

**City of Dalton Gardens**  
**Regular City Council Meeting Minutes**  
**Thursday February 28, 2024**  
Meeting conducted via teleconference and in person.

1. **CALL TO ORDER REGULAR CITY COUNCIL MEETING:** Opened 6:00 PM
2. **ROLL CALL:** Councilors Sue Supp, Tyler Drechsel, Scott Jordan, Gary Sonnen and Mayor Jernigan were physically present; Also present: Candi Baker, Deputy Clerk, Susan Weeks- City Attorney, Christine Baker of HMH Engineering, Ryan Hughes- City Planner attended via Zoom.
3. **PLEDGE OF ALLEGIANCE:** Lead by Councilor Jordan
4. **APPROVAL OF CONSENT CALENDAR:**
  - a. Minutes from the Regular Meeting February 8, 2024
  - b. Minutes from the Special Meeting February 22, 2024
  - c. Revised financial statement November 1-30, 2024
  - d. Revised financial statement December 1-31, 2024
  - e. 1<sup>st</sup> Quarter Fiscal Year 2024 Treasurer Statement
  - f. Financial Statement from January 1-31, 2024
  - g. ARPA Statement January 31, 2024
  - h. Ratified Bills February 1-29, 2024
  - i. Unpaid Bills February 1-29, 2024

**SSupp made a motion to approve items a and b and table items c through i until the March 27, 2024 meeting. TDrechsel seconded.**

**SSJordan: yes SSupp: yes TDrechsel: yes GSonnen: yes**

**Motion carries.**

SSupp explained her deferral of items c-i was due to the public facing packet issues and for compliance with Idaho State Statute 74-204 and the City's policy for transparency.

Mayor Jernigan explained that portions of the packet published were missing some content. The city addressed it as soon as it was made known and the packet up on the website at time of the meeting is complete.

5. **CITY REPORTS**

- a. **City Planner:** Present via Zoom.
- b. **City Engineer:** Christine Baker gave an update on the horse arena upper parking lot having multiple cracks that need to be filled. Also, the paved driveway to the bottom is very alligatored, rough and has an inverted crown. The catch basin is fully filled has a 6" pipe that goes to an unknown location. Per City Code, we must treat stormwater run-off from asphalt- this is not happening at the arena. Asked Council for direction on repaving v. reconstruction. Recommend minimum of fixing catch basin issue. Advised if proceed with chip seal, it will only last a couple of years.

**Council Direction:** GSonnen will have Jim Wuest (city maintenance) or Councilor Jordan clear out catch basin and trace it to find where the 6" pipe resolves to. Then come back to Council for March meeting for next steps.

- c. **City Attorney:** Met with Marc Lyons to go over items and will get his files in the next week.
- d. **KCSO:** Mayor Jernigan advised that Deputy Creighton has been reassigned to local schools and we will be announcing a new Deputy soon. Mayor appreciated Deputy Creighton's approach with the residents.
- e. **Mayor and Council Reports:**

**Mayor Jernigan-** Marc Lyons graciously filled in as City Attorney upon Chris Gabbert's departure. The City has now hired Susan Weeks as Attorney. The Mayor also acknowledged Deputy Clerk, Candi Baker's last day with the City is 2/29/2024. Mayor reinitiated Council reports so the residents know what they are currently working on.

**SSupp-** Spent time with the Clerk/Treasurer to understand past finances. She is having difficulty understanding how deposits work and has tracked all the City's spending. Reviewed HMH contract. She is working with Councilor Jordan to create a fund report format for easy understanding. Due to the complexity of financials, she suggests a neutral 3<sup>rd</sup> party financial analyst get involved, especially tracking the income and to ensure the best interests of the City. She will be stepping back as it is now beyond her expertise. She recommends Stephanie from John Austin's firm.

**GSonnen** – working on bids for arena and park tree issues, and electrical upgrade issues. Have ARPA funds to use. Working on getting city park concepts onto paper so decisions can be made on what direction to go.

**TDrechsel** – new roof on city hall has been completed. Found that roof over the tenant occupied areas had no OSB, just the roof attached directly. Had a Department of Homeland Security audit and their recommendation was a monitored fire alarm system and a burglar alarm system with a camera system. Both have been completed and are now functioning. Electronic access with key fobs project has begun, the last of the equipment is supposed to be received this week. Looking to be fully functioning within the next week.

