

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF DALTON GARDENS DECEMBER 5, 2019
CITY HALL 6:00 PM**

Meeting was called to order by Mayor Fletcher.

ROLL CALL:

Present were: Councilmembers Jordan, Smith and Egbert. Councilmember Drechsel was absent. Also present were Attorney Caitlin Kling, Rand Wichman, City Planner and Valerie Anderson, City Clerk.

The pledge was led by Attorney Kling.

CONSENT CALENDAR:

- A. Minutes of the Regular Meeting November 7, 2019.
- B. Financial Statement from November 1, 2019 to November 30, 2019 and the claims so listed.

Councilmember Smith made a motion to approve the consent calendar as listed on the agenda. Councilmember Egbert seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

PUBLIC COMMENT PERIOD

Each speaker will be allowed a maximum of three 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.

Matthew Melton – 11506 N. Friar Drive, Hayden, ID 83835, Mr. Melton commented on the Speed Control Signs for traffic in Dalton Gardens. He stated that the signs are too bright at night and they need to be reprogramed.

Vicki Rutherford – 7168 N. Rude St., She thanked the council for all of their hard work and encouraged the new council to read Titles 50 & 74 for the interest of the residents.

Gary Sonnen – 7447 N. Valley – He stated that he appreciated the council and thanked them for their hard work.

Robert Wuest – 7776 Mt. Carrol – He commented on the transfer of the 2004 Chev Truck to the City of Hayden and said that it not be acted upon by this council.

Lila Tatum – 7080 Valley Street – She stated that the fee schedule should be put on hold and left for the new council. She also stated that the leases with Dalton Water and Dalton Irrigation should be dealt with by the next council.

Mike Chase – 7512 N. 4th Street – He stated that the new website is more usable.

ACCEPT CANVASS OF THE VOTERS ON NOVEMBER 5, 2019 CITY GENERAL ELECTION

Councilmember Smith made a motion to accept November 5, 2019 canvass of votes. Councilmember Jordan seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

Precinct 21: Dan Edwards – 36, Scott Jordan -17, Aaron O'Brien – 28, Drew Dittman – 2, Robert Wuest – 26, Jamie Smith – 19, Carrie Chase – 30, Tyler Drechsel – 18, Ray Craft – 25, Kenneth Egbert – 15.
Precinct 22: Dan Edwards – 74, Scott Jordan – 49, Aaron O'Brien – 41, Drew Dittman – 26, Robert Wuest – 44, Jamie Smith – 50, Carrie Chase – 41, Tyler Drechsel – 51, Ray Craft – 46, Kenneth Egbert – 55.
Precinct 41: Dan Edwards – 350, Scott Jordan – 140, Aaron O'Brien – 231, Drew Dittman – 86, Robert Wuest – 264, Jamie Smith – 173, Carrie Chase – 304, Tyler Drechsel – 159, Ray Craft – 267, Kenneth Egbert – 153.
Absentee Ballots: Dan Edwards – 211, Scott Jordan – 68, Aaron O'Brien – 151, Drew Dittman – 19, Robert Wuest – 163, Jamie Smith – 91, Carrie Chase – 190, Tyler Drechsel – 82, Ray Craft – 161, Kenneth Egbert – 57, Gilbert Kibby (Write-in) – 1.

PUBLIC HEARING – COMPREHENSIVE PLAN 2019-2030

Rand Wichman gave a brief explanation of the plan in which he stated that the Planning & Zoning Commission had approved the draft in August and that they recommended that the Council and the Planning & Zoning have a workshop together before the final approval.

Public comment period was opened by Mayor Fletcher.

Vernon Church – 7351 Mt. Carrol – He stated that he was a member of the volunteer committee that spent endless hours working on the plan and believed that the August draft from the Planning & Zoning should be passed.

Karen Gravelle - 5896 N. 4th Street – Ms. Gravelle submitted a letter to the council on the comprehensive plan which was read into the record. (Attached)

George Wuest – 6791 Rude Street – He stated that he lives on the corner of Canfield and Rude and his property is half commercial and half residential. In working through the comprehensive plan the planner had stated that the zoning map is not the same as the future land map. The comprehensive plan is a guide for the City. Mr. Wuest asked to have the map in the comprehensive plan changed to reflect the split of property to prevent future problems if he was to sell the property.

