

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
JULY 13, 2006**

CALL TO ORDER

Mayor Prince called the regular meeting of the Hayden Lake City Council to order at 7:00 p.m. Council members present were Bob Grant, Evelyn Meany and Jim Riley. Councilman Todd Walker was absent. Attorney Pete Bredeson and Code Enforcement Officer Dick Pelton were also present as representatives of the Council. City Clerk Lynn Hagman recorded the minutes of the meeting. Visitors present were Bob Brooke and Tom Gorman and Kevin Roach.

AGENDA

Councilman RILEY moved to approve the agenda for this meeting, seconded by Councilwoman MEANY. The motion carried.

Mayor Prince then entertained a motion to approve the consent agenda including the bills for approval and any paid bills pending approval and the minutes of the meeting held on June 19, 2006. Councilman RILEY made the motion seconded by Councilwoman MEANY to approve the consent agenda. The motion carried.

VISITORS

Mr. Bob Brooke and Mr. Tom Gorman attending the meeting, representing the citizens of Pt. Hayden, addressed the Mayor and Council on the issue of supporting an application to the County to place buoys in Bervan Bay. Mr. Brooke explained the County regulations and process for applying for the placement of buoys. Mr. Brooke and Mr. Gorman voiced their concern with the safety issues as well as the damage to docks from the wakes caused by boats moving at high speeds close to the docks. Following the submittal of the County application, the County then has to apply to the State for the permit. Part of the application for the County asks for letters from local government agencies in support or opposition of the buoys. Mr. Brooke requested the Council to write a letter of support for the placement of buoys in Bervan Bay.

Councilman Riley questioned if the buoys were placed, would they mark the 200' or would they make the whole bay a "no wake" zone. Mr. Brooke was not sure of the distance of the buoys, and Mr. Gorman felt that it would be just the 200' from the docks. Mayor Prince and Council members voiced their approval of the letter of support for the buoys. **Councilman GRANT moved to write a letter of support, seconded by Councilman RILEY. The motion carried.**

K. ROACH

Code Enforcement Officer Dick Pelton discussed the violation of Mr. Roach's pole building. Mr. Pelton met with Mr. Roach and came to an agreement to remove the metal from the front side and replace with vinyl shingles. Mr. Pelton also discussed painting the windows to match the house, however, the paint is baked on and very hard to take off and Mr. Pelton felt that replacing the gable end with vinyl shingles was more important. **Councilman RILEY moved to accept Mr. Pelton's recommendation. Councilwoman MEANY seconded the motion. The motion carried 2 to 1. Councilman RILEY then moved to amend the motion to add a time limit of 60 days for completion of this work. Councilwoman MEANY seconded this amendment. The motion to amend was carried with a 2 to 1 vote.**

PUBLIC HEARING.- Appropriation Ordinance Amendment

Mayor Prince opened the public hearing at 7:15 p.m. on the amendment of the Appropriation Ordinance for fiscal year ending September 30, 2006. The purpose of the amendment is to receive additional funds from Development Impact Fees in the sum of \$5,200.

No citizens were present to speak and to written comments received.

Mayor Prince then closed the public hearing on the amendment of the Appropriation Ordinance.

Mayor Prince then called for a motion to adopt Ordinance 213 by Title only, an amendment to the Appropriation Ordinance for FY 2005/06. Councilman RILEY moved to adopt Ordinance 213 by Title only, seconded by Councilman GRANT. A roll call vote showed: Councilmen RILEY, "aye", GRANT, "aye" and Councilwoman MEANY, "aye" and Councilman WALKER was absent. The motion carried.

Mayor Prince read Ordinance 213 by Title

Councilman RILEY then moved to adopt Ordinance 213 under suspension of the rules. Councilwoman MEANY seconded the motion. A roll call vote showed: Councilmen GRANT, "aye", RILEY, "aye" and Councilwoman MEANY, "aye" and Councilman Walker was absent. The motion carried.

DEVELOPMENT IMPACT FEES

Councilman Riley questioned the City Ordinance on Development Impact Fees and how they pertain to the Area of City Impact. Attorney Bredeson informed Councilman Riley that impact fees in the ACI would be negotiated with the developer. The current Ordinance only applies to the current City limits.

POLICE POLICY/PROCEDURE MANUAL

Councilman Grant informed the Council that the City of Hayden Lake police dept. does not have a procedure manual and we should have one according to Officer Moyer. The manual addresses the use of force issues among other things. Councilman Grant recommended the City adopt Kootenai County's policy and procedure manual until such time Officer Moyer can draft one for the City.

Councilman GRANT made his recommendation into a motion, seconded by Councilman RILEY. The motion carried.

