

**Regular Council Meeting  
Dalton Gardens City Hall @ 6:00 pm  
Thursday, January 7, 2021**

**Meeting will be conducted via teleconference**

**Please click this link to join the webinar via computer/smartphone:**

**<https://us02web.zoom.us/j/86806021699?pwd=ellRmp6T2JtYW5LZzJNSExFdjl1QT09>**

**Password: 049158**

**PHONE NUMBER: 1 669 900 6833 OR 1 346 248 7799**

**WEBINAR ID: 868 1725 0670, PASSWORD: 049158**

**CALL THE MEETING TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLIGENCE**

**PUBLIC COMMENT PERIOD**

Each speaker will be allowed a maximum of three 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.

**1. ACTION ITEM - CONSENT CALENDAR APPROVAL**

- A. Minutes of the Regular Meeting December 1, 2020.
- B. Financial Statement from December 1, 2020 to December 31, 2020 and the claims so listed.

**2. ACTION ITEM – REQUEST FOR RECONSIDERATION OF MIKE WHITE ALU – 6263 N. 17<sup>th</sup> STREET**

**3. ACTION ITEM – APPROVAL TO DIRECT STAFF TO BEGIN WORK ON ANNEXIATION OF PROPERTIES**

**4. ACTION ITEM – APPROVAL OF PAVEMENT CUT POLICY**

**5. ACTION ITEM – APPROVAL OF SNOW PLOW POLICY FOR CITY**

**6. ACTION ITEM – APPROVAL OF PURCHASE OF FORD 2021 SNOW PLOW TRUCK**

**7. ACTION ITEM – REVIEW OF CARES ACT FUNDING MEETING DECEMBER 30, 2020**

**8. ACTION ITEM – EXECUTIVE SESSION – 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.**

**9. ACTION ITEM – DISCUSSION/APPROVAL OF ACTION RELATED TO BUDGETED EMPLOYEE WAGES**

**COUNCIL REPORTS**

**10. ACTION ITEM – ADJOURN**

City Hall is ADA accessible. If special accommodations are needed for the disabled, please notify the City Clerk 6360 N. 4<sup>th</sup> Street, Dalton Gardens, ID 208-772-3698 forty-eight hours in advance of the public hearing.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF DALTON GARDENS DECEMBER 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 – via zoom, 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 Wuest.

**PUBLIC COMMENT PERIOD**

Marsha Becker – 2179 Totten Lane – She Stated that closure of lane on 4<sup>th</sup> & 15<sup>th</sup> Street is not a good idea. She would be in favor of narrow lane and roundabouts to calm traffic. She stated that if you close lanes on streets you will have more traffic on Hanley and she is concerned about the safety of the kids.

Mike Chase – 7512 N. 4<sup>th</sup> Street – He stated that the statement by the Mayor at the last workshop was a waste of time. He also stated that traffic is the problem in Dalton and the council must reduce the traffic through the City.

Jeff Fletcher – 2372 Hanley Ave. – He stated that in the resent survey traffic was not the top issue in the City and we need to address the problems which the residents are concerned about. The Comprehensive Plan is a goal and rerouting traffic to other streets which cannot handle traffic is not the solution. We need to increase law enforcement.

Art Collins – He stated that the Comprehensive Plan is a legal document for the City Ordinances. He addressed several different sections of the plan which need to be worked on if it is going to be addressed in the plan. He also stated that the Transportation Plan should be updated and some of the traffic issues which are being discussed by the council should be addressed.

Gary & Sandra Sonnen – 7447 Valley Street – They both stated that the residents are not in favor of closure of streets and ~~there~~ they are against the closure of any streets in the City.

Jamie Smith – 6871 Mt. Carrol – She stated that she is against the closure the streets and that it will only divert traffic to other streets. She stated that speeding traffic is a problem and is a safety issues.

Drew Dittman – 5869 18<sup>th</sup> Street – He stated that he is against any closure of streets and that the city should address three things: study of the streets, Transportation Plan and a Traffic Committee with professional people.

Ken & Sharon Egbert – 7232 Rude Street – They stated that the city must look at more than just 4<sup>th</sup> and 15<sup>th</sup> Street. The Survey which was completed by the residents came out with some very good results and that the council should look at the percentages of what the residents want to see done in the city like law enforcement.

Simona Moueken – 1290 E. Wilbur – She stated that she in support of the closure of Wilbur as the traffic increase and speeding is a problem.

Jon Hoffman – 1271 E. Wilbur – He stated that the traffic increase on Wilbur and from up on the hill have become a large problem and that he in favor of closure of traffic on Wilbur.

Randy Gregerson – 7288 N. 4h Street – He stated that he is in support of street closure in Dalton.

Dick Epstein – 7224 Valley Street – He stated that Wilbur is not a problem with traffic and that traffic counts should be done to see if there is any change. He stated that he is not in favor of street closures.

Joe Myers – 7424 Mt. Carrol – He stated that there is a process for making changes and that the steps should be done in the proper ways. He also addressed the closure on Wilbur and stated that federal fund were used on that project and that before anything is done should be looked into.

Public comment period was closed.

#### **CONSENT CALENDAR APPROVAL**

Councilmember Chase made a motion to approve the minutes of the Regular Meeting November 5, 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 November 1, 2020 thru November 30, 2020 and the claims so listed. 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 THE MEETING SCHEDULE FOR YEAR 2021 – COUNCIL & PLANNING & ZONING**

Councilmember Wuest made a motion to approve the meeting schedule for year 2021 for City Council & Planning & Zoning as presented. Councilmember seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – yes, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

#### **TERMINATION OF LOCAL EMERGENCY DECLARATION FOR COVID-19**

Councilmember Chase made a motion to rescind the Local Emergency Declaration. Councilmember Wuest seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – no, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

Councilmember O'Brien stated that he was one-hundred percent against the motion.

#### **APPROVAL OF CONFLICT ATTORNEY**

Councilmember O'Brien made a motion to approve Mike Schmidt as the conflict attorney for any cases for the City. Councilmember Craft seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – no, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

#### **APPROVAL OF ADDITIONAL HOLIDAY CLOSURES – DECEMBER 24<sup>TH</sup> & DECEMBER 31<sup>ST</sup>**

The council discussed the holiday closures and agreed to not add any more holidays to the City schedule.

Councilmember Wuest made a motion to close City Hall on Christmas Eve & New Year's Eve

and employees would have to use vacation time accrued if they chose to take the time off. Councilmember Chase seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – no, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

**APPROVAL OF GENERAL LEGAL REPRESENTATION FOR CITY OF DALTON GARDENS**

Councilmember Chase made a motion to approve the reduction of legal fees paid to Attorney Kling by the City in the amount of \$4,500.00 starting January 2021. Councilmember Wuest seconded the motion. Roll call vote: Councilmember Chase - yes, Councilmember O'Brien – no, Councilmember Wuest - yes, Councilmember Craft – yes. Motion carried.

**REVIEW OF TRAFFIC WORKSHOP**

Councilmember Chase stated that the workshop on the traffic reduction was not her plan it was all put together by HMH Engineering. She stated that the engineers stated that street closures were an option for the City. Councilmembers Craft and Councilmember Wuest had no comments on the workshop. Councilmember O'Brien stated that he is not in favor of street closures. Matt Hall, engineer for HMH stated that he stand by his memo to the Mayor and Council that he is not in favor of street closures on north and south street and that it was only an option to address in a traffic study which should be done by the City. Mayor Edwards stated that it was very unfair for a councilmember to meet with engineer with other individual residents. Councilmember O'Brien asked why this item was added to the agenda. Attorney Kling stated that the city does not have a policy for items to be added to the agenda and that one needs to be formed for approval of the council.

**DISCUSSION AND RESOLUTION DEMONSTRATING COUNCILS COMMITMENT TO REDUCE THROUGH TRAFFIC IN DALTON GARDENS**

Councilmember Chase asked the council if it was the will of the council in committing to reduce through traffic in Dalton Gardens. The council all agreed that traffic reduction is important but we need to use the engineers to find safe and legal ways of doing so.

**DISCUSSION OF PARTIAL CLOSURES ON NORTHBOUND 4<sup>TH</sup> STREET @ DALTON AVE, SOUTHBOUND 4<sup>TH</sup> STREET @ PRAIRIE AVE, AND NORTHBOUND 15<sup>TH</sup> STREET @ DALTON AVE.**

Councilmember Chase stated that the partial closure of northbound 4<sup>th</sup> Street @ Dalton Ave and southbound 4<sup>th</sup> Street @ Prairie Ave and northbound 15<sup>th</sup> Street @ Dalton Ave. would not impact the other streets and that the traffic from the top of the hill would be reduced.

Councilmember Chase made a motion to direct HMH Engineering to present a design for partial closure of the streets. Motion died due to no second.

