

**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF DALTON GARDENS DECEMBER 19, 2019
CITY HALL 4:00 PM**

Meeting was called to order by Council President Smith

Roll Call: Councilmember Jordan, Smith and Egbert. Councilmember Drechsel and Mayor Fletcher were absent. Also present were Attorney Caitlin Kling, and Valerie Anderson, City Clerk.

Executive Session: 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, or controversies not yet being litigated but imminently likely to be litigated related to issuance of building permit.

Councilmember Jordan made a motion to go into Executive Session at 4:00 PM. Councilmember Egbert seconded the motion. Roll call vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes.

Executive session ended at 4:48 PM.

Discussion of Action Related to Issuance of Building Permit:

The council discussed the setback issue at 6128 N. 18th Street and agreed that the setback should be 10' feet.

Councilmember Egbert made a motion regarding the permit process and the remedy is to have the builder remove and replace the foundation wall to meet the setback requirement and as a result the Council authorize the Mayor to reimburse the builders \$3,000.00 for the cost of replacement and get a release of claims and contingent upon further review of code concerns with the City Planner. Councilmember Jordan seconded the motion. Roll call vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes.

Executive Session: Idaho Code 74-206(1) (f): to communicate with legal counsel for the public agency to discuss the legal ramifications of the legal options for pending litigation Crandall v. City of Dalton Gardens.

Councilmember Egbert made a motion to go into Executive Session @ 4:55 PM. Councilmember Jordan seconded the motion. Roll call vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes.

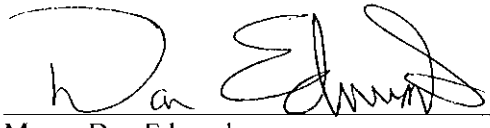
Executive Session ended at 5:29 PM.

Discussion of Action Related to Crandall v. City of Dalton Gardens

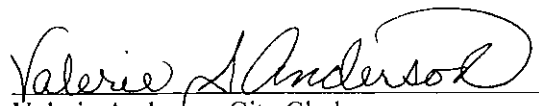
Attorney Marfice stated that they have an application for cost and attorney fees from the plaintiffs and it is a standard procedure on litigation once a judgement has been determined. The time period for the reply on the application is 14 days for the reply of opposition papers with the court. After that point the court will set a hearing and resolve the application. He is asking for the direction of the council to go ahead and file for opposition for opposing.

Councilmember Egbert made a motion to direct legal counsel to oppose the attorney fees and cost in the case of Crandall v. City of Dalton Gardens. Councilmember Jordan seconded the motion. Roll call vote: Councilmember Jordan – yes, Councilmember Smith – yes, Councilmember Egbert – yes.

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



Mayor Dan Edwards



Valerie Anderson, City Clerk