

City of Dalton Gardens
Council Meeting Minutes
Thursday, September 2, 2021 @ 6:00pm
Meeting was conducted via teleconference and in person.

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 6:02 PM.
- 2. ROLL CALL OF CITY COUNCIL MEMBERS:** Physically Present were Councilmembers Carrie Chase, Robert Wuest and Ray Craft. Councilmember O'Brien joined via Zoom. Also physically present were Mayor Edwards, Chris Gabbert- City Attorney, and Teresa Janzen-Clerk/Treasurer.
- 3. PLEDGE OF ALLIGANCE:** Led by Sheriff Norris.
- 4. 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 forthat public hearing. Please be advised that the City Council can only take official action this eveningfor those items already listed on the agenda.

 - Michael Martins- Mayor read written statement asking for the City to send out a written mailer for the Candy Cane Rune in December.
 - Clark Young- 7064 N 16th: supports a small cell ordinance to protect the residents.
 - Curt Jernigan- 7439 N Davenport: would like a larger sample size of input of citizens for transportation plan. Generally opposed to taking State and Federal funds due to strings attached. Would like to see traffic safety be aggressively pursued in the City. In favor of funding law enforcement for the City.
 - Karen Kimball-6975 N 16th St: Not happy that she was not permitted to put an item on the agenda requesting for Prairie Back Country Horsemen to be granted exemption for facility reservation fees. She is requesting facility reservation fee waivers for Prairie Back Country Horsemen. Called out the work they have done over the years that she would like to be considered for fee waivers volunteer work. Also spoke on behalf of Amanda Deeds of Prairie Wranglers 4-H and requested waiver of facility reservation fees for Amanda Deeds as well.
 - Mayor Edwards clarified that if residents would like to add they would need to go through a Council Member.
 - Myron Sanders- Mayor read written statement from Code Enforcement Officer supporting new OpenGov online system for its efficiency.
- 5. CONSENT CALENDAR- ACTION**
 - a. RWuest made a motion to approve minutes from the Regular Meeting August 5, 2021.
CCChase: Yes AO'Brien: Yes RCraft: Yes RWuest: Yes. Motion Carries.

 - AO'Brien made a motion to approve minutes from the Workshop August 10, 2021. RC seconded.
CCChase: Yes AO'Brien: Yes RCraft: Yes RWuest: Yes. Motion Carries.

- b. RWuest made a motion to approve the Claims Listed except for Nexus Planning Services, Lyon's O'Dowd, and HMH Engineering from August 1, 2021 to August 30, 2021. CC seconded. After Council discussion, RWuest amended motion to approve claims listed 8/1/2021 to 8/31/21 in full. CC seconded again.

AO'Brien: Yes **RCraft:** Yes **CChase:** Yes **RWuest:** Yes. Motion Carries.

*Chris Gabbert, City Attorney has approved bills be sent electronically as of 9/2/21 to Council Members.

- c. RWuest made a motion to approve Monthly Financial Statement August 31, 2021. CChase seconded.

AO'Brien: Yes **RCraft:** Yes **CChase:** Yes **RWuest:** Yes. Motion Carries.

6. CITY REPORTS

a. Council:

- **Carrie Chase-** not working on 5G small tower ordinance as a Councilmember
- **Ray Craft-** 4th Street and 15th Street was stiped today. Original striping agreement was for \$4,805.90 for 4th St- from Dalton Ave to Prairie Ave, Dalton Ave- from 4th to 17th, Canfield- Gov't Way to Rude. 3 of the streets in the original agreement are not being chip sealed this year. Renegotiated with Stripe Rite to \$314.35 additional to instead stripe 4th Street and 15th Street.
- **Robert Wuest-** Has had a lot of feedback from residents about wildlife management ordinance. Council is going to try a different approach instead of hunting. Council will vote tonight on removing fees for fences and changing fence allowable fence heights. Would like a public hearing on fee schedule adjustments as soon as possible and to repeal ordinance 207 for business license fees and instead move it to the fee schedule instead of being called out in an ordinance. Posts to Ward Newcomb Park have been removed as they are rotten and split. Pursuing cost estimates for fixing. Would like the following policies to be drafted by City Attorney; fee waiver policy; procurement policy for Staff; Councilmembers spending limits to be raised; internet, social media, and email policy for Staff.

- b. Mayor: Working with KCSO to adjust ordinance so that 100% of revenue comes to the City instead of most of it going to Kootenai County. Read KCSO monthly report. 96 law enforcement calls, 1 accident, 36 traffic citations. KCSO has notified Deputies to now begin issuing citations under Dalton Gardens instead of the County.

- c. Planner: Ready for the 9/14 public hearing for Title 5 Code Amendments. In August, P&Z voted to approve the draft of DAS Small Cell ordinance and send to Council for public hearing and possible adoption. Explained that DAS Small Cell is not the same as a comprehensive telecom ordinance. Short Plat subdivision in process and will be heard at September P&Z. Building Permits backlog is being worked through. Launch of OpenGov as online permit portal has been a success for permits, licenses, code enforcement, business licenses. Need to develop escalation policy for Code Enforcement. Proceeding with Dalton Ave annexation.

- d. Engineer: Mayor asked the Clerk to read the written report into record.

- Continuing to work on transportation plan. Sign inventory has been completed. Second Transportation Plan Workshop was held 8/24/21.
- 2021 Chip Seal project required work to be completed prior to 9/1/21 and have the roadway temperatures be 85 degrees and rising. Weather conditions are not compliant. All parties are agreeable to mutually cancel the project. Roads listed in 2021 chip seal project should be added into the 2022 chip seal project, thereby increasing the scope of the 2022 project.
- 6039 N 18th fire turnaround. Inspection was performed on sign installation. Work does not meet engineering requirements.

