



# Agenda for the Financial Transparency & Code Compliance Manual Workshops and the Regular Meeting of City Council

Wednesday, February 8, 2023

*4:30 PM Financial Transparency Workshop*

*5:00 PM Code Enforcement Manual Workshop*

*6:00 PM City Council Meeting*

**Location:** DALTON GARDENS CITY HALL, 6360 N 4<sup>th</sup> 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/89344159339?pwd=R3lEd1V1eEk3NFgrTG5DMFkvdXJqZz09>

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

**Webinar ID:**893 4415 9339; **Passcode:** 517216

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## 4:30 PM WORKSHOP ON FINANCIAL TRANSPARENCY

## 5:00 PM WORKSHOP ON CODE ENFORCEMENT MANUAL UPDATES

## 6:00 PM REGULAR CITY COUNCIL MEETING

### 1. CALL TO ORDER

### 2. ROLL CALL

### 3. PLEDGE OF ALLEGIANCE

### 4. APPROVAL CONSENT CALENDAR- **ACTION**

- a. Minutes from the Regular Meeting January 12, 2023
- b. Ratification of Bills from January 1-31, 2023
- c. Monthly Financial Statement January 1-31, 2023

### 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. CITY BUSINESS

- a. Consideration of Alcohol License renewal for Smoke n Suds-**ACTION**
- b. Discussion on Short Plat Ordinance Recommendation from P&Z
- c. Consideration of The Sweep Contract for FY23- **ACTION**
- d. Discussion of March Agenda Items

### 8. EXECUTIVE SESSION-**ACTION**

Executive session pursuant to Idaho Code 74-206(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.

## 9. ADJOURNMENT- ACTION

Original Posting: 02/03/2023

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.



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

## TITLE 67

### STATE GOVERNMENT AND STATE AFFAIRS

#### CHAPTER 10

##### STATE CONTROLLER

67-1075. UNIFORM ACCOUNTING PRACTICES AND PROCEDURES – LOCAL GOVERNMENTAL ENTITIES. (1) It is the duty of the state controller to ensure a uniform system of accounting for local governmental entities as defined in section 67-1076, Idaho Code, and to create and maintain a uniform accounting manual for local governmental entities that reflects best practices, with the assistance and approval of the committee on uniform accounting and transparency for local governmental entities pursuant to section 67-448, Idaho Code. The manual must define and classify the various funds, accounts, grants, and other financial structures by account title as necessary for the uniform reporting of accounting, budgeting, and financial reporting information, including estimated and actual revenues and expenditures. All local governmental entities as defined in section 67-1076, Idaho Code, shall comply with the reporting standards and requirements established under this section and section 67-1076, Idaho Code. The state controller is responsible for converting financial data from local governmental entities to the state controller's online platform.

(2) The state controller must create a public website for the reporting of local governmental entities' accounting, budgeting, and financial data in order to provide leaders, decision-makers, and citizens easy access to search, view, and compare data across the state. The state controller has the flexibility to create a staggered-phase project implementation schedule but must have the online program fully functional by January 1, 2025. The state controller must coordinate with local governmental entities as to the staggered implementation schedule. The state controller must provide a progress report on the implementation of the programs outlined in this section to the legislature on behalf of the committee on uniform accounting and transparency for local governmental entities annually until the project has been fully implemented.

(3) Until such time as otherwise directed by the state controller's office, a local governmental entity shall continue to report financial data required under section 67-1076, Idaho Code, to the legislative services office.

(4) The public website created and maintained by the state controller pursuant to this section must additionally provide access to education provider financial information. Such data may be integrated with or maintained separately from the local governmental entity data, in the discretion of the state controller.

History:

[67-1075, added 2021, ch. 89, sec. 3, p. 298.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 10  
STATE CONTROLLER

67-1076. LOCAL GOVERNMENTAL ENTITIES CENTRAL REGISTRY – REPORTING INFORMATION REQUIRED – PENALTIES FOR FAILURE TO REPORT. (1) In addition to the provisions applicable to local governmental entities found in section 67-450B, Idaho Code, the provisions of this section also apply to local governmental entities. For purposes of section 67-1075, Idaho Code, and this section, "local governmental entity" includes without limitation all cities, counties, entities governed by chapter 20, title 50, Idaho Code, authorities, and districts organized as separate legal and reporting entities under Idaho law and includes the councils, commissions, and boards as appointed or elected and charged with fiscal management responsibilities of the local governmental entity. If a local governmental entity is governed by the provisions of section 33-701, Idaho Code, such entity is not required to comply with the provisions of this section.

(a) There is hereby established a central registry and reporting portal (registry) on the state controller's website. The registry and reporting portal shall serve as the unified location for the reporting of and access to administrative and financial information of local governmental entities in this state. Every local governmental entity must register with the state registry.

(b) The county clerk must notify each local governmental entity of the requirements of this section.

(c) Each year, according to the schedule set forth in the uniform accounting manual for local governmental entities authorized under section 67-1075, Idaho Code:

(i) The state tax commission must submit a list to the state controller of all taxing districts within the state; and

(ii) The county clerk of each county must submit a list to the state controller of all taxing districts in the county and any other local governmental entities that are authorized to impose fees or assessments or to receive property tax money within the county.

(2) On or before December 1 of each year, every local governmental entity must submit to the online central registry and reporting portal the following information:

(a) Administrative information:

(i) The terms of membership and appointing authority for the governing board member of the local governmental entity;

(ii) The official name, mailing address, and electronic mailing address of the entity;

(iii) The fiscal year of the entity; and

(iv) Except for cities and counties, the section of Idaho Code under which the entity was established, the date of

establishment, the establishing entity, and the statute or statutes under which the entity operates, if different from the statute or statutes under which the entity was established.

(b) Financial information:

- (i) The most recent adopted budget of the entity;
- (ii) An unaudited comparison of the budget to actual revenues and expenditures for the most recently completed fiscal year;
- (iii) The date of its last independent audit; and
- (iv) Any other information required by the uniform accounting manual for local governmental entities.

(c) Bonds or other debt obligation information:

- (i) The cumulative dollar amount of all bonds or other debt obligations issued or incurred by the entity; and
- (ii) The average length of term of all bond issuances or other debt obligations and the average interest rate of all bonds or other debt obligations.

(3) Within five (5) days of submitting to the central registry the information required by this subsection, the local governing entity must notify the entity's appointing authority, if the entity has an appointing authority, that it has submitted such information.

(4) If any information provided by an entity as required by this subsection changes during the year, the entity must update its information on the registry within thirty (30) days of any such change.

(5) All reasonable fees, costs, and other expenses incurred assisting local governmental entities in compiling the reporting information required by this section may be charged by the county against the local governmental entity requesting the county's service. An entity may request assistance from the county to comply with provisions of this section, but the county is under no obligation to provide such assistance. For purposes of this section, reasonable fees and costs include but are not limited to the labor costs, material costs, and copying costs incurred while assisting local governmental entities to comply with this section. Such fees and costs may be deducted from any distributions of taxes, fees, or assessments collected by the county on behalf of the local governmental entity.

(6) Audits required by sections 67-450B, 67-450C, and 67-450D, Idaho Code, will be submitted to the online portal and provided by the state controller's office to the legislative services office.

(7) Notification, late fees, and penalties.

(a) If a local governmental entity fails to submit information required by this section or submits noncompliant information required by this section, the state controller must notify the entity immediately after the due date of the information that either the information was not submitted in a timely manner or the information submitted was noncompliant. The local governmental entity then has thirty (30) days from the date of notice to submit the information or notify the state controller that it will comply by a time certain. The state controller may impose a late fee for each day over said thirty (30) days that the local governmental entity has failed to provide the information required under this section. The late fee may be in the amount of up to five hundred dollars (\$500) per day and is immediately payable from the local governmental entity to the state controller's office, which shall deposit the fee in the state general fund.

(b) No later than January 15 of any year, the state controller must notify the appropriate board of county commissioners and the state tax commission of the entity's failure to comply with the provisions of this section. Upon receipt of such notification, the board of county commissioners must place a public notice in a newspaper of general circulation in the county indicating that the entity is noncompliant with the legal reporting requirements of this section. The county commissioners shall assess to the entity the cost of the public notice. Such costs may be deducted from any distributions of taxes, fees, increment financing, or assessments collected by the county on behalf of the local governmental entity. For any noncomplying entity, the state controller must notify the board of county commissioners and the state tax commission of the compliance status of such entity once the entity is in compliance.

(c) A local governmental entity that fails to comply with this section is prohibited from including in its budget any budget increase otherwise permitted by subsection (1)(a) or (e) of section 63-802, Idaho Code.