Attorney Kling stated that the Comprehensive Plan is a guideline to the City which is passed by resolution and the zoning map is passed by Ordinance.

George Wuest asked to have the map reflect the proper split of his property in the plan, as it is now he is opposed to the passage of the plan.

Mike Chase – 7512 N. 4th Street – He stated that the complete streets plan on page 36 of the plan should be removed.

Robert Wuest – 7776 Mt. Carrol – He stated that the council and the planning & zoning were to have a workshop to discuss the plan before a public hearing was conducted with the residents. He also stated that the complete streets section of the plan should be removed and also the annual clean-up day for the City. He stated that we also need to correct the land map to reflect the true split of property in the City.

The council did not have a workshop, but explained that some of our Ordinances address issues which are being brought forward tonight. They also stated that the plan can be changed by the next council if they so wish. The council addressed several issues which were suggested by the residents which include: Mother-in-Law quarters in the residential and apartments in the commercial zone, the complete streets, map, the Dalton Market in the neighborhood zone, wildlife issues.

Public comment period was closed.

Councilmember Smith stated that the city needs to adopt a guideline for the commercial zone and make changes to the ordinances as needed.

Councilmember Jordan felt that the plan is good with no major items but the next council should address the property at the corners of Rudy and Canfield on the map and also the concerns of the commercial zone with apartment units and mother-in-law quarters.

Councilmember Egbert stated that he thought the plan was good and the few issues with the Dalton Market, the Wuest property, and the Government Way apartment units and mother-in-law quarters need to be addressed with the new council.

Councilmember Smith made a motion to approve the Comprehensive Plan for 2019 – 2030 with some none significant changes as directed to Planner to make. Councilmember Egbert seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

APPROVAL OF RESOLUTION 2019-04 ADOPTING COMPREHENSIVE PLAN 2019-2030

Councilmember Smith made a motion to approve Resolution 2019-04 for the adoption of the Comprehensive Plan and the Future Land Use Map. Councilmember Egbert seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

PUBLIC HEARING AND APPROVAL OF RESOLUTION 2019-03 SETTING FEES FOR SERVICES

Rand Wichman explained the fee schedule which has been worked on by several staff members and prior council members. He stated that the fee for the City at the present time do not cover the cost of what it takes to process paperwork for services which are needing to be done for residents. He stated that the council had done a workshop on the fee schedule and felt that the fees needed to cover the cost, but are not intended to be for profit of the City. Rand explained that the fee schedule should be looked at each year at budget time to be able to budget accordingly for the fees.

Mayor Fletcher opened the public comment period.

Robert Wuest – 7776 Mt. Carrol – He stated that the 1997 building fee schedule is out dated and that the City needs to update to the current code. He stated that we need to capture the cost of

building permits, inspections and administrative cost and see where we are at with the fees we charge.

Richard Epstein – 7224 N. Valley St. – He stated that the fees are too high for variances and that it is going to cause residents to not put up fences and do other things on their property.

Kevin Kirking – 1715 E. Hanley – He stated that the City needs to understand their cost and consider doing a cost evaluation to get the correct figures for the budget each year.

Rand Wichman explained that the cost of a variance is determined by the work involved which include: A per application conference with the client, review time for the application, site postings, staff reports, order of decision.

Public hearing was closed.

Councilmember Smith stated that she would be in favor of having the next council go through this and set the fee schedule. Councilmember Egbert stated he would like to adopt the policy on the fees. Councilmember Jordan stated that we did have a workshop on the fee schedule and he believed we needed a starting point for fees.

Councilmember Egbert made motion to approve the Resolution 2019-03 setting fees for services. Councilmember Jordan seconded the motion. . Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert -- yes. Motion carried.

