

City of Dalton Gardens
Regular Council Meeting Minutes
Thursday, July 1st, 2021 @ 6:00pm

Meeting was conducted via teleconference and in person.

1. **CALL MEETING TO ORDER:** Mayor Edwards called the meeting to order at 6:07pm
2. **ROLL CALL:** Councilor Carrie Chase, Councilor Aaron O'Brien, Councilor Robert Wuest, Councilor Ray Craft and Mayor Dan Edwards were present. Caitlin Kling- City Attorney, and Teresa Janzen-City Clerk/Treasurer were also in attendance.
3. **PLEDGE OF ALLEGIENCE:** Council President Robert Wuest.
4. No Amendments to the Agenda
5. **PUBLIC COMMENTS:**
 - a. **Lila Tatum- 7080 N Valley:** Feels the Mayor is an embarrassment. The Mayor should have no voice or opinion in the Council meeting and should remember the City Clerk works for all of the staff. The Council has all the voice and the residents are only addressing the Council. Feels it is the residents duty to hold the elected and paid personnel's feet to the fire.
 - b. **Les Erickson- 1163 E Wilbur Ave:** Since Wilbur was connected to Highway 95, traffic has increased on Wilbur between 4th and 15th. Supports a stop sign on Wilbur and Mt. Carrol.
 - c. **Leroy Gil- 6511 N Colfax:** City has a law enforcement problem, not a traffic problem. Wants something done about the speed of traffic.
 - d. **Kenney DeBaene-** Mayor read written comment- does not support partial closure of 4th Street. 4th has always been main street of Dalton and why he did not buy on that street. He paid more for his house because he did not buy on the main streets of 4th and 15th.
 - e. **Rose Backs- 1271 E Dalton Ave:** frustrated with speeding traffic. Need speeding tickets to keep all streets safe. Dalton Ave has increased traffic already and if one way roads are implemented, the traffic on Dalton Ave will increase even more. Opposes ½ closures.
 - f. **Randy Gregerson- 7288 N 4th St:** supports ½ closures. Something has to be done as it is too dangerous for kids to ride bikes on 4th Street in the bike path.
 - g. **Michael Martins- 7231 Colfax:** Condition of Colfax Street is horrendous. Road maintenance is needed. The chip seal from 7-9 years ago failed and was never repaired.
 - h. **Kurt Jernigan-** Concerned about dynamics between the Mayor and the Council and wonders why Councilmember Wuest asked the Mayor for an apology in the June 3rd meeting. Asked the Mayor if he supported urbanization.
 - i. Mayor said he is highly opposed to urbanization and wants to keep lot sizes the same and does not feel he owes an apology to anyone.
 - ii. Councilmember Wuest summarized about newspaper article that was on May 24, 2021 that stated we could be annexed into the city of Coeur d Alene or Hayden.
 - iii. Mayor clarified that his statement was that if we shut down as a City and could not function, we could possibly be annexed. We want to rebuild the City.
 - i. **Tyler Drechsel-655 N 16th St:** opposed partial closures. 4th is designed as a collector to move traffic. Residential streets are narrower like Colfax, 16th and do not support the loads or volume of traffic a collector does. Partial closures of collector streets will push that traffic to smaller residential streets not designed for that traffic. Supports law enforcement levy to fund law enforcement.

