



Agenda for the Budget Workshop & Regular Meeting

Dalton Gardens City Council

Thursday, June 9, 2022 @ 4:00 PM (Workshop);
6:00 PM (City Council Meeting)

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

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

<https://us02web.zoom.us/j/83071291269?pwd=d0d2TUNQTGt2R1o3a0ZPa2FjQjBFUT09>

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

Webinar ID: 830 7129 1269; Passcode: 840663

FY23 BUDGET WORKSHOP WILL BE FROM 4:00 PM TO 5:50 PM.

CITY COUNCIL MEETING WILL BEGIN AT 6:00 PM.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL CONSENT CALENDAR- ACTION

- a. Minutes from the Regular Meeting May 12, 2022
- b. Ratification of Bills from May 1-31, 2022
- c. Monthly Financial Statement for May 1-31, 2022

5. STAFF REPORTS

- a. City Engineer
- b. City Planner
- c. City Attorney

6. PUBLIC COMMENT

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. Discussion Code Compliance Manual Updates
- b. Discussion Temporary Committees
- c. Confirmation of Mayor's nomination of Chad Haunschild for P&Z Commissioner -
ACTION

d. Consideration of Ordinance amending the fee designations in City Code- **ACTION**

8. **ADJOURNMENT-ACTION**

Original Posting: 06/03/2022

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

City of Dalton Gardens
Council Regular Meeting Minutes
Thursday, May 12, 2022 @ 6:00 PM

Meeting was conducted via teleconference and in person.

1. **CALL MEETING TO ORDER:** Mayor Edwards called to order at 6:00 PM
2. **ROLL CALL:** Councilmembers Aaron O'Brien, Tyler Drechsel, Scott Jordan, Robert Wuest, and Mayor Dan Edwards were physically present. Also present: Teresa Janzen-City Clerk/Treasurer, Ryan Hughes-City Planner, and Chris Gabbert-City Attorney.
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF CONSENT CALENDAR:**
 - a. Minutes from the Regular Meeting April 14, 2022
 - b. Ratification of Bills April 1-30, 2022
 - c. Monthly Financial Statement April 1-30, 2022

TDrechsel made motion to approve the consent calendar items A-C, with requested correction for April 14, 2022 meeting minutes, item 6.iv to show Hayden Lake as the city that was spoken to regarding the area of impact. SJordan seconded.
AO'Brien: yes RWuest: yes SJordan: yes TDrechsel: yes Motion carries.
5. **STAFF REPORTS:**
 - a. **City Engineer**
 - i. 2022 Chip Seal Bid Opening for the City of Hayden set for 5/18/22
 - ii. Our LHSIP grant application was denied. They issued 1 grant for our district and we came in second.
 - b. **City Planner-** submitted written report to Council. SJordan asked how backlogged building permits are. City Planner said there are 5 pending permits. Others are pending that are awaiting corrected or additional information from the applicant.
 - c. **City Attorney-** majority of his time for the past month has been on the Telecom Ordinance draft being heard by P&Z next week. Current draft is 59 pages. Finished annexation of E Dalton Ave east of 17th Street and filed with the Tax Commission. Have not heard back from Dalton Water Association's Counsel regarding the MOU with slight changes that Council approved in April 2022.
6. **PUBLIC COMMENT PERIOD:**

Public Comments Open 6:28 PM – Closed at 6:28 PM

 - Daniel Chiew- 6591 N. 4th St: concerned about the procedures for code enforcement. Concerned about the continuum of response for different classifications of violations. Would like additional detail on the enforcement side. Questioned the 'TBD' sections in the draft Code Compliance Manual before council.
7. **PUBLIC HEARING: Updates to the City's Zoning Ordinance as it relates to the definition of Accessory Living Units in Title 5 and Title 7 of Dalton Gardens City Code:** City Planner gave overview of deficiency in current code for an Accessory Living Unit (ALU). Municipal code expressly prohibits ALUs in Dalton Gardens. In an effort to uphold the Sewer Management Agreement (SMA) with Panhandle Health and bring our definition in line with the International

Residential Code (IRC) the proposal is to update the definition to that of a “accessory” dwelling unit as defined in the 2018 IRC.

SJordan- asked if you can only have one kitchen. **City Planner**- you can not have separate independent living. Moving away from a prescriptive of what you can have and coming inline with the intention of the IRC.

AO'Brien- who makes the final call for grey areas? **City Planner**- in terms of Use, the Planning Administrator; in terms of construction, the City Building Official.

RWuest-suggests “living in any structure other than the primary residence is prohibited” for clarity. **City Attorney**- suggested changing ‘living’ to ‘dwelling’ to keep it consistent with the new definition proposal.

Public Comment Open: 6:42 PM; Public Comment Closed: 7:01 PM

- Eric Killen-6744 Davenport St: Concerned that Dalton Gardens would change the definition of single-family dwelling to allow multi-family dwelling. Concerned about people currently living in outbuildings/shops. Questioned what the city is going to do about enforcement of the multiple ALUs currently in existence.
- Sue Supp-7024 N 16th St: Suggested using the IRC definition of habitable space so that the focus is on the activity in the structure, and not the structure.
- Clark Young-7064 N 16th St: Desires to have a shower, toilet, and sink in his shop for his personal use. Opposes people living in shops.
- Gary Sonnen- 7447 N Valley St: Suggests change to 5-5-1 to add ‘unit’ to single family dwelling. Agrees with removal of ‘already constructed’ from 7-4-1-A. Asked for the definition to be made clearer.
- Daniel Chiew- 6591 N 4th St: Supports moving away from historical prescriptive definitions. Highlighted inconsistent use of the definition- 7-4-1 repeats the definition of Accessory Dwelling Unit found in 5-1-4.

8. **CONSIDERATION OF ORDINANCE TO UPDATE the City’s Zoning Ordinance as it relates to the definition of Accessory Living Units in Title 5 and Title 7 of Dalton Gardens**

City Code: City Planner read the SMA that already prohibits Accessory Living Units. When the definition is prescriptive, we lose flexibility. This is why policy is so important. The proposed changes take into consideration the SMA, IRC, life safety issues and in it’s conformity with the preceding, gives the city the most flexibility.

SJordan-questioned if Panhandle Health allows showers in other buildings. City Planner- expressly prohibits cooking and bathing. Asked if outdoor showers in shops for pools are allowed and clarified he opposes Accessory Dwelling Units.

