



Agenda for the Regular Council Meeting Dalton Gardens City Council

Monday, May 24th, 2021 @ 6:00 PM

Location: DALTON GARDENS CITY HALL, 6360 N 4th St., Dalton Gardens, ID

Meeting was conducted via teleconference and in person.

1. **CALL TO ORDER:** Mayor Edwards called the meeting to order at 6:00 PM

2. **ROLL CALL OF CITY COUNCIL MEMBERS:**

Present were Councilor Carrie Chase, Councilor Robert Wuest, Councilor Ray Craft (left at 8:00 PM for medical reasons), Councilor Aaron O'Brien, and Mayor Dan Edwards.

Also present were Caitlin Kling- City Attorney, Rand Wichman- City Planner, and Teresa Janzen, Deputy City Clerk/Interim Treasurer.

3. **PLEDGE OF ALLIGANCE:** led by Councilor AO'Brien

4. ~~5.~~ **AMENDMENTS TO THE AGENDA- ACTION**

a. CChase made a motion to add the payment of Valerie Anderson's May submitted invoice to the agenda for approval for payment. RWuest seconded.

Roll Call Vote:

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

5. ~~40j.~~ Approval of HMM proposal for Chip Seal project – **ACTION**

- Matt Hall of HMM Engineering spoke and clarified that he is also a resident and does not charge the city for simple meeting attendance but only when they present in their professional capacity. Reviewed the proposal for 2021 Chip Seal Bid proposal procedure with a Bid Opening scheduled at City Hall. HMM will be responsible for running the newspaper ad.
- RWuest made a motion to approve the Chip Seal Bid with HMM setting the dates and sending out for the advertisement. RCraft seconded.

Roll Call Vote:

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

6. ~~9b.~~ Resolution 21-1 Kootenai County All Hazard Mitigation Updated Plan- **ACTION**

- Rand Wichman clarified that the 16 pages that pertain to Dalton Gardens is enclosed with the Council packet. City Clerk and City Planner as the City's contact needs to be updated with the County.
- RWuest made a motion to approve the Resolution 21-1 Kootenai County All Hazard Mitigation Updated Plan. AO'Brien seconded.

Roll Call Vote:

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

7. ~~9a.~~ Facility Reservation Policy-ACTION

- RWuest made a motion to table until June 3rd meeting. CChase seconded.

Roll Call Vote:

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

8. ~~6.~~ PUBLIC COMMENT PERIOD:

Each speaker will be allowed a maximum of three (3) 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.

Councilor Wuest asked Attorney Kling to explain potential annexation. At Councilmember Wuest's directive on June 3, 2021, an exact transcript is entered into the minutes of Attorney Kling's response:

Attorney Kling states, "Thank you Mayor and Council. So, there is a procedure for disincorporation that is found in Title 50, Chapter 22 of Idaho Code, and it is initiated by receiving a petition signed by not less than ½ of the qualified electors of the city which is counted by vote cast at the general City election. The standard is if a Council shall cease to exist or fail to function for a period of two years or more, qualified electors can submit a petition for disincorporation of the City. And they would file it with the Board of County Commissioners. Upon filing such petition showing that the Council has failed to function for at least two years prior or has ceased to exist, the Board of County Commissioners has the power and authority to take, all proceedings through that Chapter to disincorporate the City and impacting the property taxes. That is the process for that and so hope that clarifies the issue and provides some more guidance to the City and to the public listening both here and on Zoom about the process for disincorporation and that it is done through a vote and a say by them. I am not aware of any other forced annexation proceedings through the State. I did try to look, and I was not able to find anything on that or any other instances of it. One area I did want to mention though for some State intervention is there are penalties for failing to comply with the budget deadlines. We talked about that briefly last year just kind of going over the budget and why we have the budget process. You'll recall the budget guidelines are very strict in Title 50, Chapter 10 of Idaho Code and um, portions of Title 63 under revenue and taxation. It is a really strict schedule to adhere to and there are reasons for that. The city has to certify to the County by the second week in September, um, what the property taxes it is set to receive for its budget are. So there are a couple of provisions in law that freeze your property tax levy, for failing to comply with that time. At least for that fiscal year, probably not in perpetuity, but for that one fiscal year. And that makes sense, right? If you don't submit on time to the County, then the County can't report it to the State Tax Commission and now we also have a new section which provides penalties for failing to report the information to the State Financial Portal. That is new. There are other sections in Idaho Code if you fail to file your Road and Street Finance Report every year, you will have your Highway Distribution Account withheld. So, those are instances which, I think, definitely pose a real threat to the city if we do not meet our budget deadline. None of that has passed but it is coming up. We would need to adopt a tentative budget in July our budget hearing, as you know, is August 17th at 6. There is a 2-week publication time in there. Thinking backwards, we would at least need to have a pretty set draft budget by July. Formulating what our budget would look like, I am certainly not a City Treasurer. Maybe it wouldn't change so swiftly year to year, but we also would need to know what our expenditures, what are revenues were, what our expenditures were. So, that does take some accounting that we would need to know soon. So, that's just all the more reason to be administratively taking action to fill the City Clerk/Treasurer position or hire an interim Accountant. We discussed that at the last meeting as an option for the City. Certainly could do that. I just think, encourage you all to keep those deadlines in mind as we walk towards. . . we are getting very close to those dates, it is almost June. So that is not leaving a ton of time to work on your budget and meet all those requirements. Like I said, it is a two-week notice time at least and then you'll recall last year we needed to re-open the budget, I don't know if that is something we'll need to do this year or not, but you'll need to factor in additional time for that. So, those are those areas. I hope that answers