Councilwoman Meany requested a copy of the manual. Councilman Grant will request Officer Moyer to strike out on his draft in order for the Council members to see any changes being made.

LEGAL

Attorney Bredeson informed the Mayor and Council that he has received the PUD/Subdivision application and will meet with Larry Comer and Dana Wetzel for the review.

Attorney Bredeson then informed the Council that there is no provision in the Development Impact Fee Ordinance that allows the City to waive the fee as requested by Mr. Siegwarth. Mr. Bredeson presented a letter he had drafted to Mr. Siegwarth stating the Council's position. **Councilman RILEY moved to send the letter to Mr. Siegwarth. Councilman GRANT seconded the motion to send the letter. The motion carried.**

Attorney Bredeson introduced Resolution #80, a resolution establishing fees for applications for individual assessments of Development Impact Fees. **Following discussion, Councilman RILEY moved to adopt Resolution #80, seconded by Councilman GRANT. The motion carried.**

Code Enforcement Officer Dick Pelton has requested input from Attorney Bredeson on a HAM radio tower issue. According to Mr. Pelton a citizen in Pt. Hayden has requested permission to erect a radio tower on his property. The tower would be approximately 40' tall and Attorney Bredeson informed the Council that the code does not regulate this, however the FCC does have regulations. Councilman Grant voiced his opposition to allowing the tower while Councilman Riley and Councilwoman Meany felt it should be allowed due to the city code having no regulation. **Councilman GRANT moved to amend the existing WCF Ordinance to include this type of structure. This motion died for lack of a second.**

Following further discussion of this issue, **Councilman GRANT moved again to amend the existing WCF Ordinance to include this type of structure. The motion again died for lack of a second.**

Mayor Prince felt that the height ordinance of 32' would regulate how tall the structure could be. Dick Pelton will inform the citizen of the height restriction.

Attorney Bredeson informed the Mayor and Council of a letter received from the Attorney General's office regarding a lawsuit for DRAM. The Attorney General's office has requested the City of Hayden Lake sign the enclosed consent form for this lawsuit. Attorney Bredeson recommended the Mayor sign the form.

Councilwoman MEANY moved to approve the Mayor's signature on the consent form. Councilman RILEY seconded the motion. The motion carried.

LAKES HWY. DISTRICT AGREEMENT

Councilman Grant discussed the contents of the agreement between Lakes Hwy. Dist. and the City of Hayden Lake, specifically what services the City would receive. Councilman Grant questioned the amount the City pays to Lakes Hwy. Dist. per this agreement. Attorney Bredeson explained the agreement and how the amount was obtained.

FINANCIAL

Councilwoman Meany informed the Council that she and City Clerk Lynn Hagman met with the City Auditor, Lee Anderson on June 28th and reviewed the audited financial statement. The expenses are growing faster than the revenue and this is a concern. Councilwoman Meany informed the Council that a more simplified statement is being reviewed and recommends to the Council that the City spend up to \$500.00 to continue to meet with Lee Anderson on the financial statements. Councilwoman Meany also voiced her concern that the City Clerk's time is limited and this too is an issue to deal with. Lynn Hagman will meet with Mr. Anderson at the end of July to expedite the annual audit.

The audited financial statement for the water dept. was presented and Councilwoman Meany also voiced her concern that depreciation was not being addressed. Councilwoman Meany suggested the City research a water rate increase to the maximum 5% allowed by law. **Councilwoman MEANY made a motion to this effect and Councilman RILEY seconded the motion. The motion carried. Clerk Lynn Hagman will contact Phil Boyd from Welch Comer to research the increase.**

Councilwoman Meany also stated that the legal fees are of concern as well as the engineering costs.

PLANNING AND ZONING

Councilman Grant gave the planning and zoning report submitted by Code Enforcement Officer Dick Pelton.

POLICE

Councilman Grant then presented the June police report informing the Council of the increased traffic stops in the City. Councilman Grant then presented the job description amended by Officer Moyer. Following review by the Council, Councilman Riley suggested the wording of Police Commissioner be changed to Police Dept. Head and to add signature lines for the Mayor, the Officer and the Dept. Head. **Councilman GRANT moved to adopt the job description with the recommended changes. Councilwoman MEANY seconded the motion. The motion carried.**

Councilman Grant then suggested to the Council that the old patrol car be sold with a minimum bid of \$5,000.

The information should be sent out to all local law enforcement agencies.

STREETS

Councilman Riley reminded the Council of the ACI hearing for the City of Hayden Lake will be July 27, 2006 at 6:00 p.m. and a minimum of two Council members should attend.

Councilwoman Meany questioned Councilman Riley on the status of the intersection of Bozanta and Lakeview project. Councilman Riley informed the Council that the Country Club plans on starting the intersection project in September.