RWuest made a motion to suspend reading the proposed ordinance on three different days and have the title of proposed ordinance read once. TDrechsel seconded.

AObrien: Yes RWuest: Yes SJordan: Yes TDrechsel: Yes MotionCarries

City Clerk read the title of the proposed ordinance: An Ordinance of the City of Dalton Gardens, a municipal corporation of the state of Idaho; Amending Title 5, Chapter 1, Section 4 to revise definition of accessory living unit; amending Title 5, Chapter 5, Section 5

to revise definition of accessory living unit; amending Title 7, Chapter 4, Section 1 to revise definition of accessory living unit.

RWuest made a motion to adopt the Ordinance of the City of Dalton Gardens, a municipal corporation of the state of Idaho; Amending Title 5, Chapter 1, Section 4 to revise definition of accessory living unit; amending Title 5, Chapter 5, Section 5 to revise definition of accessory living unit; amending Title 7, Chapter 4, Section 1 to revise definition of accessory living unit., with the following revisions to sections 5-1-4 as proposed to substitute between cooking and sanitation in the final sentence for cooking or sanitation, also with the following substitution in section 7-4-1 strikethrough everything from “accessory dwelling unit is considered . . . (to end of existing paragraph) and adding in “living in any structure other than the primary residence is prohibited” , and adding direct the Clerk to assign the appropriate number, and to publish once upon passage in the CdA Press. TDrechel seconded.

AO'Brien: Yes SJordan: Yes RWuest: Yes TDrechsel: Yes MotionCarries

9. CITY BUSINESS

a. III-A Annual Report Presentation

Amy Manning, Executive Director of III-A gave annual presentation of the III-A trust performance. Advised to budget for 10% increase in premiums for FY 23. Will get actual rate increase number the 3rd week of June.

b. Kootenai County Public Transportation Presentation: Chad Ingle, Program Manager and Jody Bieze, Director for Kootenai County Public Transportation presented the Small Urban System Service Area. The program provides 3 fixed routes, ADA Paratransit Service, and Ring-a-Ride services. Hours of operation are Monday-Friday 6 AM-7 PM; Saturday 9 AM- 4 PM. Program is funded by Coeur d'Alene, Post Falls, Hayden, Huetter and Dalton Gardens proportionate to their populations. In FY 21, Dalton Gardens had 1,152 fixed routes rides; 108 ring-a-rides, and 287 paratransit rides. Projection for FY23 cost for Dalton Gardens is \$3,051. Full cost for the services is \$37,502.

RWuest asked if Federal monies pay for senior services. Chad Ingle said they are a part of the 5310 funds for seniors. Jody Bieze clarified that they were given \$150K for FY21 but it requires a \$37,500 match. Those match monies are what are billed proportionately to the cities served.

SJordan asked when the City stopped funding the program. Mayor Edwards said it was the first year they came into office (January 2020). RWuest said it was cut from the budget due to other budgetary needs. SJordan stated this is an important service to the citizens of Dalton Gardens.

RWuest made a motion to table item. Motion died for lack of second.

SJordan made a motion to immediately pay \$3,051 from Streets Funds for FY22 contribution. AO'Brien seconded.

RWuest: no AO'Brien: yes TDrechsel: yes SJordan: yes Motion Carries

c. Panhandle Area Council Presentation: Wally Jacobsen, Executive Director of Panhandle Area Council presented overview of PAC, a 501c(4) non-profit organization and their programs to help with regional economic development through business

development, economic development planning (CEDs), community development, business loans, eHub/Startup Hub, Grants (writing and administration), and Finance (lend/lease). PAC asks for a yearly membership fees. Members are cities, counties and private sector. Primarily serves the 5 northern counties of Idaho for small businesses. The FY22 ask for Dalton Gardens membership is \$303.70.

RWuest made a motion of approve \$303.70 for FY22. SJordan seconded.

AO'Brien: yes RWuest: yes SJordan: yes TDrechsel: yes Motion Carries

- d. Consideration of LHTAC Grant for Child Pedestrian Safety Program:** Christine Baker of HMH Engineering presented a new grant application possibility for a maximum award of \$250K. Award would be at the end of July 2022 with funds disbursed shortly thereafter. Project must be completed by December 2023. Grant requires no financial match from the City. Proposal is to use the funds for School Zones flashing beacons, thermoplastic crosswalks, and RRFB flashing signs. Would not cover the edgeline pavement markings from the previous LHSIP grant application (that was denied). Application is due 6/8/22 and requires 5 letters of support that the Clerk will facilitate.

RWuest called out the need to budget for future replacement costs based on the lifespan of the items installed.

SJordan is aware of the impact on the yearly budget for streets and will be sure to plan accordingly. Considers this a life safety issue.

Mayor Edwards reminded Council that we can also apply for future grants to offset future improvements.

TDrechsel made motion to move forward with the LHTAC grant application for child pedestrian safety program and to direct the Engineer to submit the application on behalf of the City. AO'Brien seconded.

RWuest: yes SJordan: yes AO'Brien: yes TDrechsel: yes Motion Carries

- e. Consideration of Ordinance amending the codification of the business license fee:** tabled until June meeting

- f. Consideration of Code Compliance Manual:** RWuest asked to table item and have a workshop. City Planner highlighted lack of overarching policy for the City. Would like everyone on the same page in terms of code compliance and investigation procedures and escalation policy. The draft manual tries to capture comments and direction from the previous workshop while still addressing need for a policy.

AO'Brien questioned if it was easy to make changes in the future. City Planner said yes, it is just a policy and can be adjusted as needed and recommends it be revisited.

RWuest concerned that the proposed manual does not reflect the residents wishes as expressed in the past workshop.

TDrechsel spoke in favor of getting something in place for policy to address multiple violations that currently exist. Council can revisit the policy and update it at any future council meeting. Provides standards for enforcement

SJordan clarified that the proposed policy would allow the city to act on code violations like ADUs when notified without needing official written complaint.

City Planner – proposal is a reference guide that pulls from all of the areas of City Code in a more comprehensive standard operative procedure of how complaints are processed and enforced.

TDrechsel made a motion to approve the Code Compliance Manual. AO'Brien seconded.

