



Agenda for the Code Compliance Manual and the Regular Meeting of City Council

Thursday, December 8, 2022

5:00 PM Workshop

6:00 PM City Council Meeting

Location: DALTON GARDENS CITY HALL, 6360 N 4th St., Dalton Gardens, ID

Meeting will be conducted in person and via Zoom.

Please use this link to join the webinar via computer/smartphone:

<https://us02web.zoom.us/j/85979564762?pwd=V3Z6bGt1ODZxVzJoR3FEK0tyQUlOdz09>

Phone Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID:859 7956 4762; Passcode: 264752

5:00 PM WORKSHOP- Code Compliance Manual

1. CALL TO ORDER
2. ROLL CALL
3. ADJOURN

6:00 PM CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL CONSENT CALENDAR- **ACTION**
 - a. Minutes from the Regular Meeting November 10, 2022
 - b. Monthly Financial Statement November 1-30, 2022
 - c. Ratification of Bills from November 1-30, 2022
5. CITY REPORTS
 - a. City Engineer
 - b. City Planner
 - c. City Attorney
 - d. KCSO
6. **PUBLIC COMMENT PERIOD:** Each speaker will be allowed a maximum of three (3) minutes to address the City Council on matters that relate to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the City Council can only take official action this evening for those items already listed on the agenda.
7. **PUBLIC HEARING:** to receive testimony from interested and affected agencies and citizens and consider a recommendation from the Dalton Gardens Planning & Zoning Commission for updates to the City's Zoning Ordinance as it relates to the method of how structural height is measured in Title 5 of Dalton Gardens City Code.
8. CITY BUSINESS
 - a. Consideration Ordinance to amend City's Zoning Ordinance as it relates to the

- method of how structural height is measured in Title 5- **ACTION**
- b. Review of 2023 City Council and P&Z meeting dates
 - c. Discussion of P&Z executed minutes for October 27, 2022
 - d. Discussion of January Agenda Items

9. ADJOURNMENT- ACTION

Original Posting: 12/02/2022

The purpose of this Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Council on any other subject should plan to speak when Item: Public Comments is identified by the Mayor. The Mayor and Council will not normally allow audience participation at any other time. Please, no repetitive or abusive comments. Workshops are for Council Members discussion only on a topic, no action or decisions occur at that time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling the City Clerk at (208) 772-3698 ext 102.



CITY OF DALTON GARDENS CODE COMPLIANCE PROGRAM MANUAL

Policies and Operating Procedures

July 19 , 2022

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Redline additions/strikethroughs are from the draft presented by the City Planner to Council on 7/19/22 with the requested changes submitted by 7/6/22. The Grey box additions/strikethroughs are from Councilmember Wuest turned in on 7/18/22.

Preface

Code enforcement in Dalton Gardens is a priority of the City Council. The Council believes the policies and procedures in this manual will enhance code compliance and thereby the quality of life in Dalton Gardens.

With the recognition that code compliance efforts must be prioritized and cost-effective, the City is tasked to administer its code in an efficient manner. By the guidance of this 2022 manual, the City of Dalton Gardens' Code Compliance Program will continue protecting and enhancing the city's quality of life.

Purpose

The purpose of the Dalton Gardens' Code Compliance Program Policy and Procedures Manual (hereafter "manual") is to provide written guidelines for:

- A. The prioritization of code enforcement cases;
- B. Initiation and investigation of code violation complaints;
- C. Enforcement of City Code through voluntary compliance;
- D. Prosecution of code violators who do not comply;
- E. Sanctioning of code violators and the assessment of fines and penalties; and

F. Recovery of the City's investigation and enforcement costs.

These written guidelines are intended to increase consistency and predictability within the City's Code Compliance Program, and to educate City residents and property owners about code compliance and the consequences of violating the City's Code.

Interpretation

This manual describes the standard policies and procedures for code compliance and should be interpreted so as to maximize both the efficiency of the program and operations as well as compliance with City Code. This manual should be followed unless otherwise directed by the Code Enforcement Officer or designee, Planning Administrator or designee, the Mayor or designee, or the Dalton Gardens City Council.

Applicability

Policy: This manual applies to all code compliance administered by the City of Dalton Gardens, its employees and agents. Except as otherwise provided, the policies and procedures in this manual apply to all alleged code violations whether or not they existed or were known by the City on the effective date of this manual. The policies and procedures in this manual supersede any conflicting City policies and procedures.

Non-Applicability to Covenants, Conditions and Restrictions. Many subdivisions and planned communities are subject to private, recorded covenants, conditions and restrictions (CC & Rs). The City's policy is not to enforce private CC & Rs.

Part 1: Policies

Policy 1: Priorities for code enforcement

Policy: City staff and contractors shall attempt to investigate and resolve all code violations within budget and staffing resources. However, because of limited code compliance resources, there may be times when all code violations cannot be given the same level of attention and some code violations may receive no attention at all for a period of time as determined by the Code Enforcement Officer, Planning Administrator, and city staff.

In circumstances where not all code violations can be investigated, the most serious violations, as determined under the priorities set forth in this section. The criteria for enforcement of priority cases shall be addressed before the less serious violations are addressed, regardless of

the order in which the complaints are received. However, complaints alleging both priority and non-priority violations should be processed together to maximize efficiency.

A. Priority cases.

The City Council has established the following order of priorities for City of Dalton Gardens code violations:

1. Violations that present an imminent **threat to public life, health, safety, and environment.**
2. **Right of way obstructions** (trees, leaves falling, line of sight, etc.)
3. Violations which impact the **City's Sewage Management Agreement (SMA)** with the Idaho Panhandle Health District, to include:
 - a. Septic pumping violations
 - b. Multiple dwelling units on single parcel
 - c. Water usage overage in the Commercial District
4. **Solid Waste** Code violations; **Nuisances; Inoperable Vehicles; Building Code** violations consisting of ongoing non-permitted construction or failure to obtain permits;
5. **Land use violations.**

B. Lower priority cases

Policy: Complaints alleging code violations that do not fall within the priority ranking above should be processed in the order in which the complaints are received, and as code enforcement resources allow.

Exception. At the discretion of the Code Enforcement Officer, Planning Administrator and in consultation with city staff, complaints may be processed in any order that maximizes the efficiency of enforcement.

Procedure: All complaints concerning a particular type of code violation (e.g septic pumping violations), or all complaints of violations occurring on a particular property, may be processed together, regardless of the order in which the complaints are received.

Policy 2: Initiation of code enforcement

Code enforcement may be initiated by any of the following methods:

A. Resident Complaints.

Any person may make a complaint to the City alleging one or more code violations.

1. **Form.** A resident may initiate a complaint by submitting a code enforcement complaint via the OpenGov online portal (www.daltongardens.com/permits). If a resident submits a complaint

by phone or written communication (other than a completed complaint form via OpenGov), city staff shall complete the complaint form in OpenGov on their behalf. If the City receives a written complaint other than the city-approved complaint form via OpenGov, the written complaint shall be attached to an OpenGov complaint form completed by City staff. To be investigated, a resident complaint must contain all information required on the complaint form.

2. Anonymous Complaints

Policy: The City's policy is to not accept anonymous City Code violation complaints. The City believes that anonymous complaints are not as reliable as those made by complainants who are willing to identify themselves. In addition, in many cases, the complainant's identification and testimony in court may be necessary for successful prosecution of Code violators and code enforcement.

Exceptions. The City recognizes there may be cases justifying an exception to this policy. These are cases where the nature of an anonymous complaint reliably suggests the existence of code violations presenting an imminent threat to public life, health and safety or to the environment, which threat easily may be verified by City staff. In such cases, as determined by the Planning Administrator designee, city staff shall accept the anonymous complaint for investigation.

3. Confidentiality

Policy: The City's policy is to maintain the confidentiality of code enforcement complaint files and computer records, including the identity of the complainant, to the extent legally possible. The City believes it is important to maintain this confidentiality to assure effective investigation and prosecution of code violations. In addition, the City recognizes that some complainants do not want their names disclosed to the alleged code violator for fear of retaliation. However, in some cases it may be necessary for successful prosecution and enforcement for the complainant to be identified and to testify in court.

Exceptions. In cases where the City chooses to cooperate with, or defer to, federal or state agencies for code enforcement, the contents of the file may be disclosed, as necessary, to the other agency.

