

**City of Dalton Gardens**  
**Council Regular Meeting Minutes**  
**Thursday, May 12, 2022 @ 6:00 PM**  
Meeting was conducted via teleconference and in person.

1. **CALL MEETING TO ORDER:** Mayor Edwards called to order at 6:00 PM
2. **ROLL CALL:** Councilmembers Aaron O'Brien, Tyler Drechsel, Scott Jordan, Robert Wuest, and Mayor Dan Edwards were physically present. Also present: Teresa Janzen-City Clerk/Treasurer, Ryan Hughes-City Planner, and Chris Gabbert-City Attorney.
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF CONSENT CALENDAR:**
  - a. Minutes from the Regular Meeting April 14, 2022
  - b. Ratification of Bills April 1-30, 2022
  - c. Monthly Financial Statement April 1-30, 2022

**TDrechsel made motion to approve the consent calendar items A-C, with requested correction for April 14, 2022 meeting minutes, item 6.iv to show Hayden Lake as the city that was spoken to regarding the area of impact. SJordan seconded.**  
**AO'Brien: yes RWuest: yes SJordan: yes TDrechsel: yes      Motion carries.**
5. **STAFF REPORTS:**
  - a. **City Engineer**
    - i. 2022 Chip Seal Bid Opening for the City of Hayden set for 5/18/22
    - ii. Our LHSIP grant application was denied. They issued 1 grant for our district and we came in second.
  - b. **City Planner-** submitted written report to Council. SJordan asked how backlogged building permits are. City Planner said there are 5 pending permits. Others are pending that are awaiting corrected or additional information from the applicant.
  - c. **City Attorney-** majority of his time for the past month has been on the Telecom Ordinance draft being heard by P&Z next week. Current draft is 59 pages. Finished annexation of E Dalton Ave east of 17<sup>th</sup> Street and filed with the Tax Commission. Have not heard back from Dalton Water Association's Counsel regarding the MOU with slight changes that Council approved in April 2022.
6. **PUBLIC COMMENT PERIOD:**

Public Comments Open 6:28 PM – Closed at 6:28 PM

  - Daniel Chiew- 6591 N. 4<sup>th</sup> St: concerned about the procedures for code enforcement. Concerned about the continuum of response for different classifications of violations. Would like additional detail on the enforcement side. Questioned the 'TBD' sections in the draft Code Compliance Manual before council.
7. **PUBLIC HEARING: Updates to the City's Zoning Ordinance as it relates to the definition of Accessory Living Units in Title 5 and Title 7 of Dalton Gardens City Code:** City Planner gave overview of deficiency in current code for an Accessory Living Unit (ALU). Municipal code expressly prohibits ALUs in Dalton Gardens. In an effort to uphold the Sewer Management Agreement (SMA) with Panhandle Health and bring our definition in line with the International

Residential Code (IRC) the proposal is to update the definition to that of a “accessory” dwelling unit as defined in the 2018 IRC.

**SJordan-** asked if you can only have one kitchen. **City Planner-** you can not have separate independent living. Moving away from a prescriptive of what you can have and coming inline with the intention of the IRC.

**AO'Brien-** who makes the final call for grey areas? **City Planner-** in terms of Use, the Planning Administrator; in terms of construction, the City Building Official.

**RWuest-**suggests “living in any structure other than the primary residence is prohibited” for clarity. **City Attorney-** suggested changing ‘living’ to ‘dwelling’ to keep it consistent with the new definition proposal.

Public Comment Open: 6:42 PM; Public Comment Closed: 7:01 PM

- Eric Killen-6744 Davenport St: Concerned that Dalton Gardens would change the definition of single-family dwelling to allow multi-family dwelling. Concerned about people currently living in outbuildings/shops. Questioned what the city is going to do about enforcement of the multiple ALUs currently in existence.
- Sue Supp-7024 N 16<sup>th</sup> St: Suggested using the IRC definition of habitable space so that the focus is on the activity in the structure, and not the structure.
- Clark Young-7064 N 16<sup>th</sup> St: Desires to have a shower, toilet, and sink in his shop for his personal use. Opposes people living in shops.
- Gary Sonnen- 7447 N Valley St: Suggests change to 5-5-1 to add ‘unit’ to single family dwelling. Agrees with removal of ‘already constructed’ from 7-4-1-A. Asked for the definition to be made clearer.
- Daniel Chiew- 6591 N 4<sup>th</sup> St: Supports moving away from historical prescriptive definitions. Highlighted inconsistent use of the definition- 7-4-1 repeats the definition of Accessory Dwelling Unit found in 5-1-4.