SJordan: yes TDrechsel: yes AO'Brien: yes RWuest: no Motion carries.

g. Discussion and Consideration for establishing committees: TDrechsel spoke on his desire to have resident committees for items like picnic committee, tax levy increase and ARPA fund usage. He will draft an application for interested residents to apply for a position on the committees. SJordan asked out applicants would be selected. City Attorney suggested these be temporary, ad-hoc, informal, single task advisory committees. Ad-hoc committees are not bound by formal committees open meeting laws and formal rigidity. He also advised that a councilmember could sit on the committee. Applications will be available at City Hall. City website and the city's social media. Application goes to the Clerk's Office for initial screening and then the applicants are presented to council for selection. Council agreed to move forward with creation of application.

h. Discussion of Agenda items for June 9, 2022 meeting:

- i. Chip Seal Bids
- ii. Code Enforcement Manual Updates-Council to spend the next month on their desired edits and bring to June council meeting.
- iii. Budget Workshop 6/9/22 at 4:00 PM

10. 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.

TDrechsel made a motion to enter into Executive Session. SJordan seconded.

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

Executive Session began at 8:48 PM and ended at 9:19 PM

11. ADJOURNMENT: TDrechsel made motion to adjourn SJordan seconded.
All in favor. Adjourned 09:21 PM

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer

Ratified Bills List
05/01/2022 to 05/31/2022

Vendor	Amount	Note
Amazon Business	\$ 250.22	Office Supplies
Avista Utilities	\$ 401.08	Monthly Electric & Gas
Border Sheet Metal & Heating, Inc.	\$ 625.00	A/C maintenance and furnace repairs
Coeur d'Alene Garbage Service	\$ 31.00	Garbage
Coeur d'Alene Press	\$ 88.58	Legal publications
HMH Engineering	\$ 2,735.05	May Engineering
III-A	\$ 1,758.00	Health Insurance
Intermountain Sign	\$ 190.00	3 crosswalk signs
Kootenai County Auditor	\$ 6,083.33	1/2 of May for KCSO Deputy
Kootenai County Fire & Rescue	\$ 3,191.00	Building Inspector
Kootenai County Solid Waste Dept.	\$ 16.55	Garbage
Kootenai County Transportation	\$ 3,051.00	FY22 Contribution
Lyons O'Dowd	\$ 5,760.00	City Attorney for May
Nexus Planning Services	\$ 3,850.00	City Planner for May
Panhandle Area Council	\$ 303.70	FY22 Membership Dues
Parsons Behle & Latimer	\$ 40.00	Contract Atty Telecom Ordinance
Payroll	\$ 7,483.52	May
Payroll Retirement	\$ 2,156.48	May
Payroll Taxes	\$ 1,811.46	May
Royal Business Systems	\$ 471.65	Quarterly Copier Service Agreement & Copier
Sacco De Campos Landscape Maint. LLC	\$ 3,174.93	May Services
Service Master By the Lake	\$ 245.00	May Cleaning
Spectrum	\$ 119.99	Internet
US Bank, Credit Card	\$ 835.05	Parks, Software, Training, Postage
Verizon Wireless	\$ 90.76	Code Enforcement Phone thru June 7
	<u>\$ 44,763.35</u>	

**CITY OF DALTON GARDENS
FINANCIAL STATEMENT
October 1, 2021 to May 31, 2022**

	<u>Oct '21 - May 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
301-000 · COMMUNITY DEV. INCOME				
301-03 · BUILDING PERMIT REVENUE				
301-032 · MECHANICAL PERMIT REVENUE	5,351.00			
301-033 · ROOF PERMIT REVENUE	1,600.00			
301-034 · SIGN PERMIT FEES	600.00	300.00	300.00	200.0%
301-03 · BUILDING PERMIT REVENUE - Other	58,316.70	65,000.00	-6,683.30	89.72%
Total 301-03 · BUILDING PERMIT REVENUE	<u>65,867.70</u>	<u>65,300.00</u>	<u>567.70</u>	<u>100.87%</u>
301-04 · BUSINESS LICENSE REVENUE				
301-041 · HOME BASED BUS LICENSE	150.00	250.00	-100.00	60.0%
301-04 · BUSINESS LICENSE REVENUE - Other	1,850.00	7,500.00	-5,650.00	24.67%
Total 301-04 · BUSINESS LICENSE REVENUE	<u>2,000.00</u>	<u>7,750.00</u>	<u>-5,750.00</u>	<u>25.81%</u>
301-05 · FACILITY RESERVATION REVENUE	275.00	500.00	-225.00	55.0%
301-06 · FINES	322.43			
301-07 · SPECIAL USE FEES	0.00	1,000.00	-1,000.00	0.0%
301-08 · SUBDIVISION REVENUE	0.00	1,000.00	-1,000.00	0.0%
301-11 · ROW PERMITS	1,573.36			
301-000 · COMMUNITY DEV. INCOME - Other	450.00			
Total 301-000 · COMMUNITY DEV. INCOME	<u>70,488.49</u>	<u>75,550.00</u>	<u>-5,061.51</u>	<u>93.3%</u>
302-000 · FRANCHISE FEES				
302-01 · FRANCHISE FEE AVISTA	22,291.09	26,000.00	-3,708.91	85.74%
302-02 · FRANCHISE FEE TWC/SPECTRUM	11,653.35	26,000.00	-14,346.65	44.82%
302-03 · FRANCHISE FEE TDS	2,558.52	1,000.00	1,558.52	255.85%
Total 302-000 · FRANCHISE FEES	<u>36,502.96</u>	<u>53,000.00</u>	<u>-16,497.04</u>	<u>68.87%</u>
303-000 · HIGHWAY FUNDS				
303-01 · HIGHWAY USERS REVENUE	68,695.84	87,069.00	-18,373.16	78.9%
303-02 · NEW HIGHWAY USER REVENUE	20,844.17	29,604.00	-8,759.83	70.41%
303-03 · TRANSFER HWY DISTRICT LEVY	42,144.77	40,000.00	2,144.77	105.36%
Total 303-000 · HIGHWAY FUNDS	<u>131,684.78</u>	<u>156,673.00</u>	<u>-24,988.22</u>	<u>84.05%</u>
304-000 · LID ASSESSMENTS				
304-01 · LID # 1 Assessments	19,891.49	21,873.58	-1,982.09	90.94%
304-02 · LID #2 - GOVERNMENT WAY	121,553.43	43,903.15	77,650.28	276.87%
Total 304-000 · LID ASSESSMENTS	<u>141,444.92</u>	<u>65,776.73</u>	<u>75,668.19</u>	<u>215.04%</u>
305-000 · PROPERTY TAXES				
305-01 · AG EQUIP REPLACEMENT	1.50			
305-02 · CURRENT REAL PROPERTY TAX	107,476.97	168,919.00	-61,442.03	63.63%
305-03 · DELINQUENT REAL PROPERTY TAX	539.67	1,500.00	-960.33	35.98%
305-04 · PENALTY & INTEREST	111.41	500.00	-388.59	22.28%
305-05 · PERSONAL PROP TAX REPLACE	1,084.68			
Total 305-000 · PROPERTY TAXES	<u>109,214.23</u>	<u>170,919.00</u>	<u>-61,704.77</u>	<u>63.9%</u>
306-000 · STATE REVENUE SHARE				
306-01 · STATE LIQUOR ALLOCATION	66,804.00	102,540.00	-35,736.00	65.15%
306-02 · STATE REVENUE SHARING	198,999.15	230,768.00	-31,768.85	86.23%

