

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
JUNE 19, 2006**

CALL TO ORDER:

Mayor Prince called the regular meeting of the Hayden Lake City Council to order at 4:00 p.m. Council members present were Bob Grant, Evelyn Meany and Jim Riley. Councilman Walker arrived late at 4:30 p.m. Also present as representatives of the Council were Attorney Pete Bredeson and City Clerk Lynn Hagman, who recorded the minutes of the meeting.

VISITORS

Visitors at the meeting were Mrs. Hulteng, Kevin Roach, Attorney Scott Poorman and Phillip Steven from Professional Bldg. Systems.

AGENDA

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

Councilwoman MEANY then moved to approve the consent agenda including the minutes of June 6, 2006 for approval and the bills to be paid. Councilman RILEY seconded the motion and the motion carried.

LOT LINE ADJUSTMENT – MRS. HULTENG

Mrs. Hulteng discussed the lot line adjustment she was requesting. The Mayor and Council had previously received the documents for her request. Councilman Grant stated that he and Councilman Walker had attended a meeting with Mrs. Hulteng and her engineer and felt that the lot line adjustment was fine. **Council reviewed the Findings and Order and Councilwoman MEANY moved to adopt the Findings and Order, seconded by Councilman GRANT. A roll call vote was duly taken: Councilmen RILEY, “aye”, WALKER, “aye”, GRANT, “aye” and Councilwoman MEANY, “aye”. The motion was unanimously carried.**

APPEAL – KEVIN ROACH

Attorney Scott Poorman, representing Kevin Roach in his appeal addressed the Mayor and Council. Mr. Poorman stated that there are three things they would like to address. First is that there is no code violation, second is that the ordinance in which Mr. Roach has violated is vague to the point that it should not be enforced in these circumstances and third is that if there is a violation, it is the

result of a mistake and Mr. and Mrs. Roach should not be held responsible and should not be held to suffer the consequences for this mistake.

Mr. Poorman read the definition in the City of Hayden Lake code regarding to accessory buildings. A set of construction plans were submitted to the City for the record. The plans clearly show a metal building with metal siding and roofing. These plans were approved by the City. A site inspection ensued with Mr. Pelton and the builder and Mr. Roach. Conversations were had regarding the exterior of the building and the materials to be used such as Board and Batton and the color of the building. Pictures were presented to the Council showing the finished building. Mr. Poorman stated that there have been no complaints from the neighbors. The ordinance requires that the accessory building match in like materials and color of the main residence and Mr. Poorman feels that this building does just that.

Mr. Poorman then went on to quote a 1972 U.S. Supreme Court decision "Graned vs City of Rockford". Discussion of vague laws.

Mr. Poorman discussed the consequences of a mistake and what would the benefit be. The consequence would be to replace the roof, which would be very expensive to the homeowner. The roof cannot be seen and there would be no benefit to replacing the roof from metal to comp shingles. The mistake was not stopping this construction before it was done. The City also requested that Mr. Roach replace the gable end with shingle or shake to match the home. Again, Mr. Poorman states that it cannot be seen and would be of no benefit to do this.

A solution to the mistake, if there is one, would be for the City Council to re-interpret this building under the City Ordinance to comply. Grant a variance and let the building stay the way it is.

Councilman Riley questioned the sequence of events and site visits. Dick Pelton informed the Council of his inspections and when they occurred. Mayor Prince informed Mr. Roach and Attorney Poorman that the Council will deliberate and will make their decision at the next regular Council meeting.

MAYOR PRINCE – SHERIFF BOAT HOUSE

Mayor Prince informed the Council that Deputy Higgins had discussed a boat house on Hayden Lake with him. Plans have been submitted to the proper agency and the boat house will be shared by the Sheriff's Dept. and the Fire Dept. and will be built to match the club house at the Hayden Lake Country Club.

Councilman Grant asked if a boat house was allowed on Hayden Lake. Attorney Bredeson will look into this. Mayor Prince suggested that Deputy Higgins should do the legal research himself on this and Council agreed.

LEGAL

Mr. Bob Seigwarth submitted a letter requesting the Council waive the development impact fee for his new home on Lakeview Dr. Mr. Seigwarth submitted plans for construction in 2005 and feels that the hold up on the storm water permit delayed his receiving his building permit, which is to this date still with the building inspector for plan review. Council has directed Attorney Bredeson to research ordinance for the waiving of the fee.

Council discussed drafting a letter to Mr. Weber regarding the encroachment into the right of way. The ordinance has been amended and Mr. Weber now needs to submit an encroachment permit and sign a waiver regarding the right of way.

Councilman GRANT moved to direct Attorney Bredeson to send Mr. Weber a letter, seconded by Councilwoman MEANY. The motion carried.

Councilman GRANT then moved to amend the previous motion to include a 10 day response time from Mr. Weber. Councilman WALKER seconded the motion. The motion carried.

LAW ENFORCEMENT

Councilman Grant informed the Mayor and Council that he had discussed the City Animal Control Ordinance with Officer Moyer and Officer Moyer stated that the County would like to have the City adopt the County animal Ordinance. Councilman Walker felt that the Council should look at what the difference is between the two. Councilman Grant will discuss this with Officer Moyer.

Councilman Grant also stated that the City should think about the sale of one of the patrol cars.

Councilman RILEY moved to declare the old police car as surplus property, seconded by Councilman WALKER. The motion carried.

PLANNING AND ZONING

Councilman Grant questioned the status of the McCall property. Councilman Riley informed the Council that the owners, McDougall Bros. still want to annex into Hayden Lake and there should be a specific proposal for the next meeting.

A note for the record – the ACI hearing is scheduled for July 27, 2006.

FINANCIAL

Councilwoman Meany reported on the City finances and stated that the expenses are growing faster than the income.

Councilman RILEY moved to approve the financial statements for April and May, 2006. Councilman WALKER seconded the motion. The motion carried.

STREETS

Councilman Riley stated that since there has been no word from Joe Wuest from Lakes Hwy. District on the road maintenance, he would like to have Welch Comer give the City a quote on doing a schedule. Councilman Riley felt that the water LID monies should be used to maintain the roads of the people who paid the money.

Councilman Riley felt that if the City did not receive the schedule from Lakes Hwy. Dist. within one week, then Welch Comer should be asked to give the City a quote. **Councilwoman MEANY moved to ask for the quote from Welch Comer in one week if nothing is received from Lakes Hwy. Dist. Councilman WALKER seconded the motion. The motion carried.**

Councilman Riley then suggested the City solicit bids for the snow plowing and let Lakes Hwy. Dist. know and let them do it for the same amount as in the quote received. Councilman Grant stated that the City has already received a quote from Lin Edmonds and the City should be able to use that quote.

EXECUTIVE SESSION

At 5:40 p.m. Councilman RILEY moved to recess to executive session per ID Code 67-2345 (f). Councilwoman MEANY seconded the motion. A roll call vote showed: Councilman GRANT, "aye", Councilwoman MEANY, "aye", Councilman RILEY, "aye" and Councilman WALKER, "aye". The motion carried.

Those attending executive session were Mayor Prince and Council members Grant, Meany, Walker and Riley. Attorney Bredeson, Dick Pelton and City Clerk Lynn Hagman.

At 6:15 p.m. Council reconvened to regular session.

ADJOURN

With no further business before the Council, at 6:25 p.m. Councilman RILEY moved to adjourn. Councilwoman MEANY seconded the motion and the motion was carried.

Bob Prince, MAYOR

Lynn M. Hagman, CITY CLERK