

**CITY OF HAYDEN LAKE, INC.  
MINUTES OF REGULAR MEETING  
MAY 2, 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 Jim Riley, Todd Walker, Bob Grant and Evelyn Meany. Attorney Pete Bredeson, Code Enforcement Officer Dick Pelton, City Engineer Larry Comer and Chief of Police Jason Felton were present as representatives of the Council. Temporary police officer Dale Moyer was also present.

Visitors present were Mark Bowlin and his wife, Jeff Block, P.E., John Monaco, PLS, and Les Hintz.

AGENDA

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

**Councilman RILEY also moved to approve the consent agenda, including the minutes of the Council's April 17, 2006 regular meeting and the bills for payment. Councilwoman MEANY seconded the motion. The motion unanimously carried.**

UNFINISHED BUSINESS

1. Traffic calming islands at the intersection of Lakeview Drive and Bozanta Drive.

Mr. Les Hintz, General Manager of the Hayden Lake Country Club ("HLCC"), informed the Council that the HLCC was ready to proceed with construction of the traffic calming islands at the intersection of Lakeview and Bozanta. Mr. Hintz noted that some changes were required in the initial plans for the islands and provided the revised plans to the Council. See **Exhibit "A"**. Mr. Hintz also stated that the HLCC would take care of the landscaping on the islands and would like to put the project out for bids as soon as possible.

City Engineer Comer stated that he had some questions regarding the revised plans and would like additional time to review them. Specifically, Mr. Comer had concerns with the asphalt curbing, lane width, signage, and striping proposed or lacking from the revised plan. Councilman GRANT urged Mr. Comer to work with the HLCC's engineer, Jim Coleman, P.E., and report back to the Council. Mr.

Comer then asked Mr. Hintz if the HLCC wanted to get bids on the project right away, to which Mr. Hintz affirmatively responded. Due to this, Mr. Comer stated that he would meet with Mr. Coleman promptly.

Councilman RILEY questioned Mr. Hintz about the reason for the asphalt curbing that separates Lakeview and the HLCC's carpath. Mr. Hintz responded that it was a needed delineation so that golf carts wouldn't drive down Lakeview. Mr. Hintz also stated that it wouldn't be a "deal breaker" if the HLCC had to abandon the asphalt curbing. Mr. Comer clarified that he was not suggesting that the HLCC take out the existing asphalt curbing.

Councilman RILEY then questioned Mr. Hintz about how the property ownership issues associated with the traffic calming project would be handled. Mr. Hintz stated that he wasn't sure but would have the HLCC attorney, Jim English, draft a document for the approval of the City Attorney and the Council.

**Councilman RILEY moved to conditionally approve the HLCC's revised plans for the traffic calming islands subject to the approval of the City Engineer and City Attorney. Councilman GRANT seconded the motion. The motion unanimously carried.**

2. Spencer Estates Subdivision short plat.

John Monaco, PLS, appeared on behalf of Mr. Bowlin and explained the features of the final plat. These features include one common access that meets Associated Highway District standards to serve all three buildable lots plus the lot on which the water tank and cell tower are/will be located and no access to the lots from the North of the property. Mr. Monaco also stated that the issues relating to the water and sewer hook-up fees and the bike path along Lakeview had been resolved. Finally, Mr. Monaco represented that Mr. Bowlin would bond for any improvements that are not finished at the time of final plat recordation.

City Engineer Comer stated that Mr. Bowlin was required to provide a bond in the amount of 150% of the estimated improvement costs per the City Code. These improvements are listed in **Exhibit "B"** attached hereto. Mr. Comer recommended approval of the plat with the condition that adequate bonding be provided.

Councilman WALKER stated that there are stormwater issues associated with construction that Mr. Bowlin needs to be aware of. Mr. Monaco asked the Council what effect a Council decision to abandon the bike path on Lakeview would have on Mr. Bowlin's bond. Councilman RILEY told Mr. Monaco that the bike path had already been approved as part of the City's Capital Improvements Plan and Impact Fee Ordinance. City Engineer Comer reminded the Council that the term of the bond could not exceed one (1) year under the City Code. Councilman RILEY stated that if Mr. Bowlin is ready to construct that portion of the Lakeview

bike path that will front his property, the City should be ready to complete the entire project at the same time. Councilman RILEY suggested that the Council have a final plan of implementation ready for the next regular meeting.

Mr. Bowlin addressed the Council stating that he was fine with the bonding requirements and other conditions of approval discussed by the Council so long as he could record the plat and start selling lots. Councilman GRANT went on the record to state that he had traffic concerns associated with the location of the common approach due to a “negative angle”. Councilman GRANT urged Mr. Bowlin to be diligent in addressing his concerns. Finally, Councilman GRANT asked Mr. Bowlin to resolve his issues with the Code Enforcement Officer as soon as possible. Mr. Bowlin and Code Enforcement Officer Pelton both informed Councilman GRANT that the issues had for the most part been resolved.

City Attorney Bredeson reminded the Council that written findings were required in accordance with Idaho law and the City Code.