Councilmember O'Brien stated that in the workshop the residents voiced the concern for law enforcement and no closure of streets. Councilmember Wuest also stated no closure of streets and to look into law enforcement after the first of the year and to talk to the engineers. Councilmember Craft stated that he was not in favor of street closures and that the city needs to get the Transportation Plan updated. Mayor Edwards also in not in favor of street closures.

## **DIRECT HMH TO PLAN FOR PREVENTION OF THROUGH TRAFFIC ON WILBUR AVE. AT GOVERNMENT WAY, WITH KCFR APPROVED METHOD FOR EMERGENCY ACCESS**

Councilmember Chase made a motion to direct HMH Engineering to development a plan for prevention of through traffic on Wilbur Ave at Government Way with Kootenai County Fire & Rescue approved method of emergency access. Motion died due to no second.

The council asked the Attorney to research the statement of Federal Fund used on the Wilbur Ave. Government Way project. The council agreed that the residents do not want street closures. The Mayor stated that this is a personal agenda and that we do not have a traffic issue and we need law enforcement in the city and that he will be taking over the duties of traffic.

## **COUNCIL REPORTS**

Councilmember Wuest addressed the police report which was in the council packet and also stated that he ordered a fogger to disinfect restrooms in the city building.

Councilmember O'Brien stated that he is working on the new park contract for next season and that bids will be coming and will be approved by council in February.

Councilmember Craft stated that he is meeting with the engineers on December 2, 2020 to discuss the snowplow plan and the pavement cut policy which will be on the next agenda. He is also working on the purchase of a new snow plow truck for the city.

The council also asked the City Planner about the approaches on Dalton Ave. he stated that blocks will be placed in these areas next week. They also asked about the ALU for the White residence which will be put on the agenda for next month.

### **Public Comment Period was reopened by the Mayor.**

Marsha Becker – 2179 Totten Lane – She stated that the city should have a policy for the agenda items and that workshop are very useful. She also stated that speeding is a problem in the city.

Art Collins – He stated that he writes Comprehensive Plans and that he would like to form a friendly relationship with the city on their Plan.

Mike Chase – 7512 4<sup>th</sup> Street – He stated that Dalton Gardens did not allow the connection of Wilbur Ave. to Government Way and that no Federal Funds were used in the project. He suggested that the city do another survey to residents.

Jamie Smith – 6871 Mt. Carrol – She stated that the Mayor is the one who puts items on the agenda for approval. She suggested that committees be formed to address issues on traffic and deer. The Wilbur Ave. project was addressed by the City of Coeur d'Alene and the citizens were able to attend those meetings.

Ken Egbert - 7232 Rude – He stated that North Idaho is growing and is not in favor of the closure of Wilbur Ave. and that he lives on the corner of Rude and Wilbur and has not seen a growth of traffic on the street. HE advised the council to listen to the residents.

Rose Backs – 1271 E. Dalton Ave. – She stated that she is not in favor of road closures; she stated that speeding is a greater issue in the city.

Sue Supp – 7024 N. 16<sup>th</sup> Street – She stated that agenda items can be a good thing as it brings people out to comment on the issues.

Ben Weymouth – 6712 Davenport – He stated that he has been an engineer for 24 years and that he is always looking a safety and cost to the residents. He suggested that the Transportation Plan be updated, workshops be held for the involvement of the people, a traffic study be performed and a traffic committee be put together to address the issues with the engineer. He also suggested looking at the funds which the city receives from the state for highway dollars. He agreed that the city needs to manage the agenda in a better way. He stated that he would volunteer to sit on a traffic committee for the city.

Drew Dittman – 5869 18<sup>th</sup> Street - He stated that he has also been an engineer for 23 years and has worked on many road and street projects. He also is in favor of a traffic study to see if we do have a problem, updating the Transportation Plan and forming a traffic committee to discuss the traffic issues in the city and that he would like to be a part of the committee.

Mike Chase – 7512 N. 4<sup>th</sup> Street – He stated that we the citizens are unqualified. He asked about the development of 18<sup>th</sup> Street to Dalton Ave.

Public comment period was closed.

Councilmember Wuest made a motion to adjourn the meeting. Councilmember Chase seconded the motion. Motion carried.

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Dan Edwards, Mayor

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Valerie S. Anderson, City Clerk

**Summary of Deer Workshop of Dalton Gardens City Council  
Tuesday, December 1, 2020 @ 5:00 PM  
Via Teleconference on Zoom**

The workshop was called to order by Mayor Dan Edwards at 5:05 PM

Attendees included: Dan Edwards, Mayor, city council members: Robert Wuest, Ray Craft, Carrie Chase and Aaron O'Brien on Zoom, Attorney Kling, City Planner – Rand Wichman, Clerk/Treasurer Valerie Anderson.

Attorney Kling explained the draft ordinance which she has put together for the council. He stated that she also met with Ron Sampert, Curtis Exley, the Mayor and two representatives from the Bowman Club in Coeur d' Alene.

The Mayor stated that his number one concern is the safety of the residents.

Craig Walker of the Game Fish and Parks gave a short explanation of the pros and cons of bow hunting in the City limits. He suggested that a deer count be done in the city to see if you really have a problem. Jim Flowers from the Bowman Club also spoke on the process of the application for deer hunting the city limit and the training which would have to be met in order to apply.

A few citizens commented on the hunting of deer in the city limits and were not in favor a hunt in the city.



**CITY OF DALTON GARDENS  
Unpaid Bills Detail**

11:17 AM  
01/04/21

Type	Date	Memo	Due Date	Account	Open Balance
<b>AMERICAN LEGAL PUBLISHING</b>					
Bill	12/31/2020	Invoice # 5003	12/31/2020	2000 - *Accounts Payable	-500.00
Bill	12/31/2020	Internet Web Hosting of City Code for 1/1/...	12/31/2020	419-048 - DUES & SUBSCRIPTIONS	500.00
<b>Total AMERICAN LEGAL PUBLISHING</b>					
0.00					
<b>American On-Site Services</b>					
Bill	12/22/2020	portable restroom at Arena	12/31/2020	2000 - *Accounts Payable	-81.87
Bill	12/22/2020		12/31/2020	438-042 - PARK MAINT-Contracted	81.87
<b>Total American On-Site Services</b>					
0.00					
<b>Avista Utilities</b>					
Bill	12/15/2020	1423430,1426229,290125122	12/31/2020	2000 - *Accounts Payable	-456.92
Bill	12/15/2020	City Hall	12/31/2020	419-852 - BLDG & GROUNDS UTILITIES	273.81
Bill	12/15/2020	1426229 Arena	12/31/2020	419-852 - BLDG & GROUNDS UTILITIES	15.96
Bill	12/15/2020	shop	12/31/2020	419-852 - BLDG & GROUNDS UTILITIES	120.02
Bill	12/15/2020	light at roundabout	12/31/2020	431-035 - STREET SIGNAL LIGHTS	47.13
<b>Total Avista Utilities</b>					
0.00					
<b>Cash</b>					
Bill	12/14/2020	Replenish Petty Cash	12/31/2020	2000 - *Accounts Payable	-47.13
Bill	12/14/2020	Supplies for Office	12/31/2020	415-031 - OFFICE SUPPLIES & POSTAGE	33.51
Bill	12/14/2020	Part for grader	12/31/2020	431-361 - STREET EQUIPMENT MAINTENAN...	13.62
<b>Total Cash</b>					
0.00					
<b>City of Coeur d'Alene</b>					
Bill	12/14/2020	Client # 306	12/31/2020	2000 - *Accounts Payable	-66.00
Bill	12/14/2020	Brine Mix for Streets	12/31/2020	431-004 - SNOW & ICE CONROL-REMOVAL	66.00
<b>Total City of Coeur d'Alene</b>					
0.00					
<b>Cooperative Supply, INC. Cenex</b>					
Bill	12/31/2020	Invoice No. M20004-04	12/31/2020	2000 - *Accounts Payable	-87.75
Bill	12/31/2020	Acct. #148697	12/31/2020	431-335 - FUEL AND LUBRICANTS	87.75
<b>Total Cooperative Supply, INC. Cenex</b>					
0.00					
<b>HMH Engineering</b>					
Bill	12/17/2020	Invoice No. M20004-04	12/31/2020	2000 - *Accounts Payable	-1,610.88
Bill	12/17/2020	General Engineering Services for Novemb...	12/31/2020	431-003 - ROADS-ENG PLANS & SERVICES	1,610.88
<b>Total HMH Engineering</b>					
0.00					
<b>III-A</b>					
Bill	12/22/2020		12/31/2020	2000 - *Accounts Payable	-1,675.00
Bill	12/22/2020	January health Insurance	12/31/2020	415-046 - EMP HEALTH INSURANCE	1,675.00
<b>Total III-A</b>					
0.00					