8. **CONSIDERATION OF ORDINANCE TO UPDATE the City’s Zoning Ordinance as it relates to the definition of Accessory Living Units in Title 5 and Title 7 of Dalton Gardens City Code:** City Planner read the SMA that already prohibits Accessory Living Units. When the definition is prescriptive, we lose flexibility. This is why policy is so important. The proposed changes take into consideration the SMA, IRC, life safety issues and in it’s conformity with the preceding, gives the city the most flexibility.

**SJordan-**questioned if Panhandle Health allows showers in other buildings. City Planner- expressly prohibits cooking and bathing. Asked if outdoor showers in shops for pools are allowed and clarified he opposes Accessory Dwelling Units.

**RWuest** made a motion to suspend reading the proposed ordinance on three different days and have the title of proposed ordinance read once. **TDrechsel** seconded.

**AObrien:** Yes **RWuest:** Yes **SJordan:** Yes **TDrechsel:** Yes **MotionCarries**

**City Clerk** read the title of the proposed ordinance: **An Ordinance of the City of Dalton Gardens, a municipal corporation of the state of Idaho; Amending Title 5, Chapter 1, Section 4 to revise definition of accessory living unit; amending Title 5, Chapter 5, Section 5**

to revise definition of accessory living unit; amending Title 7, Chapter 4, Section 1 to revise definition of accessory living unit.

**RWuest** made a motion to adopt the Ordinance of the City of Dalton Gardens, a municipal corporation of the state of Idaho; Amending Title 5, Chapter 1, Section 4 to revise definition of accessory living unit; amending Title 5, Chapter 5, Section 5 to revise definition of accessory living unit; amending Title 7, Chapter 4, Section 1 to revise definition of accessory living unit., with the following revisions to sections 5-1-4 as proposed to substitute between cooking and sanitation in the final sentence for cooking or sanitation, also with the following substitution in section 7-4-1 strikethrough everything from “accessory dwelling unit is considered . . . (to end of existing paragraph) and adding in “living in any structure other than the primary residence is prohibited” , and adding direct the Clerk to assign the appropriate number, and to publish once upon passage in the CdA Press. **TDrechel** seconded.

**AO'Brien: Yes SJordan: Yes RWuest: Yes TDrechsel: Yes MotionCarries**

## 9. CITY BUSINESS

### a. III-A Annual Report Presentation

Amy Manning, Executive Director of III-A gave annual presentation of the III-A trust performance. Advised to budget for 10% increase in premiums for FY 23. Will get actual rate increase number the 3<sup>rd</sup> week of June.

### b. Kootenai County Public Transportation Presentation: Chad Ingle, Program Manager and Jody Bieze, Director for Kootenai County Public Transportation presented the Small Urban System Service Area. The program provides 3 fixed routes, ADA Paratransit Service, and Ring-a-Ride services. Hours of operation are Monday-Friday 6 AM-7 PM; Saturday 9 AM- 4 PM. Program is funded by Coeur d'Alene, Post Falls, Hayden, Huetter and Dalton Gardens proportionate to their populations. In FY 21, Dalton Gardens had 1,152 fixed routes rides; 108 ring-a-rides, and 287 paratransit rides. Projection for FY23 cost for Dalton Gardens is \$3,051. Full cost for the services is \$37,502.

**RWuest** asked if Federal monies pay for senior services. Chad Ingle said they are a part of the 5310 funds for seniors. Jody Bieze clarified that they were given \$150K for FY21 but it requires a \$37,500 match. Those match monies are what are billed proportionately to the cities served.

**SJordan** asked when the City stopped funding the program. Mayor Edwards said it was the first year they came into office (January 2020). **RWuest** said it was cut from the budget due to other budgetary needs. **SJordan** stated this is an important service to the citizens of Dalton Gardens.

**RWuest** made a motion to table item. Motion died for lack of second.

**SJordan** made a motion to immediately pay \$3,051 from Streets Funds for FY22 contribution. **AO'Brien** seconded.

**RWuest: no AO'Brien: yes TDrechsel: yes SJordan: yes Motion Carries**

### c. Panhandle Area Council Presentation: Wally Jacobsen, Executive Director of Panhandle Area Council presented overview of PAC, a 501c(4) non-profit organization and their programs to help with regional economic development through business

development, economic development planning (CEDs), community development, business loans, eHub/Startup Hub, Grants (writing and administration), and Finance (lend/lease). PAC asks for a yearly membership fees. Members are cities, counties and private sector. Primarily serves the 5 northern counties of Idaho for small businesses. The FY22 ask for Dalton Gardens membership is \$303.70.

