

**CITY OF HAYDEN LAKE  
MINUTES OF REGULAR MEETING  
APRIL 6, 2010**

CALL TO ORDER

Mayor Morris called the regular meeting of the Hayden Lake City Council to order at 7:00 p.m. Council members present were Bob Grant, Chris Beck, Tom Gorman and Todd Walker. Pete Bredeson and Dick Pelton were also present as representatives of the council. Clerk Lynn Hagman recorded the minutes of the meeting.

Visitors present were Tom Frey, Eric Silk and William Bentz.

AGENDA

Since the representatives from Welch Comer were unable to attend this meeting, Mayor Morris recommended the agenda be amended to remove Welch Comer from the agenda and reschedule them for the next regular meeting. **Councilman Gorman moved to approve the amended agenda. Councilman Grant seconded the motion, and the motion carried.**

**Councilman Grant then moved to approve the consent agenda including the minutes of March 22, 2010 and the invoices for payment. Councilman Gorman seconded the motion. The motion carried.**

FREY DOCK AND BARGE BUSINESS

Mayor Morris explained to Mr. Frey that there had been concerns with his business being located at the lake access ramp on Gibson Rd. Mr. Frey was asked if his business was to build private docks for the Country Club. Mr. Frey responded that he was building docks for the new Falls at Hayden subdivision. Mr. Frey went on to explain that he has had an agreement with the Country Club for years that allowed him to build docks at the access ramp during the winter months. Mr. Frey stated that he does his best to keep it clean where he is working.

Mayor Morris stated that the concern of the council is that this is a business in a zone that does not allow businesses. Mr. Frey explained that he also builds docks for city residents and it is only during the winter months when no one is using the ramp. Mr. Frey stated that he could possibly build on the person's property and just launch materials from the Gibson access.

Councilman Gorman questioned if there was any other place on the lake that Mr. Frey could use. Mr. Frey replied that he has to build on the water and the Gibson Rd. access is the only place to launch materials. Mr. Frey explained the clean up he does every spring of old docks and debris from the lake.

Councilman Grant explained that there have been complaints before and the Council was under the impression from a few years ago that Mr. Frey would be moving his business to Tobler's Marina. Mr. Frey denied this statement and said he only uses the Gibson Rd. access in the winter months. Councilman Grant explained that the problem is the city doesn't allow commercial business in this area. Councilman Grant stated that the Code Review Committee has already discussed this issue and if council decided to allow this business at this location, the Attorney could change the code accordingly.

William Bentz, who is on the code review committee, addressed the council on this issue and informed the council that the committee discussed making the Country Club an overlay zone in order to allow Mr. Frey to continue his business. Mr. Bentz voiced his concern with the actual easement and suggested the city work with the Country Club for some type of agreement for citizens to use it.

Pete Bredeson explained the overlay district to the council and stated that making the amendments for the Country Club to be in the overlay district would be minimal. It would include a public hearing to amending some of the definitions to include dock building. Councilman Beck questioned historical uses and being grandfathered in. Councilman Beck felt this is a similar business and we should codify this to recognize the grandfather clause. Councilman Gorman stated that the business would be located on the Country Club grounds and the city does not issue dock permits. Councilman Grant felt that the Country Club would be policing the business for cleanliness and pollution of the lake. Councilman Grant questioned Councilman Walker about possible pollution of the lake and who would we call. Councilman Walker replied that DEQ would be notified.

Mayor Morris asked the council if they were comfortable with amendments to the city code to accommodate this business. **Councilman Grant moved to refer this issue back to the code review committee for amendments and to set a public hearing date for May 17, 2010 at 4:00 p.m. Councilman Gorman seconded the motion.**

William Bentz asked for the code review committee to review the easement as well. Councilman Gorman felt that there is no conflict regarding the easement, the Country Club is no stopping anyone from using it. Mr. Bentz feels that this issue need to be solidified as to who owns the easement.

Councilman Walker remembered Attorney Dana Wetzel informing the council that the city would have to go to court and it would cost a lot and Councilman Walker was not agreeable to that.