Type	Date	Memo	Due Date	Account	Open Balance
<b>Kootenai County Clerk</b>					
Bill	12/14/2020	prosecution FY 2021	12/31/2020	2000 · *Accounts Payable	-1,740.00
Bill	12/14/2020	October 2020 thru September 2021	12/31/2020	421-042 · PROSECUTING ATTORNEY	1,740.00
Total Kootenai County Clerk					
					0.00
<b>Kootenai County Fire &amp; Rescue</b>					
Bill	12/14/2020	Contract for bldg inspections	12/31/2020	2000 · *Accounts Payable	-1,980.00
Bill	12/14/2020	November 2020	12/31/2020	424-010 · BUILDING INSPECTOR SERVICES	1,980.00
Total Kootenai County Fire & Rescue					
					0.00
<b>Kootenai County Solid Waste Dept.</b>					
Bill	12/14/2020	Acct. # 10-30987.00	12/31/2020	2000 · *Accounts Payable	-35.70
Bill	12/14/2020	Extra Hauling of branches to dump	12/31/2020	438-032 · PARK MAINTENANCE SUPPLIES	35.70
Total Kootenai County Solid Waste Dept.					
					0.00
<b>Lake City Law</b>					
Bill	12/31/2020	Invoice 23794	12/31/2020	2000 · *Accounts Payable	-6,000.00
Bill	12/31/2020	Attorney Fees for December 2020	12/31/2020	419-042 · PROFESSIONAL SERVICES	6,000.00
Total Lake City Law					
					0.00
<b>Magnuson, McHugh &amp; Company, P.A.</b>					
Bill	12/14/2020	99055081	12/31/2020	2000 · *Accounts Payable	-3,000.00
Bill	12/14/2020	2020 Audit	12/31/2020	415-042 · AUDIT AND ACCOUNTING	3,000.00
Total Magnuson, McHugh & Company, P.A.					
					0.00
<b>Rand Wichman Planning LLC</b>					
Bill	12/31/2020	Invoice 2039	12/31/2020	2000 · *Accounts Payable	-3,256.00
Bill	12/31/2020	Planning for December 2020	12/31/2020	417-045 · PLANNING CONSULTANT	3,256.00
Total Rand Wichman Planning LLC					
					0.00
<b>Robert Wuest</b>					
Bill	12/14/2020		12/31/2020	2000 · *Accounts Payable	-160.02
Bill	12/14/2020	Supplies for City Hall	12/31/2020	419-860 · BLDG & GROUNDS MAINTENANCE	160.02
Total Robert Wuest					
					0.00
<b>Robideaux Motors</b>					
Bill	12/31/2020	191369	12/31/2020	2000 · *Accounts Payable	-110.00
Bill	12/31/2020	Oil change on City truck	12/31/2020	431-361 · STREET EQUIPMENT MAINTENAN...	110.00
Total Robideaux Motors					
					0.00
<b>Sacco De Campos Landscape Maintenance LLC</b>					
Bill	12/14/2020	Invoice 3376	12/31/2020	2000 · *Accounts Payable	-1,021.75
Bill	12/14/2020	Park & Arena Fall Clean up 2020	12/31/2020	438-042 · PARK MAINT-Contracted	1,021.75

Type	Date	Memo	Due Date	Account	Open Balance
Total Sacco De Campos Landscape Maintenance LLC					
Time Warner Cable					0.00
Bill	12/14/2020	8448 61 004 0122664	12/31/2020	2000 · *Accounts Payable	-229.96
Bill	12/14/2020	Telephone & Internet December 2020	12/31/2020	415-051 · TELEPHONE	229.96
Total Time Warner Cable					
					0.00
US Bank, Credit Card					
Bill	12/31/2020		12/31/2020	2000 · *Accounts Payable	-40.00
Bill	12/31/2020	Zoom Monthly Payment	12/31/2020	415-031 · OFFICE SUPPLIES & POSTAGE	40.00
Total US Bank, Credit Card					
					0.00
Vanguard Cleaning Systems of the Inland N					
Bill	12/14/2020	98813	12/31/2020	2000 · *Accounts Payable	-220.00
Bill	12/14/2020	City Hall Cleaning and outside restroom D...	12/31/2020	419-860 · BLDG & GROUNDS MAINTENANCE	220.00
Total Vanguard Cleaning Systems of the Inland N					
					0.00
Verizon Wireless					
Bill	12/15/2020	Account no. 742351309-00001	12/31/2020	2000 · *Accounts Payable	-90.86
Bill	12/15/2020	Code Enforcement phone	12/31/2020	415-051 · TELEPHONE	90.86
Total Verizon Wireless					
					0.00
<b>TOTAL</b>					
					<b>0.00</b>

## Profit &amp; Loss Budget vs. Actual

Accrual Basis

	Oct '20 - Sep 21	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
311.1 · CURRENT REAL PROPERTY TAX	7,810.94	160,589.00	-152,778.06	4.9%
312.1 · DELINQUENT REAL PROPERTY TAX	11.60	1,411.00	-1,399.40	0.8%
316.0 · FRANCHISE TAX TIME WARNER/TDS	6,321.75	22,000.00	-15,678.25	28.7%
316.5 · FRANCHISE TAX AVISTA	5,242.61	25,000.00	-19,757.39	21.0%
319.0 · PENALTY & INTEREST	20.75	500.00	-479.25	4.2%
321.0 · BUSINESS LICENSE REVENUE	1,050.00	7,500.00	-6,450.00	14.0%
321.1 · HOME BASED BUS LICENSE	50.00	300.00	-250.00	16.7%
322.1 · BUILDING PERMIT REVENUE	31,145.64	65,000.00	-33,854.36	47.9%
322.2 · SIGN PERMIT FEES	0.00	0.00	0.00	0.0%
322.3 · SPECIAL USE FEES	0.00	1,000.00	-1,000.00	0.0%
335.1 · STATE LIQUOR ALLOCATION	20,508.00	88,000.00	-67,492.00	23.3%
335.2 · HIGHWAY USERS REVENUE	22,902.52	71,497.00	-48,594.48	32.0%
335.3 · NEW HIGHWAY USER REVENUE	7,750.12	22,144.00	-14,393.88	35.0%
335.4 · COURT REVENUE-TRAFFIC FINES	2,647.94	5,000.00	-2,352.06	53.0%
335.5 · STATE SALES TAX	0.00	44,000.00	-44,000.00	0.0%
335.6 · STATE REVENUE SHARING	60,785.07	169,872.00	-109,086.93	35.8%
338.1 · TRANSFER HWY DISTRICT LEVY	3,058.51	40,000.00	-36,941.49	7.6%
355.1 · LID Assessments	19,806.55	35,000.00	-15,193.45	56.6%
355.10 · LID Assessments Interest	0.00	0.00	0.00	0.0%
355.2 · LID #2 - GOVERNMENT WAY	11,338.58	65,213.00	-53,874.42	17.4%
355.20 · LID #2 Assessment Interest	23,462.87			
371.0 · INTEREST INCOME	1,901.35	5,000.00	-3,098.65	38.0%
371.2 · RENT	1,560.00	6,240.00	-4,680.00	25.0%
376-000 · CONTRIBUTIONS & DONATIONS	0.00	1,000.00	-1,000.00	0.0%
378 · Unencumbered Bank Funds	0.00	329,201.50	-329,201.50	0.0%
<b>Total Income</b>	<b>227,374.80</b>	<b>1,165,467.50</b>	<b>-938,092.70</b>	<b>19.5%</b>
<b>Gross Profit</b>	<b>227,374.80</b>	<b>1,165,467.50</b>	<b>-938,092.70</b>	<b>19.5%</b>
<b>Expense</b>				
411-010 · CITY COUNCIL SALARIES	6,400.00	19,200.00	-12,800.00	33.3%
411-021 · CITY COUNCIL PAYROLL TAXES	367.20	1,500.00	-1,132.80	24.5%
411-022 · CITY COUNCIL STATE RETIREMENT	433.92	2,200.00	-1,766.08	19.7%
411-047 · CITY COUNCIL TRAVEL/MEETINGS	0.00	1,000.00	-1,000.00	0.0%
413-010 · MAYOR SALARIES	3,400.00	10,200.00	-6,800.00	33.3%
413-021 · MAYOR PAYROLL TAXES	195.08	780.00	-584.92	25.0%
413-022 · MAYOR STATE RETIREMENT	304.47	1,325.00	-1,020.53	23.0%
413-047 · MAYOR TRAVEL & MEETINGS	0.00	500.00	-500.00	0.0%
415-010 · CLERK SALARIES	17,954.00	53,862.00	-35,908.00	33.3%
415-021 · CLERK PAYROLL TAXES	1,030.12	4,120.85	-3,090.73	25.0%
415-022 · CLERK-STATE RETIREMENT	1,607.79	6,431.15	-4,823.36	25.0%
415-028 · CLERK UNEMPLOYMENT TAXES	6.07	138.00	-131.93	4.4%
415-031 · OFFICE SUPPLIES & POSTAGE	1,007.73	8,000.00	-6,992.27	12.6%
415-042 · AUDIT AND ACCOUNTING	3,000.00	12,000.00	-9,000.00	25.0%
415-044 · LEGAL PUBLISHING	167.42	4,000.00	-3,832.58	4.2%
415-046 · EMP HEALTH INSURANCE	5,025.00	24,000.00	-18,975.00	20.9%
415-047 · CLERK TRAVEL @ MEETINGS	0.00	1,500.00	-1,500.00	0.0%
415-051 · TELEPHONE	641.64	2,800.00	-2,158.36	22.9%
415-058 · OFFICE MAINTENANCE	218.19	600.00	-381.81	36.4%
415-074 · SOFTWARE PURCHASE & IT SERVICE	0.00	20,000.00	-20,000.00	0.0%
415-110 · DEPUTY CLERK-SALARIES	4,643.25	18,540.00	-13,896.75	25.0%
415-121 · DEPUTY CLERK-PAYROLL TAXES	355.21	1,418.31	-1,063.10	25.0%
415-122 · DEPUTY CLERK-STATE RETIREMENT	554.40	2,213.69	-1,659.29	25.0%
415-128 · DEPT CLERK-UNEMPLOYMENT TAXES	11.84	60.00	-48.16	19.7%
417-043 · P & Z TRAVEL & MEETING EXP	0.00	500.00	-500.00	0.0%
417-045 · PLANNING CONSULTANT	12,437.22	50,000.00	-37,562.78	24.9%
419-042 · PROFESSIONAL SERVICES	18,000.00	80,000.00	-62,000.00	22.5%
419-046 · INSURANCE	5,015.00	7,500.00	-2,485.00	66.9%
419-048 · DUES & SUBSCRIPTIONS	1,531.96	2,500.00	-968.04	61.3%
419-852 · BLDG & GROUNDS UTILITIES	3,096.51	8,000.00	-4,903.49	38.7%
419-860 · BLDG & GROUNDS MAINTENANCE	940.54	5,000.00	-4,059.46	18.8%
419-861 · BLDG MAINT CONTRACTED	0.00	3,000.00	-3,000.00	0.0%
419-869 · MISCELLANEOUS SERVICE & CHARGES	0.00	1,800.00	-1,800.00	0.0%
419-874 · CAPITAL OUTLAY-EQUIPMENT	0.00	50,000.00	-50,000.00	0.0%
421-001 · Special Law Enforcement Exp	0.00	0.00	0.00	0.0%