**CITY OF DALTON GARDENS
FINANCIAL STATEMENT
October 1, 2021 to May 31, 2022**

	<u>Oct '21 - May 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Total 306-000 · STATE REVENUE SHARE	265,803.15	333,308.00	-67,504.85	79.75%
307-000 · OTHER INCOME				
307-02 · COURT REVENUE-TRAFFIC FINES	755.10	5,000.00	-4,244.90	15.1%
307-03 · INTEREST INCOME	1,853.81	5,000.00	-3,146.19	37.08%
307-05 · REFUNDS & REIMBURSEMENTS	936.81			
307-06 · RENT	3,900.00	6,240.00	-2,340.00	62.5%
307-08 · UNENCUMBERED BANK FUNDS	0.00	346,000.00	-346,000.00	0.0%
Total 307-000 · OTHER INCOME	<u>7,445.72</u>	<u>362,240.00</u>	<u>-354,794.28</u>	<u>2.06%</u>
308-000 · GRANT FUNDS	500.00			
340 · CHARGES FOR SERVICES	<u>50.00</u>			
Total Income	<u>763,134.25</u>	<u>1,217,466.73</u>	<u>-454,332.48</u>	<u>62.68%</u>
	763,134.25	1,217,466.73	-454,332.48	62.68%
Expense				
401-000 · GENERAL & ADMIN				
401-016 · TRAINING TRAVEL EXPENSE	1,232.49	3,200.00	-1,967.51	38.52%
401-03 · COUNCIL EXPENSES				
401-033 · CITY COUNCIL SALARIES	13,600.00	19,200.00	-5,600.00	70.83%
401-036 · MAYOR WAGES	7,225.00	10,200.00	-2,975.00	70.83%
Total 401-03 · COUNCIL EXPENSES	<u>20,825.00</u>	<u>29,400.00</u>	<u>-8,575.00</u>	<u>70.83%</u>
401-04 · OFFICE EXPENSES				
401-041 · BLDG MAINT CONTRACTED	2,100.00	3,000.00	-900.00	70.0%
401-042 · BLDG & GROUNDS MAINTENANCE	3,927.15	5,000.00	-1,072.85	78.54%
401-043 · DUES & SUBSCRIPTIONS	1,529.00	2,500.00	-971.00	61.16%
401-045 · GARBAGE COLLECTION & DISPOSAL	434.55	500.00	-65.45	86.91%
401-046 · OFFICE MAINTENANCE	117.98	600.00	-482.02	19.66%
401-047 · OFFICE SUPPLIES & POSTAGE	3,370.53	8,000.00	-4,629.47	42.13%
401-048 · SOFTWARE PURCHASE & IT SERVICE	9,710.24	20,000.00	-10,289.76	48.55%
401-049 · REFUNDABLE EXPENSE	778.57			
Total 401-04 · OFFICE EXPENSES	<u>21,968.02</u>	<u>39,600.00</u>	<u>-17,631.98</u>	<u>55.48%</u>
401-05 · PERSONNEL EXPENSE				
401-050 · COMPANY PAYROLL TAX EXPENSE				
401-05A · COMPANY RETIREMENT EXPENSE	8,771.48	14,325.00	-5,553.52	61.23%
401-050 · COMPANY PAYROLL TAX EXPENSE - Other	10,841.69	12,078.00	-1,236.31	89.76%
Total 401-050 · COMPANY PAYROLL TAX EXPENSE	<u>19,613.17</u>	<u>26,403.00</u>	<u>-6,789.83</u>	<u>74.28%</u>
401-054 · CLERK WAGES	36,833.34	52,000.00	-15,166.66	70.83%
401-058 · DEPUTY CLERK WAGES	11,991.67	38,000.00	-26,008.33	31.56%
401-059 · EMP HEALTH INSURANCE	14,097.00	26,400.00	-12,303.00	53.4%
Total 401-05 · PERSONNEL EXPENSE	<u>82,535.18</u>	<u>142,803.00</u>	<u>-60,267.82</u>	<u>57.8%</u>
401-06 · PROFESSIONAL SERVICES				
401-061 · AUDIT AND ACCOUNTING	13,290.40	24,000.00	-10,709.60	55.38%
401-062 · LEGAL PUBLISHING	3,604.50	4,000.00	-395.50	90.11%
401-06 · PROFESSIONAL SERVICES - Other	45,981.00	64,000.00	-18,019.00	71.85%
Total 401-06 · PROFESSIONAL SERVICES	<u>62,875.90</u>	<u>92,000.00</u>	<u>-29,124.10</u>	<u>68.34%</u>

