

**CITY OF HAYDEN LAKE  
MINUTES OF REGULAR MEETING  
DECEMBER 6, 2011**

CALL TO ORDER

Mayor Morris called the meeting to order at 6:00 p.m. Councilmen present were Chris Beck, Tom Gorman and Todd Walker. Councilman Bob Grant was absent. Attorney Pete Bredeson and Dick Pelton were present as representatives of the council. Clerk Lynn Hagman recorded the minutes of the meeting. Visitors present were Mr. Robert Sterling, Correen Stauffer from Time Warner and Ed Graves.

AGENDA

**Councilman Gorman moved to approve the agenda for this meeting, seconded by Councilman Walker. The motion carried.**

**Councilman Gorman then moved to approve the consent agenda including the minutes of the meeting on November 15, 2011 and the invoices for payment. Councilman Walker seconded the motion. The motion carried.**

UNFINISHED BUSINESS

Mayor Morris presented the audit letter, draft financial report and the adjustments for approval. **Following a brief discussion, Councilman Gorman moved to approve the letter, draft financial report and the audit adjustments. Councilman Beck seconded the motion. The motion carried.**

CODE VIOLATION

Mr. Robert Sterling addressed the council regarding a code violation on his fence. Mr. Sterling informed the council that he was not aware a permit was needed for a fence and he had only increased the height by two feet. Mr. Sterling explained that he is overrun by the deer; his landscaping is being destroyed and has found arrows in his yard from hunters shooting at the deer. Mr. Sterling stated that he has had trespassers on his property and the higher fence serves as security. Mr. Sterling requested the council to allow him to apply for a fence variance for at least the sides of the property from the front of the house to the street. Mr. Sterling stated that he will take down the two feet he added to the front fence and make is a four foot fence again.

Councilman Gorman stated that he is sympathetic with the deer problem, however, with small cities, code enforcement can happen haphazardly sometimes. The city ordinance is clear on the fence height of 4' in the front. State law for a variance requires a unique hardship for physical aspect of the property.

Attorney Bredeson explained that a fence variance is not the same as a variance in the zoning ordinance. The council is hearing an appeal made by Mr. Sterling on the code violation. A fence variance is usually applied for before a violation occurs.

Councilman Gorman felt that if Mr. Sterling is allowed the 6', it may set precedence for everyone else in the city. Mr. Sterling asked if there was something that could be done. Mayor Morris explained the history of how the fence height came into effect and the clear vision purpose. Councilman Walker felt Mr. Sterling would need to prove there was a physical hardship. Code Enforcement Officer, Dick Pelton explained how the 2' was added to the 4' fence along the sides and the front.

Mr. Sterling stated that he would bring the front fence into compliance with the 4' but would like to put in a new 6' fence on the sides and use the same posts. Councilman Walker questioned how wide the front fence is and Mr. Sterling replied it was approximately 100'. The fence on either side is in the trees and cannot be seen from the street. Councilman Beck agrees with the reasons for the 6' fence but would have to review the code.

Councilman Gorman asked Attorney Bredeson if the council could look at Mr. Sterling's property as unique due to the 125' setback of the house. Would a fence variance be applicable? Attorney Bredeson replied that Mr. Sterling could apply if he chooses.

Findings of Fact regarding the code violation appeal were discussed. **Councilman Beck moved to approve the Finding of Fact, which denies Mr. Sterling's appeal to leave his fence at 6'**. Councilman Beck then encouraged Mr. Sterling to apply for the fence variance. **Councilman Gorman seconded the motion.** Dick Pelton questioned the fees that Mr. Sterling has already paid and the new fees he will pay for a variance. Councilman Beck suggested that Mr. Sterling's fee of \$75.00 that was paid for the appeal is credited towards the variance fee and/or the building permit fee. Council agreed with this. **A roll call vote on the motion showed: Councilman Beck, "aye", Councilman Gorman, "aye" and Councilman Walker, "aye". The motion carried.**

#### CANVASS OF ELECTION VOTES

A summary of the election results were presented to the council. **Councilman Gorman moved to approve the canvassed votes by the County, seconded by Councilman Walker. The motion carried.**

#### MEDICAL INSURANCE RENEWAL

The renewal for Blue Cross was reviewed. Mayor Morris informed the Council that the premium had gone down this year by 2.5%. **Councilman Beck moved to approve the Blue Cross renewal premium. Councilman Gorman seconded the motion. The motion carried.**

#### ORDINANCE 251

Ordinance 251, an ordinance extending the Time Warner Franchise Agreement was presented. **Councilman Gorman moved to adopt Ordinance 251 by reading of Title only, to suspend the rule requiring the reading in full on three separate occasions and approve the first reading. Councilman Walker seconded the motion. A roll call vote showed: Councilman Beck, "aye", Councilman Gorman, "aye" and Councilman Walker, "aye". The motion carried.**

Mayor Morris read Ordinance 251 by Title only and entertained a motion to adopt Ordinance 251 having passed its first reading by Title only and be published by summary. **Councilman Gorman made the motion, seconded by Councilman Walker.**

**A roll call vote was taken: Councilman Beck, “aye”, Councilman Gorman, “aye” and Councilman Walker, “aye”. The motion carried.**

#### ORDINANCE 252

Ordinance 252, an ordinance amending Section 6-1-4 of the City Code to allow commercial vehicles to be operated on that portion of Miles Ave. which is located within the city limits. **Councilman Gorman moved to adopt Ordinance 252 by reading of Title only, to suspend the rule requiring the reading in full on three separate occasions and approve the first reading. Councilman Walker seconded the motion. A roll call vote was taken: Councilman Gorman, “aye”, Councilman Walker, “aye” and Councilman Beck, “aye”. The motion carried.**

Mayor Morris read Ordinance 252 by Title only. **Councilman Walker moved to adopt Ordinance 252 having passed its first reading by Title only and be published by summary incorporating the Title as a core of the summary upon passage. Councilman Gorman seconded the motion. A roll call vote showed: Councilman Walker, “aye”, Councilman Beck, “aye” and Councilman Gorman, “aye”. The motion carried.**

#### COUNCIL REPORTS

Councilman Walker reported that the posts on Strahorn Rd. that delineates the one way had been sawed off and they will need to be replaced.

Councilman Gorman informed the Council that he will be meeting with Glen Miles of KMPO regarding the Miles Ave. grant.

Mayor Morris questioned the Council on their feelings of having the City pay for the employees and their spouses Christmas dinner on December 15, 2011. **Councilman Gorman moved to have the City pay for the employees and spouse. Councilman Walker seconded the motion. The motion carried.**

#### ADJOURN

With no further business before the council, at 7:20 p.m. **Councilman Gorman moved to adjourn, seconded by Councilman Beck. The motion carried.**

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Nancy E. Morris, MAYOR

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Lynn M. Hagman, CITY CLERK