	<u>Oct '20 - Sep 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
421-010 · CODE ENFORCE-SALARY	1,747.50	15,000.00	-13,252.50	11.7%
421-021 · CODE ENFORCE-PAYROLL TAXES	145.93	1,147.50	-1,001.57	12.7%
421-022 · Code Enforcement-State Retireme	227.76	1,791.00	-1,563.24	12.7%
421-028 · CODE ENFORCE-UNEMPLOYMENT TAX	4.77	40.00	-35.23	11.9%
421-042 · PROSECUTING ATTORNEY	1,740.00	1,740.00	0.00	100.0%
423-032 · FIRE HYDRANTS	0.00	0.00	0.00	0.0%
424-010 · BUILDING INSPECTOR SERVICES	18,739.77	40,000.00	-21,260.23	46.8%
425-000 · GENERAL CONTINGENCY FUND	0.00	30,000.00	-30,000.00	0.0%
431-003 · ROADS-ENG PLANS & SERVICES	2,953.63	50,000.00	-47,046.37	5.9%
431-004 · SNOW & ICE CONROL-REMOVAL	198.00	30,000.00	-29,802.00	0.7%
431-006 · Gov't Way Sewer Project/LID #1	33,481.00	34,000.00	-519.00	98.5%
431-008 · LID PHASE 2	10.00	65,500.00	-65,490.00	0.0%
431-035 · STREET SIGNAL LIGHTS	122.37	500.00	-377.63	24.5%
431-310 · STREET SIGN MAINT - SALARY	4,325.50	25,000.00	-20,674.50	17.3%
431-321 · STREET SIGN MAINT-PAYROLL TAXES	305.71	2,000.00	-1,694.29	15.3%
431-328 · STREET SIGN MAINT-UNEMPL TAXES	13.51	55.00	-41.49	24.6%
431-332 · STREET SIGN MAINT-SUPPLIES	26.99			
431-335 · FUEL AND LUBRICANTS	164.98	2,000.00	-1,835.02	8.2%
431-361 · STREET EQUIPMENT MAINTENANCE	289.68	7,000.00	-6,710.32	4.1%
431-363 · STREET MAINTENANCE PURCHASED	92,824.39	399,000.00	-306,175.61	23.3%
432.300 · GARBAGE COLLECTION & DISPOSAL	206.20	500.00	-293.80	41.2%
438-004 · HORSE ARENA & PARK CONSTRUCTION	19.92	9,000.00	-8,980.08	0.2%
438-010 · PARK MAINENANCE LABOR	1,134.50	6,000.00	-4,865.50	18.9%
438-021 · PARK PAYROLL TAX	99.84	475.00	-375.16	21.0%
438-028 · PARK MAINTENANCE UNEMPLOYMENT	0.00	30.00	-30.00	0.0%
438-032 · PARK MAINTENANCE SUPPLIES	118.67	1,500.00	-1,381.33	7.9%
438-042 · PARK MAINT-Contracted	4,573.81	35,000.00	-30,426.19	13.1%
438-056 · ANNUAL PICNIC	0.00	3,500.00	-3,500.00	0.0%
6560 · Company Payroll Expenses	6,808.11			
<b>Total Expense</b>	<b>258,627.10</b>	<b>1,165,467.50</b>	<b>-906,840.40</b>	<b>22.2%</b>
<b>Net Income</b>	<b>-31,252.30</b>	<b>0.00</b>	<b>-31,252.30</b>	<b>100.0%</b>

**Daugharty Law Group**  
**PAUL W. DAUGHARTY, P.A.**

A Professional Services Corporation | Licensed in Idaho & Washington

November 23, 2020

Via Email: [ekling@lclattorneys.com](mailto:ekling@lclattorneys.com)

Ms. Caitlin Kling  
City Attorney – Dalton Gardens  
LAKE CITY LAW  
435 W. Hanley Ave., Suite 101  
Coeur d'Alene, Idaho 83815

Via Email: [clerk@daltongardens.com](mailto:clerk@daltongardens.com)

Ms. Valerie Anderson  
City Clerk/Treasurer – Dalton Gardens  
6360 North Fourth Street  
Dalton Gardens, Idaho 83815

Via Email: [planner@daltongardens.com](mailto:planner@daltongardens.com)

Mr. Rand Wichman  
2992 E. Gotham Bay Road  
Harrison, ID 83833

Re: REQUEST FOR RECONSIDERATION  
Certificate of Occupancy  
Mike White  
6263 N. 17<sup>th</sup> Street  
Dalton Gardens, Idaho

Dear Ms. Kling, Ms. Anderson and Mr. Wichman:

See attached Request for Reconsideration. I am filing to preserve Mr. White's right to review. However, I believe it is likely the issues will be resolved through agreement.

Sincerely,

DAUGHARTY LAW GROUP



Paul W. Daugharty

## REQUEST FOR RECONSIDERATION

Mike White – Denial of Certificate of Occupancy

6263 N. 17<sup>th</sup> Street, Dalton Gardens, Idaho

COMES NOW, the Applicant, Mike White (“White”) by and through attorney Paul W. Daugharty of Daugharty Law Group and pursuant to Dalton Gardens Ordinance No. 264 and Idaho Code § 67-6535(2)(b) hereby request the Council to reconsider its Order of Decision in The Matter Of The Application Of Mike White For An Appeal Of The Denial Of A certificate Of Occupancy For A New Residence entered November 9, 2020 (“Order of Decision”).

This request for reconsideration is based upon the files and records herein and the argument set forth herein.

### I. Analysis and Argument

**A. The public hearing held October 1, 2020 was conducted improperly and in violation of Applicant’s right to an impartial and disinterested tribunal and in violation of White’s right to due process. Additionally, the Order of Decision was arbitrary, capricious and an abuse of discretion.**

Mayor Edwards did not ask all Council Members if they had any discussions between themselves and any other Council Member outside of the public hearing deliberation process.