LEASE AGREEMENTS WITH DALTON WATER ASSOCIATION AND DALTON IRRIGATION DISTRICT

Councilmember Egbert explained that the lease agreement with the Dalton Water Association and Dalton Irrigation has been in the works for a few months. He stated that the leases were submitted to the boards in October and the boards did not sign the lease due to increase in rental amount without talking to them about the increase. At the present time the boards have agreed to go on a month to month rent agreement in the amount of \$260.00 starting January 1, 2020.

Kevin Kirking, President of the Dalton Water Association spoke on the history of the relationship with the Water Association and the City of Dalton Gardens. In which he stated that the Water Association owned the park in the early years and donated it to the City for \$1.00. He also expressed his concern of having the services for the residents in one location which he felt is a very valuable benefit to the residents and the City as a whole.

Councilmember Jordan made a motion to have the new contract beginning January 1, 2020 on a month to month bases and true up all billings with Dalton Water Association and Dalton Irrigation to reflect the true charges for the City. Councilmember Egbert seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – no, Councilmember Egbert – yes. Motion carried.

APPROVAL OF CONSENT OF CONFLICT WAIVER and APPROVAL OF COOPERATIVE AGREEMENT FOR TRANSFER OF 2004 CHEV TRUCK TO CITY OF HAYDEN

Councilmember Smith made a motion to approve the conflict waiver with Hawley Troxell. Councilmember Jordan seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

Councilmember Jordan made a motion to approve the transfer of the 2004 Chev Truck to the City of Hayden. Councilmember Smith seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

APPROVAL OF PLANNING & ZONING 2020 SCHEDULE OF MEETINGS

Councilmember Smith made a motion to approve the Planning & Zoning 2020 meeting schedule. Councilmember Jordan seconded the motion. Roll Call Vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.

COUNCIL REPORTS:

Councilmember Jordan reported that the grader is now all paid for and all of the winter road equipment is ready for the snow. He has been approving several Avista permits for work in the right-of-ways.

Councilmember Smith reported that there were 12 citations written in the month of October. No enhanced patrol service report was submitted. She also thanked the citizens for allowing her to serve on the City of Dalton Gardens council for the past four years.

Councilmember Egbert reported that the new server is here and that On-Call Computers will be working on the installation and the computer upgrades in the next few weeks.

Mayor Fletcher reported that he had talked to Councilmember Drechsel and the security cameras are being installed in the next couple of weeks. He also stated that the Trail to Canfield Mountain will be handled by the City of Coeur d' Alene to create a City Park.

CITY CLERK:

Clerk Anderson reported that the week of fieldwork for the audit has been completed and we are working some additional items in the audit process. The new website is up and running Teresa is working on some problem areas which need to be addressed. She reported that she is also working on some end of year reporting.

CITY ATTORNEY REPORT: No report

CITY ENGINEER REPORT: No report

PLANNING CONSULTANT REPORT:

Rand Wichman reported that the Planning & Zoning Commission will hold a public hearing on December 10th on the appeals ordinance. He has also been working with the attorney on the Commercial Truck traffic signs and the wording that will need to be on the new signs.

CODE ENFORCEMENT REPORT: Report submitted

BUILDING INSPECTOR REPORT:


Deputy Chief Ryan reported that Chief Merritt is retiring at the end of December and that he would be taking over in the interim.

EXECUTIVE SESSION: Councilmember Jordan made a motion to go into executive session according to: Idaho code 74-206(1) (f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation. Councilmember Smith seconded the motion. Roll call vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes. Motion carried.


Executive session was closed at 10:47 and Attorney Kling announced that there were no decisions made in executive session.

ADJOURN

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



Mayor Dan Edwards



Valerie S. Anderson, City Clerk

November 22, 2019

RE: Comprehensive Plan 2019-2030

Residential Use in the Commercial District #5 page 27 and #7 page 47

As a member of the Comprehensive Plan Committee, a 40 year Dalton Gardens resident and commercial property owner, I strongly disagree with some of the other members of the committee who want to prohibit residential land use in the commercial district.

Coeur d' Alene, Hayden, Post Falls, Rathdrum, and most other cities in the United States allow residential use in their commercial districts. We have 4 homes on Government Way that are currently leased as residential. There are several other commercial property owners that have homes on their property that are being used as residential.

