



Agenda for the Regular Meeting Dalton Gardens City Council

Thursday, October 7, 2021 @ 6:00 PM

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

Meeting will be conducted via teleconference and in person.
Please use this link to join the webinar via computer/smartphone:

<https://us02web.zoom.us/j/88143235938?pwd=YUFSeCttUVBiVDgyL3lwL05qTUNzUT09>

Phone Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782
Webinar ID: 881 4323 5938; Passcode: 536431

1. CALL TO ORDER

2. ROLL CALL OF CITY COUNCIL MEMBERS

3. PLEDGE OF ALLEGIANCE

4. 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 forthat public hearing. Please be advised that the City Council can only take official action this eveningfor those items already listed on the agenda.

5. APPROVAL CONSENT CALENDAR- ACTION

- a. Minutes from the:
 - Regular Meeting September 2, 2021
 - Regular Meeting September 14, 2021
 - Regular Meeting September 28, 2021
- b. Claims Listed from September 25, 2021 to September 30, 2021
- c. Monthly Financial Statements for September 1-30, 2021
- d. Quarterly Financial Statement for 4th Quarter Fiscal Year 2021

6. PUBLIC HEARING FOR ZONING AMENDMENT (Small Cell)

7. CONSIDERATION OF P&Z RECOMMENDATION FOR ZONING AMENDMENT (Small Cell) - ACTION

8. DISCUSSION OF AGENDA ITEMS FOR OCTOBER 14, 2021 AND NOVEMBER 3, 2021 MEETINGS

9. ADJOURNMENT-ACTION

Original Posted 9/30/21

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 onlyon a topic, no action or decisions occur at that time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling the City Clerk at (208) 772-3698 ext 102.

City of Dalton Gardens
Council Meeting Minutes
Thursday, September 2, 2021 @ 6:00pm
Meeting was conducted via teleconference and in person.

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

Meeting was conducted via teleconference and in person.

- 1. CALL TO ORDER:** Mayor Edwards called the meeting to order at 6:02 PM.
- 2. ROLL CALL OF CITY COUNCIL MEMBERS:** Physically Present were Councilmembers Carrie Chase, Robert Wuest and Ray Craft. Councilmember O'Brien joined via Zoom. Also physically present were Mayor Edwards, Chris Gabbert- City Attorney, and Teresa Janzen- Clerk/Treasurer.
- 3. PLEDGE OF ALLIGANCE:** Led by Sheriff Norris.
- 4. 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 forthat public hearing. Please be advised that the City Council can only take official action this eveningfor those items already listed on the agenda.

 - Michael Martins- Mayor read written statement asking for the City to send out a written mailer for the Candy Cane Rune in December.
 - Clark Young- 7064 N 16th: supports a small cell ordinance to protect the residents.
 - Curt Jernigan- 7439 N Davenport: would like a larger sample size of input of citizens for transportation plan. Generally opposed to taking State and Federal funds due to strings attached. Would like to see traffic safety be aggressively pursued in the City. In favor of funding law enforcement for the City.
 - Karen Kimball-6975 N 16th St: Not happy that she was not permitted to put an item on the agenda requesting for Prairie Back Country Horsemen to be granted exemption for facility reservation fees. She is requesting facility reservation fee waivers for Prairie Back Country Horsemen. Called out the work they have done over the years that she would like to be considered for fee waivers volunteer work. Also spoke on behalf of Amanda Deeds of Prairie Wranglers 4-H and requested waiver of facility reservation fees for Amanda Deeds as well.
 - Mayor Edwards clarified that if residents would like to add they would need to go through a Council Member.
 - Myron Sanders- Mayor read written statement from Code Enforcement Officer supporting new OpenGov online system for its efficiency.
- 5. CONSENT CALENDAR- ACTION**
 - a. RWuest made a motion to approve minutes from the Regular Meeting August 5, 2021.
CCChase: Yes AO'Brien: Yes RCraft: Yes RWuest: Yes. Motion Carries.

