

**CITY OF HAYDEN LAKE  
MINUTES OF REGULAR MEETING  
JULY 3, 2012**

CALL TO ORDER

Mayor Beck called the regular meeting to order at 6:00 p.m. Council members present were Ed Graves, Tom Gorman, Tommy Frey and Jim Ackerman. Attorney Pete Bredeson and Code Enforcement Officer Dick Pelton were present as representatives of the Council. Clerk Lynn Hagman recorded the minutes of the meeting.

Visitors present were Chet and Debbie Morris, Charles Fazio and Chris Fazio.

AGENDA

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

**Councilman Gorman then moved to approve the consent agenda, including the minutes of the June 19, 2012 meeting and the invoices for payment. Councilman Frey seconded the motion. The motion carried.**

MORRIS AGREEMENT

Mr. Morris addressed the Council on the stipulation agreement and stated that he was fine with the agreement except number 7 on the first page. Mayor Beck stated that his understanding of this building permit was that Mr. Morris was allowed to construct a home on a lot with multiple buildings already on the property. One home would be torn down and the main home would need to match the second dwelling in appearance. Attorney Bredeson agreed and stated that this was part of the original permit.

Mr. Pelton informed the Council that he had a meeting with the Morris's and told them what had to happen with this building permit. The two homes had to look similar in appearance. Part of the stucco was done on Nancy Morris's home but not completed to match the other home.

Councilman Graves informed Mr. Morris that the part about being similar in appearance has been a contention at the last two meetings. Mayor Beck stated that the outward appearance does not look similar and the dwellings don't match. Mayor Beck questioned Mr. Morris on what he could do to the structures to make them look the same. Mr. Morris replied that they may never look the same. The stucco part will be done by the November 30, 2012 deadline.

Councilman Gorman stated that Mr. Morris had agreed at a meeting that the structures would match in appearance. Mr. Pelton agreed and Mr. Morris was told he would have to make some portion of Nancy Morris's house stucco to make them match. Mr. Pelton informed the Council that he did not think the color of the roof was stipulated in the meeting. Attorney Bredeson quoted the current ordinance and said the ordinance was amended before Mr. Morris's permit was issued.

Councilman Ackerman questioned Mr. Morris on what he will do to Nancy Morris's house to make it match. Mr. Morris replied that he will stucco and make the gables match.

Councilman Ackerman asked for clarification on the agreement and asked Mr. Morris about the landscaping. Mr. Morris replied that he will have some around the house and the driveway will be where the old house is. Mr. Morris informed the Council that the big dirt pile by his house will be used to fill in the basement of the old house after it is removed. Mayor Beck stated that the old house will need to be removed by November 30, 2012 also in order to complete the landscaping. Mr. Morris agreed that the old house would be removed by November 30, 2012.

Mayor Beck explained that in the past when permits that dealt with accessory buildings were given, the Council enforced the city code on the structures matching in appearance. Mayor Beck stated that the structures don't match and the Council cannot allow this. Mr. Morris stated that he would like to split the lot but this would be a violation to city code. Mr. Morris then questioned Attorney Bredeson if the structures were considered residences or accessory buildings. Attorney Bredeson replied that Nancy Morris's home is considered an accessory building.

Mayor Beck questioned Mr. Pelton if the building inspector approved Mr. Morris's building permit and the matching materials. Mr. Pelton replied that they did, however, the building inspector does not enforce city ordinances. Mr. Pelton stated that in the conference held with Mr. Morris the similar appearance issue was discussed. Mayor Beck asked Mr. Pelton about previous issue in the past that dealt with the similar appearance issue. Mr. Pelton stated that there was an instance where the citizen had to do a re-roof to make the two structures match. Mr. Pelton stated that the City has consistently enforced the code.

Councilman Graves felt that the Council needs to see some sort of plan or drawing showing that the two structures will match in appearance. Mr. Pelton felt that the structures could look similar if Mr. Morris were to do the gables, the stucco and the rock around Nancy's house. Attorney Bredeson questioned Mr. Morris if he was willing to do this and Mr. Morris replied he was. Councilman Graves recommended getting a submission from Mr. Morris on the similar appearance issue. Mayor Beck suggested Dick Pelton, Councilman Ackerman and Councilman Graves meet with Mr. Morris on the similar appearance issue. Mr. Morris should at that time bring a submission that all will sign off on.

Mr. Morris voiced his concern with getting the existing structure down and having the paving done by November 30, 2012 due to the asphalt plants may be closing for the winter. Councilman Ackerman stated that a temporary Certificate of Occupancy may be needed to allow Mr. Morris to move forward with the outside work. Mr. Morris stated that he could do some paving now but wants to be allowed to finish at a later date. Mayor Beck stated that there are other types of paving that could go in after asphalt plants close.

