

City of Dalton Regular Council Meeting @ 6:00 pm
Thursday, March 4, 2021

Meeting was conducted via teleconference and in person.

CALL MEETING TO ORDER: Meeting was called to order by Mayor Edwards at 6:00 PM.

ROLL CALL: Physically present were Councilmembers Robert Wuest, Ray Craft, Aaron O'Brien (left at 8:30 PM, conference called in for the Executive Session), Carrie Chase, and Mayor Dan Edwards. Also present Caitlin Kling, City Attorney; Rand Wichman, City Planner; and Teresa Janzen, Deputy Clerk.

PLEDGE OF ALLEGIENCE: Was led by Councilmember Chase

PUBLIC COMMENT PERIOD: The Mayor opened Public Comment at 6:01 PM. 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.

Mike Becker- 6943 N. 16th; Chairman of the Planning & Zoning Commission supports the appointment of Drew Dittman to the Planning & Zoning Commission. Feels Drew's expertise as an Engineer makes him qualified. Disclosed that he worked for Drew 7 years ago but since then has worked for the City of Coeur d' Alene Wastewater Department. Asked the Council to fill the 8 month vacancy on the Planning & Zoning Commission.

Tyler Drechsel- 6552 N 16th St; support the appointment of Drew Dittman to the Planning & Zoning Commission

Doug Williams-7255 N 4th St; traffic on 4th St is horrendous and something needs to be done.

Dick Flugel- 7303 N 4th St; traffic on 4th St needs to be addressed.

Karen Kimball- 6975 N 16th St; would like more diversity on the Planning & Zoning Commission. Concerned about lack of parking ability on 18th St to access Canfield trail. Working with Rand Wichman on Horse Arena policies and wanted a committee or a workshop but he said they couldn't have a committee.

City Attorney Kling clarified that Dalton has never established ordinances to form proper committees under Idaho 50-210. Mayor Edwards reminded everyone that the Council voted to deny establishing the required ordinances to form committees. Attorney Kling clarified that Dalton Gardens has the proper ordinance to form the Planning & Zoning Commission which is required under the Local Land Use Planning Act.

Councilmember Chase believes committees tie the hands of the citizens as it requires you to put your agenda out, have minutes, and follow the Open Meeting Act rules. There is nothing preventing residents from forming a group and presenting their ideas to the City Council.

Councilmember Wuest agrees it ties (residents) hands and is not worth it to have a formal committee.

Mayor Edwards feels if it is done right, formal committees allow everyone to be involved and does not tie (residents) hands.

Lila Tatum- 7080 N Valley St; lack of continuity in Council, traffic problem has not changed, deer problem still exists.

Mona Moses- 1295 E Wilbur Ave; (written comment read into the record) I am unable to attend the meeting due to a schedule conflict, please enter my comments into the public comment record. I am writing today to address the increased traffic on Wilbur and to ask you to please consider any and all traffic reducing options. Increased traffic through Dalton completely changes the atmosphere of why most of us moved to Dalton, for the quiet enjoyments of the area. It also increases pollution in our streets and is a safety risk for our children and pets, as many do not follow the speed limit. I would also like to remind the council that many of us voted for the new council that many of us voted for the new council because you ran on the reduction of through traffic in our beautiful Dalton and ask you to adhere to your commitment on this matter. Thank you so much for your time.

Sue Supp- 7024 N 16th St; possible conflict of interest for Drew Dittman for 18th Street right-of-way. In traffic considerations, need to focus on safety of pedestrians, children, and animals.

Shirlene Becker- 2179 Totten Lane; 25 mph flashing signs help to slow down traffic. Nothing has changed with the deer issue as we don't currently have any ideas to pacify both thos

Mike Chase- 7512 N 4th St; Feels Mr. Dittman would not represent residents, but developers interests and has the appearance of conflict. Traffic enforcement is not reduction.

Leslie Laviola- 1527 E Woodland Dr; upset about the deer situation and that there is no information on next steps with the deer. Sent an email to the entire Council and no one responded. Frustrated with lack of communication and information.

Councilmember Chase suggested that Leslie and her group come up with idea(s) to help the deer situation along and present it to a Councilmember.