It is well established that a local governing body sitting in a quasi-judicial capacity must comply with the requirements of due process. Due process requires that the Applicant be afforded a fair and impartial hearing. In this case, the denial of the certificate of occupancy after the inspection and approval of Mike Bass (the City’s contracted building inspector) was predicated entirely upon the negative email sent by White’s previous builder (James Dixon – Creative Custom Homes) to Mr. Wichman dated September 23, 2019. This email was received approximately eight (8) months before Mr. Bass’s final inspection on or about May 15, 2020. An inspection which approved the status of the property and indicated that a Certificate of Occupancy should be issued. Again, there is no dispute that Mike Bass approved the measures taken by White. The decision by Mr. Wichman to overrule Mr. Bass was not based upon any written standards established by Dalton Gardens for the building inspector to follow in regard to the required inspection process. The lack of universal written standards is fatal and creates a totally subjective interpretation which does not afford parties due process or equal protection and amounts to a selective enforcement of the Dalton Gardens City Code.

Based upon the foregoing and the entire record in this proceeding it is respectfully submitted that the Order of Decision was arbitrary, capricious and an abuse of discretion. Mr. Bass inspected an approved and White has complied with all ordinances of Dalton Gardens and/or state laws for which Dalton Gardens has enforcement responsibility. The applicable provisions of the Code as written are vague, ambiguous, uncertain, and indefinite. As such, the applicable provisions of the Code are void and unconstitutional as a matter of law.

## **II. Conclusion**

Based upon the foregoing, it is respectfully submitted that the Council reconsider its denial set forth in the Order of Decision entered November 9, 2020.

DATED the 23 day of November, 2020.

DAUGHARTY LAW GROUP

By: 

PAUL W. DAUGHARTY,  
Attorney for Applicant Mike White



**BEFORE THE CITY COUNCIL, CITY OF DALTON GARDENS, IDAHO**  
**Order of Decision**

**IN THE MATTER OF THE APPLICATION  
OF MIKE WHITE FOR AN APPEAL OF  
THE DENIAL OF A CERTIFICATE OF  
OCCUPANCY FOR A NEW RESIDENCE**

**COURSE OF PROCEEDINGS,  
FINDINGS OF FACT, APPLICABLE  
LEGAL STANDARDS,  
ANALYSIS, CONCLUSIONS OF  
LAW AND DECISION**

***I. BACKGROUND / COURSE OF PROCEEDINGS***

- 1.01 In November of 2018, Mike White was issued a building permit (permit no. 3680) to construct a new residence at 6263 N. 17<sup>th</sup> Street. One of the conditions of that permit was the requirement that the existing residence (called an ALU on the permit) had to be removed prior to issuance of the certificate of occupancy ("CO"). Also included in the permit files for this property are 2 affidavits, both containing notarized signatures from Mike White that state, in pertinent part: "That the undersigned has been advised, and thus agrees, that any outbuilding, pole building, barn, garage or other storage building shall not be used as a residence. An 'accessory living unit' is considered above and beyond a single-family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space..."
- 1.02 Construction of the new residence was completed in the Spring of 2020. On May 15, 2020, Mike Bass, the City's contracted building inspector, inspected the accessory building to determine if the building was in compliance with the City Code requirements. He found that the shower had been boarded over, and stove had been removed from the kitchen. He believed (incorrectly) that these measures were sufficient to meet the Municipal Code requirements so it would not be considered an Accessory Living Unit.
- 1.03 The City Planning Administrator and Building Official reviewed the situation prior to issuance of the certificate of occupancy ("CO") and determined that the building did not comply with the Municipal Code with regard to accessory living units. The Planning Administrator sent an email to Paul Daugharty (Mr. White's attorney) on May 27, 2020, denying the request for a CO.
- 1.04 On July 20, 2020, the City received a demand letter from Paul Daugharty demanding issuance of the CO. The City replied with a letter dated July 27, 2020, which again outlined the reasons for denial of the CO.
- 1.05 On August 25, 2020, the City received a formal appeal from Mr. Daugharty.
- 1.06 The City Council held a hearing on the matter on October 1, 2020. The City Planning Administrator Rand Wichman introduced the case and the appellant

provided testimony. The appellant stated that the City, through its building inspector approved the situation and should issue the CO, and that reversing that decision was arbitrary and was done without legal authority. They acknowledged that there were 2 showers within the accessory building: one within the bathroom in the residential portion and one within the workout area.

- 1.07 The City Council deliberated on the matter and expressed concerns for compliance with the Sewage Management Plan Agreement that the City has with the Panhandle Health District. That agreement expressly prohibits Accessory Living Units on septic systems within the City. In addition, the City Council expressed concerns with the inadequate steps taken to remove the plumbing components or to prohibit the future use of the showers in the accessory building. After deliberation, the Council decided to deny the appeal.
- 1.08 Files and exhibits relative to this case were available for review at the City Council meeting and are available for review at the City Hall during office hours.

## ***II. FINDINGS OF FACT***

- 2.01 **Appellant/Owner.** Michael J. White, 6263 N. 17<sup>th</sup> Street, Dalton Gardens, ID 83815.
- 2.02 **Location / Parcel No.** The property is located at 6263 N. 17<sup>th</sup> Street, Dalton Gardens. The site is in a residential neighborhood at the north end of 17<sup>th</sup> Street, between Hanley and Dalton Avenues. The parcel number is D-1400-31-018-AA.
- 2.03 **Physical Characteristics and Lot Size.** The lot size is 3.884 acres net. The property has approximately 198 feet of street frontage and is irregularly shaped. The property has little topographic relief.
- 2.04 **Zoning and Setbacks.** The lot is zoned Residential. The structures on the property meet current setback requirements.
- 2.05 **Wastewater disposal.** The property uses a subsurface sewage disposal system, composed of a septic tank and drainfield, for wastewater disposal. Such systems are regulated by the Panhandle Health District.

## ***III. APPLICABLE LEGAL STANDARDS***

- 3.01 Dalton Gardens Municipal Code Section 1-11-1, as amended by Ordinance 264, classifies this as an appeal of an administrative determination. The code requires that appeals must be filed within a reasonable time not to exceed 30 days from the action being appealed, and the appeal must specify the grounds of the appeal and the relief sought. The Section also sets forth the procedures for hearing the appeal

- 3.02 Dalton Gardens Municipal Code, Section 1-10-1 defines the role of the planning administrator, as follows:  
"A. The planning administrator is a person designated by the city with the authority to conduct long and short range planning activities, including, but not limited to, comprehensive planning, assisting the public in understanding the applicability and requirements of this code, reviewing permit applications, site plans, stormwater applications and plans, interpreting this code and approving or disapproving such applications, and preparing reports on zoning applications.  
B. The planning administrator assists the clerk, commission and city council in setting meeting agendas and providing proper notice of public hearings required by this code, issuing orders and certificates of compliance based on site inspections, enforcing the provisions of permits, licenses and development agreements and assisting the code enforcement officer to investigate and resolve possible violations of this code."
- 3.03 Dalton Gardens Municipal Code, Section 4-1-1 defines the role of the city building official as follows: "The building official shall have the power and responsibility to render interpretations of the adopted codes and enforce rules and supplemental regulations in order to clarify the application of their provisions."
- 3.04 Dalton Gardens Municipal Code, Section 4-1-5(B)(3) provides, in relevant part: "A decision to issue a permit or certificate may be made if the council finds from the record developed in the case that the applicant has complied with all ordinances of Dalton Gardens or any state laws for which Dalton Gardens has enforcement responsibility. The requested permit or certificate shall be withheld if the record provides evidence that a city ordinance or applicable state law is violated if the permit or certificate were issued."
- 3.05 Dalton Gardens Municipal Code, Section 5-1-4 provides a definition of Accessory Living Unit, as follows: "A building or portion(s) of a building, located on the same lot, but separate from the principal dwelling with habitable space and any combination of sink, toilet, kitchen, or bathing facility that could enable the residential occupation of the structure or portion of the structure. A garage, shop or storage building with a toilet and a sink shall not be considered an accessory living unit."
- 3.06 Dalton Gardens Municipal Code, Section 5-5-1 lists the allowed uses in the Residential zone. That list includes the following: "The usual accessory buildings commonly appurtenant to a single-family dwelling. No accessory buildings are allowed without a primary single-family dwelling already constructed on site (except as permitted by special use permit). Accessory living units are prohibited. No cooking and/or bathing facilities are allowed in accessory buildings. Toilets and sinks are allowed in accessory buildings."

- 3.07 Dalton Gardens Municipal Code, Section 7-4-1 provides limitations regarding the use of subsurface sewage disposal systems, including the following: "A. Residential units shall not exceed one single-family dwelling per acre. Accessory living units are prohibited. An "accessory living unit" is considered above and beyond a single-family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. "Habitable space" is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures."

#### **IV. ANALYSIS**

The City Council hired Rand Wichman as a consultant to serve as the Planning Administrator and Building Official for the City. In this role, he provides interpretations of the Municipal Code, and supervises building permitting and inspection and the code enforcement programs. The building plan review and inspections are also provided by contract. Services for this portion of the program are provided by Kootenai County Fire and Rescue.