**CITY OF DALTON GARDENS
FINANCIAL STATEMENT
October 1, 2021 to May 31, 2022**

	<u>Oct '21 - May 22</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
401-07 · UTILITES				
401-071 · BLDG & GROUNDS UTILITIES	5,952.55	8,000.00	-2,047.45	74.41%
401-072 · INTERNET	803.34	1,708.00	-904.66	47.03%
401-073 · TELEPHONE	765.64	1,092.00	-326.36	70.11%
Total 401-07 · UTILITES	<u>7,521.53</u>	<u>10,800.00</u>	<u>-3,278.47</u>	<u>69.64%</u>
401-08 · ANNUAL PICNIC	0.00	3,500.00	-3,500.00	0.0%
401-11 · GENERAL CONTINGENCY FUND	0.00	31,231.00	-31,231.00	0.0%
401-12 · INSURANCE	6,688.00	7,500.00	-812.00	89.17%
401-13 · MISCELLANEOUS SERVICE & CHARGES	0.00	1,800.00	-1,800.00	0.0%
401-15 · Uncategorized Expenses	0.00	725.73	-725.73	0.0%
Total 401-000 · GENERAL & ADMIN	<u>203,646.12</u>	<u>362,559.73</u>	<u>-158,913.61</u>	<u>56.17%</u>
402-000 · LAW ENFORCEMENT				
402-05 · CODE ENFORCEMENT-WAGES	2,886.28	12,000.00	-9,113.72	24.05%
402-06 · PROSECUTING ATTORNEY	0.00	1,740.00	-1,740.00	0.0%
402-08 · SPECIAL LAW ENFORCEMENT EXP	6,083.33	146,000.00	-139,916.67	4.17%
Total 402-000 · LAW ENFORCEMENT	<u>8,969.61</u>	<u>159,740.00</u>	<u>-150,770.39</u>	<u>5.62%</u>
403-000 · STREETS				
403-06 · FUEL AND LUBRICANTS	2,980.22	2,000.00	980.22	149.01%
403-10 · ROADS-ENG PLANS & SERVICES	29,322.22	37,000.00	-7,677.78	79.25%
403-11 · SNOW & ICE CONTROL-REMOVAL	3,360.00	30,000.00	-26,640.00	11.2%
403-12 · STREET EQUIPMENT MAINTENANCE	1,918.46	7,000.00	-5,081.54	27.41%
403-14 · STREET MAINT- CONTRACTED	200.00	358,367.00	-358,167.00	0.06%
403-16 · STREET MAINT-SUPPLIES	1,993.24	1,000.00	993.24	199.32%
403-18 · STREET MAINT - WAGES	14,188.25	25,000.00	-10,811.75	56.75%
403-20 · STREET SIGNAL LIGHTS	129.58	500.00	-370.42	25.92%
Total 403-000 · STREETS	<u>54,091.97</u>	<u>460,867.00</u>	<u>-406,775.03</u>	<u>11.74%</u>
404-000 · PARKS				
404-01 · HORSE ARENA EXPENSES	863.10	9,000.00	-8,136.90	9.59%
404-03 · PARK MAINTENANCE- CONTRACTED	8,475.39	30,000.00	-21,524.61	28.25%
404-07 · PARK MAINTENANCE- WAGES	2,080.25	6,000.00	-3,919.75	34.67%
404-09 · SUPPLIES- PARK MAINT	379.09	1,500.00	-1,120.91	25.27%
Total 404-000 · PARKS	<u>11,797.83</u>	<u>46,500.00</u>	<u>-34,702.17</u>	<u>25.37%</u>
405-000 · LID				
405-01 · Gov't Way Sewer Project/LID #1	33,513.00	34,000.00	-487.00	98.57%
405-02 · LID PHASE 2	309,435.60	65,500.00	243,935.60	472.42%
Total 405-000 · LID	<u>342,948.60</u>	<u>99,500.00</u>	<u>243,448.60</u>	<u>344.67%</u>
407-000 · COMMUNITY DEV.				
407-01 · PLANNING & ZONING				
407-011 · PLANNING CONSULTANT	28,025.00	25,000.00	3,025.00	112.1%
407-012 · PLANNING SOFTWARE	11,497.00	13,300.00	-1,803.00	86.44%
Total 407-01 · PLANNING & ZONING	<u>39,522.00</u>	<u>38,300.00</u>	<u>1,222.00</u>	<u>103.19%</u>
407-02 · BUILDING INSPECTOR SERVICES	18,444.00	50,000.00	-31,556.00	36.89%
407-03 · KOOTENAI AREA TRANSPORTATION SY	3,051.00			

**CITY OF DALTON GARDENS
FINANCIAL STATEMENT
October 1, 2021 to May 31, 2022**

Total 407-000 · COMMUNITY DEV.
Total Expense

Oct '21 - May 22	Budget	\$ Over Budget	% of Budget
61,017.00	88,300.00	-27,283.00	69.1%
682,471.13	1,217,466.73	-534,995.60	56.06%
80,663.12	0.00	80,663.12	100.0%

Checking/Savings	
1-101.0 · General Checking- US BANK	162,119.41
1-101.2 · LID #1 Bond Fund	2,089.24
1-101.3 · Guaranteed Fund	35,185.05
1-101.4 · Government Way - LID #2	22,721.22
1-101.5 · Gen Checking- ICCU	120,000.00
1-102.0 · LGIP #1404-General Fund	2,424,872.70
1-102.1 · LGIP #2380-18th St	45,278.54
1-102.2 · LGIP #3726-ARPA	259,376.57
Total Checking/Savings	3,071,642.73

To: Mayor Edwards, City of Dalton Gardens

From: HMH Engineering

Date: June 2, 2022

Re: Engineering Update

1. Chip Seal Info – The bid results have been attached to this memo. The City of Hayden will be awarding the project at their next council meeting on June 14, 2022. We are in the process of researching products to test on Colfax (From Wilbur to Deerhaven) this year to repair the extensive pavement cracks.
2. Child Pedestrian Safety Program – We are in the process of completing the application for the LHTAC administered program. The grant application will be submitted to LHTAC by June 8, 2022. We are anticipated to be notified whether we have been selected to receive grant money in Summer 2022.
3. City Street Striping – We are working on determining pavement marking quantities for yearly re-striping of streets within the City.