Randy Gregerson- 7288 N 4th St; (written comment read into the record) I am emailing you in regards to the current traffic and deer issue we have in Dalton Gardens as I can't attend the city council meeting tonight. First we have a massive through traffic issue on 4th and 15th street, the traffic flow during peak times of the day makes it seem like we live on a freeway, as of late there ahs been virtually no sheriff's presence and the speeding is out of control. Its not safe to take my children on walks in the bike path, its dangerous to go get your mail, its frightening to try and plow my driveway and absolutely terrifying to watch some of my elderly neighbors who've lived in Dalton Gardens for years try and get out of their driveway without getting hit. PLEASE implement some sort of traffic controls in Dalton, I don't care what it is please do something . . . your constituents are tired of nothing being done, we don't want more surveys or talking we want something done. As far as the deer it goes along the same lines, please do something!!! The deer are out of control . . . they are being pushed into Dalton by all of the out of control development around us and now we need controls in place. I have put up the appropriate fencing and they still push through it or try and jump over it and destroy it either way trying to get into my garden. The deer have gotten increasingly worse in the last year part of which I believe is due to people that are new to the area feeding them, can we up the fine for feeding to further deter this practice . . . I'm talking about deliberately putting out grain. Again I am begging you as a council to please start putting measures in place, you all rand on a platform of keeping Dalton rural and you are not doing

that from many of your constituents perspectives. PLEASE implement traffic control and deer mitigation!!!

1. CONSENT CALENDAR APPROVAL

A. **RWuest** made a motion to approve Minutes of the Regular Council Meeting of February 4, 2021. **RCraft** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

B. **RWuest** made a motion to approve Financial Statement from February 1, 2021 to February 28, 2021 and the claims so listed with the direction to the City Clerk/Treasurer to immediately submit payment to OpenGov and Bluebeam. **AO'Obrien** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

2. PUBLIC HEARING - REQUEST FOR RECONSIDERATION OF MIKE WHITE ALU – 6263 N. 17TH STREET

Paul Daughtry, Counsel for Mike White, asked for a 30-day continuance as they work with Rand Wichman to resolve. Rand Wichman projected that he would be able to inspect the property within the next week and approves the continuance with the expectation that he will see the ALU has been removed.

CChase made a motion to continue until the April meeting. **RCraft** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

3. PUBLIC HEARING IN ACCORDANCE WITH IDAHO CODE 50-1306A REGARDING VACATING A PLATTED 60 FT. EASEMENT FOR A PLATTED 60 FT. TURNAROUND LOCATED AT: LOT 1, BLOCK 1, AND LOT 1, BLOCK 2, CANFIELD MEADOWS FIRST ADDITION, RECORDED AT BOOK G OF PLATS, PAGE 157, RECORDS OF KOOTENAI COUNTY, IDAHO

Mike Chapman 402 W Canfield, Ste 2, Coeur d' Alene, ID. He's Counsel for Isaac Reinert 603 18th Street, Dalton Gardens. Reviewed request for vacation of cul-de-sac for a hammerhead driveway that will be created with a sign for 'No Parking Emergency Vehicles Only' at the hammerhead. Property Owner and City would enter into an easement agreement. Homeowner would be responsible for upkeep and maintenance of the driveway and hammerhead. Isaac Reinert acknowledged the request comes for aesthetic and resale consideration.

Council had questions about other commercial vehicles using the turn-around. The City currently has a 60' right of way that created the ½ cul-de-sac, what benefit would it be to the Dalton residents to vacate the current turn-around? Who is responsible for snow plowing and snow storage location for the hammerhead? Would like to see wording of easement agreement before decision on vacation. Ensure no cost will be coming back to the taxpayers.

CChase made a motion to continue the hearing to a date certain of April 1, 2021. **RCraft** seconded. Attorney Kling is to work with Mr. Chapman to draft easement agreement to address Council concerns to be presented to the Council at the April meeting.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

4. DIRECT HMH TO CREATE A PLAN TO LESSON TRAFFIC IN DALTON GARDENS FOR THE SAFETY OF LIFE FOR THE RESIDENTS. PLAN TO BE PRESENTED AT APRIL COUNCIL MEETING.

Matt Hall, HMH Engineering; is open to residents' suggestions about their ideas for traffic mitigation. There is no magic bullet to fix traffic, all measures will cost money (concrete barriers, light reconfiguration, etc). We are currently working on the traffic counts and anticipate they will be finalized by the end of the month.

RWuest said the Traffic Sargent at KCSO is very interested in working with us but with the growth of Kootenai County, they do not have the personnel to handle all of the incoming calls.

CChase made a motion to have HMH create the least expensive plan to try to lessen traffic in Dalton Gardens to be presented at the April meeting. **RCraft** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

5. APPROVAL OF THE SWEEP CONTRACT

AO'Brien made a motion to approve the Sweep Contract. **CChase** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

6. REAPPROVAL OF PARK CONTRACT FOR THE FISCAL YEAR 2021-2022

Attorney Kling clarified that it covers 2 fiscal years. Historically the contract has been 2 fiscal years for the past 4 contracts. Garuanteed the rate remains the same for two years, although he consistently comes in under the budgeted amount.