**Councilman RILEY moved to approve the plat with the conditions recommended by the City Engineer. Councilman GRANT seconded the motion. The motion unanimously carried.**

#### NEW BUSINESS

1. County Area of City Impact Ordinance.

City Attorney Bredeson handed out copies of a revised version of the proposed County Area of City Impact Ordinance that was received from Janet Robnett, counsel for the North Idaho Builders and Contractors Association. See **Exhibit “C”**. Attorney Bredeson explained that the only substantive change with which he and Ms. Wetzel had issue is the revision to Section 4(F), which requires County approval of future street standards adopted by the City. Attorney Bredeson stated that this revision is acceptable so long as the County does not hold a public hearing in conjunction with such approval. Councilman GRANT questioned how the County’s review procedure would work. In response, Attorney Bredeson explained that the County’s approval of future street standards would be put on the County Commission’s consent agenda for approval without a public hearing.

Councilman RILEY and Councilman WALKER questioned when Ms. Robnett’s revisions were received by the City Attorney. Attorney Bredeson responded that he did not know exactly, but did know that the revisions were received before the City approved of its Capital Improvements Plan and Impact Fee Ordinance. Councilman RILEY requested that Attorney Bredeson e-mail him a copy of Ms. Robnett’s letter that accompanied her revisions. Councilman RILEY then asked whether Ms. Robnett had been supplied with a copy of such Plan and Ordinance. Attorney Bredeson stated that she had.

**Councilman GRANT moved to approve the revisions to the Area of City Impact Ordinance proposed by Ms. Robnett and the NIBCA as recommended by Attorney Bredeson. Councilman RILEY seconded the motion. The motion unanimously carried.**

2. Point Hayden Lake Access.

Councilman GRANT stated that he believed that it was important to conduct a survey of the lot in Point Hayden that provides for public access to Hayden Lake. Councilman RILEY asked for a cost estimate. City Engineer Comer stated that it would cost around \$3,500.00. Councilman RILEY suggested that the survey be done as part of the LID since the City is already over-budget. Mayor PRINCE suggested that a crew be sent out for a couple of hours to see what they could find. Councilman WALKER stated that he could find the front survey pins with a metal detector. Councilman GRANT stated that he thinks it is important to find out where exactly the right of way is. Councilman RILEY asked what purpose is served by conducting the survey. Councilman GRANT responded that the purpose of the survey is to preserve the public right of way for the residents of the City.

Councilman RILEY responded that he thought that it had been agreed that the survey would be done as part of the LID and didn't see a reason to now change that position. Councilman GRANT stated that the survey has not been done for other reasons, such as weather. Councilman RILEY stated that it makes more sense to do the survey as part of the LID based on the principle of economies of scale. Councilman GRANT stated that he felt that he was the only person on the Council concerned about this issue. Councilman RILEY responded that it was fine if Councilman GRANT was questioning his sincerity, but he still believes that waiting to conduct the survey as part of the LID makes sense. Councilman MEANY agreed that waiting to conduct the survey as part of the LID makes sense. Councilman MEANY also stated that the concern about purchasers of adjacent property not knowing about the public access is not a concern of the City, but is instead an issue between such purchasers and their title company.

City Engineer Comer raised some questions about the title to "lot A", which is adjacent to the subject property providing for public access. Councilman GRANT attempted to explain the chain of title. City Engineer Comer recommended that a title report be obtained for lot A. Councilman RILEY stated that the title report could also be part of the LID.

3. Striping of City Streets.

Councilman RILEY voiced his concerns over the Lakes Highway District's striping of City streets. Councilman RILEY stated that he doesn't feel that the striping is necessary since passing isn't allowed on City streets at anytime.

Councilman RILEY instructed Attorney Bredeson to research this issue and notify the Council of his results as soon as possible. Councilman RILEY also instructed Attorney Bredeson to call the Lakes Highway District to instruct it to stop striping the City streets.

## LEGAL

Attorney Bredeson advised the Council that the certified letter sent to Mr. Norm Weber requiring him to remove his shrubs from the City right of way could not be delivered after two attempts by the United States Postal Service. Attorney Bredeson recommended that the letter be personally served. Councilman RILEY questioned whether the letter notified Mr. Weber that if he didn't remove the shrubs the City would do so. Attorney Bredeson responded that it did. Councilman RILEY stated that it might be more reasonable to mark the subject portion of the City right of way if Mr. Weber doesn't remove the shrubs before the City removes the shrubs. Councilman RILEY clarified that Mr. Weber would be responsible for the costs associated with marking the right of way.

**Councilman RILEY moved to authorize the City Attorney to have Mr. Weber personally served and to have the City mark the right of way before removing the shrubs. Councilman WALKER seconded the motion. The motion carried.**

## PLANNING & ZONING

Councilman WALKER stated that he attended a meeting last week with Elizabeth Hulteng and her representatives regarding the development of her property. Councilman WALKER explained Ms. Hulteng's plan of development and stated that he believed it was a good plan.

## EXECUTIVE SESSION

At 9:00 p.m., Councilman RILEY moved to recess into executive session pursuant to Idaho Code § 67-2345(b) and (f). Councilman GRANT seconded the motion. A roll call vote showed: Councilwoman MEANY "aye", Councilman WALKER "aye", Councilman RILEY "aye" and Councilman GRANT "aye".

Present in executive session were Mayor PRINCE, Councilman GRANT, Councilwoman MEANY, Councilman WALKER, Councilman RILEY, and Attorney Bredeson. Personnel issues were discussed.

At 9:40 p.m., the Council reconvened into regular session.

## ADJOURN

With no further business before the Council, the meeting was adjourned at 9:41 p.m.

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Bob Prince, MAYOR

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Lynn M. Hagman, CITY CLERK