2022 Chip Seal Bid Abstract

HAYDEN SCHEDULE A				Poe Asphalt and Paving		Road Products LLC.	
Pay Item	Description	Pay Unit	Est. Qty.	Unit Price	Total Price	Unit Price	Total Price
808.4.1.C.1	Chip Seal(1/2" Granite)	SY (Plan Qty)	89,724	\$3.22	\$288,911.28	\$2.75	\$246,741.00
808.4.1.D.1	Fog Seal	SY (Plan Qty)	89,724	\$0.38	\$34,095.12	\$0.35	\$31,403.40
1103.4.1.A.1	Construction Traffic Control	LS	1	\$38,000.00	\$38,000.00	\$30,000.00	\$30,000.00
1103.4.1.B.1	Temporary Raised Pavement	LS	1	\$13,800.00	\$13,800.00	\$13,000.00	\$13,000.00
2010.4.1.A.1	Mobilization	LS	1	\$19,300.00	\$19,300.00	\$14,000.00	\$14,000.00
DALTON SCHEDULE B				SCHEDULE A BID TOTAL	\$394,106.40	SCHEDULE A BID TOTAL	\$335,144.40
808.4.1.B.1	Chip Seal (3/8" Granite or Basalt)	SY (Plan Qty)	64,585	\$2.68	\$173,087.80	\$2.50	\$161,462.50
808.4.1.C.1	Chip Seal(1/2" Granite)	SY (Plan Qty)	64,585	\$3.22	\$207,963.70	\$2.75	\$177,608.75
808.4.1.D.1	Fog Seal	SY (Plan Qty)	64,585	\$0.38	\$24,542.30	\$0.35	\$22,604.75
1103.4.1.A.1	Construction Traffic Control	LS	1	\$28,700.00	\$28,700.00	\$40,000.00	\$40,000.00
1103.4.1.B.1	Temporary Raised Pavement Markings	LS	1	\$7,100.00	\$7,100.00	\$7,000.00	\$7,000.00
2010.4.1.A.1	Mobilization	LS	1	\$21,000.00	\$21,000.00	\$20,000.00	\$20,000.00
				SCHEDULE B BID TOTAL	\$462,393.80	SCHEDULE B BID TOTAL	\$428,676.00
				SCHEDULE A & B BID TOTAL	\$856,500.20	SCHEDULE A & B BID TOTAL	\$763,820.40



City of Dalton Gardens

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

Monthly Planner Activity Report

May 31, 2022

Code amendments

In May, the Planning and Zoning Commission conducted a public hearing for the proposed (updated) Telecommunications Ordinance (DGCC 5-13). The P&Z Commission voted unanimously to recommend adoption of the proposed ordinance. Additionally, City Council considered (and adopted) the proposed updates to the definition of Accessory Living Units, renaming ALU's as ADUs as corresponding with the International Residential Code. The P&Z Commission further requested staff to prepare an update to the Short Subdivision Code to provide 1.) require on-site noticing, 2.) require recording of the final plat, and 3.) allow for land dedications if necessary and promoting city policies. Other future items to be considered by the P&Z Commission include updates to the sign code and design requirements in the commercial zone.

Variances / Special Use Permits

No new variances or special use permit applications were received by the City during the month.

Subdivisions

No new subdivision requests have been submitted.

Building Permits

The City continues to receive and manage a variety permit request. In May, the city received a number of applications, including building permits for both accessory structures and new home construction. Commercial Business License Renewals have also begun coming through the OpenGov platform. As a note, the continued development on residential lots in Dalton Gardens will require further discussion over dimensional standards including height measurements, setback requirements, fencing, lot coverages and other neighborhood design elements.

Code enforcement

The city continues to receive, on a rolling basis a variety of code-enforcement / compliance complaints. At their May meeting, the City Council voted to adopt the draft of city's code compliance policy and procedures handbook. Code enforcement constitutes a significant portion of staff time, to develop and track Voluntary Compliance Request

(VCR) letters and Notice of Violations. Letter to violators of the Water Overage restrictions in the commercial zone along Government Way have been issued. Some overage assessments have been delayed due not having access to addresses. Staff continues to investigate and work through these cases based on the priority policies outlined in the code compliance handbook. A dedicated Code Enforcement Staff resource should be allocated in order to field current cases and the backlog of cases currently on the books.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ryan Hughes", with a stylized flourish at the end.

Ryan Hughes
City Planner



CITY OF DALTON GARDENS CODE COMPLIANCE PROGRAM MANUAL

Policies and Operating Procedures

April 14, 2022

Preface	2
Purpose	2
Interpretation	2
Applicability	2
Part 1: Policies	3
Policy 1: Priorities for Code Enforcement	3
A. Priority Cases.	3
B. Lower Priority Cases	4
Policy 2: Initiation of Code Enforcement	4
A. Resident Complaints.	4
2. Anonymous Complaints	4
3. Confidentiality	5
B. Observation by Code Compliance Staff.	5
C. Observation by City Staff.	6
D. Observation by City Councilor.	6
E. Proactive Code Enforcement.	6
F. Permit /Approval Condition Monitoring by City Staff.	6
G. Information from Official City Records.	7
Policy 3: Investigation	7
A. Preliminary matters.	7
B. Field Investigation	8
Policy 4: Resolution of Code Complaints	9
Part 2: Standard operating procedures	10
Step 1: Determine nature of complaint	11
Step 2: Seek informal resolution and voluntary cooperation	11
Step 3: Issue order and notice of violation	12
Step 4: Administrative Enforcement	12
General Enforcement:	12
Specific code violation types:	12
Step 5: Judicial Enforcement	15

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 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.

Non-Applicability to Private Legal Action. Residents may undertake private legal action to enforce City Code, including civil litigation against the alleged code violator, as well as personally filing citations and prosecuting City Code violations in court. The policies and procedures in this manual do not apply to private legal action to abate violations. Neither should they be interpreted to suggest that the City will participate in such private legal action.

Part 1: Policies

The City of Dalton Gardens- hereafter identified as 'City'

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

B. Lower Priority Cases

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

Exception. At the discretion of the planning administrator and in consultation with city staff, complaints may be processed in any order that maximizes the efficiency of enforcement.

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

Policy 2: Initiation of Code Enforcement

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

A. Resident Complaints.

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

1. Form. A resident may initiate a complaint by submitting a code enforcement complaint via the OpenGov online portal (www.daltongardens.com/permits). If a resident submits a complaint by phone or written communication other than a completed complaint form via OpenGov, City staff shall complete the complaint form in OpenGov on their behalf. If the City receives a written complaint other than the City-approved complaint form via OpenGov, the written complaint shall be attached to an OpenGov complaint form completed by City staff. To be investigated, a resident complaint must contain all information required on the complaint form.

2. Anonymous Complaints

Policy: The City's policy is to not accept anonymous City Code violation complaints.

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

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

3. Confidentiality

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

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

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

- a. Code enforcement files will be maintained as confidential files throughout investigation, violation prosecution and/or other types of code enforcement to the extent legally permissible.
- b. The contents of code enforcement files will not be disclosed to anyone other than City staff who have a reason to know about and who are involved in the investigation, or to similar staff of an agency with which the City is cooperating. The contents of the file will not be disclosed to any other person absent court order, until: 1) the investigation is complete and a citation discovery request is made; or 2) the file is closed and disclosure is made pursuant to the public records law.

B. Observation by Code Compliance Staff

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

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

C. Observation by City Staff.

In many cases, City staff may be in a unique position to observe potential code violations. For example, a property appraiser in the Assessor's office may be the only person able to observe new construction for which there is no permit.