AO'Brien made a motion to approve minutes from the Workshop August 10, 2021. RC seconded.
CCChase: Yes AO'Brien: Yes RCraft: Yes RWuest: Yes. Motion Carries.

- b. RWuest made a motion to approve the Claims Listed except for Nexus Planning Services, Lyon's O'Dowd, and HMH Engineering from August 1, 2021 to August 30, 2021. CC seconded. After Council discussion, RWuest amended motion to approve claims listed 8/1/2021 to 8/31/21 in full. CC seconded again.

AO'Brien: Yes **RCraft:** Yes **CChase:** Yes **RWuest:** Yes. Motion Carries.

*Chris Gabbert, City Attorney has approved bills be sent electronically as of 9/2/21 to Council Members.

- c. RWuest made a motion to approve Monthly Financial Statement August 31, 2021. CChase seconded.

AO'Brien: Yes **RCraft:** Yes **CChase:** Yes **RWuest:** Yes. Motion Carries.

6. CITY REPORTS

a. Council:

- **Carrie Chase-** not working on 5G small tower ordinance as a Councilmember
- **Ray Craft-** 4th Street and 15th Street was stiped today. Original striping agreement was for \$4,805.90 for 4th St- from Dalton Ave to Prairie Ave, Dalton Ave- from 4th to 17th, Canfield- Gov't Way to Rude. 3 of the streets in the original agreement are not being chip sealed this year. Renegotiated with Stripe Rite to \$314.35 additional to instead stripe 4th Street and 15th Street.
- **Robert Wuest-** Has had a lot of feedback from residents about wildlife management ordinance. Council is going to try a different approach instead of hunting. Council will vote tonight on removing fees for fences and changing fence allowable fence heights. Would like a public hearing on fee schedule adjustments as soon as possible and to repeal ordinance 207 for business license fees and instead move it to the fee schedule instead of being called out in an ordinance. Posts to Ward Newcomb Park have been removed as they are rotten and split. Pursuing cost estimates for fixing. Would like the following policies to be drafted by City Attorney; fee waiver policy; procurement policy for Staff; Councilmembers spending limits to be raised; internet, social media, and email policy for Staff.

- b. Mayor: Working with KCSO to adjust ordinance so that 100% of revenue comes to the City instead of most of it going to Kootenai County. Read KCSO monthly report. 96 law enforcement calls, 1 accident, 36 traffic citations. KCSO has notified Deputies to now begin issuing citations under Dalton Gardens instead of the County.

- c. Planner: Ready for the 9/14 public hearing for Title 5 Code Amendments. In August, P&Z voted to approve the draft of DAS Small Cell ordinance and send to Council for public hearing and possible adoption. Explained that DAS Small Cell is not the same as a comprehensive telecom ordinance. Short Plat subdivision in process and will be heard at September P&Z. Building Permits backlog is being worked through. Launch of OpenGov as online permit portal has been a success for permits, licenses, code enforcement, business licenses. Need to develop escalation policy for Code Enforcement. Proceeding with Dalton Ave annexation.

- d. Engineer: Mayor asked the Clerk to read the written report into record.

- Continuing to work on transportation plan. Sign inventory has been completed. Second Transportation Plan Workshop was held 8/24/21.
- 2021 Chip Seal project required work to be completed prior to 9/1/21 and have the roadway temperatures be 85 degrees and rising. Weather conditions are not compliant. All parties are agreeable to mutually cancel the project. Roads listed in 2021 chip seal project should be added into the 2022 chip seal project, thereby increasing the scope of the 2022 project.
- 6039 N 18th fire turnaround. Inspection was performed on sign installation. Work does not meet engineering requirements.