Procedure: In order to maintain the confidentiality of code enforcement complaint files and the identity of the complainants, while assuring effective prosecution and enforcement and compliance with state law, the following procedures apply:

- a. Code enforcement files will be maintained as confidential files throughout investigation, violation prosecution and/or other types of code enforcement to the extent legally permissible.
- b. The contents of code enforcement files will not be disclosed to anyone other than City staff who have a reason to know about and who are involved in the investigation, or to similar staff of an agency with which the City is cooperating. The contents of the file will not be disclosed to any other person absent court order, until: 1) the

~~investigation is complete, and a citation discovery request is made; or 2) the file is closed and disclosure is made pursuant to the public records law.~~

B. Observation by code compliance staff

Code compliance staff often observe additional potential City Code violations while conducting complaint investigations. Such observations may form the basis for additional investigation and enforcement action.

Policy: The City's policy is that code enforcement staff (within budget and staffing resources) document any potential code violations the staff observes on property that is the subject of their current investigation. Code enforcement staff shall investigate documented additional potential violations. If substantiated, staff may address noted additional violations. Staff may also document, and address code violations observed on any property adjacent to the subject property, which violations are observable from the subject property.

C. Observation by city or fire code official ~~other government staff~~

In many cases, city and/or fire code official ~~other government staff~~ may be in a unique position to observe potential code violations. For example, a property appraiser in the County Assessor's office may be the only person able to observe new construction for which there is no permit.

Policy: Any city or fire code official ~~other staff government member~~ may report to city code compliance staff possible code violations observed while conducting routing city or other government business.

Procedure: Reports by city or other staff government staff under this subsection shall be made on a complaint form provided by city code compliance staff.

~~D. Observation by city council member~~

~~A city council member may report a potential code violation, or request that code enforcement staff investigate a resident report of a potential code violation by submitting a complaint form via OpenGov or in any other written form or requesting city staff to submit a complaint form on behalf of the council member, along with necessary information to initiate an investigation.~~

E. Proactive code compliance

Within available code compliance resources, the City may undertake a number of city-initiated procedures for proactive code enforcement. These procedures may include:

- ~~1. Investigations and prosecutions of code violations in particular geographic areas;~~
2. Investigations and prosecutions of code violations of a particular type throughout the City;

3. Timely and regular follow-up by city staff for compliance with conditions and requirements for permits and approvals;
4. Reporting by City staff of code violations observed while conducting City business;
5. Examination and comparison of City files for evidence of code violations;
6. Revocation of permits and approvals for failure to comply with requirements or conditions;
7. Cooperation with code compliance by other regulatory and licensing agencies; and
- ~~8. Cooperation with utility companies to terminate service, to the extent authorized by law, to non-permitted uses on property.~~

F. Permit /Approval condition monitoring by city staff

The City routinely issues land use, environmental and construction permits with a variety of requirements and conditions, and timelines for meeting them. For example, a land use approval may require landscaping the site by a certain date, and building permits expire if construction progress and inspections are not made within periods set by state law. Code violations occur when these permit and approval conditions are not timely met.

Policy: The City's policy is that city staff may conduct timely and regular monitoring of conditions of approval and similar permit requirements for all permits and approvals.

Procedure:

1. All persons issued permits or approvals shall be given written notice of the consequences of failure to comply with requirements and conditions, including potential code enforcement.
- ~~2. If any permits and approvals are found not to be in compliance with conditions of approval or other permit requirements, staff in the appropriate city division assigned to the permit or approval monitoring shall undertake appropriate action to obtain compliance.~~
- ~~3. If the assigned city staff are unable to obtain compliance within a reasonable time established for that purpose (not less than 30 days), they shall report the violation and any enforcement action already taken to city staff for further code enforcement action.~~

G. Information from official city records

~~Potential code violations may be discovered by examining the city's own official records. For example, cross-referencing between the Assessor's records and city's records may reveal construction or land use activity without necessary permits or approvals. City staff may also discover code violations by comparing the city's own land use, environmental health and construction permit records with each other.~~

Policy: ~~City staff may regularly compare all pertinent city records to identify potential code violations.~~ City Staff may discover code violations by comparing pertinent city records.

Procedure: Code violations discovered through comparison of information in city files shall be reported to via the online OpenGov complaint form.

Policy 3: Investigation

When code compliance staff initiates an investigation, they may provide notice to ~~any local governmental agency or~~ to any local governmental agency or other city department that may have an interest in the alleged code violation, ~~who can then involve other governmental agencies (re: plumbing bureau, electrical bureau, etc).~~

A. Preliminary matters

At the beginning of each investigation, the following shall be established:

1. **Jurisdiction.** The property upon which the alleged code violation exists must be in the City's code compliance jurisdiction.
2. **Zoning.** The zoning of the subject property shall be determined.
3. **Permit status.** The status of any land use, building, electrical, construction (including, but not limited to structural, mechanical, plumbing) or other similar permits on the subject property shall be determined.
4. **Property ownership.** ~~All persons with a recorded legal interest in the subject property should be identified.~~ These persons should include the owners, contract purchasers, lessees and lienholders or other security interest holders.
5. ~~**Other potentially responsible persons.** In addition to the persons listed in subparagraph 4 of this paragraph, any other persons potentially responsible for the alleged code violation(s) should be identified. These persons could include tenants, construction and landscape contractors and excavators.~~
6. **Identification of applicable code provisions.** Code compliance staff, with the assistance of other city staff, shall identify the pertinent provisions of the City Code that may have been violated according to the complaint.
7. **Prior Complaint History.** Code compliance staff shall examine City records to determine the existence and status of any prior or existing code violation complaints on the subject property or concerning the alleged violator.

B. Field investigation

1. **Purpose.** The purposes of code compliance field investigations are to:
 - a. Verify the existence and severity of code violations.
 - b. Document code violations by means of written notes, photographs, witness interviews, etc.
 - c. Obtain supporting evidence such as photographs, measurements, names and statements of potential witnesses, etc.

2. Preparations and precautions

Policy: Code compliance staff and other assigned city staff, as well as members of the public, should not be exposed to unreasonable risks of violent confrontation or injury during the course of field investigations. Code compliance staff and other assigned city staff may take whatever actions are reasonable and necessary to minimize the known risk of violent confrontation or injury to themselves or others in conducting their field investigations following all statutes of the State of Idaho.

Procedure:

A. **Announced / Unannounced field visits.** At the discretion of code compliance staff or other assigned city staff, a field visit to the vicinity of the subject property may be conducted without prior notice to the property owner, occupant or alleged code violator. Code Compliance staff shall carry proper identification when conducting field investigations in their performance of duties and their vehicle shall be a marked unit. The determination of whether or not to give prior notice shall be made on the basis of the following criteria:

1. The nature of the alleged violation.
2. Whether or not prior notice will make detection and documentation of the alleged violation more difficult.
3. Whether or not prior notice will unnecessarily increase the known risk of violent confrontation or injury to code compliance staff or other assigned city staff.

B. Entering upon property or premises

Policy: It is the city policy that code compliance staff and other assigned city staff shall not enter upon private property or premises to conduct a field investigation without authority to enter by property owner or agent.

Procedure: Code compliance staff may enter unposted property to seek permission to investigate on the premises. Unless permission is granted, the investigation shall be conducted from public roads or property where permission to enter has been granted. If code compliance staff or other assigned city staff does not have permission or other authority to enter upon property or premises, and entry upon the property or premises is necessary to conduct the investigation, code compliance staff or other assigned city staff shall consult with city legal counsel prior to proceeding.

C. Report of investigation

Report. Upon completion of the initial investigation, code compliance staff or other assigned city staff may complete a report of investigation in the case record. The field investigation report should be completed as soon as reasonably possible after the date and time of the field visit to ensure a complete and accurate report.

1. The report shall include at least the following information:
 - a. Name of investigator
 - b. Date, time and place of field visit
 - c. Code violation(s) observed
 - d. If no code violation(s) observed, an explanation
 - e. Witnesses, if any, interviewed and other persons present, if known, on site at the time of the investigation
 - f. Evidence, if any, obtained (e.g., photographs)
 - g. Discussion, if any, of violation with owner, occupant or other responsible person
 - h. Action necessary, if known, to correct violation
 - i. Recommended enforcement action
2. **Complainant notification.** Upon completion of the initial investigation, Code Compliance staff ~~may~~ shall notify ~~all resident the owner~~ and other agency complainants of the status of complaint investigation. This notification should include information on whether a case will be opened, the reason a case will or will not be opened, and name and contact information of the staff member assigned the code enforcement case.