some more questions and maybe for those who would otherwise like to place comment tonight about those potential items. There are processes for that which aren't happening here."

Public Comment Opened at 6:41 PM

1. **Jeryl Archer**- Fire Marshall Kootenai County Fire and Rescue. We are at max building capacity. To accommodate those outside that wish to speak, they will bring them in one at a time. The sound system outside is working very well. Once someone has spoken, please leave in an expeditious manner so other can come in and speak.
2. **Randy Gregerson**- 7288 N 4th St. Read a statement from his co-worker who applied for the Clerk/Treasurer.
3. **Chante Brown**- 5716 N 18th St. Demanded immediate resignation of Councilmembers Wuest, Chase, and Craft for incompetence, arrogance, corruption, and bad faith with open meeting violations.
4. **Tyler Drechsel**-6552 N 16th St. Fire Marshall for Hayden Lake Fire.Asked Council to approve Melissa Cleveland for P&Z. Asked for Teresa Janzen to be made the Clerk/Treasurer.
5. **Eric Killen**-6744 Davenport St. Nominated Teresa Janzen for Clerk/Treasurer.
6. **Jim Kimball**-6975 N 16th St. Council deserves a 2nd chance. Needs to be respect for the people.
7. **Karen Kimball**-6975 N 16th St. Mayor has lost his temper at Council members during meeting and needs to work with the Council. Mayor and Council are to listen to the people and consider their requests.
8. **Steven Nielsen**-1215 E Hanley. Mayor read his written comment to support Teresa to move forward and make decisions.
9. **Rob Schultz**- 1363 E Dalton. Mayor read his written comment to pay the Clerk at least \$20/hour.
10. **Amber Johansen**- 6712 N Mt. Carrol Mayor read her written comment to hire Teresa Janzen as Clerk/Treasurer and wants Wuest, Chase, and Craft to resign.
11. **Ed Price**- 6568 N Mt. Carrol- Mayor read his comment to keep city open, keep it as is, pay for the expertise, or get out of the way.
12. **Tanya Osterson**-adopt the telecommunication ordinance the residents put for in March P&Z meeting
13. **Heather Izzard**- keep the city and pay Teresa for all she does
14. **Cindy Draper**- 6832 N Rude. Mayor read her written comment to keep Dalton the way it is.
15. **Darren Moore**- 2139 E Wilbur Ave, Mayor read his written comment Robert Wuest, Carrie Chase, and Ray Craft to resign and vote yes to Teresa Janzen as Clerk/Treasurer
16. **James Vos Dias**- 6439 N Mt. Carrol- Mayor read his written comment would like Teresa Janzen as Treasurer/Clerk
17. **Scott Jordan**-324 E Wilbur- Mayor read his written comment resign Robert, Carrie, and Ray. Please for the City of Dalton.
18. **Natalie Ackerman**- 6263 N 16th Mayor read her written comment. Please all elected officials, leave Dalton as is.
19. **Rebecca Chiew**-6591 N 4th St. amazed that City business was aired to surrounding cities. Respects the Committee members and thanked them for their service.
20. **Mike Becker**-6943 N 16th St. Chairman of P&Z. Approves Melissa Cleveland as P&Z Commissioner. Approves Teresa Janzen for Clerk/Treasurer.
21. **Jamie Smith**-6871 N Mt. Carrol supports appointing Melissa Cleveland to P&Z and supports Teresa Janzen as Clerk/Treasurer. Asked Robert Wuest, Carrie Chase, and Ray Craft to resign for bullying and how they behave.
22. **Sue Supp**-7024 N 15th St. very important to hear everyone speak. People are frightened and upset about the Friday article. Make sure decisions are in the best interest of the City and not a personal agenda.