(d) In addition to any other penalty provided in this section, during any failure to comply with this section, the state tax commission must withhold the quarterly distribution of sales tax distribution pursuant to section 63-3638(10), Idaho Code, for any noncomplying entity. The state tax commission must withhold and retain such money in a reserve account until the state controller certifies that the entity has complied with the provisions of this section, at which point the state tax commission must pay any money owed to the local governmental entity previously in violation of this section.

(e) For any local governmental entity that is a non-taxing district, including entities established pursuant to title 50, Idaho Code, upon notification to the board of county commissioners from the state controller of noncompliance by such entity, the board of county commissioners must convene to determine appropriate compliance measures, including but not limited to the following:

(i) Require a meeting of the board of county commissioners and the entity's governing body wherein the board of county commissioners requires compliance of this section by the entity;

(ii) Assess a noncompliance fee on the noncomplying entity. Such fee may not exceed five thousand dollars (\$5,000). Such fees and costs may be deducted from any distributions of taxes, fees, increment financing, or assessments collected by the county on behalf of the local governmental entity until such time as the entity is in compliance with the requirements of this section and section 67-1075, Idaho Code. The amount of any such fee may not be passed on to persons subject to the jurisdiction of the entity in the form of adjustments to any fee or assessment imposed or collected by the entity. Any fee collected must be deposited into the county's current expense fund; and

(iii) Cause a special audit to be conducted on the entity at the cost of the entity.

(8) The provisions of this section have no impact or effect upon reporting requirements for local governmental entities relating to the state tax commission.

History:

[67-1076, added 2021, ch. 89, sec. 6, p. 301.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 4  
LEGISLATURE

67-448. COMMITTEE ON UNIFORM ACCOUNTING AND TRANSPARENCY FOR LOCAL GOVERNMENTAL ENTITIES. (1) In order to provide for uniform and transparent financial data of local governmental entities to better inform lawmakers, decision-makers, and citizens, there is hereby established the committee on uniform accounting and transparency for local governmental entities.

(2) The committee shall consist of seven (7) members comprised as follows:

(a) Three (3) members of the senate, one (1) of whom shall be the chairperson of the senate local government and taxation committee or his designee, one (1) from the majority party appointed by the president pro tempore of the senate, and one (1) from the minority party appointed by the minority leader;

(b) Three (3) members of the house of representatives, one (1) of whom shall be the chairperson of the house revenue and taxation committee or his designee, one (1) from the majority party appointed by the speaker of the house, and one (1) from the minority party appointed by the minority leader; and

(c) The state controller or his designee.

(3) The cochairs of the committee shall be the chairperson of the senate local government and taxation committee and the chairperson of the house revenue and taxation committee or their designees. Legislative appointments to the committee shall be for the term of office of the member appointed, and members shall serve at the pleasure of the appointing authority. The state controller or his designee shall serve for the term of office of the state controller, at the pleasure of the state controller. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this section, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(4) The cochairs may appoint advisors with expertise in the fiscal affairs, including accounting and auditing responsibilities, of local governmental entities. Any advisors to the committee shall not receive compensation and shall not have voting privileges.

(5) The committee has as its primary duty and responsibility the collaborative task of developing, approving, monitoring, and revising as needed the uniform accounting, budgeting, and financial reporting system and manual for local governmental entities, pursuant to section 67-1075, Idaho Code. The committee shall by a simple majority approve the uniform accounting manual for local governmental entities and any revisions thereto.

(6) Legislative members of the committee are entitled to per diem at the direction of the president pro tempore of the senate or the speaker of

the house of representatives at the rates established by the citizens' committee on legislative compensation. No compensation shall be paid to the state controller, but his designee, if not a state government employee, shall be reimbursed as provided in section 59-509(q), Idaho Code.

(7) The committee may direct the legislative services office to perform an audit on a local governmental entity, as defined in section 67-1076, Idaho Code.

(8) The committee may direct any local governmental entity, education provider, or state agency to provide financial information necessary to the state controller to fulfill his duties under the law.

History:

[67-448, added 2021, ch. 89, sec. 2, p. 297.]

How current is this law?

**Search the Idaho Statutes and Constitution**

**Resolution No. 08-28**  
**Eagle Budget, Spending and Fiscal Transparency Resolution**

WHEREAS, it is the desire of the City of Eagle to increase transparency with regard to the City revenues, expenditures, budgets, contracts, leases, and grants; and

WHEREAS, the City of Eagle recognizes the need to embrace and fully utilize technological improvements to keep the City on the cutting edge of government innovation; and

WHEREAS, making financial documents, budgets, contracts, leases and grants available on the City's website will reduce the cost, time and effort needed to respond to public information requests; and

WHEREAS, the City of Eagle has already taken substantial steps to increase transparency by making financial documents and budgets available to the public through the City's website.

WHEREAS, the City's existing website will allow the public to access, aggregate and download information on the City's revenues, expenditures, quarterly reports, proposed and final budgets, contracts, leases, and grants at no cost to the taxpayer.

NOW THEREFORE, BE IT RESOLVED by the Eagle City Council that the appropriate City staff is directed to implement the following additional measures to improve transparency with regard to the City revenues, expenditures, budgets and other fiscal matters:

1. City revenue information shall be made available on the City's website by posting the Receipt Register.
2. The Receipt Register posted on the City's website shall include, but is not limited to: the receipt number, the date, general ledger distribution description, the general ledger account number, and the amount.
3. The Check Register posted on the City's website shall include, but is not limited to: checks, petty cash payment, credit card transaction, reimbursement, payment for professional service, purchase order, grant, bond payment, loan payment, lease payment, contracts and subcontracts.
4. The Check Register posted on the City's website shall include: the date of payment, check number, payee, general ledger account number, general ledger account title, and check amount.
5. The City's Vendors List will be posted on the City's website which shall include the name and principal location of each Vendor.

6. The Financial Statement will be posted on the City's website quarterly.

BE IT FURTHER RESOLVED that the Receipt Register and the Check Register will be posted to the City's website as soon as possible after the Council approves the Check Register at a regularly scheduled Council meeting. The Receipt Register and Check Register will be rotated every quarter.

BE IT FURTHER RESOLVED that all active contracts, leases and grants, final budgets, and quarterly reports, will be posted on the City's website as soon as possible after each document is adopted, entered into or received by the City. In the case of contracts that are let out to bid, a list of all bidders shall be posted on the website.

BE IT FURTHER RESOLVED that the website additions shall be operational as soon as possible, but no later than March 1, 2009.

BE IT FURTHER RESOLVED, that nothing in this resolution shall require the disclosure of information which is exempt from disclosure under Idaho's public records statutes, or information which is confidential under state or federal law, or that is protected by attorney-client privilege.

ADOPTED at a regular meeting of the Eagle City Council on this \_\_\_ day of January, 2009.

CITY OF EAGLE  
Ada County, Idaho

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PHIL BANDY  
MAYOR

ATTEST:

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SHARON K. BERGMANN  
CITY CLERK/TREASURER

(SEAL)

**Resolution No. 21-05**  
**Restated Transparency Resolution**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAGLE, ADA COUNTY, IDAHO RESCINDING THE CITY OF EAGLE'S TRANSPARENCY RESOLUTION AND REPLACING IT WITH A NEW RESOLUTION, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is the desire of the City of Eagle to increase transparency with regard to the City revenues, expenditures, budgets, contracts, and leases; and

WHEREAS, the City of Eagle recognizes the need to embrace and fully utilize technological improvements to keep the City on the cutting edge of government innovation; and

WHEREAS, making financial documents, budgets, contracts, leases and grants available on the City's website will reduce the cost, time and effort needed to respond to public information requests; and

WHEREAS, the City passed Resolution No. 08-28 on January 20, 2009 to implement the City of Eagle's goal of increasing government transparency to the public; and

WHEREAS, it is the desire of the City of Eagle to update its transparency resolution; and

WHEREAS, there has been technology and software advances since the original resolution was passed in 2009;

NOW THEREFORE, BE IT RESOLVED by the Eagle City Council that resolution 08-28 will be rescinded in its entirety and that this Resolution 21-05 be in effect.

The following financial information shall be made accessible via the City of Eagle's official website to increase ease of access and provide transparency in municipal conduct:

1. Agendas for all City Boards, Council, Committees and Commissions. Minutes upon approval of the same. Audio/video files of City Council, Planning and Zoning Commission meetings and other Boards/Commissions, if able, from 2014 through today's date shall be archived via the City's website as technology may allow.
2. Approved agreements and contracts.
3. Approved ordinances, resolutions and proclamations.
4. Building permits, certificates of occupancy and inspection reports.
5. Municipal Election results.
6. Campaign finance information prior to 2020.
7. Financial information including approved budgets, monthly check register, quarterly financial statements, and audit reports.