- j. **Gary Sonnen- 7447 N Valley:** 4th Street is major collector. Stop signs being installed without Engineer approval opens the City to liability. Opposes partial closures. Last year's construction on Prairie and 4th diverted traffic to Valley and Colfax. Paid 30% more for his home to not live on a collector street. Unacceptable to divert traffic off a collector onto a street not designed for it.
- k. **Curtis Exley- 7520 N Mt. Carrol:** proposed stop signs at Mt Carrol and Deerhave; Mt Carrol and Wilbur and Davenport and Wilbur was originally proposed over 2 years ago by the residents traffic committee. Would like to see speed counters used on the streets again as it has sat unused for the past 2 years. Approves law enforcement for Dalton Gardens to hold people accountable.
- l. **Cheryl Junkin- 1423 E Deerhaven:** approves the addition of stop signs in the city. Need law enforcement for the stop sign runners.
- m. **Mike Chase- 7512 4th St:** Highlighted the growth in Hayden and feels it will increase traffic through Dalton Gardens. Stated that law enforcement will not reduce traffic.
- n. **Albert Anderson- 6879 N 4th:** received letter from Mike Chase regarding the ½ closures on 4th and 15th. Supports ½ closures.
- o. **Don McDonald- 1526 E Woodland:** opposes ½ closures. 4th and 15th are built to take the traffic load.
- p. **Sue Supp- 7024 N 16th:** advocates residents telecom ordinance. Frustrated the small cell ordinance has languished since February 2021 and her consultant/lobbyist is not being listened to. Frustrated she wasn't allowed to speak at the last P&Z workshop.
- q. **LeAnne Moore-** Mayor read written comments- supports ½ closures in Dalton Gardens
- r. **Jamie Smith- 6871 N Mt. Carrol:** strongly opposes stop signs not supported by City Engineer and traffic studies as it opens City to liability lawsuits and City Council can be held personally liable. Proposed stop signs are by Councilmember Wuest and Councilmember Craft's homes. Strongly opposes ½ closures. Quoted December 2020 CdA Press article where the Councilmembers declared they wouldn't turn 4th St into a one way.
- s. **Dave Trojan- 7640 N 15th Street:** All of Kootenai County has grown. Traffic and safety are huge issues. Approves of the use of portable speed bumps.
- t. **Barry Baker- 7120 N 15th St:** Mayor read written comment regarding the warning sign for the new stop sign at Wilbur and 15th has been up for 4 weeks when it was communicated it was to only be there for 2 weeks. Asking to have it removed.
- u. **Jeff Voeller- 8113 Stonehaven Dr:** Mayor read written comment- statement from CdA School District #271. Opposes one-way barriers and additional stop signs as they would negatively impact their transportation routes. 7 primary and 7 secondary bus routes would be negatively impacted and require re-routing equating to longer time of busses for students and longer transportation times. Additionally, it would force them to divert to streets not designed in width or weight rating for school busses. No positive impact on school district transportation.
- v. **Cheryl Stranksy- 5980 Colfax St:** Mayor read written comment- concerned about Council's resurrection of one-way traffic in Dalton Gardens
- w. **Mona Moses- 1295 E Wilbur Ave:** thankful for Council trying to decrease traffic in Dalton Gardens. Supports any or all attempts to reduce traffic except for Law Enforcement.

- x. **Joe Meyers-7424 N Mt. Carrol St:** 2013 Transportation Plan has been effective. There has been a decrease of traffic on 4th Street and it's more dispersed and increased access for residents. Disappointed Councilmember Chase categorized 4th Street as a residential street when it is and always has been a collector street. Citizens have spoken in the surveys, and they do not want one way streets. All of the traffic reduction proposals are only around Councilmembers Chase, Wuest, and Craft homes. All 3 of them were on the previous traffic committee and have carried those agendas forward into their Council positions. Charged that Councilmember Wuest is complicit in increasing the population density by increasing lots and back acre lots when he was the City building inspector. Encourage everyone to do their research and look at history.
- y. **Steve Neilsen- 1215 Hanley Ave:** Significant speeding on Hanley by Dalton Elementary. Issue is not closing streets or rerouting traffic, but speed enforcement.
- z. **Daniel Chiew- 6591 N 4th St:** supports residents' ordinance and feels wireless is not needed, fiber optics are. Asked Council to move forward on the ordinance. Would like to de-incentivize through traffic. Consider automated means of enforcement.

6. REPORTS

- a. Councilmember Craft: 4th Street is in dire need of re-striping. Last year the cost was \$3,500 for striping. In the process of getting bids for 4th Street and 15th Street.
- b. Councilmember Wuest: no report
- c. Councilmember O'Brien: no report
- d. Councilmember Chase: no report
- e. HMH Engineering, Matt Hall:
 - i. Transportation plan workshop on June 29, 2021. The recording and pdf presentation are on the website. Low attendance. Comment forms are at City Hall if anyone would like to submit comments. Could prepare a mailer to send to resident if Council would like to promote the 2nd workshop to be scheduled.
 - 1. Council asked for a proposal at the next Council meeting for cost to do a mailer. RWuest recommends not to exceed \$1,000 for mailer.
 - ii. Chip Seal project Bid- great base bids and the budget given by the City can additionally accommodate alternates 1 & 2. Alternate 3 is not able to proceed- 16th from Dalton Ave to Hanley with a price tag of \$35,160. Prepared notice of award and contract for RPI who won the bid for base + alternate 1 and 2. RPI bid \$341,848 and POE bid \$345,009.30. If it was striped and we are chip sealing it, the stripes will be put back.
 - iii. Recommends striping every year
 - iv. 18th Street fire turn-around. Approval of construction and road falls under the Fire District which they have given. Worked with resident on proposed sign and followed the MUTCD guidelines.
 - v. ROW utility permits: at last meeting advised the Council that HMH can't be held liable for holding up the ROW utility permits for utility cabinets. Permits pending are being processed with the current ordinances.
 - 1. Council requested City Attorney look into emergency stop-work order (temporary moratorium) on ROW utility box permits.
 - 2. CKling stated FCC bans moratoriums on small cell. ROW is not clear in Dalton. We can only issue permits for in the ROW. Would need to be investigated if allowed under Franchise Agreements.

