

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF DALTON GARDENS OCTOBER 1, 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 Councilmember O'Brien.

MOTION TO APPROVE AMENDED AGENDA

Councilmember Wuest made a motion to approve the amended agenda. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft - yes. Motion carried.

PUBLIC COMMENT PERIOD

Curtis Exley – 7520 Mt. Carrol – He stated that we have a deer problem in Dalton Gardens which needs to be addressed for the safety of the citizens of Dalton. He stated that he sat on a deer committee a few years ago and the committee came up with some very good suggestions to control the deer population in the city. He asked the council to do something about the problem and that he would be willing to help in any way he could to resolve the problem.

Lila Tatum – 7080 Valley Street – She was in agreeance with Mr. Exley on the deer problem and stated that something needs to be done.

CONSENT CALENDAR APPROVAL

Councilmember Wuest made a motion to approve the minutes of the Regular Meeting September 3, 2020 and Special Meeting of September 22, 2020. Councilmember Craft 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 September 1, 2020 thru September 30, 2020 and the claims so listed. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

ADMINISTRATIVE APPEAL PURSUANT TO 1-11-1A BROUGHT BY BOBBI PLUMLEE FOR APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE PLANNING ADMINISTRATOR. THE ALLEGED VIOLATION IS RELATED TO BUILDING SETBACKS ON AN ACCESSORY BUILDING AT 6872 N. 15TH STREET

Attorney Kling explained the Notice to Title which is presented to the council on the property at 6872 N. 15th Street which was in respect to the lean –to on a building.

Councilmember Chase made a motion to approve the Notice to Title and authorize the Mayor to

sign. Councilmember O'Brien seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

ADMINISTRATIVE APPEAL PURSUANT TO 1-11-1A BROUGHT BY MIKE WHITE FOR APPEAL OF A NOTICE OF VIOLATION ISSUED BY THE PLANNING ADMINISTRATOR. THE ALLEGED VIOLATION IS RELATED TO AN ALU AT 6263 N. 17TH STREET

The City Planner explained the appeal to the council. He stated that the new residence was completed in the Spring of 2020. The inspector found that the shower had been boarded over, and stove had been removed from the kitchen. He believed that these measures were sufficient to meet the code requirements so it would not be considered an Accessory Living Unit. The Planner reviewed the permit before issuing the certificate of occupancy (CO) and determined that the building was not in compliance with code. He then emailed Mr. Whit's attorney Paul Daugharty denying the request for the CO. The appellant provided testimony. He stated that the City, through its building inspector approved the situation and should issue the CO. They acknowledged that there were two showers within the accessory building. The council discussed the matter and expressed concern for compliance with the Sewer Management Plan Agreement that the City holds with Panhandle Health District. The council also expressed concern with the removal of the plumbing components in the showers in the ALU.

Councilmember Chase made a motion to deny the appeal. 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 AMENDING TITLE 9, CHAPTER 1, SECTION 1 OF DALTON GARDENS MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR APPROACHES TO PRIVATE PROPERTY

Councilmember Wuest made a motion to place the proposed requirements for approaches to private property on its first and only reading by title only while under suspension of the rules. Councilmember Chase seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

The Mayor read the proposed ordinance title.

Councilmember Wuest made a motion to pass the requirements for approaches to private property, directing city clerk to assign the appropriate ordinance number, and publish by summary only incorporating the title as to body of the summary. Councilmember O'Brien seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

APPROVAL OF POE ASPHALT INC. TO DO PATCH WORK IN THE CITY

Councilmember Wuest made a motion to approve the POE Asphalt Inc. patch work on streets in

the city in the amount of \$18,723.50. 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 A PURCHASING RESOLUTION FOR CITY OF DALTON GARDENS

Attorney Kling explained the Purchasing Resolution which was put together by the clerk and attorney which would put guidelines on the purchasing of anything purchased within the city. The council discussed the Resolution and made a few changes in the authorization part of the Resolution.

Councilmember Wuest made a motion to approve the Purchasing Resolution with the following change; Purchase up to \$600 the Mayor and members of the City Council can authorize purchases without competitive bidding or a formal contract, as long as the expenditure is within the budget. Councilmember Chase seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

PUBLIC COMMENT PERIOD

Curtis Exley – 7520 Mt. Carrol – He stated that a committee on the deer is not necessary and that the attorney, a couple of local citizens and staff should come back to the council with suggestions on how to resolve the matter. He also asked about putting out the traffic radar sign which was purchased from Post Falls a couple of years ago.

Public comment period was closed.

EXECUTIVE SESSION UNDER IDAHO CODE 74-206(1)(F) TO COMMUNICATE WITH LEGAL COUNSEL FOR THE PUBLIC AGENCY TO DISCUSS THE LEGAL RAMIFICATIONS OF AND LEGAL OPTIONS FOR PENDING LITIGATION, OR CONTROVERSIES NOT YET BEING LITIGATED BUT IMMINENTLY LIKELY TO BE LITIGATED.

Councilmember Chase made a motion to go into Executive Session at 8:00 pm. Councilmember O'Brien seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

Council came out of Executive Session at 8:35 and no discussion was held.

APPROVAL OF RPI ADJUSTED INVOICE IN THE AMOUNT OF \$74,100.89

Councilmember Wuest made a motion to approve the adjusted invoice in the amount of \$74,100.89 for road patching done in Dalton Gardens and authorize the Mayor to sign and approve. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - no, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

Councilmember O'Brien made a motion to adjourn the meeting. Councilmember Chase seconded the motion. Motion carried.



Dan Edwards, Mayor



Valerie S. Anderson, City Clerk