Councilman Riley questioned the clerk as to how much money has been collected from development impact fees. Ms. Hagman stated that \$1,733.32 had been collected to date. Councilman Riley suggested that as soon as a sufficient dollar amount from impact fees is in the budget he would like to direct Welch Comer to begin design of the priority intersections. Councilman Grant felt that there were not enough funds to begin this and the Council should wait until there are more fees collected before directing Welch Comer to do any work regarding the intersections. Councilman Riley will ask Larry Comer what the cost would be for the design of an intersection.

Councilman Riley then addressed the maintenance report from Lakes Hwy. Dist. The report did not address the cost or the priorities for maintenance. Councilman Riley informed the Council that he had spoken with Welch Comer about the list and he explained which roads were the most immediate priorities and which ones would be on a 5 year cycle and so on.

Councilman Riley discussed the water LID funds which will be available to the general fund in the next fiscal year. With an estimated carryover from the LID funds of approximately \$163,000 after the already dedicated funds are subtracted, Councilman Riley suggested transferring \$80,000 to the street fund for repairs. **Councilman RILEY moved to direct Welch Comer to immediately review the Lakes Hwy. District list and identify within the list, the priorities for \$80,000 and prepare a bid solicitation based on their priority recommendation. To be executed in this road maintenance season, payable from the LID funds after October 1.**

Councilman Grant questioned the clerk on how much of the LID funds have already been allocated. Clerk Lynn Hagman informed the Council that there had been \$10,000 allocated to the water fund and \$10,000 had been allocated to the Street LID fund. Councilman Grant suggested having Lakes Hwy. District prioritize the list which they provided and give a maintenance schedule which would be at no cost to the City. Councilman Riley stated that this was the original request from Lakes Hwy. District and felt that the information would not get to the city in time to schedule any maintenance this year. Councilman Grant felt that the city could save a lot of money by having Lakes Hwy. District prioritize the list and the work could begin next year. Mayor Prince also agreed that Lakes Hwy. District should be the one to prioritize the list.

Councilman Riley informed the Council that he had talked to Larry Comer of Welch Comer about getting some street repairs done this year, if this is what the Council was in favor of. Mr. Comer informed Councilman Riley that the window of opportunity would be within the next three months and if they were directed immediately, they could get something scheduled. Councilman Grant felt that three months was a short time to decide what would be done and try to get the project out for bid. Councilman Grant suggested the City contact Lakes Hwy. District and request they prioritize their list and this could be done at no cost to the City.

Councilman Riley stated that the condition of the roads were bad and one more season would only make them worse and this would do more financial damage. **Councilman RILEY repeated his motion to proceed with Welch Comer to identify the top priorities for the \$80,000. and prepare a bid solicitation and move forward as quickly as possible to solicit a response to the bids within the overall budget of \$80,000. from the LID funds.**

Councilwoman MEANY seconded the motion. Mayor Prince questioned the Council on limiting the amount to be paid to Welch Comer. **Councilman RILEY amended his motion to ask Welch Comer to give a proposal for their priorities and for them to prepare a bid solicitation with an amount not to exceed \$5,000.**

Councilman Grant felt that the City should get an estimate from Welch Comer first for the cost of the work which Councilman Riley is proposing they do and to also contact Joe Wuest from Lakes Hwy. District to see if he could do this work for the City at no charge. Councilwoman Meany stated there are unhappy citizens because there has been no road maintenance done and feels that the City needs to start now. **Councilwoman MEANY seconded the amendment to the motion. The motion carried with a two to one vote.**

MCCALL PARK

City Clerk Lynn Hagman reported on the progress at McCall park. The forms are set for the concrete and Mr. Mark McKinley has volunteered his time and expertise to build the restrooms.

Clerk Hagman also reported that she and Officer Moyer had met with Lynnette Stith from Northwest Managed Benefits regarding a disability policy for Officer Moyer. Officer Moyer is reviewing the policy and will report to the Council at the next meeting.

EXECUTIVE SESSION

At 9:20 p.m. Councilman GRANT moved to recess to Executive Session per ID Code 67-2345 (f). Councilman RILEY seconded the motion. A roll call vote was duly taken; Councilman GRANT, “aye”, Councilwoman MEANY, “aye”, Councilman RILEY, “aye” and Councilman WALKER was absent.

Attending executive session were Mayor Prince, Councilmen Riley and Grant and Councilwoman Meany, City Clerk Lynn Hagman and Attorney Pete Bredeson.

At 9:40 p.m. Council reconvened to regular session.

ADJOURN

At 9:445 p.m. Councilman RILEY moved to adjourn, seconded by Councilwoman MEANY. The motion carried.

Bob Prince, MAYOR

Lynn M. Hagman, CITY CLERK