BE IT FURTHER RESOLVED, that nothing in this resolution shall require the disclosure of information which is exempt from disclosure under Idaho's public records statutes, or information which is confidential under state or federal law, or that is protected by attorney-client privilege.

ADOPTED at a regular meeting of the Eagle City Council on this 23<sup>rd</sup> day of February, 2021.

CITY OF EAGLE  
Ada County, Idaho

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JASON PIERCE  
MAYOR

ATTEST:

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TRACY E. OSBORN  
CITY CLERK/DEPUTY TREASURER



# CITY OF DALTON GARDENS CODE COMPLIANCE PROGRAM MANUAL

Policies and Operating Procedures

May 12 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 (Non-decorative)** ; **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](http://www.daltongardens.com/permits)), or by completing a written complaint form printed from OpenGov. 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.~~

Exceptions. The City recognizes there may be cases justifying an exception to this policy. These are cases where there is proof of threats of harm to the complainant by the party being investigated. Said threats will need to be identified prior to allowing an anonymous complaint.

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## 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:

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- 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. Already addressed above where any resident can make a code violation complaint.~~

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#### 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.

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### G. Information from official city records

**Potential** eCode 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.

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**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).

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#### 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.

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## 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

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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.

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## 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.

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### 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.

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## Part 2: Standard operating procedures

### Purpose

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

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### 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 14-14 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**.

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## 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

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- 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.

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- 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: Remove references to specific City Code,

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

### 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.
    - b.c. Does not pertain to decorative vehicles.

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### 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

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- 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.

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#### 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.

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#### 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.

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#### 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.

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#### 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.

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#### 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.

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- 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

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### **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

**City of Dalton Gardens**  
**Regular City Council Meeting Minutes**  
**Thursday, January 12, 2023 @ 6:00 PM**  
Meeting conducted via teleconference and in person.

1. **CALL CITY COUNCIL MEETING TO ORDER:** Mayor Edwards called to order at 6:00 PM
2. **ROLL CALL:** Councilmembers Robert Wuest, Scott Jordan, and Tyler Drechsel were physically present; Mayor Edwards attended via Zoom; Councilmember Aaron O'Brien was absent. Also present: Teresa Janzen-City Clerk/Treasurer, Ryan Hughes-City Planner, and Chris Gabbert- City Attorney.
3. **PLEDGE OF ALLEGIANCE:** Lead by Council President TDrechsel
4. **APPROVAL OF CONSENT CALENDAR:**
  - a. Minutes from the Regular Meeting December 8, 2022
  - b. Ratification of Bills from December 1-31, 2022
  - c. Monthly Financial Statement December 1-31, 2022
  - d. 1<sup>st</sup> Quarter FY2023 Treasurer's Report December 31, 2022

City Attorney Gabbert clarified for the record that the agenda has a typo and there was no Code Compliance Manual item on the January 12, 2023, agenda. RWuest requested a change in the December 8, 2022, minutes for his comment to reflect his request for Andy Smith to comment on how to measure height on Woodland Dr not asking what surrounding communities measure.

**TDrechsel made a motion to approve the consent calendar items a-d with the listed changes. SJordan seconded.**

**RWuest: yes SJordan: yes TDrechsel: yes Motion carries.**

5. **CITY REPORTS**
  - a. **City Engineer:** Christine Baker gave an update that December was just routine reviews; there are 11 open ROW permits; Child Pedestrian Safety Improvements are on hold for the weather.
    - SJordan asked for information on 2023 chip-sealing. She will draft a proposal and bring it back to the City Council.
  - b. **City Planner:** Gave update on items P&Z is working on short plat subdivision ordinance public hearing scheduled for 1/26/23 meeting; discussion on proposed changes for Lot Line Adjustment provisions; Code Compliance Policy Manual- looking forward to Councils edits to continue moving forward.
  - c. **City Attorney:** No updates to address.
  - d. **KCSO:** Deputy Wallace gave an update on December numbers and will be bringing a proposal for a city owned LiDAR radar unit to allow them to clock speeds besides forward and aft.

- Clerk Janzen advised Council that website updates have been made and residents can now see current traffic citation numbers under Government→City Council

**6. PUBLIC COMMENT: Opened 6:18 PM - Closed 6:25 PM**

- Sue Supp- 7024 N 16<sup>th</sup> St; Felt her comments from December 8, 2022, did not fully reflect her concerns. We need to look at how published financial reports reflect reality. Carryover from last year showing as an income. Do not have an expenditure line showing how the restricted donations will be spent. TDrechsel indicated that everything is being recorded via GAAP. Previous Treasurer Anderson left no trail of how donations were tracked or used. Deficiency we cannot overlook. Re-open the budget for road repairs on Hanley and deal with the deficiency about the picnic funds then.
  - \* SJordan asked the Clerk/Treasurer if we have an Accountant for the City. The treasurer indicated yes and reiterated that the accountant has fully reviewed how the donations and expenditures are being tracked and agrees that it is being tracked and reflected correctly. There is nothing further the city needs to do.
  - \* RWuest expressed concern that donations are not being tracked, what impact it might have on future grant applications, and budgeting. The Clerk/Treasurer reiterated that she has fully tracked all donations appropriately and anything that is project specific is also tracked in the Clerk's office as part of that project. Additionally, carryover income from a previous fiscal year cannot show as income in the current fiscal year as it was the prior year income.

**7. CITY BUSINESS:**

- Consideration of Dalton Market Sign Permit# 23-2: City Planner gave his staff review that the sign permit is coming to council based on Dalton Market's status of legal pre-existing, non-conforming use. DGCC 5-11-6 addresses sign permit processing for such properties.

The council discussed the current verified height of the sign and the details of the branding package included for Dalton Market. RWuest requested that all final details regarding the changes to Dalton Market signage be added to the parcel file with detailed and verified measurements and specifications and photos for any future changes. Mayor Edwards asked if there have been any complaints of brightness since 2016 when the sign became digitally illuminated. City Clerk TJanzen indicated the only resident complaint questioned the application/permitting process for Dalton Elementary requiring council approval prior to sign allowance, vs Dalton Market's unpermitted lighted sign. SJordan asked Dalton Market business owner, Bonnie Pooni, to verify that the existing sign is double sided. RWuest stated that the existing sign must meet the standard outlined in the code. SJordan requested an electrical inspection be made to the sign to verify that it meets current electrical code requirements, and that modifications made to existing structures by 76 submit proof that existing pole and canopy met building safety requirements at the time modifications were made, and electrical permits and inspections

performed by state electrical official for modifications be submitted to the city. Mayor Edwards suggested approval of sign permit upon approval of conditions requested by council.

**SJordan made a motion to approve Dalton Market sign permit #SIGN 23-1 as is upon fulfillment of Conditions Of Approval in the Order of Decision 8.1- Pursuant to DGCC 5-11-11(G), issuance of sign permit shall be conditioned upon receipt of construction drawings stamped by an architect or engineer licensed in the State of Idaho. 8.2- Application or proof of application for electrical permits shall be obtained from the state electrical official. 8.3- Installation of any sign and message center shall comply with all standards outlined in DGCC 5-11-11(F), *Electrical Signs And Message Centers*. TDrechsel seconded.**

**RWuest: yes SJordan: yes TDrechsel: yes Motion carries.**

- b. Discussion of LID #2 Balance: City Clerk presented the council with an updated payoff for LID#2 and provided councilmember RWuest with a paper statement per request. TJanzen reviewed the life of the LID#2 loan and the amortized annual payment schedule. RWuest inquired about refunding from LID's and would like direction from bond council. TJanzen explained that she has taken her direction from bond council and that LID's are not refundable.
- c. Discussion of February Agenda Items:
  - i. Workshop on Financial Transparency and looking at a potential resolution before potential Levy rate increase.
  - ii. Workshop on Code Compliance Manual updates- written edits due to Clerk by 1/27/23 @ 4 PM to be included in this workshop.
  - iii. Short Plat ordinance might be a March item depending on outcome of P&Z public hearing.
  - iv. Records Retention Policy update pushed out until March meeting.

TDrechsel updated the council that the two City Hall roof leaks have been repaired. Extensive rot and damage was discovered, the city will send to bid for full replacement. Repair company included estimate of a new roof after damage was discovered. TDrechsel suggested having a full assessment of damage in the upcoming warmer months. TJanzen addressed the damaged fire hydrant repair on 15<sup>th</sup> Street and conveyed that she is waiting for an estimate from the Dalton Water Master to update the council.