In this circumstance, the building inspector made an initial determination that it would be permissible to issue the CO. Prior to issuance of the CO, that recommendation was overruled by the Building Official that supervises the program. The Building Official determined that the inspector had improperly interpreted the code with regard to the limitations on accessory living units. Accordingly, the CO was not issued because it did not comply with the clear condition placed on the building permit and the fact that the Municipal Code does not allow for issuance of the CO when there are code violations on the property.

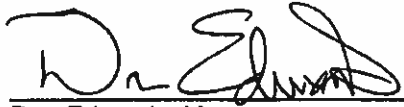
The City Council concurs that it would be inappropriate to issue the CO until adequate steps are taken by the property owner to remove the prohibited accessory living unit.

#### **VI. CONCLUSIONS OF LAW**

- 6.01 The council concludes that the appellant filed this appeal in a timely manner, and that the required procedures were followed in processing this appeal.
- 6.02 The council concludes that the measures taken by the owner were not sufficient to decommission the accessory living unit on the property, such that it would no longer be considered an accessory living unit under the Municipal Code.
- 6.03 The council concludes that the Planning Administrator / Building Official did not improperly deny the request for issuance of the CO. The CO could not be lawfully issued if the issuance would result in a violation of the Municipal Code.

#### **VII. DECISION BY THE CITY COUNCIL**

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Dalton Gardens City Council hereby **AFFIRMS** the decision of the Planning Administrator / Building Official to deny the issuance of a Certificate of Occupancy for the reasons outlined above.

  
\_\_\_\_\_  
Dan Edwards, Mayor

Date: 11/09/2020

ATTEST:

  
\_\_\_\_\_  
Valerie Anderson, Clerk

Date: 11/09/20

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# City of Dalton Gardens Pavement Cut Policy

## Effective XXXX, 2021

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### PURPOSE:

The purpose of this policy is to establish a uniform approach to pavement cuts and repair applicable to utilities and other contractors working in the City's rights-of-way.

### GENERAL REQUIREMENTS

1. Patching:
  - a. No patching material will be allowed within an existing patch if the new patch exceeds seventy percent or more (70%+) of the existing patch. The entire existing patch shall be replaced.
  - b. The minimum length of the patch parallel to the road shall be six feet (6'-0"). If any part of the excavation, patch or damaged area intrudes into an adjacent lane, that lane shall also be replaced.
  - c. New patches adjacent to any existing patch shall be installed at the existing patch line. When this is not feasible, no gap of 4 feet or less shall exist.
  - d. When 2 or more patches are created within a given job that measure 15 feet or less longitudinally or transversely, they will be incorporated into a single patch. Anytime five or more patches are required within a 350-foot longitudinal area, the utility will notify the City to determine if cost sharing is an option to expand the pavement repair/replacement area.
  - e. Only saw cutting or approved grinding device will be allowed. Only parallel and perpendicular pavement cuts will be allowed. No jagged, broken or rolled undermined edges.
    - i. Per City approval, grind and overlay outside of the full depth asphalt removal limits may be allowed to achieve full patch limits.
    - ii. There may be times when a diamond shaped patch is the preferred method for the repair (i.e. man holes and valve boxes), since it will provide a smoother ride instead of a square patch.
  - f. A Tack Coat of asphalt shall be applied to all paved surfaces on which any course of HMA is to be placed or abutted. Tack coat shall be uniformly applied to cover the existing pavement with a thin film of residual asphalt free of streaks and bare spots at a rate between 0.02 and 0.08 gallons per square yard.
  - g. All pavement overcuts shall be sealed full depth, flush with the pavement surface. The contractor is required to use an approved crack sealant material as defined in Specifications for Joint Adhesive and Crack Sealant section. The maximum length of overcut is equal to the depth of asphalt. Crack Sealant shall be applied according to manufacturer's recommendations. If any holes remain after application, the contractor is to repeat procedure.
  - h. A joint adhesive shall be used on all transverse and longitudinal joints of all lifts of asphalt that are not hot lapped or as designated by the City Engineer. The contractor is required to use an approved joint adhesive option as defined in the Specifications for Joint Adhesive and Crack Sealant section. It is important to assure that the wearing course joint is sealed completely

and can visually be seen upon inspection. Joint Sealant shall be applied according to manufacturer's recommendations.

- i. The completed surface of all courses shall be of uniform texture; smooth, uniform as to crown and grade and free from defects. The completed surface of the wearing course shall not vary more than 1/4 inch from the lower edge of a ten-foot straightedge placed parallel to the centerline. Recognition and consideration will be made for existing roadway conditions. The City Engineer must approve corrective measures.
2. Materials. All patching materials and construction requirements not addressed in this document shall conform to ISPWC. Any variances to the specifications shall be requested in writing prior to the work.
  3. Traffic Control:
    - a. All existing traffic control markings will be replaced as soon as possible after permanent paving is completed.
    - b. Temporary markings for lane lines and stop lines shall be in place prior to the roadway opening for traffic.
    - c. All remaining temporary striping will be completed within seven days of new pavement completion and shall be maintained by permittee until permanently restored.
    - d. All traffic markings will be replaced per normal work practices. All temporary traffic control for the work zone shall conform to the MUTCD and Idaho State modifications to the MUTCD and shall be stamped by a professional engineer licensed in the state of Idaho.

#### **SPECIFIC REQUIREMENTS**

1. All existing pavement types shall be constructed at the existing depth of asphalt and crushed surfacing; Replacement section of asphalt shall not be less than 2.5".
3. All areas outside of the travel lanes that are affected by the work shall be restored to their original condition. All shoulders shall be restored to their original condition.

#### **WARRANTY REQUIREMENTS**

1. All roadways shall require a minimum three-year warranty period. The patch in the roadway shall be repaired as necessary until the warranty has passed. All warranties shall become void if rehabilitation work is performed to the road within the patching limits.
2. For road cuts performed by a Utility using its internal capability, that Utility or assignee will be responsible for repairs required during the warranty period.
3. All curb, sidewalks and structures that are affected by the excavation shall be included in this policy and have a warranty for three years.
4. All warranty work requires that a City inspector be on site. The permittee shall be required to coordinate inspection with the appropriate department within the City.
5. The following defects identified by the city engineer shall be covered by warranty:
  - a. Sunken or uneven pavement patches greater than or equal to one-quarter inch (Measured by a ten-foot straight edge).
  - b. Poor workmanship.
  - c. Inadequate compaction per City standard.
  - d. Sunken or damaged utility boxes in excavation work area.

6. Notice of Repairs.
  - a. If emergency repairs are needed due to safety concerns, the permittee shall have twenty-four hours in which to make such repairs from time of verbal notice.
  - b. Residential streets, the permittee shall have up to seven days to make such temporary repairs.

The City may provide for repairs not completed within the specified timeframe and permittee will be assessed all costs associated with the repairs. The costs shall be based on actual costs plus ten percent overhead fees. If repairs are made other than seam sealing to the warranted patch, a new warranty will be implemented for the new patch.

The permittee shall have two days to notify their asphalt company of the needed permanent repairs. If the work is not done in a timely manner and following notification the work shall be privately contracted or City maintenance crews will perform the needed repairs. The permittee shall be assessed the associated fees for the repairs. All utility cut construction shall follow the construction and warranty requirements per ISPWC standards.

### **TEMPORARY PATCHING**

1. During winter asphalt concrete paving plant closures or outside of temperature specifications (see section 3.9 Weather Limitations of the ISPWC). The permittee shall install and maintain a temporary patch until it can construct a permanent patch. A temporary patch will be required if the road must be opened to traffic before a permanent patch can be made.
2. The temporary patch shall consist of four inches of crushed surfacing and two inches of cold-mix asphalt pavement, or upon approval of the City Engineer, crushed surfacing top coarse and/or steel plates may be used.

### **RESPONSIBLE PARTY**

The permittee shall be responsible for all construction and warranty requirements of this policy. Utilities will provide identity of excavator/permittee as known to local agencies. The City will attempt to get permittee to correct warranty defects. If permittee is a subcontractor for utilities, the utilities will assume responsibility if permittee cannot/will not make repairs.

### **SPECIFICATIONS FOR JOINT ADHESIVE AND CRACK SEALANT**

The Contractor shall install Joint Adhesive to all joints of wearing course lifts that are not hot lapped or as designated by the Engineer. Equipment used for performing the joint adhesive application shall be maintained in satisfactory working condition at all times. Prior to the application of the joint adhesive the face of the joint shall be thoroughly dry and free from any loose material, dust, or other debris that would inhibit adhesion. Heating and pumping of joint adhesive shall be in accordance with manufacture recommendations. Application of the joint adhesive shall be in a continuous, 1/8-inch-thick band over the entire vertical face of the joint. Joint adhesive shall be applied concurrent with HMA placement and application shall be limited to the surfaces that will be paved during the same working shift.