- vi. City Right-of-Way has been called into question. HMH requests Council direction to complete a ROW boundary survey to show easements and correct right of ways.
 - 1. Councilmember Craft acknowledges he could not find an 'official' map for boundaries.
 - 2. Councilmember Wuest spoke of the Meckel survey and the 1988 Baillie Street voluntary easement return from the City to the residents. Approximately 40-50 feet back to the people by Welch Comer.
 - 3. HMH proposed record search of all of the City's ROW, plat & digital- not placing pins. Similar survey for the City of Wallace was \$6,000 and was worse off than the Dalton Gardens. Will prepare an estimate for Council consideration at next meeting.
- f. Clerk/Treasurer- did a lot of financial catch-up work. Still working getting account access transferred.
- 7. ~~9i.~~ **Mayor nominated Chris Gabbert of Lyons O'Dowd as the new City Attorney effective July 1, 2021.**
 - a. Chris Gabbert said he would honor the \$4,500/month flat rate and bill in 6 minute increments.
 - b. RWuest made motion to approve the Mayor's nomination. AO'Brien seconded.
RCraft: aye AO'Brien: aye CChase: aye RWuest: aye Motion carries.
- 8. ~~8e.~~ **Traffic Reduction Plan- ½ closures on 4th and 15th street at Prairie and Dalton Ave.**
 - a. CChase made motion to proceed with traffic reduction with ½ closures of northbound 4th Street and 15th Street at Dalton Ave and southbound at 4th Street and Prairie for a 6-month trial period. Motion dies for lack of a second.
 - b. HMH Engineering does not endorse the plan. By engineering standards, this proposal considers this proposal to be creating one-way streets.
- 9. ~~9g.~~ **4-way Stop signs at Mt. Carrol and Deerhaven; Mt. Carrol and Wilbur; and Davenport and Wilbur.**
 - a. HMH Engineering, Matt Hall: no study has been done to warrant these stop signs. Previously asked for funds to do the study and Council denied it. Unwarranted stop signs create accidents. Per the Manual of Uniform Traffic Control Devices (MUTCD) stop signs are not to be used to control speed.
 - b. CKling quoted Idaho Statute 50-314, "Cities shall have power to: control and limit the traffic on streets, avenues and public places; regulate and control all encroachments upon and into all sidewalks, streets, avenues, and alleys in said city; remove all obstructions from the sidewalks, curbs, gutters and crosswalks at the expense of the person placing them there. This does not excuse the City of the risk of not having Engineering approval of whether they are warranted.
 - c. CGabbert- the City has the authority to place stop signs but they are not exempt/immune from the decision. Is there reasonable basis for their installation and what is it based on? Immunity is waived if you failed the due diligence of the study.
 - d. Councilmember Chase made motion to approve stop signs at Mt. Carrol and Deerhaven; Mt. Carrol and Wilbur; and Davenport and Wilbur. RCraft seconded.
RCraft: aye AO'Brien: nay CChase: aye RWuest: nay Mayor: nay Motion fails.
- **8:49 PM Councilmember O'Brien had to leave to return to work but voiced his support of taking all of the ARPA funds.**

10. ~~9e~~: HMH presentation of winning bid: Matt Hall presented winning Chip Seal bid in his Staff report. A copy of the RPI contract was provided in the Council packet.

11. ~~9f~~: Awarding of Chip Seal Project 2021 to winning bid

a. RWuest made motion to approve the winning low bid to RPI and authorizing the Mayor to sign the Chip Seal contract with them for the base bid plus the alternates 1 and 2.

RCraft seconded.

RCraft: aye CChase: aye RWuest: aye Motion carries.

12. ~~8a~~: iii-A Annual Presentation for Employee Health Insurance by Amy Manning

13. ~~7a~~: Approval of Meeting Minutes

a. RWuest asked to table the May 24, 2021 minutes. He wants an exact transcript of everything CKling said for item 6 in the May 24, 2021 minutes. CChase requested the word 'elected' be changed to 'when he was Mayor' in regards to Jeff Fletcher.

b. CChase made a motion to approve minutes from the Regular Meeting June 3, 2021 meeting. RWuest seconded.