Policy: Any County staff member may report to code enforcement staff possible Code violations observed while conducting County business.

Procedure: Reports by City staff under this subsection shall be made on a complaint form provided by city Code Compliance Staff.

D. Observation by City Councilor.

A City Councilor 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 Councilor member, along with necessary information to initiate an investigation.

E. Proactive Code Enforcement.

Within available code enforcement 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, they shall report the violation and any enforcement action already taken to City staff for further code enforcement action.

G. Information from Official City Records.

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

Policy: city staff may regularly compare all pertinent County records to identify potential Code violations.

Procedure: Code violations discovered through comparison of information in County files shall be reported to Code Compliance on a complaint form.

Policy 3: Investigation

When code compliance staff initiates an investigation, they may provide notice to any local governmental agency or other city department that may have an interest in the alleged code violation.

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 enforcement jurisdiction.
2. **Zoning.** The zoning of the subject property shall be determined.
3. **Permit Status.** The status of any land use, building, electrical, construction (including, but not limited to structural, mechanical, plumbing) or other similar permits on the subject property shall be determined.

4. **Property Ownership.** All persons with a recorded legal interest in the subject property should be identified. These persons should include the owners, contract purchasers, lessees and lienholders or other security interest holders.
5. **Other Potentially Responsible Persons.** In addition to the persons listed in subparagraph 4 of this paragraph, any other persons potentially responsible for the alleged code violation(s) should be identified. These persons could include tenants, construction and landscape contractors and excavators.
6. **Identification of Applicable Code Provisions.** Code compliance staff, with the assistance of other city staff, shall identify the pertinent provisions of the City Code that may have been violated according to the complaint.
7. **Prior Complaint History.** Code compliance staff shall examine City records to determine the existence and status of any prior or existing code violation complaints on the subject property or concerning the alleged violator.

B. Field Investigation

1. **Purpose.** The purposes of code enforcement field investigation 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 shall 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.

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. 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 Enforcement staff or other assigned CDD staff.

C. 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.

Procedure: Code Compliance staff may enter unposted property to seek permission to investigate on the premises. Unless permission is granted, the investigation shall be conducted from public roads or property where permission to enter has been granted. If Code Compliance staff or other assigned City staff does not have permission or other authority to enter upon property or premises, and entry upon the property or premises is necessary to conduct the investigation, Code Compliance staff or other assigned City staff shall consult with City Legal Counsel about obtaining a search warrant.

C. report of investigation

report. Upon completion of the initial investigation, Code Compliance staff or other assigned City staff shall 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 shall notify all resident and other agency complainants of the status of complaint investigation. This notification should include information on whether a case will be opened, the reason a case will or will not be opened, and name and contact information of the staff member assigned the code enforcement case.

Policy 4: Resolution of Code Complaints

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

Therefore, the City shall focus its code enforcement 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.

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 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.

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

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

Part 2: Standard operating procedures

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

Step 1: Determine nature of complaint

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

Outcomes / actions:

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

Step 2: Seek informal resolution and voluntary cooperation

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 which describes the nature of the complaint, address, code references, required abatement / statement of remedial action, and deadline (**Immediate remediation requested with a 14 day city follow-up**). Describe potential escalation proceeding (if not abated), and the potential for hearings (and appeals), fines, liens or other penalties.
- 2) 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.
 - ii. If compliance / abatement has not been achieved within the voluntary compliance time frame, then **proceed to step 3.**

Step 3: Issue order and notice of violation

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

Outcomes / actions:

- 1) A **notice of violation** is issued via certified / registered mail which describes the nature of the complaint, code references, required abatement and potential for hearing, fines, liens or other penalties.
 - a. If voluntary compliance is agreed upon, then **revert to Step 2(2)**.
 - b. If voluntary compliance is not achieved, then refer to escalation provisions as described in the Dalton Gardens City Code for specific violation types: A.) Inoperable Vehicles, Building code, Zoning (use), unpermitted buildings). A 14 deadline is issued in the notice of violation before appropriate escalation (e.g. penalties, fines, encumbrances, etc.) are levied. **Proceed to step 4.**
 - c. Investigation proceedings.
- 2) If no action remediation has occurred, Code Enforcement may file a Record a Certificate describing the property and certifying that the property is not in compliance with the code.
 - a. A Record of Certificate 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 Enforcement:

[TO BE DETERMINED]

Specific code violation types:

Per specific code violation case / type, the Mayor shall set a date and time for a public hearing on the matter.

Code Specific Enforcement:

- In the case of **Abandoned or Inoperable Vehicles**, the provisions DGCC 8-3 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.

- In the case of **Nuisance Violation**, the provisions DGCC 7-8 apply:
 - 1) Upon a valid determination of a nuisance by the city, the abatement of all such aforementioned nuisances may be ordered by the city as herein provided
 - a. the first choice of the city shall always be to pursue informal negotiations prior to issuing an infraction or civil and criminal penalties.
 - b. The city is authorized to enforce the provisions of this article through education, negotiation and may issue notification of nuisance violations; issue orders for abatement; issue citations for violations, and do what is necessary to abate nuisances, which also includes, but is not limited to civil action and recovery of any costs associated with enforcement.
 - c. The city shall not issue building or business permits or licenses of any kind until the nuisance is resolved or abated and the use of the land shall conform in all respects to this code. Exceptions for permits will be allowed only to resolve or rectify the nuisance.

- In the case of **Building Code Violation**, the provisions DGCC 4-1 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.

- In the case of **Land Use Violation**, 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.
- In the case of **Home Based Business License Violation**, the provisions DGCC 3-6 apply:
 - a. The city shall serve notice, by certified mail, to cease activities conducted in violation of the home based business regulations.
 - b. 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.
 - c. 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

 - In the case of **Septic Pumping Violation**
[TO BE DETERMINED]

 - In the case of **Water Usage Overages**, the provisions DGC 7-4 apply:
 - 1) The following enforcement procedures will be utilized in the commercial zoned district to address wastewater quantity overage issues:
 - a. All property owners and business license applicants who own or lease commercially zoned property within Dalton Gardens shall sign a copy of the wastewater restriction document at every new application or renewal.
 - b. For business license renewal purposes, water readings shall occur in March of each calendar year. For use in determining wastewater quantity, water readings from the Dalton water association will be available by March 31 of each year.
 - c. Wastewater quantity must be in compliance by July 1 of each year for the city to be able to issue the standard business license.
 - d. The city will contact property owners in writing, by April 15 of each year to inform them of any wastewater quantity overage. It is up to the property owner to determine the cause of the wastewater quantity overage.
 - e. The city will attempt to contact the noncompliant property owners in person by April 15 to begin a wastewater quantity assessment. Once the property owner has determined

the cause of the wastewater quantity overage, the property owner will take steps to resolve the issue.