Policy 4: Resolution of code complaints

It is the city's policy to attempt to reach final, satisfactory resolution of all code violation complaints. However, the City recognizes that not all complaints may be resolved successfully, ~~due to factors outside the City control. These factors can include the indigence of the code violator, the lack of City or other resources to assist the violator, statutory limitations on potential fines or other penalties for code violations, and the large number of complaints to be resolved.~~

Therefore, the City shall focus its code compliance resources on the code violations that meet the priorities set forth in this manual, and attempt to resolve those violations within a reasonable period. It is the city's policy not to close a case until it is resolved.

The city reserves the right to prioritize investigation of code violation complaints.

Procedure:

- A. **File Closure.** A code violation complaint will be resolved by file closure in the following cases:
 1. When no code violation is found after investigation
 2. After there is voluntary compliance
 3. After a notice of violation has been issued and the property owner or other responsible person has corrected the violation(s)
 4. When city code has been revised or updated, so as the activity (or alleged violation) no longer constitutes a violation.

5. When the property on which the violation exists is sold or transferred and a new Code Enforcement case is opened in the name of the new owner may be amended to add the name of the owner.

B. Notice of Resolution. The City shall notify the complainant when the complaint is resolved, describing the resolution.

C. Alternate Methods of Resolution. The City may explore alternate methods to resolve Code violations including mediation.

Part 2: Standard operating procedures

Purpose

The following operating procedures have been identified to encourage compliance with the City of Dalton Gardens City Code.

Step 1: Determine nature of complaint

As stated in Policy 1.A, all complaints must be received and recorded via OpenGov. Staff will then determine the nature of the complaint, and whether the complaint constitutes a code violation as outlined in City Code.

Outcomes / actions:

- 1) Does not constitute a code violation. Inform the complainant that the case may be a civil matter involving law enforcement and/or legal advisors. Close case. Notice of resolution not required.
 - 2) Complaint is a code violation. **Proceed to step 2.**
-

Step 2: Seek informal resolution and voluntary cooperation and compliance

Seek out informal resolution and voluntary cooperation.

Call or meet with the property owner to inform them that a complaint has been filed and to discuss the nature of the complaint. Discuss consequences of the violation if not remedied.

Outcomes / actions:

- 1) Issue a voluntary compliance request letter, **delivered by first class mail**, which describes the nature of the complaint, address, code references, required abatement / statement of remedial action, and deadline (**Immediate remediation requested with a 14 30 day city follow-up**). Describe potential escalation proceeding (if not abated), and the potential for hearings (and appeals), fines, liens or other penalties.
- 2) Determine whether code compliance field investigation is necessary (**see Policy #3**). Prepare a written report of the nature of the complaint and any code enforcement history on the property (if known), to include current complaint, photography (if available), and any interaction with the property owner. Record written report in the case record in OpenGov. If applicable, describe the agreed upon voluntary compliance / correction agreement and the time frame for complying.
 - a. Revisit the case at the end of the voluntary compliance time frame.
 - i. If compliance / abatement has been achieved, then the case is closed.
 1. Issue letter to property owner and complainant that compliance / abatement has been achieved. Case is closed and issuance of a Notice of Resolution.
 - ii. If compliance / abatement has not been achieved within the voluntary compliance time frame, then **proceed to step 3**.

Step 3: Issue order and notice of violation

For cases in which voluntary cooperation is not achieved, then a letter of violation is sent via certified / registered US mail.

Outcomes / actions:

- 1) A **notice of violation** is issued via certified / registered mail which describes the nature of the complaint, code references, required abatement and potential for hearing, fines, liens or other penalties.
 - a. If voluntary compliance is agreed upon, then **revert to Step 2(2)**.
 - b. If voluntary compliance is not achieved, then refer to escalation provisions and deadlines as described in the Dalton Gardens City Code (and below) for specific violation types, including inoperable vehicles **non-decorative**, building code violations, zoning (land use), and unpermitted buildings. If no compliance deadline is outlined in the Dalton Gardens City Code, then a **14 30-day** deadline is required and shall be stated in the notice of violation before additional escalation proceedings are levied. (e.g. penalties, fines, encumbrances, etc. **Proceed to step 4**).
 - c. Investigation proceedings may be conducted per policy number 3.
- 2) If no action remediation has occurred, Code Enforcement may file a **Record a Certificate Notice to Title** describing the property and certifying that the property is not in compliance with the code.
 - a. A **Record of Certificate Notice to Title** is recorded with the county

- i. Provides for release of the same by recording a notice of release after a determination that the violation has been remedied.

Step 4: Administrative Enforcement

General Administrative Enforcement:

[TO BE DETERMINED]

Specific code violation types:

Procedures for the following specific code violation cases / types are outlined in the Dalton Gardens City Code (DGCC):

Abandoned or Inoperable Vehicles:

- In the case of Abandoned or Inoperable Vehicles, the provisions DGCC Title 8 Chapter 3 Sections 13 and 14 (DGCC 8-3-13 & 14) apply.
 - 1) Abandoned or Inoperable Vehicles can be removed by city employees or by contractor.
 - a. Cost of removal plus actual costs sustained by the city associated with administration of this chapter shall be paid by the party found to have caused or maintained the nuisance within thirty (30) days of the hearing.
 - b. If costs provided for in this section are not paid within thirty (30) days, the costs shall be levied as a special assessment against such property and certified to the tax collector of the county by the clerk as provided by Idaho Code section 50-1008.
 - c. **Does not pertain to decorative vehicles.**

Nuisance Violations:

- In the case of nuisance violations, the provisions DGCC 7-8 A-4 (c) apply:
 - ~~1) Upon a valid determination of a nuisance by the city, the abatement of all such aforementioned nuisances may be ordered by the city as herein provided~~
 - ~~a. the first choice of the city shall always be to pursue informal negotiations prior to issuing an infraction or civil and criminal penalties.~~
 - ~~b. The city is authorized to enforce the provisions of this article through education, negotiation and may issue notification of nuisance violations; issue orders for abatement; issue citations for violations, and do what is necessary to abate nuisances, which also includes, but is not limited to civil action and recovery of any costs associated with enforcement.~~

- c. ~~The city shall not issue building or business permits or licenses of any kind until the nuisance is resolved or abated and the use of the land shall conform in all respects to this code. Exceptions for permits will be allowed only to resolve or rectify the nuisance.~~

Building Code Violations:

- In the case of building code violations, the provisions DGCC 4-1-11(f)(1) apply:
 - 1) ~~The building official may elect to use any or all combination of the remedies and penalties set forth in this chapter.~~
 - a. ~~Issue a notice and order to the record owner of the building containing the street address and a legal description sufficient for identification of the premises upon which the building is located.~~
 - b. ~~A statement of the building official containing a brief and concise description of the conditions found to render the building or premises in violation of this chapter.~~
 - c. ~~A statement of the action required to be taken, as determined by the building official, in order to bring the property into compliance with this chapter.~~
 - d. ~~A statement by the building official establishing a reasonable amount of time, not to exceed sixty (60) days from the date of the notice and order, to allow the record owner of the property to take such steps as are necessary in order to bring the property into compliance with this chapter.~~

Land Use Violations:

- In the case of Land Use violations, the provisions DGCC 1-10 apply:
 - 1) The Code Enforcement Officer may issue a notice and order to the record owner of the property containing the violation. The notice and order shall contain the following information:
 - a. The street address and a legal description sufficient for identification of the premises upon which the violation is occurring.
 - b. A statement of the Code Enforcement Officer containing a brief and concise description of the conditions found to render the building or premises in violation.
 - c. A statement of the action required to be taken, as determined by the Code Enforcement Officer, in order to bring the property into compliance.
 - d. The property owner shall have forty five (45) days from the date of mailing of the notice and order, to take such steps as are necessary in order to bring the property into compliance.

Home-Based Business Permit Violations:

- In the case of Home-Based Business Permit violations, the provisions DGCC 3-6-12 apply:
 - 1) ~~The city shall serve notice, by certified mail, to cease activities conducted in violation of the home-based business regulations.~~
 - 2) ~~Such notice shall be headed "NOTICE TO CEASE NON PERMITTED HOME BASED BUSINESS ACTIVITY", shall contain a description of the property, shall describe the ordinance section(s)~~

violated, shall specify the penalty provisions of this chapter, and shall specify the appeal process specified by this chapter.