**RWuest made a motion of approve \$303.70 for FY22. SJordan seconded.**

**AO'Brien: yes RWuest: yes SJordan: yes TDrechsel: yes Motion Carries**

- d. **Consideration of LHTAC Grant for Child Pedestrian Safety Program:** Christine Baker of HMH Engineering presented a new grant application possibility for a maximum award of \$250K. Award would be at the end of July 2022 with funds disbursed shortly thereafter. Project must be completed by December 2023. Grant requires no financial match from the City. Proposal is to use the funds for School Zones flashing beacons, thermoplastic crosswalks, and RRFB flashing signs. Would not cover the edgeline pavement markings from the previous LHSIP grant application (that was denied). Application is due 6/8/22 and requires 5 letters of support that the Clerk will facilitate.

RWuest called out the need to budget for future replacement costs based on the lifespan of the items installed.

SJordan is aware of the impact on the yearly budget for streets and will be sure to plan accordingly. Considers this a life safety issue.

Mayor Edwards reminded Council that we can also apply for future grants to offset future improvements.

**TDrechsel made motion to move forward with the LHTAC grant application for child pedestrian safety program and to direct the Engineer to submit the application on behalf of the City. AO'Brien seconded.**

**RWuest: yes SJordan: yes AO'Brien: yes TDrechsel: yes Motion Carries**

- e. **Consideration of Ordinance amending the codification of the business license fee:** tabled until June meeting
- f. **Consideration of Code Compliance Manual:** RWuest asked to table item and have a workshop. City Planner highlighted lack of overarching policy for the City. Would like everyone on the same page in terms of code compliance and investigation procedures and escalation policy. The draft manual tries to capture comments and direction from the previous workshop while still addressing need for a policy. **AO'Brien** questioned if it was easy to make changes in the future. City Planner said yes, it is just a policy and can be adjusted as needed and recommends it be revisited. **RWuest** concerned that the proposed manual does not reflect the residents wishes as expressed in the past workshop. **TDrechsel** spoke in favor of getting something in place for policy to address multiple violations that currently exist. Council can revisit the policy and update it at any future council meeting. Provides standards for enforcement. **SJordan** clarified that the proposed policy would allow the city to act on code violations like ADUs when notified without needing official written complaint.

**City Planner** – proposal is a reference guide that pulls from all of the areas of City Code in a more comprehensive standard operative procedure of how complaints are processed and enforced.

**TDrechsel made a motion to approve the Code Compliance Manual. AO'Brien seconded.**

**SJordan: yes TDrechsel: yes AO'Brien: yes RWuest: no Motion carries.**

**g. Discussion and Consideration for establishing committees:** TDrechsel spoke on his desire to have resident committees for items like picnic committee, tax levy increase and ARPA fund usage. He will draft an application for interested residents to apply for a position on the committees. SJordan asked out applicants would be selected. City Attorney suggested these be temporary, ad-hoc, informal, single task advisory committees. Ad-hoc committees are not bound by formal committees open meeting laws and formal rigidity. He also advised that a councilmember could sit on the committee. Applications will be available at City Hall. City website and the city's social media. Application goes to the Clerk's Office for initial screening and then the applicants are presented to council for selection. Council agreed to move forward with creation of application.

**h. Discussion of Agenda items for June 9, 2022 meeting:**

- i. Chip Seal Bids
- ii. Code Enforcement Manual Updates-Council to spend the next month on their desired edits and bring to June council meeting.
- iii. Budget Workshop 6/9/22 at 4:00 PM

**10. EXECUTIVE SESSION:** pursuant to Idaho Code 74-206(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, or public-school student.

**TDrechsel made a motion to enter into Executive Session. SJordan seconded.**

**AO'Brien: yes RWuest: yes SJordan: yes TDrechsel: yes Motion carries.**

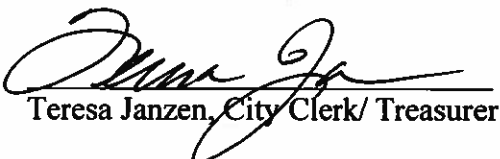
**Executive Session began at 8:48 PM and ended at 9:19 PM**

**11. ADJOURNMENT:** TDrechsel made motion to adjourn SJordan seconded.

**All in favor. Adjourned 09:21 PM**

  
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Dan Edwards, Mayor

ATTEST:

  
Teresa Janzen, City Clerk/ Treasurer