**8. ADJOURNMENT: SJordan made motion to adjourn. RWuest seconded. All in favor. Adjourned 07:25 PM**

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Dan Edwards, Mayor

ATTEST:

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Teresa Janzen, City Clerk/ Treasurer

**Ratified Bills List**  
**01/01/2023 to 01/31/2023**

<b>Vendor</b>	<b>Amount</b>	<b>Note</b>
Avista Utilities	\$ 758.71	Monthly Electric & Gas
Anderson Bros. CPA	\$ 2,802.50	Audit Prep
Association of Public Works Professiona	\$ 10.00	Annual dues
Cenex	\$ 1,125.11	Fuel for City Vehicles, Plow and Grader
City of Coeur d'Alene	\$ 520.00	Brine for January
Coeur d'Alene Garbage Service	\$ 31.00	Garbage
Coeur d'Alene Press	\$ 176.50	Legal publications
Edwards Smith Construction	\$ 7,800.00	Park Arch Restoration
GrowIT Media	\$ 2,732.40	2 years of telephone service
OPENGOV, Inc	\$ 11,200.00	Annual software
ICCU Credit Card	\$ 1,831.24	Blue Beam annual software, Adobe, Zoom, Anti-virus, Office supplies
III-A	\$ 2,272.00	Health Insurance
Intuit	\$ 45.00	Payroll processing
Kootenai County Auditor	\$ 10,416.67	KCSO Deputy
Kootenai County Fire & Rescue	\$ 7,344.00	Building Inspector- 2 months
Laser Technology	\$ 1,492.65	LiDar Unit- funds were donated
Magnuson McHugh & Co	\$ 3,000.00	FY22 Audit Installment 2
Nexus Planning	\$ 2,925.00	City Planner
Payroll	\$ 11,246.28	January
Payroll Retirement	\$ 3,445.05	January
Payroll Taxes	\$ 2,475.63	January
Pointe Pest Control	\$ 165.00	Quarterly pest service
Royal Business Systems	\$ 116.60	6 months of copier charges/service
Sears Fire Extinguisher Service	\$ 75.00	Annual service of 9 extinguishers
Service Master Cleaning	\$ 325.00	City Hall cleaning
Spectrum	\$ 119.99	Internet
Verizon	\$ 40.89	Monthly Bill
	<b><u>\$ 74,492.22</u></b>	

**CITY OF DALTON GARDENS**  
**Budget vs. Actual**  
**October 1, 2022 to January 31, 2023**

	<u>Actual</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Income</b>				
<b>301-000 · COMMUNITY DEV. INCOME</b>				
301-03 · BUILDING PERMIT REVENUE	34,910.46	75,300.00	-40,389.54	46.36%
301-04 · BUSINESS LICENSE REVENUE	1,050.00	7,750.00	-6,700.00	13.55%
301-05 · FACILITY RESERVATION REVENUE	100.00	500.00	-400.00	20.0%
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	3,742.50	1,500.00	2,242.50	249.5%
301-12 · Alcohol Licenses	250.00	600.00	-350.00	41.67%
<b>Total 301-000 · COMMUNITY DEV. INCOME</b>	<b>41,330.21</b>	<b>89,650.00</b>	<b>-48,319.79</b>	<b>46.1%</b>
<b>302-000 · FRANCHISE FEES</b>				
302-01 · FRANCHISE FEE AVISTA	13,480.48	28,000.00	-14,519.52	48.15%
302-02 · FRANCHISE FEE TWC/SPECTRUM	5,859.82	10,000.00	-4,140.18	58.6%
302-03 · FRANCHISE FEE TDS	2,121.40	5,000.00	-2,878.60	42.43%
302-05 · FRANCHISE FEE ZIPLY	0.00	1,000.00	-1,000.00	0.0%
<b>Total 302-000 · FRANCHISE FEES</b>	<b>21,461.70</b>	<b>44,000.00</b>	<b>-22,538.30</b>	<b>48.78%</b>
<b>303-000 · HIGHWAY FUNDS</b>				
303-01 · HIGHWAY USERS REVENUE	46,816.85	95,527.00	-48,710.15	49.01%
303-02 · NEW HIGHWAY USER REVENUE	14,653.12	47,657.00	-33,003.88	30.75%
303-03 · TRANSFER HWY DISTRICT LEVY	40,169.53	57,000.00	-16,830.47	70.47%
<b>Total 303-000 · HIGHWAY FUNDS</b>	<b>101,639.50</b>	<b>200,184.00</b>	<b>-98,544.50</b>	<b>50.77%</b>
303-04 · Load Limit Permits	50.00			
<b>304-000 · LID ASSESSMENTS</b>				
304-01 · LID # 1 Assessments	15,744.88	20,809.00	-5,064.12	75.66%
304-02 · LID #2 - GOVERNMENT WAY	11,197.20	35,826.00	-24,628.80	31.25%
<b>Total 304-000 · LID ASSESSMENTS</b>	<b>26,942.08</b>	<b>56,635.00</b>	<b>-29,692.92</b>	<b>47.57%</b>
305-000 · PROPERTY TAXES	104,223.70	175,097.00	-70,873.30	59.52%
<b>306-000 · STATE REVENUE SHARE</b>				
306-01 · STATE LIQUOR ALLOCATION	44,498.00	117,000.00	-72,502.00	38.03%
306-02 · STATE REVENUE SHARING	149,217.48	300,695.00	-151,477.52	49.62%
<b>Total 306-000 · STATE REVENUE SHARE</b>	<b>193,715.48</b>	<b>417,695.00</b>	<b>-223,979.52</b>	<b>46.38%</b>
<b>307-000 · OTHER INCOME</b>				
307-02 · COURT REVENUE-TRAFFIC FINES	10,658.70	5,000.00	5,658.70	213.17%
307-03 · INTEREST INCOME	16,393.50	2,000.00	14,393.50	819.68%
307-05 · REFUNDS & REIMBURSEMENTS	212.00			
307-06 · RENT	4,950.00	10,986.00	-6,036.00	45.06%
307-000 · OTHER INCOME - Other	64.00	10,800.00	-10,736.00	0.59%
<b>Total 307-000 · OTHER INCOME</b>	<b>32,278.20</b>	<b>28,786.00</b>	<b>3,492.20</b>	<b>112.13%</b>
<b>308-000 · GRANT FUNDS</b>				
308-03 · CONTRIBUTIONS & DONATIONS	2,692.65	1,000.00	1,692.65	269.27%
<b>Total 308-000 · GRANT FUNDS</b>	<b>2,692.65</b>	<b>1,000.00</b>	<b>1,692.65</b>	<b>269.27%</b>
<b>Total Income</b>	<b>524,333.52</b>	<b>1,013,047.00</b>	<b>-488,713.48</b>	<b>51.76%</b>
	<b>524,333.52</b>	<b>1,013,047.00</b>	<b>-488,713.48</b>	<b>51.76%</b>
<b>Expense</b>				
<b>401-000 · GENERAL &amp; ADMIN</b>				
401-016 · TRAINING TRAVEL EXPENSE	1,335.35	8,400.00	-7,064.65	15.9%
<b>401-03 · COUNCIL EXPENSES</b>				
401-033 · CITY COUNCIL SALARIES	6,400.00	19,200.00	-12,800.00	33.33%
401-036 · MAYOR WAGES	3,400.00	10,200.00	-6,800.00	33.33%
<b>Total 401-03 · COUNCIL EXPENSES</b>	<b>9,800.00</b>	<b>29,400.00</b>	<b>-19,600.00</b>	<b>33.33%</b>
<b>401-04 · OFFICE EXPENSES</b>				
401-041 · BLDG MAINT CONTRACTED	1,060.00	4,000.00	-2,940.00	26.5%
401-042 · BLDG & GROUNDS MAINTENANCE	9,885.00	30,000.00	-20,115.00	32.95%
401-043 · DUES & SUBSCRIPTIONS	1,487.76	2,500.00	-1,012.24	59.51%
401-045 · GARBAGE COLLECTION & DISPOSAL	226.60	1,000.00	-773.40	22.66%
401-047 · OFFICE SUPPLIES & POSTAGE	525.89	6,000.00	-5,474.11	8.77%
401-048 · SOFTWARE PURCHASE & IT SERVICE	1,952.44	15,000.00	-13,047.56	13.02%
401-049 · REFUNDABLE EXPENSE	132.99			
<b>Total 401-04 · OFFICE EXPENSES</b>	<b>15,270.68</b>	<b>58,500.00</b>	<b>-43,229.32</b>	<b>26.1%</b>
<b>401-05 · PERSONNEL EXPENSE</b>				
401-050 · COMPANY PAYROLL TAX EXPENSE	10,559.49	40,932.00	-30,372.51	25.8%
401-054 · CLERK WAGES	24,429.71	75,406.00	-50,976.29	32.4%
401-058 · DEPUTY CLERK WAGES	13,935.96	43,672.38	-29,736.42	31.91%
401-059 · EMP HEALTH INSURANCE	11,360.00	27,336.00	-15,976.00	41.56%
<b>Total 401-05 · PERSONNEL EXPENSE</b>	<b>60,285.16</b>	<b>187,346.38</b>	<b>-127,061.22</b>	<b>32.18%</b>