**SJordan-** Clarified with HMH that proposed chip seal for Hanely and Davenport for FY24 should be single chip, not double chip. Wants single layer chip seal on all side streets going forward as there is not enough traffic to get a double chip to adhere correctly to the oil. He is working on getting bids for tree trimming and street sweeping for all streets chip sealed in the last 2 years in Dalton. HMH is getting bids for crack sealing Davenport and Hanley per schedule and additionally getting a bid for any other streets that might require it per Engineer decision.

- f. **Clerk/Treasurer Report:** City Clerk/Treasurer was absent.

6. **PUBLIC COMMENT:** Opened 6:21 PM - Closed 6:37 PM

**Cheryl Christopherson-** 2423 E Dalton Ave; Live on dirt road east of 17<sup>th</sup> Steet and requests city paved and maintained roads ask for Dalton Ave east of 17<sup>th</sup> Street.

- Councilor Jordan indicated it was on his agenda to address this year.

**Carrie Chase-** 7512 N 4<sup>th</sup> Street; appreciates Deputy Clerk and her service. Asked if there has been any request for use of concession stand at Arena. She agrees with a 3<sup>rd</sup> party analysis of the city finances. Asked if there was anything in the works to develop 18<sup>th</sup> Street so it continues to Dalton Ave.

**Clark Young-** 7064 N 16<sup>th</sup> St.- Feels non-Dalton Gardens people should be paying to use the arena.

**Karen Kimball-** 6975 N 16<sup>th</sup> St; suggests heavy chip sealing to accommodate arena traffic and loaded trailers on the arena lots. There is a gaming group that uses the arena 1-2x/month with approximately 25 trailers loaded with horses. She reminded council that the arena was built with federal grants to be available to the public.

## 7. CITY BUSINESS:

- a. **Discussion of ARPA expenditures including chip seal & parking lot for FY24:** The Mayor wants to also include a better firewall (approximately \$3,000) and more secure access points for the network infrastructure. TDrechsel feels it's the same classification as physical security features funded out of ARPA.

CBaker of HMM Engineering presented:

**Chipseal:** If we do Chipseal she recommends 1 layer. Looking into other options than chipseal due to how many people are upset about last years chipseal. Can do a 'slurry seal'- ¼ chip that is mixed with an emulsified asphalt and smothered onto the road = no loose chips. \$6.50/yd vs. chipseal which is approx \$4/yd/layer with the fog seal. The road would be completely closed with NO traffic for 4 hours. Requires a specialized machine, closest machine is in Meridian. City of Kellogg and Spokane Valley are doing it. Longevity is the same as doing 1 layer of chipseal vs. slurry seal.

Council debated 1 layer of chipseal vs. 2 layers of chipseal (1/2" with 3/8" on top). Council would like to revisit the Chipseal policy that former Engineers, Welch Comer created. All were in agreement that there is too much gravel on the roads currently and we need to sweep this spring. SJordan would like the former chipseal policy to be part of our specs for the FY24 chipseal. CBaker would like the award of the chipseal project as an Action item at the March 27, 2024 meeting. SJordan wants single layer on Davenport this year and double layer on Hanley. CBaker advised the single layer should be 3/8". City CdA is only doing ½" chipseal this year.

Discussion was had about the Arena driveway and whether to return it to gravel, dirt road or pave it. Drainage is an issue as previously stated. With the inverted crown, if we chip seal, it will not fix the drainage issue.

Direction to HMM to attempt to piggyback with CdA or Hayden to save money on chipseal. Bring a separate bid for arena chip sealing and a separate bid for painting and restriping city streets.

**Parking Lot:** Fourth Street is 0% flat. The portion adjacent to the parking lot is draining all stormwater from that ½ of the street into the parking lot which pools around the light pole and the ADA spots. Solution Option were presented and the Council. Regardless of parking lot option, we must put in swales to treat the storm water runoff as directed by DGCC. Swales are 8"-12" deep with gradual slopes. Needs to be 2 and presented options of location. One by concrete path to gazebo and. Parking lot stalls are not up to DGCC dimensions- in correcting

this, we will be losing some spaces. Spaces are 8-9' wide and DGCC mandates 10'. If only one ADA then 11' with 5' hatched aisle space adjacent to it. Drive aisles are currently 14-15' which is too narrow. They should be 24' if you have two-way traffic.