23. **Glinda Winter**- 5687 N 15th Mayor read her written comment that the City of Dalton Gardens needs to get back to business.
24. **Laura Hunt**- 6968 N 16th St Mayor read her written comment that she is there to support the Council.
25. **Julia Petersen**-Concerned about obstructionist behavior and governmental overstep by Robert Wuest, Carrie Chase, and Ray Craft. Group of 30 residents met on Sunday these are their concerns; negligence, deception, nepotism, abuse and harassment of staff and community members, manipulation of revenue, slander, meeting as a quorum outside of city council meetings, working outside of the budget without approval, not fulfilling fiduciary duties, squandering financial reserves rather than creating a working budget and adhering to it, carrying out projects that have not been approved, consistently refusing recommendations of City Attorney, City Planner, and City Engineer, refusing to approve a living wage for city employees.
26. **Matt Hall**-5839 N Valley Supports Teresa Janzen as Clerk/Treasurer
27. **Mike Chase**-7512 N 4th St Council provides direction to the Mayor. Mayor has sown discontent and acrimony among staff. Mayor has neglected to do salary studies. Mayor has bullied Council like with OpenGov. Council is not a rubber stamp to opinions of Staff.
28. **Lila Tatum**-7080 N Valley -Shameful CdA Press article was one sided. Mayor has been disappointing. Mayor is supposed to work with the Council and has a progressive agenda. Feels Mayor wants to ruin Dalton Gardens. Wants the City Council to give a vote of no confidence to the Mayor.
29. **Peg Lunenberg**- 7111 N Mt Carrol Mayor read her written comment Robert, Carrie, Ray need to vote for Teresa Janzen as City Clerk/Treasurer and the three of them need to resign.
30. **Yvonne Domanski**- 6984 N Mt Carrol Mayor read her written comment to Mayor and Council to do the job they are paid to do.
31. **Cliff Runneberg**-7111 N Mt Carrol Mayor read his written comment Robert, Carrie, Ray to please resign and vote for Teresa Janzen as City Clerk/Treasurer.
32. **Lisa Breisacher**- 7204 N Mt. Carol Mayor read her written comment Robert, Ray need to vote for Teresa Janzen as City Clerk/Treasurer and the three of them need to resign.
33. **Gary Domanski**- 6984 N Mt Carrol Mayor read his written comment we are the laughingstock of N. Idaho because of the City Council that has caused division. You should all resign.
34. **Shirley Thomson-Green**- 6175 N Mt Carrol Mayor read her written comment- she wants to live in Dalton not a part of Hayden or Coeur d Alene. We need to work together for the best of the community.
35. **Sim Mclurkin**- 524 E Deerhaven City Council should be measured by what they accomplish. Resign one at a time so you can be replaced.
36. **Peg Legg**- 6727 N Davenport St. Listen to the people you hire and leave your personal agendas. Do your job. Get along, figure out what you're doing, and keep Dalton rural.
37. **Jody Hiltenbrand** 1416 E Deerhaven supports Teresa Janzen as Clerk/Treasurer and Melissa Cleveland to P&Z. A healthy organization does not bleed folks. Encourages Robert Wuest, Ray Craft, and Carrie Chase to resign as they are running the city into the ground and not serving it well.
38. **Ben Weymus**- 6712 N Davenport Director of Eastside Highway District. Supports Melissa Cleveland for P&Z.
39. **Kimmer Callahan**- 1240 E Hanley Ave- Everyone needs to step up and do their jobs. Article was embarrassing.
40. **Jason Wood**- 5919 N 17th St- Loves living in a small community. Dalton is special because of the people who live here. Do the actions and inactions of the Council reflect Dalton?
41. **Dick Flugel**- 7303 N 4th St- Disturbed by the article in paper airing our dirty laundry. Asked the Mayor to step up and deal with the problems.
42. **Sharon Egbert**- 7232 Rude -Councils should work together and this Council is not