3) The property owner or resident shall stop all work associated with the permit until authorized by the city to proceed. The city may also withhold further issuance of permits.

Septic Pumping Violations:

- In the case of Septic Pumping violations, the provisions DGCC 7-4-1 apply for residential properties and DGCC 7-4-2 for commercial properties.:
- 1) Notice shall be sent by the city to all property owners reminding them to pump their sewage systems every five (5) years.
 - 2) When an existing subsurface sewage disposal system is pumped, a manhole riser to within six inches (6") of the surface and an inspection riser to the surface shall be installed.
 - 3) All septic pumpers doing business in Dalton Gardens should report to the city the condition, location, size and type of tank and disposal system, and date of pumping.

Water Usage Overages:

In the case of **Water Usage Overages**, the provisions of DGCC 7-4-2 apply:

- 1) The following enforcement procedures will be utilized in the commercial zoned district to address wastewater quantity overage issues:
 - a. All property owners and business license applicants who own or lease commercially zoned property within Dalton Gardens shall sign a copy of the wastewater restriction document at every new application or renewal.
 - b. For business license renewal purposes, water readings shall occur in March of each calendar year. For use in determining wastewater quantity, water readings from the Dalton water association will be available by March 31 of each year.
 - c. Wastewater quantity must be in compliance by July 1 of each year for the city to be able to issue the standard business license.
 - d. The city will contact property owners in writing, by April 15 of each year to inform them of any wastewater quantity overage. It is up to the property owner to determine the cause of the wastewater quantity overage.
 - e. The city will attempt to contact the noncompliant property owners in person by April 15 to begin a wastewater quantity assessment. Once the property owner has determined the cause of the wastewater quantity overage, the property owner will take steps to resolve the issue.
 - f. Once the property owner believes that it has resolved the issue and achieved compliance, the property owner shall provide proof of wastewater quantity compliance to the city by the second week of June of each year to be placed on the council agenda for the first Thursday in July. Proof may be, but is not limited to, receipts of plumbing (leaks repaired) or daily/weekly water meter readings. If the property owner has not achieved compliance by June 15, the property owner has the option of requesting an

extension to achieve compliance. The extension request shall be in writing and considered by the city council at their July meeting.

- g. In the event a commercial property owner has not achieved compliance as above set forth, the city shall have the right to withhold, or refuse to renew, a business license until compliance is actually achieved

Step 5: Judicial Enforcement

The City may elect to seek judicial enforcement of any violation and reserves the right to seek all remedies permitted in the State of Idaho.

Approved by City Council with a majority vote at the May 12, 2022 meeting.

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer

Appendix

1 Forms

1.1 Complaint form – (Open Gov)

1.2 Correction Agreement

2 Notices

2.1 Voluntary Compliance Request (VCR)

2.2 Septic pumping notification

2.3 Notice of Violation

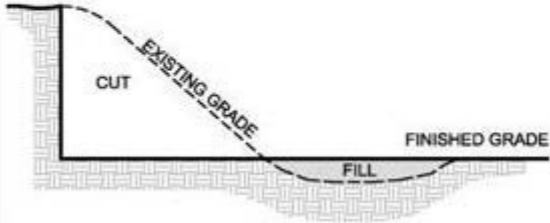
2.4 Notice of Resolution

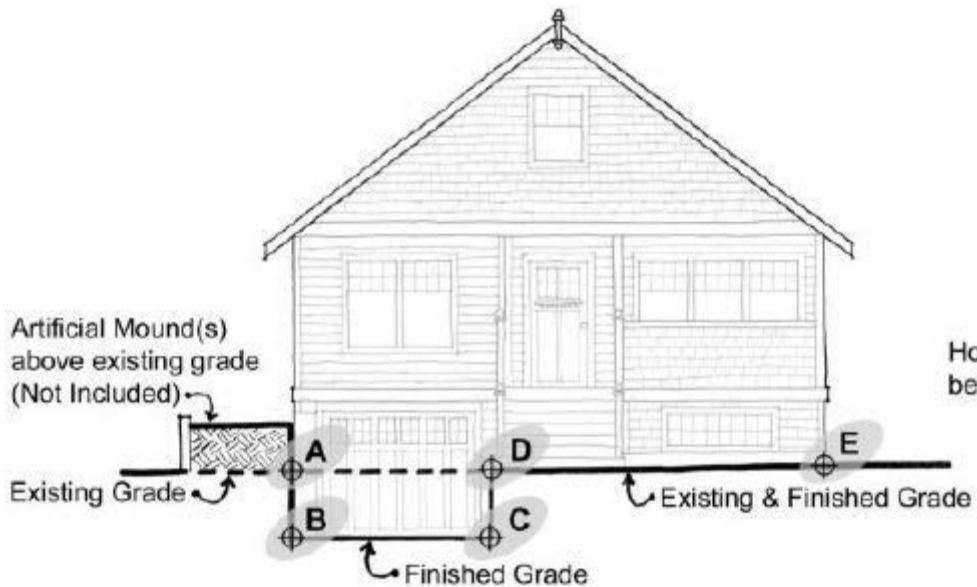
2.5 Septic pumping violation

2.6 Complaint Notification

3 Reports

3.1 Field investigation report



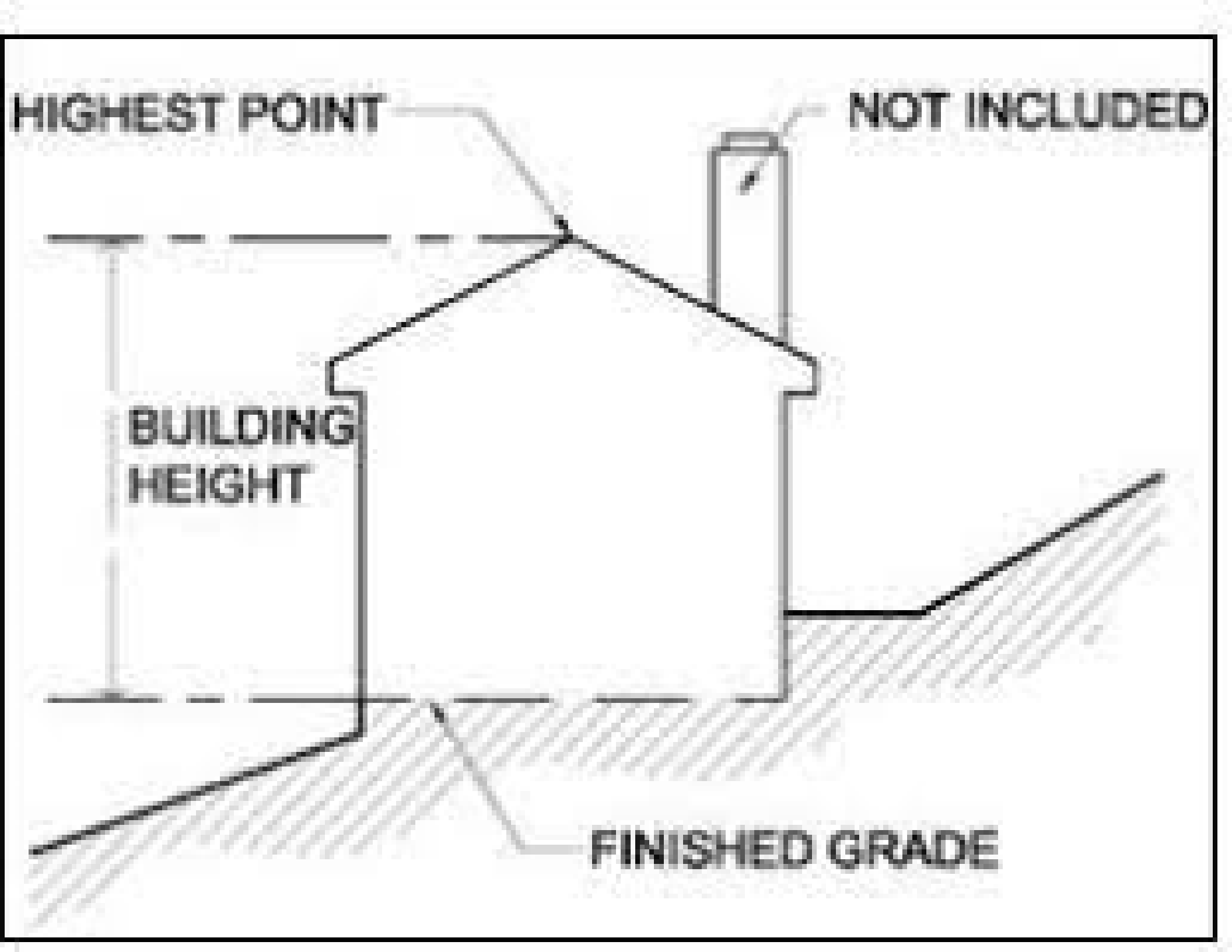


HIGHEST POINT

NOT INCLUDED

BUILDING
HEIGHT

FINISHED GRADE



City of Dalton Gardens
Council and P&Z Workshop and
Council Regular Meeting Minutes
Thursday, November 10, 2022 @ 5:00 PM
Meeting conducted via teleconference and in person.