#### **Joint Adhesive – Hot Applied – Option 1**

Joint adhesive material shall conform to the following requirements:

#### **Test Specification**

Cone Penetration, 77°F (25°C) (ASTM D 5329) 60 - 100



Flow, 140°F (60°C) (ASTM D 5329) 5 mm maximum  
Resilience, 77°F (25°C) (ASTM D 5329) 30% minimum  
Ductility, 77°F (25°C) (ASTM D 113) 30 cm minimum  
Ductility, 39.2°F (2°C) (ASTM D 113) 30 cm minimum  
Adhesion, 77°F (25°C) (ASTM D 5329) 500% minimum  
Softening Point (ASTM D 36) 170°F (77°C) minimum  
Asphalt Compatibility (ASTM D 5329) Pass  
Installation: Install according to manufacturer specifications.

### **Joint Adhesive – Tape – Option 2**

Joint adhesive joint tape shall conform to the following requirements:

Test Specification

Softening Point, 225° F (107) min.

Flexibility 90-degree Bend, 1" (25mm) mandrel (ASTM D311), Pass at 30° F (-34° C)

Cone Penetration 77° F (25° C) (ASTM 5329), 50 max

Elongation 77° F (25° C), 1,000% min

Opening to traffic time, immediate

Installation: Install according to manufacturer specifications.

### **Joint Adhesive - CSS1/Sand – Option 3**

A heavy application of tack coat (0.16 gallons per square yard) shall be applied to all vertical faces of the joints. Care shall be taken to assure that enough tack coat has been applied to seal the joint once the patch is complete. A clean sand may be needed to blot the adhesive while patching to assure that the tack coat does not track off site. It should be evident that the joint is sealed to the City inspection staff. If the joint opens up, the contractor shall seal the joint with an approved crack sealant.

For Roadways open to traffic, the application of joint adhesive, tack coat, and crack sealant shall be limited to surfaces that will be paved during the same working shift. The spreading equipment shall be equipped with a thermometer to indicate the temperature of the tack coat material. Equipment shall not operate on the joints until the adhesive has cured. If the Contractor's operation damages the joint adhesive it shall be repaired prior to placement of the HMA.

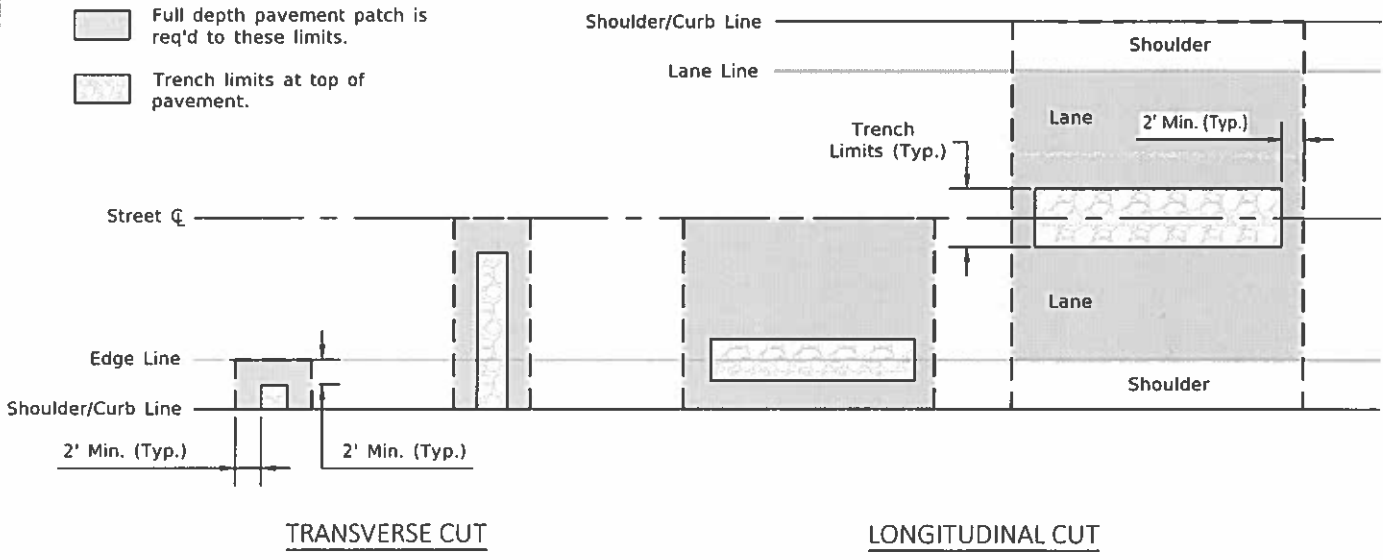
The Tack Coat shall be an un-diluted CSS-1 emulsified asphalt. The tack coat shall have sufficient temperature such that it may be applied uniformly at the specified rate of application and shall not exceed the maximum temperature recommended by the emulsified asphalt manufacturer.

### **Crack Sealant – Hot Poured – Option 1**

Hot poured crack sealant shall be rubberized and premium grade. Pre-approved products include: Crafcro Roadsaver 546, Crafcro Roadsaver 539 or approved equal. Crack sealant product shall be installed according to manufacturer's specifications and with the appropriate equipment.

### **Crack Sealant – Pourable – Option 2**

Pourable crack sealant shall be rubberized and suitable for asphalt and concrete pavements. Pre-approved products include: Lastek33 or equivalent. Crack sealant product shall be installed according to manufacturer's specifications and with the appropriate equipment.

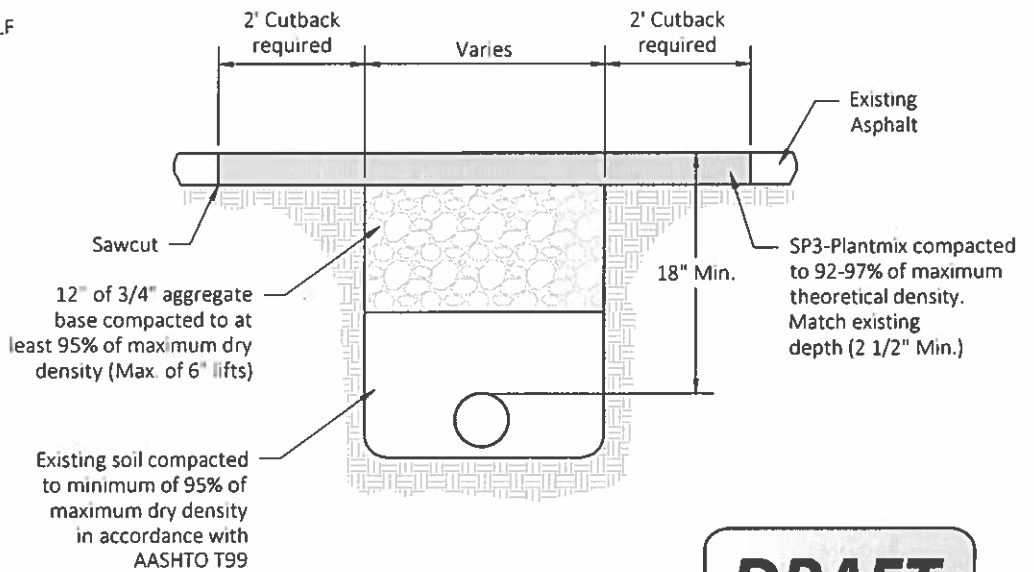


**NOTES:**

1. Full-depth pavement patch joints shall be sealed.
2. All cuts shall be perpendicular to direction of travel.
3. Pavement replacement is req'd to the next adjacent curb, shoulder, or lane line whenever a trench or disturbance of asphalt or support mat'l extends beyond such line.

**REQUIRED TESTING:**

1. Trench Backfill: Compaction - 1 per 100 LF
2. 3/4" Aggregate Base: Gradation and Compaction - 1 per 100 LF
3. Plantmix: Compaction - 1 per 100 LF



**TYPICAL TRENCH DETAIL**  
N.T.S

**DRAFT**

## Snow Plan for Dalton Gardens, Idaho

This snow plan gives the expectations and guidelines for the City of Dalton Gardens.

Mother Nature is unpredictable but we know that it will snow and freeze at some point in the season. We have approximately 46 lane miles of road to maintain. Some years' snowfall will be below average, and other years it will be above average. Unknowing of snow accumulation we will plow snow as far back as possible to always keep room for larger amounts of snow and avoid narrowing roads.

Let us start by saying things are going to happen over the course of the winter. Please be patient with us and we apologize for snow in your driveway. If necessary and you have a complaint, please let us know. We also encourage constructive criticism. We are a small community and would like to be neighborly with one another. We are also Idahoans who expect this type of weather for a few short months.