Dalton Gardens has always allowed residential use in the commercial district. Single family detached housing was once an allowed use then it updated to a special use and with the installation of the sewer the special use includes single family residential, duplex, multifamily and more. This is one of the benefits the city pushed when they forced the sewer on us. Now with the new comprehensive plan the planning commission is attempting to remove residential use from the commercial district all together.

For over 15 years the city of Dalton Gardens has been continually changing and updating ordinances that impact the commercial property owners. These changes have been time consuming and expensive, especially forcing sewer on us without considering the fact that we didn't want it and most of the commercial district has already been developed. We were told that we will benefit by being able to re-develop our property into something more lucrative than what we now have. Most commercial property owners are small mom and pop operations and do not have funding to tear down and re-develop what they have spent a lifetime building. My family has not hooked our property up to the sewer yet due to the huge cost. We are still paying the LID for the sewer pipe that runs in front of our property. The cost to hook up will be even more daunting with no immediate benefit.

Each year the City of Dalton Gardens receive a large amount of property taxes from the commercial property owners on Government Way without providing any services including water, sewer, garbage, street maintenance, etc. all of which are provided by private companies or the City of Coeur d' Alene. The commercial property owners on Government Way do not even have access to their property through Dalton Gardens. We pay property taxes and receive absolutely nothing in return except burdensome restrictions.

The committee members who are against residential use in the commercial district have an unwarranted fear of increased traffic within Dalton Gardens. Government Way was residential prior Dalton Gardens becoming a city and is located on the outer western edge (**the road and right of way is owned by the City of Coeur d' Alene**) therefore continuing to allow residential use in the commercial district would not increase traffic within the City. Most of the traffic within the city during school hours comes from the Hayden sub-division on Prairie Ave. and Coeur d' Alene residents who live up on the hill at the end of 15th Street.

The 10 year Comprehensive Plan is not the place to restrict uses. This should be left up to the city council to determine through the use of ordinances.

City code 5-3-1 Single family detached housing was changed to the current ordinance adopted on October 4, 2018 which allows in the commercial district with special use permit the following; Residential uses, including but not limited to detached single family residential, duplex, townhomes, multi-family, subject to a density not greater than eight (8) units per acre and subject to the standards of section 5-3-3 of this chapter.

I urge you to change the words **prohibit to allow** residential land use in the commercial district on both number 5, page 27 and number 7, page 47. I also urge you to refrain from adding any additional language that would determine or restrict residential uses in the commercial district in this comprehensive plan.

Thank you for your consideration,

Karen Gravelle
5896 N 4th Street
Dalton Gardens, ID 83815

Comprehensive plan

Mother-in-law quarters – two conflicting items

Page 6 regarding the community visioning surveys states – Additional living space such as mother-in-law quarterswas also considered important.

Page 27 #4 states – Continue to prohibit detached “mother-in-law quarters”.

Dalton Market – two conflicting items

Page 26 #11 – Create a Neighborhood Commercial district to allow Dalton Market to flourish while retaining their existing scale.

Page 52 #14 - Rezone Dalton Market to allow small expansion and repair.

Page 45 - The Comprehensive Plan – Future Land Use map has an error.

The two properties on the corners of Canfield and Rude are ½ commercial and ½ residential per city code 5-2-2. They were also included in the sewer project.

5-2-2: DISTRICT BOUNDARIES:

- A. Commercial District: All land within the area six hundred thirty feet (630') east of the west boundary of the city between Dalton Avenue and Hanley Avenue, within the area three hundred fifteen feet (315') east of the west boundary of the city between Hanley Avenue and Wilbur Avenue, and within the area six hundred thirty five feet (635') east of the west boundary of the city between Wilbur Avenue and Prairie Avenue, and the west one hundred seventy four feet (174') of lot 1, block 1, rude third addition, and the west one hundred seventy four feet (174') of lot 10 and block 1, rude 4th addition, Kootenai County, Idaho. (Ord. 105, 1-7-1989; amd. Ord. 161, 9-5-2002)

Karen Gravelle
Comprehensive Plan Committee Volunteer