1. **CALL WORKSHOP TO ORDER:** P&Z Chairman Becker called to order at 5:03 PM
2. **ROLL CALL:** Physically Present were City Councilmembers Scott Jordan, Aaron O'Brien, and Robert Wuest; P&Z Commissioners Chad Haunschild, Ron Sampert and Chairman Mike Becker. Mayor Dan Edwards attended via conference call and Commissioner Caitlin O'Brien attended via Zoom. Absent were City Councilmember Tyler Drechsel, P&Z Commissioner Melissa Cleveland. Also present: Teresa Janzen-City Clerk/Treasurer, Candi Baker- Deputy City Clerk, Chris Gabbert- City Attorney, and Ryan Hughes- City Planner.
3. **WORKSHOP:** Chairman Becker clarified that the intent of the workshop was to establish cohesiveness of the P&Z Commission and City Council to prioritize the work scope, processes, and efficiency for staff. Planning & Zoning is an independent commission appointed by the mayor and voted in by the City Council to address zoning issues. Enforcement of zoning issues falls to the City Council. P&Z approves subdivisions, zoning variances and special use.

The City Council and P&Z Commission, in preparation for the workshop had been asked to read through the adopted Comprehensive Plan 2019-2030 and list, in order, their top three policy priorities as potential direction of items to be addressed in 2023. The City Clerk provided the 4 responses received prior to the meeting from Councilmember TDrechsel, Commissioners CHaunschild, RSampert, and MCleveland.

CHaunschild called out the themes he saw in the responses of the commercial zones being more rural and community oriented, improving road safety, improving the city infrastructure for the park systems

RWuest stated that everything (in the Comp Plan) is a priority. Traffic is a problem. More homes are being built that are large. Area of City Impact needs to be renegotiated/ revised. There are things to clean up, but how do we keep it (city) the same? Feels each entity needs the minutes from the other entity.

MBecker calls out the unfeasibility of working on all things at once. There is no desire to change Dalton Gardens, but there needs to be a streamlined process and efficiency of staff resources and budget. Ambiguous zoning codes to be cleaned up, streamlined directives of the Comprehensive Plan. Staff are currently receiving different directives from P&Z and the Council. The original intent of his asking for the workshop is to get both sides on the same page. Collectively working as a team that operates independently, following the same code and the comprehensive plan.

RWuest suggests that the council and commission review the minutes from monthly meetings to better understand and communicate between P&Z and council, working towards a comprehensive understanding of mutual goals and priorities.

MBecker listed a short list of priorities that Planning & Zoning is working to accomplish and how this will benefit the city.

The council and commission discuss the need to schedule a reoccurring joint workshop annually/bi-annually to communicate progress and priorities. Making a consistent effort to revisit and continually prioritize and execute the needs of the city and the direction to the staff in the most efficient way. The council and commission discuss the possibility of joint meetings for significant ordinance changes.

Mayor Edwards thanks the council and commission for attending and adjourned the workshop.
6:01 PM

-
1. **CALL CITY COUNCIL MEETING TO ORDER:** Mayor Edwards called to order at 6:06 PM
 2. **ROLL CALL:** Councilmembers Robert Wuest, Scott Jordan, and Aaron Obrien were physically present. Also present: Teresa Janzen-City Clerk/Treasurer, Chris Gabbert-City Attorney, Ryan Hughes-City Planner, and Deputy Clerk- Candi Baker. Mayor Dan Edwards attended via conference call. Councilmember Tyler Drechsel was Absent.
 3. **PLEDGE OF ALLEGIANCE:** Lead by councilmember RWuest
 4. **APPROVAL OF CONSENT CALENDAR:**
 - a. Minutes from the Regular Meeting October 6, 2022
 - b. Minutes from the Special Meeting October 12, 2022

RWuest requested clarification of the picnic funds expenses and balances as shown in the monthly profit & loss report. Clerk/Treasurer TJanzen explained that Resolution 2022-05 was passed on September 26, 2022, and reflects fund balances and their transfer from FY2022 to FY2023.

RWuest made a motion to approve the consent calendar items a and b. SJordan seconded.

AO'Brien: yes SJordan: yes RWuest: yes Motion carries.

- c. Monthly Financial Statement September 1-30, 2022
- d. 4th Quarter Financial Statement (unaudited) September 30, 2022
- e. Monthly Financial Statement October 1-31, 2022
- f. Ratification of Bills from October 1-31, 2022

SJordan made a motion to approve the consent calendar items c through e. A’OBrien seconded.

SJordan: yes RWuest: yes AO’Brien: yes Motion carries.

5. CITY REPORTS

- a. City Engineer presented an update on the Child Pedestrian Safety Program. She explained the publishing advertisement protocol and the “plan room” project platform covering the Northwest. Crack-seal bids are still pending. Aqua Circle drainage has been sent to bid and is currently awaiting three responses. Prairie Avenue pothole repairs possibly partnering with Hayden for the cost of repairs. Requested direction from the council moving forward. ROW on Prairie belongs 50/50 to CODG to 15th Street.
- b. City Planner presented a written report attached. Planner reminded council of review for the height definition change ordinance at the upcoming December meeting. Policy and procedure manual and updates will be presented at the December meeting for discussion and review.
- c. City Attorney: Report will be addressed with agenda item 7.d.
- d. KCSO: Deputy Wallace gave council a verbal report and accounting of 1000 traffic citations since inception. Noticeable difference in the school zones. 127 citations, and 40 written warnings.

City Clerk introduced Curt and Lucy Jernigan to give a Christmas event report update that included location of set-up, hours of event, local bakery donations, local choir to perform, giving tree participation, donation requests, Christmas flyer distribution requests.

6. PUBLIC COMMENT -opened at 6:50 PM; closed at 6:56 PM Video 18:51

- a. Sue Supp- 7024 N 16th St; Expressed her support for the joint P&Z/Council workshop efforts. Addressed her confusion in understanding the financial statement and the presentation of the financials to the residents. Requested that additional information and custom notes be added to the monthly financial profit & loss reports to assist those that are not able to translate, understand, or are unfamiliar with municipal accounting practices. Feels that the current financial statement gives a disingenuous account of how funds are reconciled. Would like to see ongoing positive recognition to the temporary picnic committee members.
- b. Rebecca Supp- 7024 N 16th St; Thanked the deputy for his vigilant efforts in patrolling the city. Suggested that an addendum be added to the financials to explain the picnic expenses and donations, would like to see ongoing positive recognition of the temporary picnic committee members.

7. CITY BUSINESS

- a. **Consideration of Kootenai County Public Transportation Agreement**
Representative Jodi Bieze presented the council with the demand for Dalton residents and historic use to support the need for over 425 paratransit necessities at a cost of approx. \$30 roundtrip per resident.

SJordan made a motion to approve the Kootenai County Public Transportation Letter of Agreement for FY23 in the amount of \$3,051.00 and direct the mayor to sign the agreement. RWuest seconded. SJordan: yes RWuest: yes AO'Brien: yes Motion carries.

b. **Consideration of Edwards Smith bill for park arch reconstruction**

Clerk-TJanzen presents the progress, costs breakdown for labor, materials, and restoration. Submits the professional recommendation from Edwards Smith to the council for proposed completion of the park arch.