- A list of ROW open utility permits table was given to Council
- e. City Attorney: Worked with KCSO to draft the traffic ordinance before the Council. Concerns with communication on the bills stemmed from the July bills having attorney-client privileged information. If those bills get transferred beyond council to third parties not under the privilege, it waives the attorney-client privilege which cannot by any one Council member. The solution is that the bills going forward will not have attorney-client privilege information and therefore can be sent electronically again.
- f. Clerk/Treasurer: Deployed OpenGov.
 - Down to 3 remaining paper permits due to delays in getting information from applicants. Have 28 new applications in OpenGov. Only 1 entity is having issues with the system and it is a utility company with an internal IT issue.
 - Issued 97 business license renewals. Have 13 renewals that are waiting on applicant additional information. 50 known businesses that have not complied with renewal.
 - Moved ARPA funds and working on getting its own LGIP set up.
 - Have trained Dalton Water, Dalton Irrigation, and Panhandle Health to train them on the new system. Will meet with Kootenai County Assessors later in the month to train them.
 - Onboarding new Code Enforcement Officer, Myron Sanders. Clean up of paper complaints clean up requires visits to see where the issues are at currently. Will be drafting procedures and policies for Council consideration.
 - Elections- have taken 7 declarations and posted the candidates on the website.

7. NEW BUSINESS

- a. CChase made motion to pass Ordinance 271 amending title 1 chapter 4, and title 8, chapters 1 and 2 of Dalton Gardens city code to provide for infraction penalties where applicable and adopt State of Idaho infraction penalties upon its first and only reading by title under suspension of the rules of reading, and to take effect upon publication by summary only in the Coeur d' Alene Press. RCraft seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- RWuest made motion to place proposed Ordinance of City of Dalton Gardens, a municipal corporation of state of Idaho Ordinance 271 to provide for infraction penalties on its first and only reading by title, under suspension of rules and direct the Clerk to assign appropriate ordinance number and publish by summary only, incorporating title of the body of the summary.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- b. RCraft made motion to use FY21 budgeted funds from 403-11 Snow & Ice Control- Removal to cover the \$2,449.67 overage from 401-012 Capital Outlay- Equipment for the 2021 Ford F450 Plow Truck with specialty bed and plow. RWuest seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- c. CChase made motion to not use the FY21 Contingency Funds in the amount of \$30,000 and let it return to the LGIP-General Fund. RCraft seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- d. CChase made a motion to approve Resolution 2021-05 to establish a Street Funds Carryover account from FY21 to FY22 drawing from 403-14 Street Maintenance- Contracted and 403-11 Snow & Ice Control-Removal for combined amount of \$355,000. RCraft seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.

AO'Brien made a motion to approve Resolution 2021-05 to establish a Park Funds Carryover account of \$5,000 from FY21 to FY22 from 404-03 Park Maintenance- Contracted. RWuest seconded.

RWuest: Yes RCraft: Yes AO'Brien: Yes CChase: Yes. Motion Carries.

e. **PUBLIC HEARING**

Public Comment:

- Mike Neher- 6056 N Colfax: Questioned balance of \$214,872.04 balance in LID#2 checking account. Questioned plan for \$2.75 million combined funds in checking and LGIP-General Fund. Suggests balance be spent down to closer to \$500K. Recommends adopting an End of Fiscal year balance policy.

RWuest made a motion pursuant to Idaho Code 50-1002 and 63-802 to approve of the Fiscal Year 2022, October 1, 2021 to September 30, 2022, budget to include the \$1,694 of forgone property taxes for a total budgeted amount of \$1,217,466.73. CChase seconded.

CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.

- f. RWuest made motion approve proposed Ordinance of City of Dalton Gardens, a municipal corporation of state of Idaho Ordinance 270 annual appropriation ordinance for Fiscal Year 2022 Budget which includes the \$1694 foregone property taxes on its first and only reading by title, under suspension of rules and direct the Clerk to assign appropriate ordinance number and publish by summary only, incorporating title of the body of the summary. CChase seconded
- CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.**

- g. RWuest made a motion to approve Resolution 2021-07 declaring the intent to collect \$1,694.00 in forgone property taxes for fiscal year 2022. RCraft seconded.
- AO'Brien: Yes CChase: Yes RCraft: Yes RWuest: Yes. Motion Carries.**

- h. RWuest made a motion to approve Resolution 2021-05 to direct Treasurer to move \$200,000.00 in street funds into FY22 general fund for additional road maintenance and \$146,00 in LGIP funds into FY22 general fund for law enforcement. RCraft seconded.
- AO'Brien: Yes CChase: No RCraft: Yes RWuest: Yes. Motion Carries.**

- i. Council discussed agenda items for:

- September 14, 2021 Public Hearing for Title 5 code amendments; potentially waiving fees for Prairie Back Country Horsemen and Prairie Wranglers; potential FY21 balances and September Claims listed.
- October 7, 2021 Public Hearing for Small Cell Ordinance.