RCraft: aye CChase: aye RWuest: aye Motion carries.

c. RWuest made motion to approve the minutes from the Workshop Meeting June 14, 2021. CChase seconded.

RCraft: aye CChase: aye RWuest: aye Motion carries.

d. RWuest made motion to approve the minutes from the Special Meeting June 17, 2021. CChase seconded.

RCraft: aye CChase: aye RWuest: aye Motion carries.

14. ~~7b~~: Financial Statements

a. CKling stated Idaho Statute 50-208, The treasurer shall on a monthly basis, and no more than sixty (60) days after the conclusion of each month at a regular meeting of the city council, render an accounting to the city council showing the financial condition of the treasury at the date of such accounting. The report shall state the balances of accounts maintained in the city's treasury. The treasurer shall also make available credit and debit details of all such accounts when required by the mayor or by action of the governing board. Making the quarterly treasurer's report available for public review on the city's website within thirty (30) days of the conclusion of each quarter shall satisfy publication requirements established by section 50-1011, Idaho Code." and 50-1011, "It shall be the duty of the city treasurer to cause to be published quarterly during each fiscal year for at least one (1) insertion in the official newspaper of the city, a full statement of each separate account, fund or appropriation for the year to date, and balances of the debits and credits belonging thereto, indicating salaries, capital outlay and a percentage comparison to the original appropriation. All published financial statements shall include the following: "Citizens are invited to inspect the detailed supporting records of the above financial statements." Such statement shall be published within thirty (30) days from the end of each quarter, except for the final quarter of the fiscal year which shall be published no later than thirty (30) days from the date of completion of the annual audit. Notwithstanding the above, no one shall be precluded from making this filing prior to the completion of an audit. Failure upon the part of the treasurer of any city to comply with the requirements of this section shall be deemed a misdemeanor."

b. RWuest made a motion to approve the Amended Financial Statements March 1, 2021 to March 31, 2021; the Amended Financial Statements April 1, 2021 to April 30, 2021; and

the Financial Statement May 1, 2021 to May 31, 2021; Quarterly Treasurer Report December 31, 2020 AMENDED, and Quarterly Treasurer Report March 31, 2021; and the Claims listed from June 4, 2021 to June 30, 2021. RCraft seconded.

RCraft: aye CChase: no RWuest: aye Motion carries.

15. ~~8b~~. **Approval of Reinert finalization of the vacation and platted 60' easement.**
 - a. Applicant to cover Engineering cost
 - b. Applicant to cover cost of signage as approved by the Fire Marshall and installation of signage
 - c. RWuest made a motion to approve Reinert finalization of the vacation and platted 60' easement.
RCraft: aye CChase: aye RWuest: aye Motion carries.
16. ~~8d~~. **Progress for hiring open positions**
 - a. Ryan Hughes will be in office next week as the City Planner- his professional services agreement is in the Council packet and approved by CKling.
 - b. Interviewing for Deputy Clerk
 - c. Mayor will start interviewing Code Enforcement after Deputy Clerk is hired
17. ~~9a~~. **Approval of Audit Engagement Letter was tabled as agreement was not ready for consideration.**
18. ~~9b~~. **Annual Picnic Coordinator- tabled**
 - a. Councilmember O'Brien is unable to fill the Coordinator role this year.
 - b. Mayor Edwards and Councilmember Wuest will Coordinate
 - c. Picnic will be Saturday, 9/11/21
19. ~~9c~~. **ARPA funds for the City tabled until next meeting- tabled**
 - a. Application has to be in by July 23, 2021
 - b. Total disbursement \$518,381 disbursed in two installments of \$259,180
 - c. Have 4-years to spend it
20. ~~9d~~. **Professional Services Agreement with Ryan Hughes of Nexus Planning Services- Tabled**
21. **Scheduled an additional Council meeting for July 15, 2021 at 3:00 PM for a Budget Workshop and Regular Meeting.** Councilmember O'Brien will attend via phone.
22. **Scheduled Budget Workshop on July 23, 2021 10:00 AM to 12:00 PM.**
23. ~~10~~. **Council did not feel an Excutive Session was warranted at this time.**
24. ~~11~~. **RWuest made a motion to Adjourn.** RCraft seconded. All in favor. Motion carries.



Dan Edwards, Mayor

ATTEST:



Teresa Janzen, City Clerk/ Treasurer