A'OBrien made a motion to approve the Edwards Smith bill for park arch reconstruction in the amount of \$7,800.00. SJordan seconded.

SJordan: yes RWuest: yes A'Obrien: yes Motion carries.

c. **Consideration for contract renewal with KCFR for Building Inspector Services**

Clerk TJanzen prents the council with the updated proposed contract, including the updated section specific to dedicated services to Dalton Gardens. Included was the updated fee schedule.

SJordan made a motion to approve the contract renewal with KCFR for Building Inspector Services and direct the mayor to sign the agreement. A'Obrien seconded.

SJordan: yes RWuest: yes A'Obrien: yes Motion carries.

d. **Consideration of School Zone Ordinance update**

City Attorney- CGabbert presents school zone designation modification of Code, for adoption of general language to read "enhanced penalty" to assist in enforcement of violations in school zones.

A'OBrien made a motion to suspend reading the School Zone Ordinance update on three different days and have the Title of the proposed Ordinance read once. SJordan seconded.

SJordan: yes A'Obrien: yes RWuest: yes Motion carries.

City Clerk TJanzen read the Title of the proposed Ordinance

A'OBrien made a motion to adopt the School Zone Ordinance update, direct the City Clerk to assign the appropriate number, and to publish once upon passage in the Coeur d'Alene Press. SJordan seconded.

SJordan: yes A'Obrien: yes RWuest: yes Motion carries.

e. **Consideration of awarding child pedestrian safety improvement contract-**

City Engineer presented addendum and responses to bids. Stripe-rite bid rejected for lack of signature regarding addendum. RPI bid package and Coyote Pack Construction, both eligible. RPI within budget and recommended by HMM.

A'OBrien made a motion to accept the recommendation of HMM Engineering and authorize the City to enter contract with RPI for the child pedestrian safety project in the amount of \$118,076.00 SJordan seconded.

SJordan: yes RWuest: yes AO'Brien: yes Motion carries.

f. **December Agenda Items**

- ❖ Code Enforcement Manual Workshop- 5:00 PM
- ❖ Public Hearing Height Ordinance

8. **ADJOURNMENT: SJordan made motion to adjourn. AO'Brien seconded. All in favor. Adjourned 07:37 PM**

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer

CITY OF DALTON GARDENS
Budget vs. Actual
October 1, 2022 to November 30, 2022

	<u>Oct - Nov 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
301-000 · COMMUNITY DEV. INCOME				
301-03 · BUILDING PERMIT REVENUE				
301-032 · MECHANICAL PERMIT REVENUE	2,550.00			
301-033 · ROOF PERMIT REVENUE	200.00			
301-03 · BUILDING PERMIT REVENUE - Other	10,935.99	75,300.00	-64,364.01	14.52%
Total 301-03 · BUILDING PERMIT REVENUE	13,685.99	75,300.00	-61,614.01	18.18%
301-04 · BUSINESS LICENSE REVENUE				
301-041 · HOME BASED BUS LICENSE	0.00	250.00	-250.00	0.0%
301-04 · BUSINESS LICENSE REVENUE - Other	750.00	7,500.00	-6,750.00	10.0%
Total 301-04 · BUSINESS LICENSE REVENUE	750.00	7,750.00	-7,000.00	9.68%
301-05 · FACILITY RESERVATION REVENUE	50.00	500.00	-450.00	10.0%
301-07 · SPECIAL USE FEES	1,277.25	3,000.00	-1,722.75	42.58%
301-08 · SUBDIVISION REVENUE	0.00	1,000.00	-1,000.00	0.0%
301-11 · ROW PERMITS	3,542.50	1,500.00	2,042.50	236.17%
301-12 · Alcohol Licenses	0.00	600.00	-600.00	0.0%
Total 301-000 · COMMUNITY DEV. INCOME	19,305.74	89,650.00	-70,344.26	21.54%
302-000 · FRANCHISE FEES				
302-01 · FRANCHISE FEE AVISTA	0.00	28,000.00	-28,000.00	0.0%
302-02 · FRANCHISE FEE TWC/SPECTRUM	0.01	10,000.00	-9,999.99	0.0%
302-03 · FRANCHISE FEE TDS	0.00	5,000.00	-5,000.00	0.0%
302-05 · FRANCHISE FEE ZIPLY	0.00	1,000.00	-1,000.00	0.0%
Total 302-000 · FRANCHISE FEES	0.01	44,000.00	-43,999.99	0.0%
303-000 · HIGHWAY FUNDS				
303-01 · HIGHWAY USERS REVENUE	22,550.28	95,527.00	-72,976.72	23.61%
303-02 · NEW HIGHWAY USER REVENUE	7,188.93	47,657.00	-40,468.07	15.09%
303-03 · TRANSFER HWY DISTRICT LEVY	68.56	57,000.00	-56,931.44	0.12%
Total 303-000 · HIGHWAY FUNDS	29,807.77	200,184.00	-170,376.23	14.89%
304-000 · LID ASSESSMENTS				
304-01 · LID # 1 Assessments				
304-011 · LID#1 Assessments Interest	671.74			
304-01 · LID # 1 Assessments - Other	3,740.21	20,809.00	-17,068.79	17.97%
Total 304-01 · LID # 1 Assessments	4,411.95	20,809.00	-16,397.05	21.2%
304-02 · LID #2 - GOVERNMENT WAY	11,029.11	35,826.00	-24,796.89	30.79%
Total 304-000 · LID ASSESSMENTS	15,441.06	56,635.00	-41,193.94	27.26%
305-000 · PROPERTY TAXES				
305-01 · AG EQUIP REPLACEMENT	0.50	2.00	-1.50	25.0%
305-02 · CURRENT REAL PROPERTY TAX	144.24	175,095.00	-174,950.76	0.08%
305-03 · DELINQUENT REAL PROPERTY TAX	29.78			
305-04 · PENALTY & INTEREST	22.01			

CITY OF DALTON GARDENS
Budget vs. Actual
October 1, 2022 to November 30, 2022

	<u>Oct - Nov 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 305-000 · PROPERTY TAXES	196.53	175,097.00	-174,900.47	0.11%
306-000 · STATE REVENUE SHARE				
306-01 · STATE LIQUOR ALLOCATION	22,249.00	117,000.00	-94,751.00	19.02%
306-02 · STATE REVENUE SHARING	77,404.61	300,695.00	-223,290.39	25.74%
Total 306-000 · STATE REVENUE SHARE	99,653.61	417,695.00	-318,041.39	23.86%
307-000 · OTHER INCOME				
307-02 · COURT REVENUE-TRAFFIC FINES	6,942.60	5,000.00	1,942.60	138.85%
307-03 · INTEREST INCOME	4,664.36	2,000.00	2,664.36	233.22%
307-05 · REFUNDS & REIMBURSEMENTS	212.00			
307-06 · RENT	0.00	10,986.00	-10,986.00	0.0%
307-000 · OTHER INCOME - Other	0.00	10,800.00	-10,800.00	0.0%
Total 307-000 · OTHER INCOME	11,818.96	28,786.00	-16,967.04	41.06%
308-000 · GRANT FUNDS				
308-03 · CONTRIBUTIONS & DONATIONS	200.00	1,000.00	-800.00	20.0%
Total 308-000 · GRANT FUNDS	200.00	1,000.00	-800.00	20.0%
Total Income	176,423.68	1,013,047.00	-836,623.32	17.42%
	176,423.68	1,013,047.00	-836,623.32	17.42%
Expense				
401-000 · GENERAL & ADMIN				
401-016 · TRAINING TRAVEL EXPENSE	1,335.35	8,400.00	-7,064.65	15.9%
401-03 · COUNCIL EXPENSES				
401-033 · CITY COUNCIL SALARIES	3,200.00	19,200.00	-16,000.00	16.67%
401-036 · MAYOR WAGES	1,700.00	10,200.00	-8,500.00	16.67%
Total 401-03 · COUNCIL EXPENSES	4,900.00	29,400.00	-24,500.00	16.67%
401-04 · OFFICE EXPENSES				
401-041 · BLDG MAINT CONTRACTED	490.00	4,000.00	-3,510.00	12.25%
401-042 · BLDG & GROUNDS MAINTENANCE	7,845.00	30,000.00	-22,155.00	26.15%
401-043 · DUES & SUBSCRIPTIONS	1,309.80	2,500.00	-1,190.20	52.39%
401-045 · GARBAGE COLLECTION & DISPOSAL	63.30	1,000.00	-936.70	6.33%
401-047 · OFFICE SUPPLIES & POSTAGE	316.97	6,000.00	-5,683.03	5.28%
401-048 · SOFTWARE PURCHASE & IT SERVICE	1,822.44	15,000.00	-13,177.56	12.15%
401-049 · REFUNDABLE EXPENSE	132.99			
Total 401-04 · OFFICE EXPENSES	11,980.50	58,500.00	-46,519.50	20.48%
401-05 · PERSONNEL EXPENSE				
401-050 · COMPANY PAYROLL TAX EXPENSE	5,104.11	40,932.00	-35,827.89	12.47%
401-054 · CLERK WAGES	11,592.43	75,406.00	-63,813.57	15.37%
401-058 · DEPUTY CLERK WAGES	6,486.17	43,672.38	-37,186.21	14.85%
401-059 · EMP HEALTH INSURANCE	4,544.00	27,336.00	-22,792.00	16.62%
Total 401-05 · PERSONNEL EXPENSE	27,726.71	187,346.38	-159,619.67	14.8%
401-06 · PROFESSIONAL SERVICES				