- A list of ROW open utility permits table was given to Council
- e. City Attorney: Worked with KCSO to draft the traffic ordinance before the Council. Concerns with communication on the bills stemmed from the July bills having attorney-client privileged information. If those bills get transferred beyond council to third parties not under the privilege, it waives the attorney-client privilege which cannot by any one Council member. The solution is that the bills going forward will not have attorney-client privilege information and therefore can be sent electronically again.
- f. Clerk/Treasurer: Deployed OpenGov.
 - Down to 3 remaining paper permits due to delays in getting information from applicants. Have 28 new applications in OpenGov. Only 1 entity is having issues with the system and it is a utility company with an internal IT issue.
 - Issued 97 business license renewals. Have 13 renewals that are waiting on applicant additional information. 50 known businesses that have not complied with renewal.
 - Moved ARPA funds and working on getting its own LGIP set up.
 - Have trained Dalton Water, Dalton Irrigation, and Panhandle Health to train them on the new system. Will meet with Kootenai County Assessors later in the month to train them.
 - Onboarding new Code Enforcement Officer, Myron Sanders. Clean up of paper complaints clean up requires visits to see where the issues are at currently. Will be drafting procedures and policies for Council consideration.
 - Elections- have taken 7 declarations and posted the candidates on the website.

7. NEW BUSINESS

- a. CChase made motion to pass Ordinance 271 amending title 1 chapter 4, and title 8, chapters 1 and 2 of Dalton Gardens city code to provide for infraction penalties where applicable and adopt State of Idaho infraction penalties upon its first and only reading by title under suspension of the rules of reading, and to take effect upon publication by summary only in the Coeur d' Alene Press. RCraft seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- RWuest made motion to place proposed Ordinance of City of Dalton Gardens, a municipal corporation of state of Idaho Ordinance 271 to provide for infraction penalties on its first and only reading by title, under suspension of rules and direct the Clerk to assign appropriate ordinance number and publish by summary only, incorporating title of the body of the summary.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- b. RCraft made motion to use FY21 budgeted funds from 403-11 Snow & Ice Control- Removal to cover the \$2,449.67 overage from 401-012 Capital Outlay- Equipment for the 2021 Ford F450 Plow Truck with specialty bed and plow. RWuest seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- c. CChase made motion to not use the FY21 Contingency Funds in the amount of \$30,000 and let it return to the LGIP-General Fund. RCraft seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.
- d. CChase made a motion to approve Resolution 2021-05 to establish a Street Funds Carryover account from FY21 to FY22 drawing from 403-14 Street Maintenance- Contracted and 403-11 Snow & Ice Control-Removal for combined amount of \$355,000. RCraft seconded.
CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.

AO'Brien made a motion to approve Resolution 2021-05 to establish a Park Funds Carryover account of \$5,000 from FY21 to FY22 from 404-03 Park Maintenance- Contracted. RWuest seconded.

RWuest: Yes RCraft: Yes AO'Brien: Yes CChase: Yes. Motion Carries.

e. **PUBLIC HEARING**

Public Comment:

- Mike Neher- 6056 N Colfax: Questioned balance of \$214,872.04 balance in LID#2 checking account. Questioned plan for \$2.75 million combined funds in checking and LGIP-General Fund. Suggests balance be spent down to closer to \$500K. Recommends adopting an End of Fiscal year balance policy.

RWuest made a motion pursuant to Idaho Code 50-1002 and 63-802 to approve of the Fiscal Year 2022, October 1, 2021 to September 30, 2022, budget to include the \$1,694 of forgone property taxes for a total budgeted amount of \$1,217,466.73. CChase seconded.

CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.

- f. RWuest made motion approve proposed Ordinance of City of Dalton Gardens, a municipal corporation of state of Idaho Ordinance 270 annual appropriation ordinance for Fiscal Year 2022 Budget which includes the \$1694 foregone property taxes on its first and only reading by title, under suspension of rules and direct the Clerk to assign appropriate ordinance number and publish by summary only, incorporating title of the body of the summary. CChase seconded
- CChase: Yes AO'Brien: Yes RWuest: Yes RCraft: Yes. Motion Carries.**

- g. RWuest made a motion to approve Resolution 2021-07 declaring the intent to collect \$1,694.00 in forgone property taxes for fiscal year 2022. RCraft seconded.

AO'Brien: Yes CChase: Yes RCraft: Yes RWuest: Yes. Motion Carries.


- h. RWuest made a motion to approve Resolution 2021-05 to direct Treasurer to move \$200,000.00 in street funds into FY22 general fund for additional road maintenance and \$146,000 in LGIP funds into FY22 general fund for law enforcement. RCraft seconded.

AO'Brien: Yes CChase: No RCraft: Yes RWuest: Yes. Motion Carries.

- i. Council discussed agenda items for:

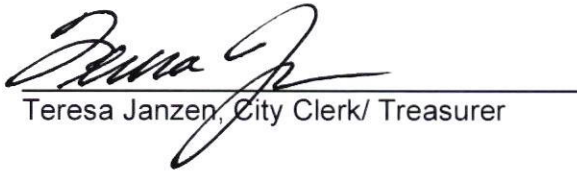
- September 14, 2021 Public Hearing for Title 5 code amendments; potentially waiving fees for Prairie Back Country Horsemen and Prairie Wranglers; potential FY21 balances and September Claims listed.
- October 7, 2021 Public Hearing for Small Cell Ordinance.

- 8. ADJOURNMENT:** RWuest made a motion to adjourn at 9:32 PM. RCraft seconded. All in favor. Motion Carries.

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

Dan Edwards, Mayor

ATTEST:

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

Teresa Janzen, City Clerk/ Treasurer