- attempting to work together. Need to get over your egos and move on, time for you all to resign.
43. **Ken Egbert**- 7232 N Rude- Not acceptable what is happening in the City. This Council has been dysfunctional since day 1. Resign and let someone else come in to get the job done.
 44. **Mona Moses**-1295 E Wilbur Ave-Feels the Budget has been followed, the Salaries are commiserate to the surrounding area and that the job opening must be published.
 45. **Cassie Larsen**- 6088 N 18th St -Character witness for Teresa Janzen's appointment to the Clerk/Treasurer. Recommends a financial audit. Character witness for Mayor Dan Edwards as a honest, good judge of character. Asks Councilmember Wuest, Chase, and Craft to resign.
 46. **Youth Speaker**- worried about the future of Dalton Gardens. Feels the Council members have not represented the residents. Robert, Carrie, and Ray should resign, and Teresa should be appointed Clerk/Treasurer.
 47. **Virginia Grub**-1331 E Hanley Ave -Disheartened to hear what is going on in the City. Council needs to come together. Good leadership gets things done and not pushed off for months. Please be kind and work together.
 48. **Rob Reagan**- 6040 N 17th- professionals are hired for their advice and Council should listen to them. Thanked the Mayor for the article in the paper so residents knew to attend the meeting.
 49. **Lezlie Laviola**- 1527 E Woodland Dr-asked Council to get their act together or resign. Appreciated the Mayor doing the article in the newspaper, so something gets done. Our City is the laughingstock and it is humiliating.
 50. **Stephen Bruno**- 5983 N Colfax- illegal stop signs against Engineers recommendations. Anti-professionalism from the Council puts the City at risk. Short-sighted, misguided and self-serving.
 51. **Robert Legg**- 6727 Davenport St.-Thankful for Councilmember Aaron O'Brien and Mayor Edwards as they are the only voices of reason in this City. Carrie and Robert should resign so Dalton can return to a peaceful place.
 52. **Robin Happeny**-7376 Mt Carrol St- Robert's Daughter. Knows the Council cares about what they do. Figure out how to work together. Try harder. Everyone has more to learn.
 53. **Andy Smith**- Mayor read his written comment- Dalton gardens became a City in 1960. The City operated, managed it affairs and kept the lights on for over 60 years. Even during and after a recall that was based mostly on lies and inuendo, the city operated. No matter the disagreements nor the issues of the day, the city as an entity was never threatened to cease its existence. In less than 18 months in charge, this council has brought the city to the brink of collapse. The ENTIRE City staff has quit. The clerk, the deputy clerk, the attorney, the planner, and the code enforcer. You are on your second engineering firm and from what I've heard, they aren't long for this either. It doesn't take a genius to figure out where the problem is. All you have to do is attend the past council meetings and you see. This council has brought shame to the once great Dalton Gardens. Your egos and personal agendas are to blame. Your inability to look out for the greater good of this community is a disgrace. You have shown and proven that you are unfit to hold these positions. Councilman Wuest, Chase, and O'Brien we demand your immediate resignation. The citizens will not stop until you are removed, one way or the other.
 54. **Cheryl Stransky**- 5983 Colfax St- Supports Mayor Edwards and supports Teresa Janzen. Disappointed and heart broken. Councilmembers Chase, Wuest and Craft, please resign and give us a chance to move forward.
 55. **Taran Moore**- Mayor read her written comment.
 56. **Jennifer Vorhees**- 7400 N 16th St- supports Melissa Cleveland's appointment as P&Z. Supports nomination of Teresa Janzen. Asked for Councilmember Chase, Wuest, and Craft to resign as they do not appear capable of listening to all the residents of Dalton Gardens. They are hamstringing city business.

57. **Jeff Fletcher**- Endorses Teresa Janzen as appointment to City Clerk. Hired her as the Deputy Clerk. Endorses Melissa Cleveland to P&Z. Firsthand witness of abuse and bullying from Carrie Chase and Robert Wuest when he was the elected Mayor. Requests Councilmembers Carrie Chase, Robert Wuest and Ray Craft tender their resignation so the city can get back on track.
58. **Fred White**- supports Teresa Janzen for Clerk/Treasurer. She runs the office with the highest quality. Council needs to work together to get this figured out or leave.
59. **Carrie Edwards**- 6464 Snowberry St- Council is dysfunctional and degrades the employees. Council is not listening to the residents. Disregards professional opinions.
60. **Ashley Buttars**- 6543 N 16th St- Supports Teresa Janzen. She was amazing to work with in the city office. Character witness for Mayor Edwards as she knows he wants the best for the city. Asked Chae, Wuest, and Craft to resign.
61. **Steve Gatten**- 1632 E Canfield- What will you leave behind? Will it be better than when you came? Employees are your most important asset.

Break 8:37- 8:49 PM

9. ~~40i~~. Appointment of Melissa Cleveland to Planning & Zoning Commission
 - AO'Brien Made a motion to approve the appointment of Melissa Cleveland to P&Z. RWuest seconded.
 - **Roll Call Vote:**
AO'Brien: yes RCraft: absent RWuest: yes CChase: no Motion carries.