CITY OF DALTON GARDENS
Budget vs. Actual
October 1, 2022 to November 30, 2022

	<u>Oct - Nov 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
401-061 · AUDIT AND ACCOUNTING	6.00	15,000.00	-14,994.00	0.04%
401-062 · LEGAL PUBLISHING	744.61	8,000.00	-7,255.39	9.31%
401-06 · PROFESSIONAL SERVICES - Other	4,740.00	50,000.00	-45,260.00	9.48%
Total 401-06 · PROFESSIONAL SERVICES	5,490.61	73,000.00	-67,509.39	7.52%
401-07 · UTILITES				
401-071 · BLDG & GROUNDS UTILITIES	2,694.15	11,000.00	-8,305.85	24.49%
401-072 · INTERNET	239.98	1,680.00	-1,440.02	14.29%
401-073 · TELEPHONE	101.76	480.00	-378.24	21.2%
Total 401-07 · UTILITES	3,035.89	13,160.00	-10,124.11	23.07%
401-08 · ANNUAL PICNIC	0.00	3,500.00	-3,500.00	0.0%
401-11 · GENERAL CONTINGENCY FUND	0.00	30,000.00	-30,000.00	0.0%
401-12 · INSURANCE	4,989.00	7,500.00	-2,511.00	66.52%
Total 401-000 · GENERAL & ADMIN	59,458.06	410,806.38	-351,348.32	14.47%
402-000 · LAW ENFORCEMENT				
402-05 · CODE ENFORCEMENT-WAGES	0.00	10,000.00	-10,000.00	0.0%
402-06 · PROSECUTING ATTORNEY	0.00	1,740.00	-1,740.00	0.0%
402-08 · SPECIAL LAW ENFORCEMENT EXP	20,833.34	146,000.00	-125,166.66	14.27%
Total 402-000 · LAW ENFORCEMENT	20,833.34	157,740.00	-136,906.66	13.21%
403-000 · STREETS				
403-05 · FIRE HYDRANTS	0.00	10,000.00	-10,000.00	0.0%
403-06 · FUEL AND LUBRICANTS	0.00	4,500.00	-4,500.00	0.0%
403-10 · ROADS-ENG PLANS & SERVICES	4,298.77	25,000.00	-20,701.23	17.2%
403-11 · SNOW & ICE CONTROL-REMOVAL	1,220.00	10,000.00	-8,780.00	12.2%
403-12 · STREET EQUIPMENT MAINTENANCE	0.00	5,000.00	-5,000.00	0.0%
403-14 · STREET MAINT- CONTRACTED	0.00	360,000.00	-360,000.00	0.0%
403-16 · STREET MAINT-SUPPLIES	628.23	3,000.00	-2,371.77	20.94%
403-18 · STREET MAINT - WAGES	1,643.50	20,715.60	-19,072.10	7.93%
403-20 · STREET SIGNAL LIGHTS	79.79	500.00	-420.21	15.96%
Total 403-000 · STREETS	7,870.29	438,715.60	-430,845.31	1.79%
404-000 · PARKS				
404-01 · HORSE ARENA EXPENSES	229.78	7,000.00	-6,770.22	3.28%
404-03 · PARK MAINTENANCE- CONTRACTED	2,351.08	24,000.00	-21,648.92	9.8%
404-07 · PARK MAINTENANCE- WAGES	855.00	5,660.00	-4,805.00	15.11%
404-09 · SUPPLIES- PARK MAINT	2,651.25			
Total 404-000 · PARKS	6,087.11	36,660.00	-30,572.89	16.6%
405-000 · LID				
405-01 · Gov't Way Sewer Project/LID #1	15.00	34,000.00	-33,985.00	0.04%
405-02 · LID PHASE 2				
405-021 · LID 2 Principal Payment	0.00	27,552.14	-27,552.14	0.0%
405-022 · LID 2 Interest Expense	0.00	12,579.27	-12,579.27	0.0%
Total 405-02 · LID PHASE 2	0.00	40,131.41	-40,131.41	0.0%

CITY OF DALTON GARDENS
Budget vs. Actual
October 1, 2022 to November 30, 2022

	<u>Oct - Nov 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 405-000 - LID	15.00	74,131.41	-74,116.41	0.02%
407-000 - COMMUNITY DEV.				
407-01 - PLANNING & ZONING				
407-011 - PLANNING CONSULTANT	5,175.00	25,000.00	-19,825.00	20.7%
407-012 - PLANNING SOFTWARE	327.00	11,500.00	-11,173.00	2.84%
Total 407-01 - PLANNING & ZONING	5,502.00	36,500.00	-30,998.00	15.07%
407-02 - BUILDING INSPECTOR SERVICES	5,184.00	65,000.00	-59,816.00	7.98%
407-03 - KOOTENAI AREA TRANSPORTATION SY	3,051.00	3,051.00	0.00	100.0%
Total 407-000 - COMMUNITY DEV.	13,737.00	104,551.00	-90,814.00	13.14%
Total Expense	108,000.80	1,222,604.39	-1,114,603.59	8.83%
	68,422.88	-209,557.39	277,980.27	-32.65%

Checking/Savings

1-101.0 - General Checking- US BANK	0.00
1-101.2 - LID #1 Bond Fund	6,466.19
1-101.3 - Guaranteed Fund	35,219.95
1-101.5 - Gen Checking- ICCU	430,787.98
1-101.6 - LID# 2- ICCU	61,830.83
1-101.7 - ARPA- ICCU	254.60
1-101.8 - 18th St- ICCU	2,500.80
1-101.9 - General Fund-ICCU	152,054.60
1-102.0 - LGIP #1404-General Fund	2,015,358.97
1-102.1 - LGIP #2380-18th St	43,042.41
1-102.2 - LGIP #3726-ARPA	520,513.15
Total Checking/Savings	3,268,029.48

Ratified Bills List
11/01/2022 to 11/31/2022

Vendor	Amount	Note
Avista Utilities	\$ 375.80	Monthly Electric & Gas
Candi Baker	\$ 38.84	Reimbursement for office supplies
City of Coeur d'Alene	\$ 1,220.00	Brine for October and November
Coeur d'Alene Garbage Service	\$ 31.00	Garbage
Coeur d'Alene Press	\$ 158.53	Legal publications
Dalton Irrigation	\$ 1,807.00	Annual Irrigation Bill
Eric Killen	\$ 38.62	Reimbursement for Truck #20 mounts
HMH Engineering	\$ 6,950.02	October & November City Engineering plus structural engineering for Park Arch
ICCU Credit Card	\$ 2,110.73	Street Supplies, Training, Zoom/Adobe, Office Supplies
III-A	\$ 2,272.00	Health Insurance
Kootenai County Auditor	\$ 10,416.67	KCSO Deputy
Kootenai County	\$ 3,051.00	Kootenai County Transportation Annual
Kootenai County Fire & Rescue	\$ 5,184.00	October Building Inspector
Lyons O'Dowd	\$ 2,140.00	City Attorney- November
Modern Glass	\$ 7,845.00	Replacement of Glass Double Doors and 2 windows in conference room due to damage
Napa Auto	\$ 53.83	Truck #20 Nilights and box
Nexus Planning	\$ 2,550.00	November
Payroll	\$ 9,904.21	November
Payroll Retirement	\$ 2,399.88	November
Payroll Taxes	\$ 2,975.12	November
Service Master Cleaning	\$ 245.00	City Hall cleaning
Spectrum	\$ 119.99	Internet
Verizon	\$ 40.88	Monthly Bill
	<u>\$ 61,928.12</u>	



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
ID 83815 Phone: (208) 772-3698 Fax:
(208) 772-3698

Monthly Planner Activity Report

November 30, 2022

Code amendments

At their November meeting, the Planning and Zoning Commission recalled priority items discussed at the November 10th joint P&Z / City Council workshop. At the workshop, Commission and Council members presented priorities and their ranking. First priority items included commercial district community design, road safety infrastructure, compliance with the SMA, and addressing Dalton Market. These items can be further prioritized and considered for planning work programming. P&Z Commission will be discussing updates to the Short Plat and Lot line adjustment requirements at their December meeting. At their December meeting, City Council will be hearing and taking action on recommended updates to the height measurement definition in zoning to guide staff and the development community.