SSupp asked what authority they would need to be conforming to for stormwater runoff swales. CBaker answered DGCC for both the runoff and the parking lot spacing as a Civic Use in the DGCC. SSupp asked about maintenance on the proposed swales. CBaker- slopes into swales are a 3:1 (3' out, 1' down) which is standard. USDA has an online web soil survey that gives a general example of the soil in the area. Doing a geo-tech survey just for the park would be very costly.

Council talked about the option of diagonal parking and then making it one way traffic through the parking lot- entering on the southern end of the parking lot and exiting parallel to city hall building on the north side of the parking lot. CBaker advised that we should paint arrows with words one way if we pursue this option.

City Attorney is going to research state statute that requires an Engineer on a paving project since it's over \$100,000. SJordan clarified that we are almost \$4,500 into the parking lot project. Council would like to workshop the parking lot design completed.

SJordan suggested the end of Dalton Ave, east of 17<sup>th</sup> Street will be made into a paved lane- 20' wide. SSupp asked if we need to create a turn around for emergency vehicles. TDrechsel asked what the total available width we have to work with. CBaker- 20' wide gravel, but the city has right-of-way to the fence. Discussion ensued on how and where to design a hammerhead turn around.

SJordan talked about the south side of 18<sup>th</sup> Street that has not been extended through to Dalton Ave. Round-a-bout was supposed to be extended when the houses on the south side of 18<sup>th</sup> were developed and that did not happen.

- b. Discussion and presentation by PHD of CMR Ordinance and SMA Renewal:** Jason Peppin- Environmental Health, Jenni Grey-Aquifer Protection Program Manager, and Ted Siegford- Environmental Health Specialist in Critical Materials Program from Panhandle Health District gave a brief presentation (attached) to introduce Council to the programs designed to protect the Spokane Valley-Rathdrum Prairie Aquifer.

Critical Materials- storage of chemicals over the aquifer and the discharge of non-residential wastewater. Since the 1970s PHD has administered aquifer protection rules. The Rathdrum Prairie Aquifer earned 'sole source' designation from the EPA. One way to protect the aquifer is septic system density control and commercial chemical control over the aquifer. PHD has been monitoring and sampling over the aquifer for over 50 years. CMR has existed since 1993 and focuses on requirements for secondary containment of commercial chemicals stored, used, disposed of, and transferred over the aquifer and discharge of non-domestic wastewater. Since they have focused on education, most people have voluntarily complied. The IDAPA 41.01.01 rules that have been in place for decades expired in the 2019 legislative session along with all other IDAPA rulesets in response to the Red Tape Reduction Act and Zero based rule making requirements. PHD was given temporary rule making authority. In December 2021, the State determined that Health Districts are no longer considered State Agencies and cannot participate in promulgated rule making. This has caused them to now take the aquifer protection rules to those they serve. They are looking for the rules to be codified as part of City and County Codes

to continue the special protections over the aquifer and give an opportunity for enforcement. There are unique issues with the Aquifer and the rules addressed 3 main areas; extreme susceptibility for contamination, numerous surface bodies of water, and the ICP (institutional controls program) program in the Silver Valley for the Superfund Site. Loss of the PHD power to regulate and manage on their own was collateral damage from House Bill 316. If entities codify the proposed SMA and CMR rules, they would then contract back to PHD for management, inspections, and enforcement with no cost to the entities (how it works historically). The program is now 100% funded by the Kootenai County Aquifer Protection District. PHD used to be able to collect inspection fees but not since the legislative changes. If the groundwater were to become contaminated, the Dalton Water district would need to implement extensive and costly treatment mechanisms or have point of use treatment systems in every house. SMA and CMR Code Drafts presented to Council have been passed by PHD Legal Staff and City of Coeur d'Alene Legal Staff, but the final draft would be tailored to the specifics of Dalton Gardens.

City Attorney Weeks clarified that LUPA (Local Land Use Planning Act) would not prohibit the City from adopting something of this nature.

PHD currently tracks 97 critical materials facilities inside of Dalton Gardens as part of a total of 1,100 in Kootenai County.

