

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
MARCH 22, 2010**

CALL TO ORDER

Mayor Morris called the meeting to order at 4:00 p.m. Council members present were Tom Gorman, Todd Walker and Bob Grant. Council member Chris Beck was absent. 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 Bonnie Parden, Richard Hackett, Bill Smith and William Bentz.

Mayor Morris led in the pledge of allegiance.

Councilman Grant moved to approve the agenda, seconded by Councilman Walker. The motion carried. Councilman Walker then moved to approve the consent agenda including the minutes of March 2, 2010 and the invoices for payment. Councilman Gorman seconded the motion. The motion carried.

UNFINISHED BUSINESS

Welch Comer representatives were not present at this meeting and will be placed on the next agenda. Mayor Morris suggested council members prioritize what they would like to see done. Councilman Grant reminded the council that the development impact fees are to be used for this type street maintenance. Councilman Gorman stated that he will be contacting Lakes Highway District on questions of chip sealing on Lakeveiw Dr. Councilman Walker suggested getting new prices on the chip seal.

Frey Dock Business

Councilman Grant discussed the business of dock building at the end of Gibson road. This is a business that our city code does not allow in this zoning. Mr. Frey had made previous statements that he was going to move his business to another location but has returned to the Gibson Rd. access. Councilman Grant felt that the business isn't causing a problem except that they do not keep the lake clean. Councilman Gorman asked for Attorney Bedeson's opinion and Mr. Bredeson informed the council that they would need to clarify if Mr. Frey was working on the Country Club docks or is he building new docks. Councilman Walker stated that Mr. Frey is building new docks and felt that a code enforcement letter should be sent to Mr. Frey.

Councilman Gorman felt that this issue should be referred to the Code Review Committee to review the options. Mayor Morris questioned if the code review committee would be ready for Mr. Frey to be invited to the April 6th meeting for discussion on this. Mayor Morris will invite Mr. Frey to the meeting.

CITIZEN ISSUES

Bonnie Parden who resides at 2907 E. Pt. Hayden Dr. addressed the council in drainage issues. Ms. Parden stated that she was aware of the work that North Kootenai Water District was going to be doing in the area and suggested the city work on the drainage issues at the same time. Councilman Gorman explained what N.K.W.D. was going to be doing and then explained the cities portion of repairs that we will be doing. The drainage issues will be addressed and chip sealing will be done.

R. HACKETT VARIANCE

Bill Smith, representing Mr. Hackett, spoke to the council and stated that he was to blame for Mr. Hackett's fence being in violation. Mr. Smith explained how the fence was designed to be cut off if the variance was not granted. Councilman Gorman questioned why they did not seek the variance before the fence was erected. The fence is now in violation of the city code.

The requirements for a variance was previously given to council members and after reviewing these requirements, Councilman Grant felt that the fence did not meet all of the criteria needed for the variance. Mr. Smith stated that the taller portion of the fence was to close off an unsightly view of his neighbor's canvas coverings. Councilman Grant reported on the code review committee's recommendation to the council. The code review committee felt that the fence did not meet the variance criteria and there was no hardship in this case.

Mr. Hackett informed the council that he did not know the fence company was going to go ahead and put up the panels on the fence. Mr. Hackett felt that the unsightly look of his neighbor's junk is his hardship and questioned the intent of this rule or law. Mr. Hackett felt that he is being harmed in value by having his neighbor's lot look like it does.

Councilman Gorman stated that this action would set precedence on all tall fences for anyone to hide what they don't want to see. Councilman Walker stated that the law has a very stringent rule on variances and he does not see the hardship or special situation in this case.

Councilman Grant moved to deny the variance request by Mr. Richard Hackett for the reason that it does not meet the requirements of the City Code Section 8-3-5. Councilman Walker seconded the motion.

Councilman Gorman reviewed the five elements of the variance again. Councilman Walker still felt that it did not meet the requirements for the variance. **A roll call was taken; Councilman Grant, "aye", Councilman Gorman, "no", Councilman Walker, "aye". The motion was carried 2 to 1 and the variance was denied.**

Attorney Bededson requested he be directed to draft the findings of fact and conclusions of law for the decision made. Mayor Morris directed Mr. Bredeson to do this and it will be approved at the next meeting.

Council set the time and date for Patricia Nelson's variance to be heard. The date for the hearing will be April 19, 2010 at 4:00 p.m.

VACATION OF 16' ALLEY WAY

Mr. Bredeson explained to the council that this will require a public hearing to vacate the alley way in Wright's Park. Mayor Morris suggested setting a hearing date for the May 4th regular meeting at 7:00 p.m.

FLOOD PREVENTION ORDINANCE

Mr. Bredeson presented the new ordinance for Flood Hazard Development for the council's review. This will be ready for adopting at the next meeting.

COUNCIL REPORTS

Mayor Morris reviewed the financial report for February, 2010 with the council. Councilman Grant moved to approve the report, seconded by Councilman Gorman. The motion carried.

Mayor Morris informed the council of the meeting she and councilman Gorman had with Phil Boyd of Welch Comer regarding the Pt. Hayden project with North Kootenai Water District. The City will now participate in the project with spending approximately \$29,000 for drainage issues and chip sealing.

Councilman Gorman informed the council that Welch Comer has all of the information ready for a grant on a project on Strahorn Rd. or Miles Ave. Councilman Gorman suggested putting off striping on Strahorn until a decision is made on what will be done on the road.

ADJOURN

With no further business before the council, Councilman Grant moved to adjourn at 5:40 p.m., seconded by Councilman Gorman. The motion carried.

Nancy E. Morris, MAYOR

Lynn M. Hagman, CITY CLERK