- 8. ADJOURNMENT:** RWuest made a motion to adjourn at 9:32 PM. RCraft seconded. All in favor. Motion Carries.

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer

City of Dalton Gardens
Council Meeting Minutes
Tuesday, September 14, 2021 @ 6:00pm
Meeting was conducted via teleconference and in person.

1. **CALL MEETING TO ORDER:** Robert Wuest called the meeting to order at 6:07pm
2. **ROLL CALL:** Councilmembers Carrie Chase, Robert Wuest, Ray Craft were physically present. Mayor Dan Edwards was absent. Council Member Robert Wuest acted as Mayor. Councilmember Aaron O'Brien attended via Zoom. Ryan Hughes- City Planner, and Teresa Janzen-City Clerk/Treasurer were also in attendance.
3. **PLEDGE OF ALLEGIENCE:** Led by resident, Karen Kimball.
4. **PUBLIC COMMENTS:**
 - a. **Karen Kimball-** 6975 N 16th St: Thanked RCraft for his work on the street department. Thanked CChase for asking questions during the meetings.
 - b. **Kurt Jernigan-** 7439 N Davenport St: Fully supports funding a forensic audit for financial clarity, supports 8ft fencing. Feels residents face disrespect during Public Comment.
 - c. **Eileen Wilson-** 7454 Valley St: Supports waiving \$25.00 facility reservation fee waiver for 4H. If there is a fee waiver for one group there should be a fee waiver for all youth groups.
5. **NEW BUSINESS:**
 - a. CChase made a motion to waive fees for Prairie Backcountry Horseman for the remainder of 2021 calendar year for their once-per-month meetings and the waiver to be revisited annually. RCraft seconded.
AOBrien: yes **CChase:** yes **RCraft:** yes Motion carries.

*RWuest disclosed he has been a member of Prairie Backcountry Horsemen since 1986.
 - b. RCraft made a motion to approve PSP Enterprise's quote for de-icer spray tank and nozzles for the 2021 Ford F450 plow truck for \$6,618.36. CChase seconded.
AOBrien: yes **CChase:** yes **RCraft:** yes **RWuest:** yes Motion carries.
 - c. Consideration of questions for the forensic auditor-Tabled until December 2021. RWuest spoke to Magnuson, McHugh, and Co (City Auditors) and their recommendation is to proceed only if there is suspected fraud. CChase spoke with several forensic auditors and the cost can be \$4,000.
6. **PUBLIC HEARING** opened at 6:42 PM
Public comments:
 - o **Ray Bishop:** 6727 N. 4th St- wants fence on property line 5-6'. Deerhaven 8' wooden fence on property line. Was told it had to be 25' from property line.
 - o **Clark Young:** 7064 N. 16th St.- Supports 8' fences from front of houses.

- **Gary Sonnen:** 7447 Valley St- Height of fence shouldn't be based on what's behind the fence.

Public Hearing closed at 8:00 PM

RCraft made a motion to place proposed ordinance 272 on first and only reading by title while under suspension of the rules. CChase seconded.

AOBrien: yes **CChase:** yes **RCraft:** yes Motion carries.