**CITY OF DALTON GARDENS**  
**Budget vs. Actual**  
**October 1, 2022 to January 31, 2023**

	<u>Actual</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>401-06 · PROFESSIONAL SERVICES</b>				
401-061 · AUDIT AND ACCOUNTING	8,844.50	15,000.00	-6,155.50	58.96%
401-062 · LEGAL PUBLISHING	1,680.96	8,000.00	-6,319.04	21.01%
401-06 · PROFESSIONAL SERVICES - Other	6,320.00	50,000.00	-43,680.00	12.64%
<b>Total 401-06 · PROFESSIONAL SERVICES</b>	<b>16,845.46</b>	<b>73,000.00</b>	<b>-56,154.54</b>	<b>23.08%</b>
<b>401-07 · UTILITES</b>				
401-071 · BLDG & GROUNDS UTILITIES	3,906.03	11,000.00	-7,093.97	35.51%
401-072 · INTERNET	479.96	1,680.00	-1,200.04	28.57%
401-073 · TELEPHONE	2,915.90	480.00	2,435.90	607.48%
401-07 · UTILITES - Other	124.00			
<b>Total 401-07 · UTILITES</b>	<b>7,425.89</b>	<b>13,160.00</b>	<b>-5,734.11</b>	<b>56.43%</b>
401-08 · ANNUAL PICNIC	8.40	3,500.00	-3,491.60	0.24%
401-11 · GENERAL CONTINGENCY FUND	0.00	17,471.00	-17,471.00	0.0%
401-12 · INSURANCE	4,989.00	7,500.00	-2,511.00	66.52%
<b>Total 401-000 · GENERAL &amp; ADMIN</b>	<b>115,959.94</b>	<b>398,277.38</b>	<b>-282,317.44</b>	<b>29.12%</b>
<b>402-000 · LAW ENFORCEMENT</b>				
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	41,666.68	146,000.00	-104,333.32	28.54%
402-000 · LAW ENFORCEMENT - Other	1,492.65			
<b>Total 402-000 · LAW ENFORCEMENT</b>	<b>43,159.33</b>	<b>157,740.00</b>	<b>-114,580.67</b>	<b>27.36%</b>
<b>403-000 · STREETS</b>				
403-05 · FIRE HYDRANTS	0.00	10,000.00	-10,000.00	0.0%
403-06 · FUEL AND LUBRICANTS	1,405.82	4,500.00	-3,094.18	31.24%
403-10 · ROADS-ENG PLANS & SERVICES	5,332.33	25,000.00	-19,667.67	21.33%
403-11 · SNOW & ICE CONTROL-REMOVAL	3,180.00	10,000.00	-6,820.00	31.8%
403-12 · STREET EQUIPMENT MAINTENANCE	532.12	5,000.00	-4,467.88	10.64%
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	10,872.88	20,715.60	-9,842.72	52.49%
403-20 · STREET SIGNAL LIGHTS	172.21	500.00	-327.79	34.44%
<b>Total 403-000 · STREETS</b>	<b>22,123.59</b>	<b>438,715.60</b>	<b>-416,592.01</b>	<b>5.04%</b>
<b>404-000 · PARKS</b>				
404-01 · HORSE ARENA EXPENSES	267.11	7,000.00	-6,732.89	3.82%
404-03 · PARK MAINTENANCE- CONTRACTED	2,351.08	24,000.00	-21,648.92	9.8%
404-07 · PARK MAINTENANCE- WAGES	884.50	5,660.00	-4,775.50	15.63%
404-09 · SUPPLIES- PARK MAINT	10,626.25			
<b>Total 404-000 · PARKS</b>	<b>14,128.94</b>	<b>36,660.00</b>	<b>-22,531.06</b>	<b>38.54%</b>
<b>405-000 · LID</b>				
405-01 · Gov't Way Sewer Project/LID #1	43,162.83	34,000.00	9,162.83	126.95%
405-02 · LID PHASE 2	0.00	40,131.41	-40,131.41	0.0%
<b>Total 405-000 · LID</b>	<b>43,162.83</b>	<b>74,131.41</b>	<b>-30,968.58</b>	<b>58.23%</b>
<b>407-000 · COMMUNITY DEV.</b>				
<b>407-01 · PLANNING &amp; ZONING</b>				
407-011 · PLANNING CONSULTANT	11,025.00	25,000.00	-13,975.00	44.1%
407-012 · PLANNING SOFTWARE	11,200.00	11,500.00	-300.00	97.39%
<b>Total 407-01 · PLANNING &amp; ZONING</b>	<b>22,225.00</b>	<b>36,500.00</b>	<b>-14,275.00</b>	<b>60.89%</b>
407-02 · BUILDING INSPECTOR SERVICES	14,800.00	65,000.00	-50,200.00	22.77%
407-03 · KOOTENAI AREA TRANSPORTATION SY	3,051.00	3,051.00	0.00	100.0%
<b>Total 407-000 · COMMUNITY DEV.</b>	<b>40,076.00</b>	<b>104,551.00</b>	<b>-64,475.00</b>	<b>38.33%</b>
<b>Total Expense</b>	<b>278,610.63</b>	<b>1,210,075.39</b>	<b>-931,464.76</b>	<b>23.02%</b>
	<b>245,722.89</b>	<b>-197,028.39</b>	<b>442,751.28</b>	<b>-124.71%</b>

**Current Assets**

**Checking/Savings**

1-101.5 · Gen Checking- ICCU	379,214.60
1-101.6 · LID# 2- ICCU	61,837.89
1-101.7 · ARPA- ICCU	254.60
1-101.8 · 18th St- ICCU	2,501.53
1-101.9 · General Fund-ICCU	2,085.98
1-102.0 · LGIP #1404-General Fund	2,424,396.80
1-102.1 · LGIP #2380-18th St	43,235.44
1-102.2 · LGIP #3726-ARPA	522,847.37
<b>Total Checking/Savings</b>	<b>3,436,374.21</b>



## City of Dalton Gardens

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

### Monthly Planner Activity Report

**January 31, 2022**

#### Code amendments

At their January meeting, the Planning and Zoning Commission conducted a public hearing for recommended updates to the city's short-plat subdivision code. The P&Z recommended approval of the proposed changes. A public hearing will be held by City Council at their March regular meeting. In addition, the P&Z discussed staff-proposed updates to the Lot line adjustment portion of Title 6. The P&Z has requested staff provide updated proposed code for their February meeting. Furthermore, the Commission discussed work plan priorities. These include Commercial District design considerations, Zoning provisions related to Dalton Market, and development of a Park Plan. These priorities will be shared with City Council at their March regular meeting. Commercial District design considerations will be discussed at the P&Z's February meeting.

#### 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 permits, 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, beer and wine sales licenses, and sign permits.

#### Code enforcement

The city continues to receive variety of code-enforcement / compliance complaints. A backlog of code enforcement complaints exists. With limited staffing capacity, application of the code compliance policy is applied on a prioritized basis. City Council has scheduled code compliance policy handbook workshop to proceed their February regular meeting. The purpose of the manual is to assist current and future staff in providing guidance, instruction and prioritization of enforcement / compliance activities. Code enforcement has historically constituted a significant

portion of staff time, including developing and tracking Voluntary Compliance Request (VCR) letters and Notices of Violations. Research is often necessary to establish a comprehensive approach to resolving compliance cases. 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



Dear Valued Customer,

We are writing you this email to inform you that we will need to increase prices this year. The last price increase that we issued for your parks portable restrooms was in 2015. Unfortunately due to the increase in prices to purchase the portable restrooms, materials cost, fuel prices, and labor cost increase we have no other recourse at this time. We will continue to do what we can to provide your municipalities with clean portable restrooms at a discounted rate as our pledge to the communities we both serve. Below you will find our current list prices on the left and what your new prices will be moving forward in 2023.

**Normal Pricing:**

Construction Monthly Rentals \$110.00  
Handicap Monthly Rental \$195.00  
Delivery Fee: \$50.00

**Your Pricing::**

\$78.00  
\$105.00  
(no del fee w/ 24 hr notice)

**Event Pricing:**

1-7 day Event Unit \$105.00  
1-7 day Event ADA \$195.00  
Event Sink \$135.00  
Delivery fee \$50.00 M-F \$  
add \$120.00 weekend

**Your Event Pricing:**

\$80.00  
\$110.00  
\$110.00  
no del fee w/24hr notice. M-F

We appreciate your business and look forward to serving you in 2023!