Mr. Bentz feels that if the city is going to amend the code to allow the Country Club to do business, they should reciprocate by making Gibson Rd. access public and put this in writing. Councilman Grant reminded the council about the issue of the Sheriff wanting to put a dock there and the research that was done on the easement at that time. Councilman Grant felt that this is a non-issue. **Mayor Morris called for the vote on the motion to refer this back to the code review committee for amendment to the code and to set a date and time for the public hearing. All councilmen were in favor and the motion carried.**

#### R. HACKETT'S FINDING OF FACTS

Attorney Bredeson explained the Finding of Fact, Conclusion of Law and Order for Richard Hackett's fence variance that was denied at the previous meeting. **Councilman Grant moved to approve the Findings of Fact, seconded by Councilman Gorman. A roll call vote showed; Councilman Grant, "aye", Councilman Beck, "abstained due to not being present at the hearing, Councilman Gorman, "aye" and Councilman Walker, "aye". The motion carried.**

#### EAGLE SCOUT PROJECT

Eric Silk addressed the council with an Eagle Scout project he would like to do in McCall Park. Mr. Silk presented a proposal to build horseshoe pits in the park and the council would choose the area where they would be placed. The cost for the project is approximately \$593.93 and should take one week end to install. Mr. Silk explained that he will need approval from the Eagle Scout Board before he can begin. Councilman Beck questioned Mr. Silk if he was asking the city to donate any funds. Mr. Silk responded that he was getting donation for the concrete and if the city could donate as well that this would help. **Councilman Grant moved to give tentative approval to Mr. Silk for two horse shoe pits with the city donating up to \$ 1,000. Councilman Beck seconded the motion.**

**Councilman Walker felt the one horse shoe pit would be sufficient with the city donating up to \$500.00 and moved to amend Councilman Grant's motion to this. Councilman Beck seconded the amended motion. The motion was carried.** A letter will of approval by the City will be written for Mr. Silk to take back to the Eagle Scout Board.

#### ARBOR DAY

Mayor Morris informed the Council of the Arbor Day Proclamation, proclaiming April 30, 2010 as the cities Arbor Day celebration. **Councilman Walker moved to adopt the Arbor Day Proclamation, seconded by Councilman Beck. The motion carried.**

## BUDGET HEARING

Mayor Morris explained that the cities budget hearing date needs to be given to the County by April 30<sup>th</sup> and suggested the date for the cities budget hearing be on September 7, 2010 at 7:00 p.m. **Councilman Beck moved to approve this date and time, seconded by Councilman Walker. The motion carried.**

## FLOOD ORDINANCE 237

Attorney Pete Bredeson reviewed the new flood prevention ordinance with the Council and explained that FEMA had also reviewed this ordinance and have approved it. **Councilman Grant moved to adopt Ordinance #237 by Title only. Councilman Gorman seconded the motion. A roll call vote was taken; Councilman Grant, "aye", Councilman Beck, "aye", Councilman Gorman, "aye" and Councilman Walker, "aye". The motion carried.**

Mayor Morris then read Ordinance #237 by title only. **Councilman Walker then moved to adopt Ordinance #237 under suspension of the rules requiring the reading of the ordinance on three separate occasions. Councilman Grant seconded the motion. A roll call vote showed; Councilman Gorman, "aye", Councilman Walker, "aye", Councilman Grant, "aye" and Councilman Beck, "aye". The motion carried.**

**Councilman Gorman then moved to adopt Ordinance #237 as presented, seconded by Councilman Walker. The motion carried.**

Summary of Ordinance #237 for publication was presented and **Councilman Beck moved to approve the summary for publication, seconded by Councilman Gorman. The motion carried.**

## POLICE

Councilman Grant informed the council that he will be speaking with Chief Johnson regarding a recent dog attack in Pt. Hayden and on Lakeview Dr.

## STREET

Councilman Gorman informed the council that another federal grant is available and Mr. Gillis from Welch Comer is applying for the Mile Ave. project. The grant will be applied for with the City of Hayden Lake and Lakes Highway District as the applicants because two entities may have a better chance of getting the grant.

ADJOURN

With no further business before the council, **Councilman Grant moved to adjourn at 8:00 p.m., seconded by Councilman Gorman. The motion carried.**

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Nancy E. Morris, MAYOR

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Lynn M. Hagman, CITY CLERK