RCraft made a motion to pass Ordinance 272 amending title 5, chapter 1, section 4 to add and delete several definitions; title 5, chapter 5, section 4 to change setback requirements for accessory buildings and building separation; amending title 5, chapter 5, section 7 regarding the requirements for fencing in the residential district; amending title 5, chapter 5 to add section 9 regarding vision triangles in the residential district; amending title 5, chapter 5, to add section 10 to add requirements for residential exterior lighting; amending title 5, chapter 3, section 1 to amend the uses permitted outright, by special use permit, and prohibited in the commercial zone; amend title 5, chapter 3, section 2, to delete the section in its entirety; amend title 5, chapter 3, section 7 to delete extraneous language; amend title 5, chapter 3, section 11 to revise requirements for fencing, landscaping and buffering in the commercial zone; amend title 5, chapter 3, section 12 to revise performance standards in the commercial zone and relocate definitions for certain terms; amend title 5, chapter 3, section 13 to revise requirements for project review meetings; amend title 5, chapter 12, section 1 to revise the purpose of the parking regulations; amend title 5, chapter 12, section 2 to revise the parking prohibitions; amend title 5, chapter 12, section 5 to clarify when off street parking and loading areas are required; amend title 5, chapter 12, section 7 to revise parking standards and requirements for parking plans; amend title 5, chapter 12, section 9 to adjust the number of parking spaces required for various uses; amend title 5, chapter 12, section 10 to adjust the size of required parking spaces; amend title 9, chapter 1, section 3 to prohibit placing snow on public ways; providing severability, repealing conflicting provisions, and providing an effective date with changes while under suspension of the reading rules and to direct City Clerk to assign appropriate ordinance number and publish under summary only, incorporating the Title as the body of the summary, one time in the Coeur d Alene Press with the aforementioned changes.

CChase seconded.

AOB: yes **CChase:** yes **RCraft:** yes Motion carries.

- ❖ Council selected to have a 3rd Council Meeting in September as an Administrative meeting on Tuesday, September 28, 2021 at 10:00 AM.
- ❖ RWuest asked the Council to be reviewing the Facility Reservation Fee Waiver policy and to submit their proposed changes in October to have it be added as an agenda item in November.
- ❖ Council chose to have public hearing for small cell ordinance on the regular October 7, 2021 meeting instead of having a separate meeting. The intent is to have it be the primary item on the agenda.

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer

City of Dalton Gardens
Council Meeting Minutes
Tuesday, September 28, 2021 @ 10:00 AM
Meeting was conducted via teleconference and in person.

1. **CALL MEETING TO ORDER:** Mayor Edwards called the meeting to order at 10:00 AM
2. **ROLL CALL:** Councilmembers Carrie Chase, Robert Wuest, Ray Craft, and Mayor Dan Edwards were physically present; Councilmember Aaron O'Brien was not present. Chris Gabbert- City Attorney was present via Zoom. Teresa Janzen-City Clerk/Treasurer was also in attendance.
3. **CONSIDERATION OF AMENDED CLAIMS FOR AUGUST 1-31, 2021 TO INCLUDING PAYROLL:**
CChase made a motion to approve amended claims for August 1-31, 2021. RCraft seconded.:
RWuest: yes RCraft: yes CChase: yes Motion carries
4. **CONSIDERATION OF CLAIMS LISTED SEPTEMBER 1-24, 2021:**
CChase made a motion to approve claims for September 1-24, 2021. RCraft seconded.
RWuest: yes RCraft: yes CChase: yes Motion carries
5. **CONSIDERATION OF RESOLUTION 2021-08 TO ASSIGN BANK SIGNORS FOR CITY BUSINESS:**
CChase made motion to table item. Motion died.
RWuest made a motion to approve Resolution 2021-08 to assign bank signors for city business.
RCraft seconded
RWuest: yes RCraft: yes CChase: no Motion carries
6. **CONSIDERATION OF MOU WITH KOOTENAI COUNTY SHERIFF TO ENFORCE DALTON GARDENS CITY CODE:**
CChase made a motion to table the item until October 7, 2021 as it is not financial consideration.
Motion dies.
RWuest made a motion to approve MOU with Kootenai County Sheriff to enforce Dalton Gardens City Code. RCraft seconded.
RWuest: yes RCraft: yes CChase: no Motion carries
7. **RWuest made a motion to Adjourn. CChase seconded.** All in favor. Motion carries.

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer