

**City of Dalton Gardens Workshop @ 5:00 pm
& Regular Council Meeting @ 6:00 pm
Tuesday, December 1, 2020**

Meeting will be conducted via teleconference

Please click this link to join the webinar via computer/smartphone:

<https://us02web.zoom.us/j/86806021699?pwd=ellRmp6T2JtYW5lZzJNSExFdjl1QT09>

Password: 636580

PHONE NUMBER: 1 669 900 6833 OR 1 346 248 7799

WEBINAR ID: 833 8426 1512, PASSWORD: 636580

CALL THE MEETING TO ORDER

ROLL CALL

PLEDGE OF ALLIGENCE

PUBLIC COMMENT PERIOD

Each speaker will be allowed a maximum of three minutes to address the City Council on matters that relate to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the City Council can only take official action this evening for those items already listed on the agenda.

1. ACTION ITEM - CONSENT CALENDAR APPROVAL

- A. Minutes of the Regular Meeting November 5, 2020.
- B. Financial Statement from November 1, 2020 to November 30, 2020 and the claims so listed.

**2. ACTION ITEM – APPROVAL OF THE MEETING SCHEDULE FOR YEAR 2021 –
COUNCIL & PLANNING & ZONING**

**3. ACTION ITEM – TERMINATION OF LOCAL EMERGENCY DECLARATION FOR
COVID-19**

4. ACTION ITEM – APPROVAL OF CONFLICT ATTORNEY

**5. ACTION ITEM – APPROVAL OF ADDITIONAL HOLIDAY CLOSURES –
DECEMBER 24TH & DECEMBER 31ST**

**6. ACTION ITEM – APPROVAL OF GENERAL LEGAL REPRESENTATION FOR
CITY OF DALTON GARDENS**

7. DISCUSSION ITEM – REVIEW OF TRAFFIC WORKSHOP

**8. ACTION ITEM – DISCUSSION AND RESOLUTION DEMONSTRATING
COUNCILS COMMITMENT TO REDUCE THROUGH TRAFFIC IN DALTON
GARDENS**

9. ACTION ITEM – DISCUSSION OF PARTIAL CLOSURES ON NORTHBOUND 4TH STREET @ DALTON AVE, SOUTHBOUND 4TH STREET @ PRAIRIE AVE, AND NORTHBOUND 15TH STREET @ DALTON AVE.

10. ACTION ITEM – DIRECT HMH TO PLAN FOR PREVENTION OF THROUGH TRAFFIC ON WILBUR AVE. AT GOVERNMENT WAY, WITH KCFR APPROVED METHOD FOR EMERGENCY ACCESS

COUNCIL REPORTS

11. ACTION ITEM – ADJOURN

City Hall is ADA accessible. If special accommodations are needed for the disabled, please notify the City Clerk 6360 N. 4th Street, Dalton Gardens, ID 208-772-3698 forty-eight hours in advance of the public hearing.

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF DALTON GARDENS NOVEMBER 5, 2020
VIA TELECONFERENCE @ 6:00 PM**

Meeting was called to order by Mayor Edwards at 6:00 PM.

ROLL CALL:

Present were: Councilmembers Chase, O'Brien, Wuest and Craft. Also present were Attorney Caitlin Kling, Rand Wichman – City Planner and Valerie Anderson, City Clerk.

The pledge was recited and led by Attorney Kling.

PUBLIC COMMENT PERIOD

Vernon Church – 7351 Mt. Carrol – He had some concerns on the draft deer ordinance and that if this was put in place it would hurt the values of property in Dalton Gardens. He stated that the city has other issues which they should be addressing.

Jamie Smith – 6871 Mt. Carrol – She also had great concerns on the deer ordinance and was concerned about crossbows being shot in the city limits. She was also concerned about affect it would have on the community as a whole and the value of property and liability to the residents and the City.

Gary Perkins – 2216 Wilbur Ave. – He stated that the deer ordinance was a bad idea for Dalton Gardens and the liability to the people is much too great. He stated that he is against the draft ordinance on deer hunting in the city.

Richard Epstein – 7224 Valley Street – He agreed with the fact that the deer hunting in the city limits is unsafe and he is not in favor and would like to see different approaches NOT bow hunting. He also asked about the sale of the wing blade and why the city was not using it on the streets.

Public comment period was closed.

CONSENT CALENDAR APPROVAL

Councilmember O'Brien made a motion to approve the minutes of the Regular Meeting October 1, 2020. Councilmember Wuest seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft - yes. Motion carried.

Councilmember Wuest made a motion to approve the financial statement from October 1, 2020 thru October 31, 2020 and the claims so listed. Councilmember Chase seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

APPROVAL OF ORDER OF DECISION FOR WHITE APPEAL

Councilmember O'Brien made a motion to approve the Order of Decision for the White appeal and to authorize the Mayor to sign. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

APPROVAL OF CONFLICT ATTORNEY

Councilmember Chase made a motion to hire Bredeson Law Group as the conflict attorney for the City of

Dalton Gardens and to authorize the Mayor to sign the engagement letter/agreement. Councilmember Wuest seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

APPROVAL OF COOPERATIVE AGREEMENT ON SALE OF PROPERTY – WING BLADE TO THE CITY OF HAYDEN

Councilmember Wuest made a motion to approve the Cooperative Agreement on the sale of the wing blade for the grader and also approve the waiver of conflict between the two cities. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

APPROVAL OF RESOLUTION 2020-07 DECLARING SURPLUS PROPERTY – TOSHIBA COPY MACHINE

Councilmember Chase made a motion to approve Resolution 2020-07 declaring surplus property of the Toshiba copy machine. Councilmember Wuest seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

AFTER HOURS FACILITY RENTAL PROCEDURES

The council discussed a procedure on letting Dalton Gardens residents use the facility, cleaning of the building and the security of the building. The council will work on some procedures for the facility and bring this item back at a later meeting.

DISCUSSION OF DRAFT ORDINANCE FOR HUNTING WITHIN CITY LIMITS

Attorney Kling stated that at the last meeting she was directed to put a draft ordinance together for the hunting of deer in the city limits. She met with Ron Sampert and Curtis Exley to come up with some language to start the process going. She stated that property owners would have to give permission to hunt on private property. She also suggested that a workshop be held and invite the Idaho Fish & Game to talk about some of the comments from the public. The council stated that the survey results asked that something be done with the deer population in Dalton. A workshop will be held on December 1st, 2020 @5:00 pm before the regular council meeting @ 6:00 pm.

DISCUSSION /ACTION ON REDUCTION OF THROUGH TRAFFIC

Councilmember Chase explained that a meeting was held with the Engineer, Attorney and Jeryl Archer, KCFR to discuss some traffic reduction options.

Councilmember Chase made a motion to declare through traffic to be a nuisance to the health and safety of the residents. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – no, Councilmember Wuest - no, Councilmember Craft – yes. Mayor Edwards vote no. Motion failed.

The council set a workshop with the Engineer and Jeryl Archer - KCFR to discuss through traffic in Dalton Gardens on November 18th, 2020 @ 6:00 pm.

DISCUSSION/ACTION ON REPEALING THE COVID PROCLAMATION

Councilmember Chase stated that we have no emergency according to the Center for Disease Control and that masks provide nothing to the person wearing them.

Councilmember Chase made a motion to repeal the Emergency Proclamation which was passed in March 2020 effective immediately. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – no, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

DISCUSSION/ACTION ON CLARIFYING POLICY PROCEDURES

Councilmember Chase made a motion to formulate a policy procedure clarifying the direction to council and staff to conduct business. Councilmember Wuest seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

COUNCIL REPORTS

Councilmember Chase reported that she has been working with the engineer on traffic issues.

Councilmember O'Brien reported that he is working on getting bids for the park & arena contract for the coming year.

Councilmember Wuest reported that we are having problems with trucks on Deerhaven and we need to find a solution for the ongoing problem. He also thanks the staff for of the work they do in the office.

Councilmember Craft reported that all of the road work is done on the streets for the year and that he has also been getting several complaints on the trucks on the roads. He suggested that code enforcement should be call out to handle the heavy trucks.

Mayor Edwards reported that he is working on getting bids for the removal of a large tree on the corner of Hanley and 16th Street. He reminded everyone that the December Council meeting will be on the 1st of December and not the 3rd.

The council also asked City Planner – Rand Wichman to explain the top soil which was placed on 18th Street at the turn-around.

Public Comment Period Opened:

Scott Fields – 7312 Mt. Carrol – He stated that hunting a deer with a bow is not always a 100% guarantee and that he does not agree with hunting within the city limits. Send a notice out to residents by mail for their options.

Sue Supp – 7024 N. 16th Street – She asked for a clarification of the declaration of traffic as a nuisance.

Gary Perkins – 2216 Wilbur Ave. – He suggested that a notice be put out for a meeting on the deer issue.

Mike Chase – 7512 N. 4th Street – He stated that not declaring through traffic a nuisance is a bad idea and that the council is not getting anything done.

Jamie Smith – 6871 Mt. Carrol – She suggested that the city look into a special hunt on forest service land.

Councilmember Wuest made a motion to adjourn the meeting. Councilmember Chase seconded the motion. Motion carried.

Dan Edwards, Mayor

Valerie S. Anderson, City Clerk

**Summary of Traffic Reduction Workshop of Dalton Gardens City Council
Wednesday, November 18, 2020 @ 6:00 PM
Via Teleconference on Zoom**

The workshop was called to order by Mayor Dan Edwards at 6:02 PM

Attendees included: Dan Edwards, Mayor, city council members: Robert Wuest, Ray Craft, Carrie Chase and Aaron O'Brien on Zoom. Clerk/Treasurer Valerie Anderson and Deputy Clerk Teresa Janzen were in attendance. Also in attendance was Matt Hall & Alex Hall with HMH Engineering.

Matt Hall – HMH Engineering gave a power point presentation and explained the memo (attached) which was presented to the council for discussion.

The council also heard several comments from the listening public with the consciences of the people to hire law enforcement in the city which they believed would help in the reduction of traffic and the speeding problem. Once people start having to pay for traffic citations they will maybe find a different route to their destination. The council also directed the engineers to maybe look at other ways to reduce the traffic flow in the city.

The workshop was adjourned at about 7:55.

2021 MEETING SCHEDULE

CITY COUNCIL

First Thursday of each month

JANUARY 7

FEBRUARY 4

MARCH 4

APRIL 1

MAY 6

JUNE 3

JULY 1

AUGUST 5

SEPTEMBER 2

OCTOBER 7

NOVEMBER 4

DECEMBER 2

PLANNING & ZONING

Fourth Thursday of each month

JANUARY 28

FEBRUARY 25

MARCH 25

APRIL 22

MAY 27

JUNE 24

JULY 22

AUGUST 26

SEPTEMBER 23

OCTOBER 28

NOVEMBER 30 (Tuesday)

DECEMBER 23

If a meeting date is changed, a notice will be posted and published on the website.

City Hall is ADA accessible. If special accommodations are needed for the disabled, please notify the City Clerk 48 hours in advance of the public hearing. Approved by City Council

RESOLUTION NO. 2020-08

TERMINATION OF LOCAL EMERGENCY DECLARATION FOR COVID-19

WHEREAS, the President of the United States and the Governor of the State of Idaho have declared a health emergency related to the threat of COVID-19, and

WHEREAS, pursuant to Idaho Code § 46-1011 the Mayor of the City of Dalton Gardens declared a local disaster emergency on March 18, 2020 due to the threat of COVID-19; and

WHEREAS, the City Council of the City of Dalton Gardens adopted Resolution 2020-03 on March 19, 2020 extending the emergency declaration; and

WHEREAS, Resolution 2020-03 expressly provided that the emergency declaration shall continue until the Centers for Disease Control and the Governor of the State of Idaho sound an end to the emergency and the City Council expressly authorizes the discontinuance of such Declaration; and

WHEREAS, on November 5, 2020, at a regularly scheduled City Council meeting, City Council considered and approved terminating the emergency declaration.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Dalton Gardens does hereby declare:

That the Local Disaster Emergency Declaration continued under Resolution 2020-03 shall be terminated.

PASSED and approved by the City Council of the City of Dalton Gardens this 1st day of December, 2020.

APPROVED:

Dan Edwards, Mayor

ATTEST:

Valerie Anderson, City Clerk

City of Dalton Gardens

From: Deputy Clerk <deputyclerk@daltongardens.com>
Sent: Thursday, October 15, 2020 12:14 PM
To: mayor@daltongardens.com; 'Valerie Anderson - CODG Clerk'
Cc: Rand Wichman; 'Caitlin Kling'
Subject: Special Meeting Conflict Counsel Information
Attachments: LTR of engagement - MGS TEMPLATE (02283716x9F871).pdf; Engagement Brochure (01770188x9F871).pdf

Dan and Valerie,

Caitlin Kling gave us a list of 4 attorneys to check out for conflict counsel. The current issue we have is an ALU issue for Ron Ross. This has been a long term issue that has already been before council. If needed/desired, Rand can provide a Staff narrative for the Council and Caitlin said she could send her own narrative on establishing conflict counsel as she has a meeting conflict for Monday's special meeting. When Caitlin sent the list of attorneys, Dan asked to have Rand rank them. Here is the ranked list:

1. **Mike Schmidt**, Lukins and Annis with a rate projection of \$200/hr for municipal work and advice, \$295/hr for litigation- each potential engagement would be considered separately- no retainer deposit. "(provided a) typical engagement letter (minus the scope of the representation, and with draft language for a fee deposit that I would not require for the City), as well as the brochure that accompanies it. We do a new engagement letter to track fees and costs for each individual project/matter we are asked to assist with. If I receive calls or emails for simple legal questions not involving adverse parties, I will typically just open a "general" file to bill those calls against and leave it open for as long as our relationship continues."
2. **Field Herrington**, Post Falls Law- has been in multi week litigation and has not sent back a rate projection
3. **Pete Bredesen**, Bredesen Law Group- may be willing but would depend on the issue. \$100/hr, no additional charge for litigation but would require a retainer
4. **Kinzo Mihara**, Mihara Law- have not received any information from him as of yet

This is all of the information I have. I will let you know ASAP if I hear back from Field or Kinzo.

Teresa Janzen
Deputy City Clerk
City of Dalton Gardens
6360 N 4th Street
Dalton Gardens, ID 83815
Phone 208-772-3698
Fax 208-762-5156
www.DaltonGardens.com



maximum allowed accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

B. Sick Leave

1. Sick leave benefits are provided to regular full-time employees and part-time employees as shown in the table below:

Hours per week	Days/year
<20 hours	0
20-34 hours	3
35>	6

2. Sick leave is a benefit to provide relief to the employee when an illness or injury prevents the employee from working productively or safely, or when an immediate family member's (spouse, child, parent) illness presents no practical alternative for necessary care. Sick leave must be requested at least within two hours of the time the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. The City may require the employee to provide a doctor's note, or require, at the City's expense, an independent review of reported illness by a competent medical authority.
3. Sick leave can only be accrued up to the maximum of 960 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee's accrued hours are reduced below the maximum.
4. Sick leave benefit recipients will receive their normal compensation when using sick leave. All unused sick leave will be forfeited without compensation upon separation from employment.

C. Holidays

Regular full-time employees are provided with ten official holidays and one city council-approved holiday. Full-time regular employees receive compensation for that day even though they do not work. Holidays which fall on Saturday will be observed on the preceding Friday. Those which fall on Sunday will be observed on the succeeding Monday. The holiday schedule may be changed at any time by the City Council.

Full-time regular employees who work on holidays will be scheduled to receive a substitute holiday with pay within 60 days of the date of the holiday they worked. Unscheduled emergency work on holidays will be compensated at a rate of 1½ times the employee's regular rate of pay.

Recognized Holidays	
New Year's Day	Labor Day
Martin Luther King, Jr./Human Rights Day	Columbus Day
Presidents' Day	Veterans' Day
Memorial Day	Thanksgiving Day + Day After Thanksgiving
Independence Day	Christmas Day

Item #5



435 W. HANLEY AVE. #101 | COEUR D'ALENE, ID 83815
TEL: 208.664.8115 | FAX: 208.664.6338

Caitlin Kling | Attorney
ckling@LCLattorneys.com

November 24, 2020

SENT VIA E-MAIL: CLERK@DALTONGARDENS.COM

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

Re: General Legal Representation

Dear Mayor and Council:

I have reviewed the billing between the City of Dalton Gardens ("City") and Lake City Law for the general representation of the City. Overall, the work has been less than the current agreed upon flat fee amount of \$6,000. Accordingly, I am proposing a new flat fee arrangement of \$4,500 a month, beginning January 1, 2021.

All of the items in the July 1, 2020 Engagement Letter between Lake City Law and the City will remain the same, with the exception of the following: a new flat fee arrangement of \$4,500 a month.

We will review the flat fee quarterly with the City based upon hours worked and may propose a new monthly flat fee after such review. The benefit of the flat fee is to provide predictability to the City in attorney's fees and ease of budgeting. If the City would like to switch to an hourly fee, my current rate is \$160 per hour.

Sincerely,

LAKE CITY LAW GROUP, PLLC

Caitlin D. Kling



LAKE CITY LAW

435 W. HANLEY AVE. #101 | COEUR D'ALENE, ID 83815
TEL: 208.664.8115 | FAX: 208.664.6338

I have read and understand the terms of the engagement between the City and Lake City Law as stated above and agree to be bound thereby.

DATED this ___ day of _____, 2020.

City of Dalton Gardens, Idaho:

By: _____

Dan Edwards, Mayor

ATTEST:

Valerie Anderson, City Clerk



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

Phone: (208) 772-3698 Fax: (208) 762-5156

Monthly Planner Activity Report

November 25, 2020

Code amendments

Draft code amendments that address setbacks for accessory structures in the residential zone, requirements for residential fences, new requirements addressing light trespass, and numerous adjustments to the standards of the Commercial zone have been completed and recommended for approval by the Planning Commission. The matter is awaiting a workshop with the City Council to discuss the amendments, prior to a public hearing.

The Planning Commission held a public hearing on November 9 to receive input on proposed amendments for small cell wireless communication facilities. They received numerous comments on the draft and remanded it back to staff and legal counsel to make a number of revisions. The Planning Commission is expected to take up the matter again at their January meeting.

Variances / Special Use Permits

No new applications for variances or special use permits were requested since the last report.

Subdivisions

The Planning Commission approved the 2-lot short subdivision known as Mt. Carrol Tracts. There are no other subdivisions currently in the process, although I have had initial conversations with a property owner that is evaluating the prospects for a subdivision in the commercial district.

Building Permits

Building permit activity is tapering off, as we would expect for this time of year. Since the last monthly report, the City has issued 6 new permits, which are broken down as follows:

- 1 fence permit
- 2 mechanical permits
- 1 new residential accessory building

- 1 residential addition / alteration
- 1 demolition permit

For commercial permits, I expect we will be releasing the financial guarantee for stormwater, parking and landscaping improvements at 6040 Government Way (Wild Goose Plaza) by December 1.

A Certificate of Occupancy has also been issued for the new building at 7878 Government Way, after they revised their landscaping plan to reflect the as-built conditions.

Right of way encroachment permits

The City has issued new encroachment permits to TDS Telecom for additional work in the City road right of way. Those permits are reviewed and approved by the city engineer.

Code enforcement

Code enforcement continues at a steady pace. There are currently 15 unresolved code enforcement issues that the City is working on. Three of these are new complaints in the last month. The most noteworthy code enforcement cases include:

- Ron Ross, at 7520 Valley. The City has received multiple complaints about Mr. Ross having an accessory living unit in his backyard. The attorney representing Mr. Ross has responded to the City's notice of violation. No further action can be taken by the City until the City hires an additional attorney to stand in for the City Attorney (due to conflict of interest).
- Isaac Reinert, at 6039 18th Street. Mr. Reinert placed topsoil on the 18th Street turnaround, in an attempt to eliminate the turnaround. The City removed the topsoil and restored the turnaround. There have been no new developments on this case.
- Dalton Avenue approaches. The 2 property owners with unpermitted approaches have been notified that the City will be placing a barricade in the right of way to prevent access. Staff has also talked to both property owners, one of which was quite upset at the idea. The City can place the barrier at its convenience any time after December 1.
- Mike White, at 6263 17th Street. Mr. White has an accessory living unit on the property that has prevented the City from issuing the Certificate of Occupancy (CO) for the new home. Mr. White is occupying the new home without a CO. He has appealed the denial of the CO, the Council denied the appeal, and now Mr. White has requested reconsideration on that appeal. To staff's knowledge, there has been no progress toward removal of the ALU.

City fee resolution

The Council decided to postpone further work on the fee resolution until park usage policies can be drafted, which will allow for inclusion of the park reservation fees in the fee schedule. Work on the park policies has started, but progress has been slow due to other priorities and workload considerations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rand Wichman', with a long horizontal flourish extending to the right.

Rand Wichman
City Planner



CONTRACT CITY REPORT

CITY OF DALTON

OCTOBER 2020

SERVICE HOURS	MONTH	YTD
PATROL DIVISION		
Patrol Deputies (Including Sergeants)	195.5	2,386.0
District Deputies	29.5	254.0
Animal Control Section	5.5	74.0
Community Service Section	20.0	130.0
TOTAL PATROL DIVISION	250.5	2,844.0
DETECTIVE DIVISION	76.5	611.0
TOTAL SERVICE HOURS	327.0	3,455.0
TOTAL C.O.P.P.S HOURS	0.0	0.0
TOTAL SCLP HOURS	0.0	0.0

ACTIVITY

Law Enforcement Calls	94	994.0
Accidents	2	14.0
Traffic Citations	17	225.0
Total Reports	8	88.0
Arrests	0	10.0

Respectfully Submitted,
Benton Wolfinger, Sheriff