RWuest wants more bids. AO'Brien stated he requested bids from 6 Professional companies and only 1 replied. CKling clarified that the other bidder from last month is conflicted out as he's in a family relationship conflict with Councilmember Wuest by the Idaho Statute.

AO'Brien made a motion to approve the Sacco de Campos contract to change from 1-year to a 2-year cycle. **CChase** seconded. Attorney Kling will get revised contract to Mayor Edwards.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

7. SET BUDGET HEARING FOR THE FISCAL YEAR 2021-2022

AO'Brien made a motion to approve set the budget hearing for fiscal year 2021-2022 to be August 17, 2021 at 6:00 PM and have the City Clerk/Treasurer correct the reporting to Kootenai County Clerk before April 30, 2021. **RWuest** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

8. APPROVAL OF BEER & WINE LICENSE

CChase made a motion to approve P & N Corporation – dba Dalton Market – Pre-packaged only wine and beer and packaged bottles only licenses presented for renewal: no consumption on premises. As well as Smokes & Suds Inc. Pre-packaged only wine and beer & packaged bottles only licenses presented for renewal: no consumption on premises. They have completed applications and copies of State & County licenses. **AO'Brien** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

9. APPOINTMENT OF DREW DITTMAN TO PLANNING & ZONING COMMISSION

Drew Dittman applied for a variance to build his house. It was granted, he was issued a building permit, and a certificate of occupancy for his home. He fills this shows his responsibility to the City has been fulfilled.

CKling clarified that the easement was never recorded on the property but we have had issues with poor record keeping of the City of Dalton Gardens. She was not the Attorney at the time of the easement. It has been almost 8 years since the easement should have been recorded.

RWuest made motion to continue until the City Attorney has drafted new deeded easement documents and then approve Mr. Dittman at the next council meeting. **RCraft** seconded.

Roll Call Vote:

AO'Brien: no **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

10. DISCUSSION/APPROVAL OF OPEN GOV SOFTWARE PROJECT MANAGER

RWuest wanted the entire Council to be the Project Manager with the Deputy Clerk being the liaison.

CChase clarified that there are to be no extra hours extended to the Deputy Clerk for software implementation. Wants to abstain from this vote or anything revolving around OpenGov as she does not approve that we have it.

CKling clarified that **CChase** can vote no, but is not able to abstain.

RWuest made a motion to appoint Deputy Clerk Janzen as the Project Liasion but not to allow any additional time for software implementation; be required to have weekly email updates sent to the Council; and if software implementation causes the need for more than 20 hours/ week for

the Deputy Clerk, and the City Clerk/Treasurer is not present, then City Hall is to be closed.
RCraft seconded.

Roll Call Vote:

AO'Brien: absent **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

11. DISCUSSION OF PROCESS AND PROCEDURE FOR NOMINATION AND CONFIRMATION OF CITY CLERK/TREASURER

Mayor Edwards clarified that it is his job to nominate a candidate and the Council's jobs to confirm and appoint a Clerk/Treasurer.

Attorney Kling clarified Idaho State Code; If the Council denies the Mayor's nomination, the Mayor has 10 days to nominate another candidate. He can repeatedly nominate until there is a confirmation. If the Mayor fails to nominate in the 10-day timeframe, the City Council has the right to appoint.

Mayor Edwards, Councilmember Chase, and Councilmember Wuest, Clerk/Treasurer Anderson to interview selected candidates.

10. EXECUTIVE SESSION – Idaho Code 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.

RWuest made a motion to enter Executive Session. **CChase** seconded.

Roll Call Vote:

AO'Brien: absent **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

Executive Session was entered into at 9:08 PM

Council came out of Executive Session at 9:40 PM

13. DISCUSSION/APPROVAL OF ACTION RELATED TO BUDGETED EMPLOYEE WAGES

RWuest made a motion to pay Valerie Anderson, Clerk/Treasurer her full salary for the month of March regardless of how many days she works, not require her to use vacation time for non-worked days in March, give her a 3% raise to be retroactive to March 1, 2021, and issue her a \$1,000 bonus for staying in March to train a new City Clerk/Treasurer. **RCraft** seconded.

Roll Call Vote:

AO'Brien: yes **RCraft:** yes **RWuest:** yes **CChase:** yes Motion carries.

COUNCIL REPORTS

RWichman- has asked for Council workshops on numerous items

14. ACTION ITEM – ADJOURN

CChase made a motion to adjourn. **RWuest** seconded. All in favor. Motion carries.



Dan Edwards, Mayor



Teresa Janzen, Deputy Clerk