Variances / Special Use Permits

No new special use permits or new variance requests were received in past month.

Subdivisions

No new subdivision requests have been submitted.

Building Permits

The City continues to receive and manage a variety permit request. New building permit requests are received weekly and are reviewed on a rolling basis. Other permits requests include commercial business license renewals, home based business, and others. The city also continues to receive permit applications for both accessory structures and new home construction. Updates to the city's OpenGov portal are forthcoming and will include creation of specific permit types, including road approach permits and sign permits.

Code enforcement

The city continues to receive variety of code-enforcement / compliance complaints. These include issuing water overage letters and working with commercial property owners on reducing water use to allowed limits. A backlog of code enforcement complaints exists. With limited staffing capacity, application of the code compliance policy is applied on a prioritized basis. Further review and updates to the code compliance policy handbook can assist current and future staff, providing guidance, instruction and prioritization of enforcement / compliance activities. City Council will be reviewing the C.E policy manual and handbook at their December meeting. Code

enforcement constitutes a significant portion of staff time, including developing and tracking Voluntary Compliance Request (VCR) letters and Notices of Violations. Staff recommends that a dedicated code enforcement staff member is hired and trained to administer the backlog of enforcement cases.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ryan Hughes", written in a cursive style.

Ryan Hughes,
City Planner

CITY OF DALTON GARDENS, IDAHO

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 1, SECTION 4 TO MODIFY THE DEFINITION FOR HEIGHT AND METHOD FOR DETERMINING STRUCTURE HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR THE PUBLICATION OF A SUMMARY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO:

SECTION 1: That Section 5-1-4 of the Dalton Gardens City Code be amended to read as follows:

5-1-4: DEFINITIONS:

HEIGHT: A measurement of the distance from the bottom to the top of something which is upright. Structure height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building ~~measured from natural grade~~ to the highest ridgeline or peak on the roof. Appurtenances such as chimneys, cupolas, antennas, weather vanes and the like are not included in the height measurement. Chimneys, cupolas and similar encroachments above the ridgeline (not to include antennas, weather vanes and the like) shall be limited in height to ten feet (10') above the ridgeline and shall not exceed ten feet (10') in either horizontal dimension or one hundred (100) square feet in the aggregate.

SECTION 2. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION 3. All provisions of the current Dalton Gardens Municipal Code or ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Upon passage and approval and publication in one (1) issue of the Coeur d'Alene Press, the official newspaper of the City of Dalton Gardens, Idaho, this Ordinance shall be in full force and effect.

PASSED under suspension of the rules at which a roll call vote was taken at regular meeting of the city council of the City of Dalton Gardens, Kootenai County, Idaho, this _____ day of _____, 2022.

ATTEST:

DAN EDWARDS, Mayor

TERESA JANZEN, Clerk

DRAFT

City of Dalton Gardens

2023 Meeting Schedules

CITY COUNCIL	PLANNING & ZONING
2 nd Thursday of the Month	4 th Thursday of the Month
01/12/2023	01/26/2023
02/09/2023	02/23/2023
03/09/2023	03/23/2023
04/13/2023	04/27/2023
05/11/2023	05/25/2023
06/08/2023	06/22/2023
07/13/2023	07/27/2023
08/10/2023	08/24/2023
09/14/2023	09/28/2023
10/12/2023	10/26/2023
11/09/2023	11/16/2023 <i>*3rd Thursday</i>
12/14/2023	12/21/2023 <i>*3rd Thursday</i>

All City meetings are open to the Public. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling the City Clerk at (208) 772-3698 ext 102.

City of Dalton Gardens
Planning & Zoning Meeting Minutes
Thursday, October 27, 2022 @ 6:00 PM
Meeting was conducted in person and via Zoom.

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:05 PM
2. **ROLL CALL OF COMMISSION MEMBERS:** Present were commissioners Chad Haunschild, Melissa Cleveland, Ron Sampert, Caitlin O'Brien and Chairman Mike Becker. Also present were Ryan Hughes- City Planner, and Candi Baker- Deputy Clerk.
3. **APPROVAL OF MINUTES:** MCleveland made a motion to approve the regular meeting minutes from September 29, 2022. CHaunschild seconded.
CHaunschild: yes MCleveland: yes RSampert: yes CO'Brien: yes MBecker: yes
Motion Carries.
4. **CITY PLANNER REPORT:** City Planner updated the commission of the continued code enforcement complaints and lack of a code enforcement officer, restricting staff ability to address the growing complaints as a priority over the direction given to the staff. City Planner addresses the commission regarding the upcoming joint City Council/Planning & Zoning workshop, how to prepare, and what commissioners should expect to address for an efficient and productive workshop.
5. **PUBLIC HEARING FOR HEIGHT DEFINITION:** Opened 6:10 PM - Closed 6:20 PM
City Planner explains the definition change and the purpose of the change to assist in the understanding and expectations of measurements, removing the possibility of interpretation. Commissioner Sampert requests that City Planner address the need and benefit to the city to update the definition.

PUBLIC TESTIMONY:

- Sue Supp- 7024 N 16th Street- Shared concerns regarding backfill, erosion, and hillside development.
- Ray Craft- 931 E Wilbur Ave- Asked why there is a change needed to the current definition and what cities were used as comparable.

City Planner explains how the the revision is to communicate clarity of the City's allowances, while upholding the current code requirements. Commissioner Sampert comments that this height definition does not apply to the concerns of the Public Testimony, as those are separate ordinances that are not being revised. Commission expresses the effort to implement consistency.

CO'Brien made a motion to approve the recommendation to City Council of height definition change. MCleveland Seconded.

**CHaunschild: yes MCleveland: yes RSampert: yes MBecker: yes CO'Brien: yes
Motion Carries.**

6. **ANNOUNCEMENTS:**

Chairman Becker addressed the commission regarding the upcoming joint City Council/Planning & Zoning workshop and reviewed the necessary requested review of the City's comprehensive plan and complete an individual priority list to submit to the City Clerk prior to the workshop.

7. **PUBLIC COMMENT:** Opened 6:32 PM Closed 6:42 PM

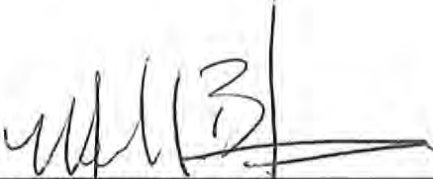
Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.

- Ray Craft- 931 E Wilbur Ave- Thanked the commission for their response and clarification.
- Sue Supp- 7024 16th Street- Requested that the commission address the ADA compliance section of the Telecom ordinance in directing residents on the process of filing and reporting complaints.
- Clark Young-7064 N 16th Street- Communicated that he feels that the new changes are directly conflicting with our current ordinance.

8. **DISCUSS AGENDA ITEMS 11/10/2022 MEETING:**

- Commission elects to create an agenda post joint City Council/Planning & Zoning workshop after discussing the goals and priorities of the city and the comprehensive plan.

9. **ADJOURN:** CHaunschild made a motion to adjourn the meeting. MCleveland seconded. All in favor. Meeting adjourned at 6:43 PM.



Mike Becker, Chairman

ATTEST:



Candi Baker, Deputy Clerk