until a new planner is on board to review any ordinance changes.

Public comment period is closed.

The council had several questions on the ordinance as noise, construction, wind rating, material, etc. and asked for a workshop to be held by the planning committee and the city council at a later date.

Councilmember Lundy made a motion to table the Wind Power Generators Ordinance changes and to schedule a workshop at a later date. Councilmember Jordan seconded the motion. Motion carried.

PUBLIC HEARING – TITLE 5, CHAPTER 1, SECTION 4 & TITLE 5, CHAPTER 5, SECTION 1-5

An Ordinance of the City of Dalton Gardens, amending Title 5 Chapter 1 Section 4, adding definitions and Title 5 Chapter 5 Sections 1 through 5, adding and amending standards, adding uses, clarifying uses of manufactured homes, recreational vehicles, tandem trailers, adding and clarifying special uses, adding provisions for exceptions to manufactured home foundations, lot

size and lot frontage, providing severability, repealing conflicting ordinances and providing an effective date.

Councilmember Lundy made a motion to table the Title 5, Chapter, Section 4 & Title 5, Chapter 5, and Sections 1-5 and hold a workshop at a later date. Councilmember Jordan seconded the motion. Motion carried.

DECLARATION OF NUISANCE @ 6568 N. 4TH STREET

Attorney Ken Jacobsen explained to the council that this property has a long history and he was asked to proceed forward with legal action on Mrs. Tappen to have the nuisance abated. She signed a correction agreement last year and problem has not been resolved. The Code Enforcement Officer for the city has taken pictures and has some concerns of hazardous conditions on the property. The ordinance states that the property must be declared a nuisance. He asked the council to declare the property at 6568 N. 4th Street is in fact a nuisance so the Attorney can proceed forward with the legal action.

Councilmember Myers made a motion to declare the property at 6568 N. 4th Street a nuisance and have our City Attorney be allowed to proceed with the abatement. Councilmember Smith seconded the motion. Roll Call Vote: Councilmember Jordan – Yes, Councilmember Lundy – abstain, Councilmember Myers – Yes, Councilmember Smith – Yes.

APPROVAL OF BUILDING MAINTENANCE CONTRACT – KUBIK BUILDING MAINTENANCE, APPROVAL OF BUILDING LEASES WITH DALTON WATER ASSOCIATION AND DALTON IRRIGATION

Councilmember Myers made a motion to allow Mayor Roberge to sign the lease with Dalton Water Association. Councilmember Jordan seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – yes. Motion carried.

Councilmember Myers made a motion to allow Mayor Roberge to sign the lease with Dalton Irrigation District. Councilmember Smith seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – yes. Motion carried.

Councilmember Lundy made a motion to approve the building maintenance contract with Kubik Building Maintenance. Councilmember Myers seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – yes. Motion carried.

COUNCIL REPORTS:

Councilmember Smith reported that the Annual Dalton Gardens Picnic will be held this Saturday, September 9, 2017 from 11:00 to 2:00 PM. We have Ward Crawford as the DJ, games, bake contest, bounce house and great food. The traffic committee met on August 17th and the group looked at the new radar sign which were purchased by the city and the JaMar box for traffic studies on different streets. The Enhanced Patrol had 35 citations for July and 38 citations

for the month of August. A discussion on the speed of Dalton Avenue was addressed with clarification for the traffic committee.

Councilmember Myers reported that the city has taken ownership of the fire station and new keys have been issued. We had about 30 hours done by a part time employee in the parks and roads, planner spent 53.5 hours last month working on the comp. plan and various other duties and code enforcement was about 50 hours so all are busy.

Councilmember Lundy reported she has been working on the comp plan with the city planner. In the technology area we had the ordinances scanned. The city did a Request for Qualifications for a new City Planner and interviews were done with two companies. The second annual concert in the park will be held on September 24th from 1:00 to 4:00 PM with Classic rock music.

Councilmember Jordan reported that the streets have been striped; potholes will be done next week. No commercial truck traffic signs were put up this last week. He is working on the grader purchase with Lakes Highway District.

City Clerk reported that the new budget for the 2018 fiscal year is completed, she also completed the exterior painting project for the City Hall building and the shop building with MJ's Painting. She has been working with Councilmember Smith on the picnic. Elections candidate filing are due by tomorrow at 5:00 PM for the election on November 7, 2017. All of the Ordinances have been scanned and we are waiting for the final copy, second notices for septic pumping have been sent out. The city clerk will be in Boise on September 19-22, 2017.

City Attorney reported he is working with Panhandle Health on the septic pumping residents which are past due. He reported that the Sewer Management Agreement is in final draft and we will be having a meeting to complete and put on next agenda. The building inspector agreement is with Kootenai County Fire and will also be on the next agenda for approval.

City Engineer – No report

Planning Consultant reported she has been working on the Comp Plan and the Beer & Wine Ordinance for Planning & Zoning

Code Enforcement – No report

Building Inspector – No report

EXECUTIVE SESSION Code 67-2345 (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

Councilmember Myers made a motion to go into Executive Session pursuant to Idaho Code 67-2345 (a) at 7:04 PM. Councilmember Jordan seconded the motion. Motion carried.

Councilmember Jordan made a motion to come out of Executive Session at 7:32 PM. Councilmember Myers seconded the motion. Motion carried.

Executive session was to discuss the hiring of a new planner for the city.

APPROVAL OF NEW PLANNER FOR CITY OF DALTON GARDENS

Councilmember Lundy stated that two candidates were interviewed for the planner position. Rnad Wichman Planning is local and would be the choose for the day to day planning duties and Studio Cascade would be a good recommendation for the long term planning in the commercial district.

Councilmember Lundy made a motion to instruct legal counsel to prepare a contract with Rand Wichman Planning for the day to day planning duties and acquire a bid from Studio Cascade Design for the long term planning in the commercial district and Comprehensive Plan review. Councilmember Smith seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Lundy – yes, Councilmember Myers – yes, Councilmember Smith – yes. Motion carried.

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

Steve Roberge, Mayor

Valerie S. Anderson, City Clerk