**Councilman Graves moved to amend the stipulation agreement to change #4 to add the November 30, 2012 completion date and #7 to add the meeting with the participatory group on the similar appearance issue. Councilman Ackerman seconded the motion.** Council discussed the changes to be made and Councilman Ackerman discussed his concern with the removal of the old house and getting the landscaping done by the final completion date. Councilman Gorman felt that the deadline for everything to be done should be November 30, 2012. Councilman Gorman stated the roofs are not similar in appearance and need to be addressed.

Debbie Morris questioned when the ordinance regarding the matching in appearance was adopted. Attorney Bredeson gave her the date. Mayor Beck asked Councilman Graves to consider amending his motion to add the roofs are to match.

**Councilman Graves amended his motion to include the matching roofs and Councilman Ackerman seconded the amended motion.** Councilman Ackerman questioned if the extension had any costs to the city. Clerk Hagman replied that it did not. **The motion carried 3 to 0 with Councilman Frey abstaining from the vote.**

Mr. Morris requested the meeting with Councilmen Graves and Ackerman and Mr. Pelton on the similar appearance issue take place before he signs the agreement. Councilman Graves felt the City should have a signed agreement by the next week. All agreed the meeting would take place on July 9, 2012 at 4:00 p.m. on site.

#### PAINTING QUOTES

Two quotes were received on the inside painting of City Hall. One quote was from Christ and Sons for \$2,850.00 and the other from Mr. Kieser for \$3,600.00. Councilman Gorman recused himself from this discussion due to him knowing Mr. Kieser personally. **Following a brief discussion of the quotes, Councilman Ackerman moved to accept the quote from Christ and Sons with the amendment that there will be no deposit made, the full amount will be paid at completion. Councilman Frey seconded the motion. A roll call vote was taken; Councilman Graves, “aye”, Councilman Frey, “aye” and Councilman Ackerman, “aye”. Councilman Gorman abstained from the vote. The motion carried.**

Clerk Hagman informed the Council that only one quote was received on the wood trim refinishing. Mayor Beck suggested the Clerk work on getting more quotes.

#### BUILDING PERMIT EXTENSION – FAZIO

Mr. Fazio previously submitted a letter of request for a third extension on his building permit. Mayor Beck asked Mr. Fazio where he is in the project. Mr. Fazio informed the Mayor and Council that the flooring will be in and then the cabinets and appliances will be installed. Mayor Beck asked Mr. Fazio what type of time frame he would need to complete the project. Mr. Fazio explained that the house is custom, everything is made to order. The plumbing and electrical inspections should be done by the first week in September and then other things will be done concurrently. Mayor Beck explained that the Council needs to have an end date for construction. Mayor Beck suggested Mr. Fazio discuss this with his contractors and come back to the Council in two weeks with a schedule to give to the Council. Mr. Fazio agreed to be at the next meeting with a schedule. **Councilman Ackerman moved to table this discussion to the next meeting and to allow the construction on Mr. Fazio’s home to continue until then. Councilman Gorman seconded the motion. The motion carried.**

#### BUDGET

Clerk Hagman reviewed the preliminary budget for FY 2012-2013 with the Mayor and Council. Councilman Ackerman discussed the Miles Ave. project and felt that the street construction line item should be increased. Councilman Gorman also felt the street budget needed to be larger. Mayor Beck suggested to Council email the Clerk with any changes they may have. Clerk Hagman informed the Council that the tentative budget will be ready for adoption at the next meeting.

## CODE ENFORCEMENT REPORT

Dick Pelton reported that Mr. Sims house has had the final inspection done and he will receive his certificate of occupancy within the next week. Councilman Frey suggested Mr. Pelton bring some pictures of Mr. Sims home to the next meeting.

Mayor Beck informed the Council that he contact Welch Comer on the water issues.

Clerk Hagman informed the Mayor and Council that after speaking with Larry Comer of Welch Comer Engineers, the right of way on Strahorn Rd. and Miles Ave. were flagged when the 5 year plan was done. There was no survey done.

Councilman Ackerman questioned the water issue in Pt. Hayden as asked if there could be a leak in the water line. Mayor Beck stated that a line tighten test could be done in that section. Clerk Hagman will call Larry Comer to do the test.

Councilman Frey reported on the buoys and stated that they are all back in place.

ADJOURN

**With no further business before the Council, at 8:15 p.m. Councilman Gorman moved to adjourn, seconded by Councilman Frey. The motion carried.**

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Chris Beck, MAYOR

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Lynn M. Hagman, CITY CLERK