10. **4. EXECUTIVE SESSION**- Idaho Code 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, and 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 - **ACTION ITEM**.
 - AO'Brien made motion to enter in to Executive session at 9:01 PM. RWuest seconded.
 - **Roll Call Vote:**
AO'Brien: yes RCraft: absent RWuest: yes CChase: no Motion carries.
 - Executive session ended at 10:02 PM

11. ~~40g~~. **Mayor Edwards nominated Teresa Janzen as the City Clerk/Treasurer**
 - RWuest made a motion to approve Teresa Janzen as City Clerk/Treasurer for Dalton Gardens with recommendation of a 60-day probation. AO'Brien seconded.
 - Discussion: CChase does not believe due diligence was done to replace the Clerk/Treasurer. Teresa does a fantastic job as Deputy Clerk.
 - **Roll Call Vote:**
AO'Brien: yes RCraft: absent RWuest: yes CChase: no Motion carries.

12. ~~40a~~. **Discussion and approval of RFQ on posting for City Planner- ACTION**
 - CKling stated a RFQ is not required but one was drafted. If you do not use the RFQ, then the Mayor appoints and the Council confirms.
 - CChase made a motion to table item 10a until June 3rd meeting. Retracted.
 - Council decided to not pursue a RFQ but to allow the Mayor to interview and appoint with Council's confirmation.

13. ~~40b~~. **Discussion and approval of RFQ on posting for City Attorney- ACTION**
 - CKling stated a RFQ is not required but one was drafted. If you do not use the RFQ, then the Mayor appoints and the Council confirms

- CChase made a motion to table item 10a until June 3rd meeting. Retracted.
- Council decided to not pursue a RFQ but to allow the Mayor to interview and appoint with Council's confirmation

14.10k. Annual City of Dalton Gardens Picnic- ACTION

- RWuest made motion to have picnic on 9/11/21. CChase seconded.
- Looking for a volunteer co-ordinator
- **Roll Call Vote:**
AO'Brien: yes RCraft: absent RWuest: yes CChase: yes Motion carries.

15.7. REPORTS:

- Council Members
 - CChase: asked that RCraft be copied on all ROW applications.
 - AO'Brien: he is an individual and it trying to serve the people. He is over parks and has been trying to get the facility reservations passed for a long time.
 - RWuest: it's a democracy and everyone on Council gets a vote. He prioritized public comment time over passing the facility reservations.
- Interim Treasurer- Teresa Janzen
 - Gave a written report to Council
- Deputy City Clerk- Teresa Janzen

16.8. CONSENT CALENDAR- ACTION

- Minutes from the Workshop Meeting April 28, 2021 and Regular Meeting May 6, 2021- tabled until June 3, 2021 meeting
 - Page 3 at bottom change to CChase questioned items on All Hazard Mitigation Plan.
 - AO'Brien made motion to approve April 28, 2021 and May 6, 2021 minutes with above correction. RWuest seconded.
 - **Roll Call Vote:**
AO'Brien: yes RCraft: absent RWuest: yes CChase: yes Motion carries.
- Financial Statement submitted for April 1st, 2021 to April 30th, 2021- no change.
 - tabled
- Claims Listed from April 1, 2021 to May 24, 2021
 - AO'Brien made a motion to approve claims listed from April 1, 2021 to May 24, 2021. RWuest seconded.
 - **Roll Call Vote:**
AO'Brien: yes RCraft: absent RWuest: yes CChase: yes Motion carries.

17.9. OLD BUSINESS:Facility Reservation Policy- ACTION

- Discussion on possible dates for a Business License and Annexation Workshop
- AIC & ICCTFOA Conference in Boise Attendance- **ACTION**

18.10. NEW BUSINESS:

- Discussion and Approval to post open Deputy Clerk position- **ACTION**
- Discussion and Approval to extend beyond 2 weeks posting on Indeed for openClerk/Treasurer position- **ACTION**
- Approval of Mayor's recommendation for Code Enforcement Officer position- **ACTION**
- Discussion and Approval of staffing adjustments to fill the needs of theClerk/Treasurer's office – **ACTION**
- Discussion and Approval of moving June 2021 Regular Council Meeting-**ACTION**

19.12.ADJOURNMENT-ACTION

- RWuest made motion to adjourn. AO'Brien seconded. All in favor. Motion carries.

A handwritten signature in black ink, appearing to read "Dan Edwards", written over a horizontal line.

Dan Edwards, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Teresa Janzen", written over a horizontal line.

Teresa Janzen, City Clerk/Treasurer