Our goal is:

- Readiness
- Provide safety for adequate passable roads with plowing and de-icing
  - 3 inches or more, and snowing, we will plow
  - 3 inches or less, we may plow if the temperatures are going to cause freezing conditions
- We will plow 4<sup>th</sup>, 15<sup>th</sup>, Dalton, Hanley, Wilbur, and Canfield first, and the local roads second.
- If the snow accumulation warrants a city-wide plow, we anticipate approximately 10 hours to complete
- If it continues to snow, we may have to start over to keep the 4<sup>th</sup>, 15<sup>th</sup>, Dalton, Hanley, Wilbur, and Canfield clear for emergency vehicles, schools, and the commuting public.
- Snow plow operators will do their best to get the snow back to the mailboxes except in the cases where mailboxes are too far back from the road's edge
- Please be patient as some roads take more than one pass to complete before clearing your driveway
- Please keep all vehicles, trailers, etc. off of the roadway as it makes it difficult for snow plowing

**Please do not blow or push snow across roads as it is known to have caused accidents, and in some cases, fatalities.**

**Idaho code 18-3907 can warrant a Citation and Fine for putting snow into the road.**

**From your City Council, please enjoy having a great safe Outdoor Idaho Winter!!!**

# City of Dalton Gardens

\$34,745.00 2021 Idaho State bid for base F450 chassis

## Additional Charge options

- \$215.00 Max traction tires
- \$360.00 Limited slip rear differential
- \$865.00 Power equipment group (P.windows & locks)
- \$320.00 Running boards
- \$250.00 Snow plow prep package
- \$350.00 Spare tire & wheel
- \$270.00 Trailer brake control
- \$115.00 397 Amp Alternator
- \$210.00 Dual Batteries
- \$415.00 Rear view camera
- \$45.00 Day time running lamps
- \$400.00 Government price concession difference from state bid dealer

**\$38,560 Total**

Area "A" Pricing.

Item	Model Code	Model Year	Fuel															
F-71	Super Duty F-450 DRW 2WD Reg Cab 145" WB 64" CA XL	F4G	2021	Gas	\$	34,776.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	32,171.00		
F-72	Super Duty F-450 DRW 2WD Reg Cab 169" WB 84" CA XL	F4G	2021	Gas	\$	34,935.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	32,330.00		
F-73	Super Duty F-450 DRW 2WD Reg Cab 193" WB 108" CA XL	F4G	2021	Gas	\$	35,037.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	32,432.00		
F-74	Super Duty F-450 DRW 2WD Reg Cab 205" WB 130" CA XL	F4G	2021	Gas	\$	35,242.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	32,637.00		
F-75	Super Duty F-450 DRW 2WD Supercab 168" WB 64" CA XL	X4G	2021	Gas	\$	36,809.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	34,204.00		
F-76	Super Duty F-450 DRW 2WD Supercab 192" WB 84" CA XL	X4G	2021	Gas	\$	36,964.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	34,359.00		
F-77	Super Duty F-450 DRW 2WD Crew Cab 179" WB 64" CA XL	W4G	2021	Gas	\$	37,567.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	34,862.00		
F-78	Super Duty F-450 DRW 2WD Crew Cab 203" WB 84" CA XL	W4G	2021	Gas	\$	37,727.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	35,122.00		
F-79	Super Duty F-450 DRW 4WD Reg Cab 145" WB 64" CA XL	F4H	2021	Gas	\$	37,350.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	34,650.00		
F-80	Super Duty F-450 DRW 4WD Reg Cab 169" WB 84" CA XL	F4H	2021	Gas	\$	37,656.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	34,956.00		
F-81	Super Duty F-450 DRW 4WD Reg Cab 193" WB 108" CA XL	F4H	2021	Gas	\$	37,812.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	35,051.00		
F-82	Super Duty F-450 DRW 4WD Reg Cab 205" WB 130" CA XL	F4H	2021	Gas	\$	39,914.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	35,207.00		
F-83	Super Duty F-450 DRW 4WD Supercab 168" WB 64" CA XL	X4H	2021	Gas	\$	40,066.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	37,369.00		
F-84	Super Duty F-450 DRW 4WD Supercab 192" WB 84" CA XL	X4H	2021	Gas	\$	40,678.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	37,981.00		
F-85	Super Duty F-450 DRW 4WD Crew Cab 179" WB 64" CA XL	W4H	2021	Gas	\$	40,839.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	38,073.00		
F-86	Super Duty F-450 DRW 4WD Crew Cab 203" WB 84" CA XL	W4H	2021	Gas	\$	40,839.00	\$	1,695.00	\$	4,800.00	\$	500.00	\$	125.00	\$	38,274.00		

Idaho Dept. of Purchasing → Statewide Contracts → Vehicles →  
 Mountain Home Auto Ranch → Ford Pricing.



## City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens, ID 83815

Phone: (208) 772-3698 Fax: (208) 762-5156

### Monthly Planner Activity Report

**December 30, 2020**

#### Code amendments

Draft code amendments that address setbacks for accessory structures in the residential zone, requirements for residential fences, new requirements addressing light trespass, and numerous adjustments to the standards of the Commercial zone have been completed and recommended for approval by the Planning Commission. The matter is awaiting a workshop with the City Council to discuss the amendments, prior to a public hearing.

The Planning Commission held a public hearing on November 9 to receive input on proposed amendments for small cell wireless communication facilities. They received numerous comments on the draft and remanded it back to staff and legal counsel to make a number of revisions. Legal counsel is still working on those amendments and it will likely be scheduled for Planning Commission hearing in February.

#### Variances / Special Use Permits

Tim Neil has applied for a new special use permit for a light industrial use at 147 E. Aqua Circle for a business called Heavy Metal Off-Road. It is expected to be heard by the Planning Commission in February.

#### Subdivisions

No new subdivision requests have been submitted in the last month.

#### Building Permits

Building permit activity has tapered off, as we would expect for this time of year. Since the last monthly report, the City has issued 12 new permits, which are broken down as follows:

- 1 commercial sign permit
- 5 mechanical permits
- 1 new residence
- 1 re-roof

- 2 new residential accessory building
- 1 residential addition / alteration
- 1 demolition permit

#### Right of way encroachment permits

No new right of way encroachment permits were issued this month.

#### Code enforcement

Code enforcement continues at a steady pace. There are currently 16 unresolved code enforcement issues that the City is working on. The most noteworthy code enforcement cases include:

- Ron Ross, at 7520 Valley. The City has received multiple complaints about Mr. Ross having an accessory living unit in his backyard. Mr. Ross has responded to the City's notice of violation. I am waiting for a recommendation from Mike Schmidt (city attorney for this case) on how to proceed.
- Dalton Avenue approaches. The 2 property owners with unpermitted approaches have been notified that the City will be placing a barricade in the right of way to prevent access. Staff has also talked to both property owners. The City can place the barrier at its convenience.
- Mike White, at 6263 17<sup>th</sup> Street. Mr. White has an accessory living unit on the property that has prevented the City from issuing the Certificate of Occupancy (CO) for the new home. Mr. White is occupying the new home without a CO. He has appealed the denial of the CO, the Council denied the appeal, and now Mr. White has requested reconsideration on that appeal. To staff's knowledge, there has been no progress toward removal of the ALU.

#### City fee resolution

The Council decided to postpone further work on the fee resolution until park usage policies can be drafted, which will allow for inclusion of the park reservation fees in the fee schedule. Work on the reservation policies and accompanying code amendments is expected to be complete in the next 2 weeks. A workshop with Council will be needed to review the reservation policies and amendments.

Respectfully submitted,



Rand Wichman  
City Planner



# CONTRACT CITY REPORT

CITY OF DALTON  
NOVEMBER 2020

<b>SERVICE HOURS</b>	<b>MONTH</b>	<b>YTD</b>
<b>PATROL DIVISION</b>		
Patrol Deputies (Including Sergeants)	168.0	2,554.0
District Deputies	16.0	270.0
Animal Control Section	4.0	78.0
Community Service Section	22.0	152.0
<b>TOTAL PATROL DIVISION</b>	<b>210.0</b>	<b>3,054.0</b>
<b>DETECTIVE DIVISION</b>	<b>85.0</b>	<b>696.0</b>
<b>TOTAL SERVICE HOURS</b>	<b>295.0</b>	<b>3,750.0</b>
<b>TOTAL C.O.P.P.S HOURS</b>	<b>0.0</b>	<b>0.0</b>
<b>TOTAL SCLP HOURS</b>	<b>0.0</b>	<b>0.0</b>

## ACTIVITY

Law Enforcement Calls	93	1,087.0
Accidents	2	16.0
Traffic Citations	24	249.0
Total Reports	11	99.0
Arrests	1	11.0

Respectfully Submitted,  
Benton Wolfinger, Sheriff