- f. Once the property owner believes that it has resolved the issue and achieved compliance, the property owner shall provide proof of wastewater quantity compliance to the city by the second week of June of each year to be placed on the council agenda for the first Thursday in July. Proof may be, but is not limited to, receipts of plumbing (leaks repaired) or daily/weekly water meter readings.

Step 5: Judicial Enforcement

City prosecution of violators to be pursued through all legal remedies permitted in the State of Idaho

[TO BE DETERMINED]

Approved by City Council with a majority vote at the April 14, 2022 meeting.

Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk/ Treasurer



City of Dalton Gardens

6360 N. 4th St.

Dalton Gardens, ID 83815

208-772-3698

www.daltongardens.com

Temporary City Committee Member Application

As a candidate for membership on a temporary City Committee, please complete this application, profile and qualification form in order for the City Council to best consider your application. Please feel free to provide additional sheets or a resume, if desired. Completed applications are to be submitted to the City Clerk's Office at Dalton Gardens City Hall, 6360 N. 4th St., or via email: clerk@daltongardens.com.

Name of Committee Applying for _____

Applicant's Name _____

Street Address _____

Home Phone _____

Cell Phone _____

Work Phone _____

Email Address _____

Profile Information: Please provide detailed information which demonstrates experience or background applicable to the committee (including education and experience on study groups, task forces and committees, community/civic business activities)

Qualifications: Please provide detailed information which demonstrates professional skill and talents applicable to this committee.

Interests: Please tell us why you are interested in being part of this committee.

Signature of Applicant

Date

CITY COUNCIL
 APPROVAL

DATE: _____

DENIAL

MAYOR: _____

Hello Mr. Edwards, Mr. Drechsel, Mr. Jordan, Mr. O'Brien, Mr. Wuest, and others concerned,

Thank you for your consideration of accepting me into the City Planning and Zoning Commission. I am your neighbor, Chad Haunschild, a twenty-four-year-old Metallurgical and Materials Engineer born and raised in rural Southern Colorado. I moved to Dalton Gardens after graduating top of my class from Colorado School of Mines for the likeminded neighborhood and career opportunities. I have been involved in several City projects such as my Eagle Scout project consisting of donation fundraising, leading City staff in planning, and yearlong construction of a garden park near the town library. Other projects I assisted in less of a leadership role through community support organizations like the Rotary Club. Through these service experiences and other personal accomplishments, I have practiced civic responsibility, skill in public discourse, and technical comprehension, which I intend to further demonstrate through inclusion in this board.

Thank you for your time, I look forward to shaking hands shortly.

- Chad Haunschild

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING DALTON GARDENS CITY CODE TITLE 3, BUSINESS AND LICENSE REGULATIONS, CHAPTER 1, GENERAL LICENSE AND PERMIT PROVISIONS, LICENSE FEE; AMENDING TITLE 5, ZONING, CHAPTER 11, SIGNS, AMENDING TITLE 7, PUBLIC HEALTH AND SAFETY, CHAPTER 6, SEWER USE, DISCONNECTION FOR NONPAYMENT; PROVIDING FOR SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the city of DALTON GARDENS, Kootenai County, Idaho, that Title 3, Business and License Regulations, Chapter 1, General License and Permit Provisions, Section 3-1-4 be amended, as follows:

Section 1. That Section 3-1-4 of the Dalton Gardens City Code shall be, and the same is, amended to read as follows:

3-1-4: LICENSE FEE:

The ~~license fee shall be the sum of fifty dollars (\$50.00) per~~ for each business license shall be assessed according to the fee schedule adopted by Council resolution.

Section 2. That Section 5-11-10(A)(2)(b) of the Dalton Gardens City Code shall be, and the same is, amended to read as follows:

5-11-10: RESIDENTIAL SIGN REQUIREMENTS:

b. Political signs may be erected for sixty (60) days prior to the decision in which such candidates or issues are to be decided upon. Such signs shall be removed not later than the fourth day following such election. Any such signs which have not been removed by the fifth day following such decision may be removed by the city's building official. The sponsoring organization shall be assessed the cost of removing each sign according to the fee schedule adopted by Council resolution.; ~~Twenty dollar (\$20.00) minimum charge per sign.~~

Section 3. That Section 5-11-11(P)(3) of the Dalton Gardens City Code shall be, and the same is, amended to read as follows:

5-11-11: COMMERCIAL AND LIGHT INDUSTRIAL DISTRICT:

3. Political signs may be erected for sixty (60) days prior to the decision in which such candidates or issues are to be decided upon. Such signs shall be removed not later than the fourth day following such election. Any such signs which have not been removed by the fifth day following such decision may be removed by the city's building official. The sponsoring organization shall be assessed the cost of removing each sign according to the fee schedule adopted by Council resolution.; ~~twenty dollar (\$20.00) minimum charge per sign.~~

Section 4. That Section 7-6-16 of the Dalton Gardens City Code shall be, and the same is, amended to read as follows:

7-6-16: DISCONNECTION FOR NONPAYMENT:

In case of nonpayment or delinquency in the payment of sewer charges or fees imposed, the wastewater department of the city of Coeur d'Alene is authorized and directed to, upon ten (10) days' notice to the owner, occupant or person in charge of the premises, disconnect and plug the sewer connection with the sewer system of the city of Coeur d'Alene and such sewer shall remain disconnected until such fees adopted in accordance with the City's fee schedule have ~~, including a reconnection fee of two hundred dollars (\$200.00),~~ has been paid to the treasurer of the city of Coeur d'Alene.

Section 5. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 6. All provisions of the current Dalton Gardens Municipal Code or ordinances of the city of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7. This ordinance shall be effective upon its passage and publication as provided by law.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Dalton Gardens at a regular session of the City Council on _____, 2022.

ENACTED by the City Council as an Ordinance of the city of Dalton Gardens on the ____ day of _____, 2022.

APPROVED by the Mayor on the ____ day of _____, 2022.

CITY OF DALTON GARDENS

By: _____
Dan Edwards, Mayor

ATTEST:

Teresa Janzen, City Clerk