Please let us know if you have any questions or concerns. You can reach out to [Jermaine@americansite.net](mailto:Jermaine@americansite.net) or [Judy@americansite.net](mailto:Judy@americansite.net)



City of Dalton Gardens, ID

02/03/2023

**AL-23-1**

Alcohol License for Premise or Retail

**Status:** Active**Date Created:** Jan 23, 2023**Applicant**

Chris Meacham  
 smokesandsuds@gmail.com  
 6848 N Government Way #102  
 Dalton Gardens, Idaho 83815  
 208 791 2914

**Primary Location**

6848 N GOVERNMENT WAY  
 DALTON GARDENS, ID 83815

**Owner:**

SCHREIBER, DAVID  
 PO BOX 1087 COEUR D ALENE, ID 83816

**Business Information**

Unless Licensee is disqualified, approval of this permit does certify that the licensee is entitled to hold and use this Alcohol Beverage Permit at the below designated premises, subject to provisions of Title 23 of the Idaho State Code and Dalton Gardens City Code Title 3.

**Business Name**

Smokes &amp; Suds

**Business Mailing Address**

6848 N Government Way #102, Dalton Gardens, ID, 83815

**Business Phone Number**

208-500-8648

**Business Email Address**

smokesandsuds@gmail.com

**Is there a Suite # for the physical location of the business?**

Yes

**Suite Number of Physical Location**

102

**Business Website**<https://www.facebook.com/SmokesAndSuds/>**Nature of Business**

Tobacco and Wine shop selling packages of beer and wine for off-premise consumption

**What are the business hours of operation?**

Mon - Sat: 8:00am - 10:00pm Sun: 9:00am - 9:00pm

**Will there be any chemicals on site?**

No

**If yes, please explain.**

There will be none

**Business Contact Name**

Gregory Meacham

**Business Contact Phone Number**

509-342-6499

**Business Type**

Corporation

**Under laws of what state?**

Idaho

**number of part time employees**

2

**number of full time employees**

5

What Kind of Alcohol License are you applying for? (must chose one)

**Premise Sales**

**Retail Sales**

**What type of License Application is this?**

Renewal of License

**If this is a Renewal, please indicate your current license number and disclose any changes or expansion of use for the business.**

No. 2022-02

No changes have been made.

**Premise Sales Types: (click all that apply)**

**Liquor by the Drink**

**Beer for consumption OFF PREMISES**

**Retails Sales Type: (check all that apply)**

**Wine Retail**

**Catering (must also have a catering permit)**

**Dalton Water Association Account Number**

51571

**Beer by the Drink**

**Wine by the Drink**

**Wine for consumption OFF PREMISES**

**Beer Retail**

**Is this business connected to CdA Sewer?**

Yes

**Have you received any notices of water overage in the past 12 months?**

No

**NO LICENSE TO SELL ALCOHOLIC BEVERAGES WILL BE ISSUED TO ANY APPLICANT WHO:**

1. Has, or any partner who has, or actual manager or officer of who has:

a. Been convicted of the violation of any law of the state, or of the United States regulations, governing or prohibiting the sale of alcoholic beverages or intoxicating liquor withint three (3) years or within three (3) years forfeited or suffered the forfeiture of a bond for their appearance to answer charges for such violation.

b. Been convicted of driving a motor vehicle under the influence of alcohol, drugs or any other intoxicating substances as defined in the

jurisdiction in which the judgment was entered within three (3) years prior to the date of the making of the application for license and/or has not paid a fine, completed a sentence and/or parole for such conviction.

c. Engaged in the operation of, or have interest in, any house or place for the purpose of prostitution, or has engaged in the operation of any house or premises within the city limits of Dalton Gardens which has been declared and found to have been a moral nuisance as defined by city ordinances or state law.

d. Been convicted in any jurisdiction or received a withheld judgment for any crime concerning the possession of any controlled substance within five (5) years.

2. Has had a similar license revoked by any jurisdiction granting the license and/or had their license revoked by the state of Idaho or Kootenai County.

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## Signature

City Code: Title 3, Chap 1, Sec 3: A site plan showing the building that houses the business and the parking lot must be included with this application. The parking lot site plan shall show the location, number of parking spaces and size of the parking spaces designated for the business. The floor plan of the building must differentiate between the square footage of occupied space and storage space (Ord. 207, 4-1-2010) and additionally should designate exact location of alcohol service and storage (Ord 263, 11-7-2019).

City Code: Title 3, Chap 1, Sec 5: Generally, upon receipt of an application or renewal for a license or permit where laws of the municipality necessitate an inspection or investigation before the issuance of such permit or license, the clerk shall refer such application to the proper officer for making such investigation. The officer charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within 45 days after receiving the application or a copy thereof.

I attest that all partners, officers, and/or managers meet the qualifications listed above and that all requirements of Ordinance 263 have been met and declare under penalty of perjury that the above information is true, correct & complete to the best of my knowledge and belief.

## Applicant Digital Signature

Christopher L Meacham  
01/23/2023

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## Staff Only




### Conditions of Approval

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**Conditions for Denial**

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**Attachments**







-  Dg Beer 2023.pdf  
Uploaded by Chris Meacham on Jan 23, 2023 at 5:10 pm
-  DGCounty Beer 2023.pdf  
Uploaded by Chris Meacham on Jan 23, 2023 at 5:10 pm
-  Dg site plan.pdf  
Uploaded by Chris Meacham on Jan 23, 2023 at 5:12 pm

**History**

Date	Activity
Jan 23, 2023 at 4:53 pm	Chris Meacham started a draft of Record AL-23-1
Jan 23, 2023 at 4:55 pm	Chris Meacham altered Record AL-23-1, changed ownerUnit from "" to ""
Jan 23, 2023 at 5:13 pm	Chris Meacham submitted Record AL-23-1
Jan 23, 2023 at 5:13 pm	approval step Intake Review was assigned to Teresa Janzen on Record AL-23-1
Jan 24, 2023 at 3:21 pm	Teresa Janzen approved approval step Intake Review on Record AL-23-1
Jan 24, 2023 at 5:12 pm	completed payment step License Fee on Record AL-23-1
Jan 24, 2023 at 5:12 pm	approval step Zoning Review was assigned to Ryan Hughes on Record AL-23-1
Jan 24, 2023 at 5:12 pm	approval step Inspector Review was assigned to Mike Bass on Record AL-23-1
Jan 24, 2023 at 5:12 pm	inspection step Fire Inspection was assigned to Michelle Lewis on Record AL-23-1
Jan 25, 2023 at 7:38 am	Mike Bass altered approval step Inspector Review, changed status from Active to On Hold on Record AL-23-1
Feb 1, 2023 at 9:38 am	Teresa Janzen altered approval step Inspector Review, changed status from On Hold to Active on Record AL-23-1
Feb 1, 2023 at 10:06 am	Ryan Hughes approved approval step Zoning Review on Record AL-23-1
Feb 1, 2023 at 3:10 pm	Mike Bass altered approval step Inspector Review, changed status from Active to On Hold on Record AL-23-1
Feb 1, 2023 at 3:10 pm	Mike Bass altered approval step Inspector Review, changed status from On Hold to Complete on Record AL-23-1
Feb 1, 2023 at 3:12 pm	Mike Bass altered inspection step Fire Inspection, changed status from Active to Complete on Record AL-23-1
Feb 1, 2023 at 3:12 pm	approval step City Council Approval was assigned to Teresa Janzen on Record AL-23-1
Feb 1, 2023 at 3:13 pm	Teresa Janzen changed the deadline to Feb 08, 2023 on approval step City Council Approval on Record AL-23-1

**Timeline**

Label	Status	Activated	Completed	Assignee	Due Date
 Intake Review	Complete	Jan 23, 2023 at 5:13 pm	Jan 24, 2023 at 3:21 pm	Teresa Janzen	-
 License Fee	Paid	Jan 24, 2023 at 3:21 pm	Jan 24, 2023 at 5:12 pm	-	-
 Zoning Review	Complete	Jan 24, 2023 at 5:12 pm	Feb 1, 2023 at 10:06 am	Ryan Hughes	-

Label	Status	Activated	Completed	Assignee	Due Date
 Inspector Review	Complete	Jan 24, 2023 at 5:12 pm	Feb 1, 2023 at 3:10 pm	Mike Bass	-
 Fire Inspection	Complete	Jan 24, 2023 at 5:12 pm	Feb 1, 2023 at 3:12 pm	Michelle Lewis	-
 City Council Approval	Active	Feb 1, 2023 at 3:12 pm	-	Teresa Janzen	02/08/2023
 Mayor Review	Inactive	-	-	-	-
 Administrative Review	Inactive	-	-	-	-
 Alcohol License Issuance	Inactive	-	-	-	-

# Idaho State Police

Cycle Tracking Number: 138725

Premises Number: K-14983 **Retail Alcohol Beverage License**

License Year: 2024

License Number: 14983

*This is to certify, that* Smokes & Suds Inc  
*doing business as:* Smokes & Suds

*is licensed to sell alcoholic beverages as stated below at:*  
**6848 N Government Way #102, Dalton Gardens, Kootenai County**

*Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.*  
County and city licenses are also required in order to operate.

Liquor	No
Beer	Yes <u>\$50.00</u>
Wine by the bottle	Yes <u>\$100.00</u>
Wine by the glass	No
Kegs to go	No
Growlers	No
Restaurant	No
On-premises consumption	No
Multipurpose arena	No
Plaza	No

  
Signature of Licensee, Corporate Officer, LLC Member or Partner

SMOKES & SUDS INC SMOKES & SUDS 6848 N GOVERNMENT WAY #102  DALTON GARDENS, ID 83815 <i>Mailing Address</i>
--

TOTAL FEE: \$150.00

License Valid: 03/01/2023 - 02/28/2024

**Expires: 02/28/2024**



Director of Idaho State Police



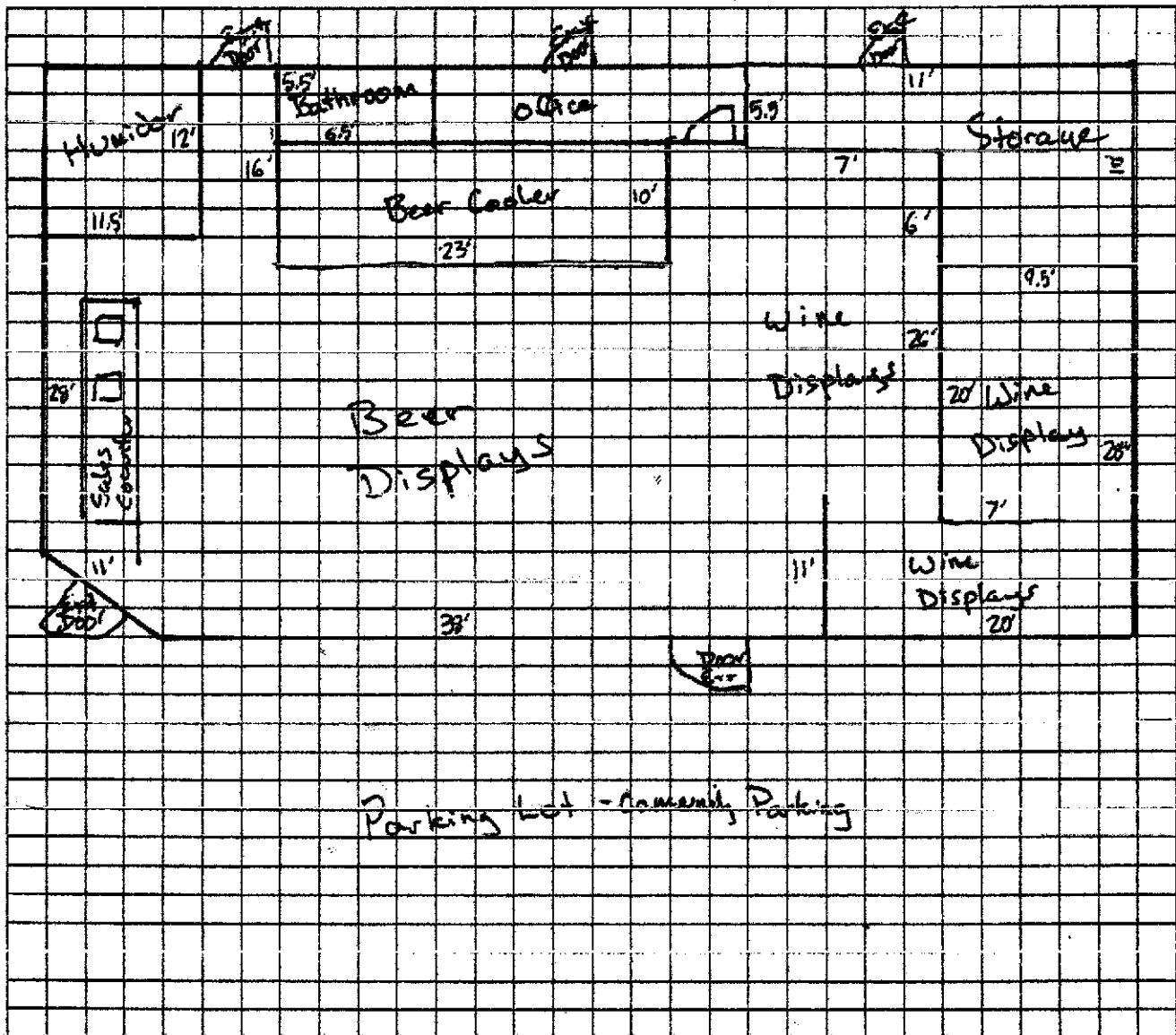


Draw floor plan with dimensions of the premises in which the business will be conducted, including the location of the exits. Sketch may be placed either way on the space but be sure to indicate in the circle which is north. *If a diagram was provided to the State, that diagram must also be attached to this application.*



Indicate north in circle

1 square = 2 feet



City License # \_\_\_\_\_ County License # \_\_\_\_\_ State License # \_\_\_\_\_

\*County and State Licenses must be presented prior to issuance of City license\*\*

2023-2024

NO 2023-004

KOOTENAI COUNTY  
STATE OF IDAHO

RETAIL ALCOHOL BEVERAGE LICENSE

THIS IS TO CERTIFY THAT SMOKES & SUDS INC  
doing business as SMOKES & SUDS  
at 6848 N GOVERNMENT WAY #102, DALTON GARDENS ID 83815

a(n) CORPORATION is licensed to sell Alcoholic Beverages as stated below, subject to the provisions of Chapter 23-903 and 23-916 Idaho Code Annotated, and the laws of the State of Idaho, Municipal Ordinances, and the regulations of the Commissioner in regard to sale of Alcoholic Beverages and the resolution passed by the Commissioners of KOOTENAI COUNTY on July 6, 2004 at the Courthouse - County Ordinance 149B, Coeur d'Alene, State of Idaho.

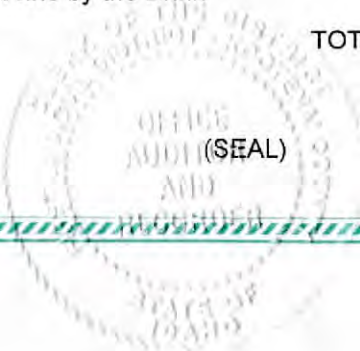
Draft	<u>\$0.00</u>
Bottled/Canned Beer to be consumed on and/or off premises	<u>\$0.00</u>
Bottled/Canned Beer to be consumed off premises only	<u>\$25.00</u>
Liquor	<u>\$0.00</u>
Wine by the Bottle	<u>\$100.00</u>
Wine by the Drink	<u>\$0.00</u>
<b>TOTAL FEE</b>	<b><u>\$125.00</u></b>

*[Signature]*  
Signature of Licensee or Officer of Corporation

This license is TRANSFERABLE and EXPIRES  
March 01, 2:00 AM 2024

Witness my hand and seal this 9th  
day of January, 2023

*Jennifer Locke*  
Clerk



(This license must be conspicuously displayed)

**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 10, SECTION 3 TO ADD SUBDIVISIONS AND SHORT SUBDIVISIONS FOR NOTICING REQUIREMENTS; AMENDING TITLE 6, CHAPTER 1, SECTION 4 TO DEFINE SHORT SUBDIVISIONS; AMENDING TITLE 6, CHAPTER 6 TO REVISE APPROVAL REQUIREMENTS FOR SHORT SUBDIVISIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE.

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

**SECTION 1: AMENDMENT TO TITLE 5, CHAPTER 10, SECTION 3.**

**5-10-3-3: POSTED SITE NOTICES (SIGNS):**

- A. Posted notices are required for applications requesting:
1. Special use permits;~~and~~
  2. Rezones;~~and~~
  3. Subdivisions and Short Subdivisions.

**SECTION 2: AMENDMENT TO TITLE 6, CHAPTER 1, SECTION 4.**

**6-1-4: DEFINITIONS:**

SHORT SUBDIVISION: Every division of land ~~for the purposes of lease or sale~~ into two (2), three (3) or four (4) lots, plots, sites, parcels or tracts within the residential district of the incorporated area of Dalton Gardens ~~and where no new dedications are required.~~

**SECTION 3: AMENDMENTS TO TITLE 6, CHAPTER 6.**

**6-6-1: APPLICATION OF PROVISIONS; EXEMPTIONS:**

- A. Every division of land ~~for the purpose of sale or transfer~~ into two (2), three (3) or four (4) lots, tracts or parcels within the residential district in the incorporated area of Dalton Gardens,

~~where no new dedications are required~~, shall proceed in compliance with this chapter. All division of land in the commercial and utility districts must comply with Title 6, chapter 2. No short subdivisions in the commercial district are allowed.

B. The provisions of this chapter shall not apply to the following:

1. Any division of land for the purpose of adjusting the boundary line or the transfer of land between two (2) adjacent property owners which does not result in the creation of any additional building site.
2. Any division of land made by testamentary provision, the laws of descent or upon court order.
3. Any acquisition or division of land by a public agency for public right of way purposes.
4. Any application for a division of land that is deemed complete prior to the adoption of this chapter shall be vested under the previously adopted ordinance.

#### **6-6-2: APPLICATION FOR SHORT SUBDIVISION:**

A. Form And Fees: Any person who undertakes a "short subdivision" as defined in section 6-1-4 of this title shall submit to the ~~city commission~~ a completed application form provided by the ~~city commission~~ accompanied by a nonrefundable fee in an amount to be established by resolution of the city council.

B. Contents Of Application; ~~Plats And Plans~~ And Plat Required: The ~~drawing, map and accompanying material and accompanying plat~~ submitted with an application for short subdivision approval shall include, at a minimum, the following information:

1. The name, address and telephone number of the applicant and the property owner if different than the applicant.
2. A legal description of the entire area being subdivided and a legal description for each of the proposed lots.
3. The size of each lot indicated by square footage computation sufficiently accurate to determine that each lot meets the minimum established lot size requirements.
4. A copy of any existing or proposed restrictions or covenants.
5. A large plat, including the signature page and all supplemental pages which has been prepared by an Idaho licensed surveyor and complies with the requirements of this chapter and title 50, chapter 13, Idaho Code ~~survey by a licensed engineer or surveyor of the property~~ containing the following:
  - a. Boundaries and dimensions of the entire area being subdivided and the proposed boundaries and dimensions of the proposed lots.
  - b. All existing buildings and structural improvements.
  - c. The location of any roads, easements or rights of way that exist or are proposed or as required by the city to serve the short subdivision.

- d. Proposed access and approach areas.
- e. Location of all water ~~and sewer~~ lines servicing the proposed lots.
- f. Any dedications as required by the city.
- g. A space for approval ~~of the commission~~ by the city.

C. Variance Request: In the event the application for short subdivision does not meet the requirements of section 6-6-3 of this chapter, the person requesting the short subdivision shall apply for a variance before the city council and the provisions of section 6-5-4 of this title shall apply to the variance request.

D. Noticing:

The applicant and the city shall follow the procedures delineated in title 5, chapter 10 section 3 of this code for public hearing notification.

E. Approval or Denial of Application:

1. Distribution Of Plats And Plans: Upon receipt of a completed application for short subdivision approval, the ~~city commission~~ shall forward copies of the proposal to the following agencies for comment:
  - a. Dalton Water Association.
  - b. Panhandle health district.
  - c. Kootenai County fire and rescue.
  - d. Other appropriate agencies, ~~including the city of Coeur d'Alene wastewater treatment official and the city of Coeur d'Alene street department or similar agency having jurisdiction over granting approaches off of Government Way.~~

Agencies requested to review a proposed short subdivision will have thirty (30) days upon receipt of a request for review in which to return their written comments. Failure by an agency to reply within the established review period shall be interpreted to mean that the particular agency has no concern over the proposal.

2. Decision; Time Limitation: Within ~~sixty (60) thirty (30)~~ days after receipt of a completed application ~~or at its next regular meeting~~, the commission shall approve or disapprove the proposed short subdivision and shall within 30 days ~~immediately~~ notify the applicant, in writing, of such decision. If an application is disapproved, the commission shall cite the specific reason for disapproval.
3. Requirements For Approval: The commission shall not approve a short plat unless:
  - e. The proposed lots meet all established lot size and width requirements.
  - f. Adequate water supply ~~and sewage disposal are~~ is available.

- g. The decision to approve a short subdivision will not be contrary to the public interest.
  - h. The plat conforms with the zoning ordinance and comprehensive plan.
  - i. Newly dedicated roads are improved and paved according to standards set by Lakes highway district.
  - f. No cul-de-sacs or dead end streets are allowed, unless they comply with this subdivision ordinance, and shall only be allowed in the commercial and light industrial zones.
4. Filing: ~~Upon approval~~ Within thirty (30) days after the date of approval of a short subdivision, the applicant commission shall provide final copies of the plat for city acknowledgment. Once executed, the city will contact the applicant for recording of the same and require a copy of the recorded plat be returned to the transmit a copy of the approved application and plans to the county recorder for filing. The fee collected at the time the application was submitted will be used to cover the cost of filing. The commission shall also forward a copy of the approved short subdivision to the city clerk for permanent file at the city clerk's office.

~~D. Variance Request: In the event the application for short subdivision does not meet the requirements of section 6-6-3 of this chapter, the person requesting the short subdivision shall apply for a variance before the city council and the provisions of section 6-5-4 of this title shall apply to the variance request.~~

**6-6-3: MINIMUM LOT SIZE AND WIDTH REQUIREMENTS:**

All lots within a short subdivision in the Residential District shall have one hundred ten feet (110') of frontage on a publicly created and maintained street and contain not less than one acre, less such portions which may have been granted, dedicated or conveyed for use as road right of way or other easement. Nonconforming lots shall not be created except as approved through the granting of a variance.

**SECTION 4. SEVERABILITY.**

If any provision of this chapter, or its application to any person or circumstances, be declared unconstitutional or invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter or the application of the provisions to other persons or circumstances.

Nothing in this chapter shall be construed as preventing the adoption of more restrictive provisions set forth in other sections of the Dalton Gardens Municipal Code. The more restrictive provisions of the code shall control.

**SECTION 5. REPEAL OF CONFLICTING PROVISIONS.**

All provisions of the 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 6. EFFECTIVE DATE.**

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 \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
DAN EDWARDS, Mayor

\_\_\_\_\_  
TERESA JANZEN, Clerk

SUMMARY OF DALTON GARDENS ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 5, CHAPTER 10, SECTION 3 TO ADD SUBDIVISIONS AND SHORT SUBDIVISIONS FOR NOTICING REQUIREMENTS; AMENDING TITLE 6, CHAPTER 1, SECTION 4 TO DEFINE SHORT SUBDIVISIONS; AMENDING TITLE 6, CHAPTER 6 TO REVISE APPROVAL REQUIREMENTS FOR SHORT SUBDIVISIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. \_\_\_\_ IS AVAILABLE AT DALTON GARDENS CITY HALL, 6360 N. 4<sup>th</sup> STREET, DALTON GARDENS, ID 83815 IN THE OFFICE OF THE CITY CLERK.

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Teresa Janzen, City Clerk

**STATEMENT OF LEGAL ADVISOR**

I, Christopher Gabbert, am the City Attorney for the City of Dalton Gardens, Idaho. I have examined the attached summary of the City of Dalton Gardens Ordinance No. \_\_\_\_\_ and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_



**THE SWEEP, LLC**  
Professional Parking Lot Maintenance  
P.O. Box 2018, Hayden Idaho 83835  
772-4369 Fax 772-6150

February 1, 2023

City of Dalton  
6360 N. 4th Street  
Dalton Gardens, ID 83815

Regarding: 2023 Cleaning Agreement

Bike Path and Parking Lot Cleaning:

We hereby agree to clean the City Hall parking lot and the following bike paths once per month for \$240 per cleaning.

1. Both bike paths on 4<sup>th</sup> Street, 15<sup>th</sup> Street and Hanley Avenue
2. North side bike path on Dalton Avenue

Dalton Horse Arena Parking Lot Cleaning:

We hereby agree to clean the parking lot at the Dalton Horse Arena once per month for \$40 per cleaning.

Roundabout Cleaning:

We hereby agree to clean the roundabout at the intersection of 4<sup>th</sup> Street and Hanley Avenue one time in April. If additional cleanings are requested, we will clean for \$200 per cleaning.

These prices are good for the 2023 cleaning season which runs from April 1 to September 30, 2023.

All work is guaranteed to be performed and completed in a substantial workmanlike manner with the payment due upon receipt of invoice.

THE SWEEP, LLC will provide certificates of Liability Insurance and Workman's Compensation upon request.

Bruce Waddell  
Manager/Member

AGREEMENT ACCEPTED BY:

_____	_____	_____
Print Name	Signature	Date
_____	_____	_____
Primary Contact	Email Address	Phone Number