SMA (sewer management agreement)- 1977 IDAPA 41.01.01 was specific to PHD and required 5 acre parcels due to rising nitrate levels with septic systems over the aquifer. PHD entered into SMAs with entities that couldn't meet the density requirement of aquifer rules of 5 acre parcels (Dalton Gardens). Other entities with SMAs included the city of Athol and Idaho Department of Parks and Recreation for Farragut State Park. The City Council of Athol voted to adopt the Athol SMA in 2022 and the SMA with IDPR is no longer needed since the Park has installed a central sewer system. With the implementation of SMAs, the nitrate concentration decreased despite 5x population growth over the last 45 years.

PHD would like to have a workshop with Council to continue the discussion and educate them further on the aquifer, SMA and CMR.

**c. Consideration of ratification of Sacco de Campos contract for FY24:**

Needs to reflect Gary Sonnen is the new point of contact for Parks.

**GSonnen made a motion to ratify Sacco de Campos contract for FY24 with amendment to page 2, item 2 to 'designated Council person'. SJordan seconded.**

**SJordan: yes SSupp: yes TDrechsel: yes GSonnen: yes Motion carries.**

**d. Consideration of contract for tree removal:** GSonnen with an Urban Forester who assessed the parks. Dead tree removal, thin trees, apple tree pruning in park, and limb trees for fire protection. He presented the Council with 3 bids for expert tree removal. Arbor Pro for \$5,000; Blue Birds for \$5,300; Grace Tree Service for \$5,075.

**GSonnen made a motion to approve tree removal contract with Grace Tree Service for \$5,075 to paid with ARPA funds. SSupp seconded.**

**SJordan: yes SSupp: yes TDrechsel: yes GSonnen: yes Motion carries.**

**e. Consideration of Resolution 2024-02 for the disposal of Surplus Office Items:**

Council discussed the following changes:

Removing the hard drives from the Kyocera copy machine, and LG Tower Server (wants certification that hard drives removed correctly), and the KIP blueprint scanner possibly being outdated, no software available, unknown operational status at this time.

Attorney Weeks suggested: Mayor is authorized to offer the items to citizens of Dalton Gardens at public auction and then to public auction.

**TDrechsel made a motion to surplus the items listed with the exception of the 3 items that were discussed at a public auction at a time to be determined at the discretion of the Mayor. SJordan seconded.**

**SJordan: yes SSupp: yes TDrechsel: yes GSonnen: yes**

**Motion carries.**

**f. Discussion of March Agenda Items:**

- Travel and Training review and approval schedule
- Paving of Dalton Ave east of 17<sup>th</sup> Street
- Inventory of Shops for surplus items
- Electrical upgrades for Arena (action item)
- Firewall access points bids (action item)
- Independent Consultant Hire for Financials Review (action)

**8. EXECUTIVE SESSION (if needed) Idaho Statute 74-206-1(a), (b), (i):**

Idaho Statute 74-206-1(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; 74-206-1(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; 74-206-1(i) To engage in communications with a representative of the public agency's risk manager or insurance provide to discuss the adjustment of a pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency's risk manager or insurance provider at an executive session does not satisfy this requirement.

**TDrechsel made a motion to enter Executive Session pursuant to Idaho Statute 74-206-1a, 74-206-1b, and 74-206-1i. SJordan seconded.**

**SJordan: yes SSupp: yes TDrechsel: yes GSonnen: yes**

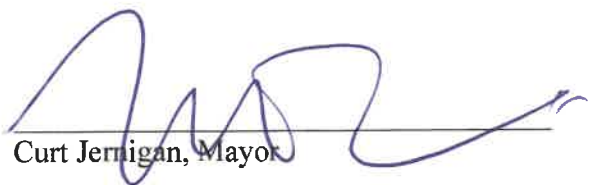
**Motion carries.**

5 minute recess then Opened 8:44 PM Closed 10:05 PM

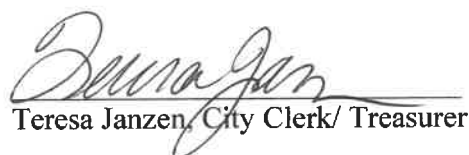
**9. ADJOURNMENT:**

**SJordan made motion to adjourn. GSonnen seconded.**

**All in favor. Adjourned 10:06 PM**

  
Curt Jernigan, Mayor

ATTEST:

  
Teresa Janzen, City Clerk/ Treasurer