

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
JUNE 5, 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 and Jim Ackerman. Council member Tommy Frey was absent. Code Enforcement Officer Dick Pelton and Attorney Pete Bredeson were present as representatives of the council. Clerk Lynn Hagman recorded the minutes of the meeting.

Visitors present were Chet and Debbie Morris, Nancy Morris and William Bentz.

Attorney Pete Bredeson led us in the pledge of allegiance.

AGENDA

Councilman Gorman moved to approve the agenda, seconded by Councilman Graves. The motion carried.

Councilman Gorman then moved to approve the consent agenda, including the minutes of May 14, 2012 and the invoices to be paid. Councilman Ackerman seconded the motion. The motion carried.

OLD BUSINESS

Mr. Gillis was unable to attend the meeting and will be continued to a future meeting.

Mayor Beck announced that Mr. Morris was present to request another six month extension for building permit #447. Mayor Beck discussed the history of Mr. Morris's extensions. Mr. Morris has received two previous extensions for this building permit. This issue went before the Code Review Committee on April 18, 2012 for discussion and the committee's recommendations were given to the Council at the special meeting on April 24, 2012. A letter was sent to Mr. Morris on April 25, 2012 requesting his presence at the next meeting and to bring certain information for the council discussion. A response letter was received from Attorney John Magnuson and City Attorney Bredeson then responded to this letter. Mayor Beck stated that this has been the history to date on this issue. We now have before the Council a third request for an extension on this building permit.

Councilman Graves informed Mr. Morris that the intent of the letter that the City sent was to find out and get better understanding of when the house would be completed. The cost to finish the home is a concern of the Council. Mayor Beck introduced a letter from Kathy Salvadore with several complaints. Councilman Ackerman questioned what the status was on the home. Mr. Morris stated that the heat is done, 20% of the second panel is done; need to get water to at least one of the eight bathrooms. The vacuum system will be in next week and the sheet rock should be done by the end of June.

Councilman Ackerman questioned is any of the work is being sub-contracted out. Mr. Morris replied that he is doing this on his own but does have a couple of people that come in to help with certain things like the sheet rock.

Mr. Morris stated that everything will not be done before they move in. Mr. Morris stated that they are hoping to move in by September, 2012. Mayor Beck stated that this is an uncomfortable situation for the City to be in. There are complaints from the neighbors both verbal and written. Mayor Beck questioned the financing and if Mr. Morris ever got a loan to complete the house. To the Council's knowledge this didn't happen. The Council would like something definite on the proposed extension. Councilman Graves stated that he wants to see dates of completion on the extension.

Mr. Morris questioned if there was a law that gives a certain time for completion. Mayor Beck explained the building permit is valid for a period of one year and extensions may be granted after that. Councilman Gorman voiced his concern with having the construction going on year after year and felt that it is almost a type of blight on the neighborhood. Councilman Gorman felt that the fact that Mr. Morris is building the home by himself does not constitute extenuating circumstances. Councilman Ackerman questioned when Mr. Morris would receive a certificate of occupancy. Clerk Hagman informed the Council that a certificate of occupancy is determined by the building inspector. Certain criteria have to be done before the building inspector will consider it livable and a certificate is given.

Councilman Gorman questioned the raised elevation around the garage and was Mr. Morris going to do something about this so the water does not run onto the neighboring property. Mr. Morris informed the Council that the property elevation was not raised. The back fill was put around the garage which then created a raised elevation around the garage. Mr. Morris informed the Council that gutters will be placed all around. Mayor Beck stated that this causes a concern with runoff onto the neighbor's property. The gutters will take care of the roof water but there will be ground water runoff. Mr. Morris stated that he will be putting a negative grade on that.

Councilman Graves feels that dates of completion are necessary to make the extension realistic. Mr. Morris stated that he did not know how to give these things a time line. Councilman Graves questioned if the third structure on the lot is a problem. Mr. Morris stated that as soon as they are in the new home, the third structure will be torn down. Mr. Morris welcomed the Mayor and Council to stop by weekly to see the progress. Mayor Beck asked Mr. Morris how he sees the project moving forward in order to move in in September. Mr. Morris replied that some rooms and the basement will be unfinished. Mr. Morris stated that the outside of the house is what he is concentrating on right now. Councilman Graves questioned if there was a time frame for the existing home to be torn down. Attorney Bredeson replied that Mr. Morris has 60 days after his certificate of occupancy is issued.

Councilman Gorman questioned the two structures on the same lot and what the code reads. Attorney Bredeson replied that they have to match in exterior appearance. Councilman Gorman stated that the roofs don't match and right now the finishes don't match. Mayor Beck asked Mr. Morris if he will be moving forward with the project with the money on hand or will he be getting a loan. Mr. Morris informed the Council that he has the loan in place and presented a letter from the bank confirming this. Mayor Beck stated that funding is not the delay and dates for completion will be helpful on the extension.

Attorney Bredeson informed the Mayor that he had a conversation with Councilman Frey advising him to declare a conflict of interest due to his being a direct neighbor of Mr. Morris. Councilman Gorman questioned Attorney Bredeson on what steps would be taken if an extension is not granted. Attorney Bredeson explained the Council's options. Mayor Beck stated that the uncertainty is the problem.

Council needs help from Mr. Morris to make a decision. Mayor Beck explained that the Council is trying to be cooperative to help get the home completed. Mayor Beck suggested Mr. Morris go home and think about a time line so that he can give the Council dates at the next meeting. Council agreed with Councilman Graves informing Mr. Morris that if he can't come up with dates then he may be leaving it in the Council's hands to do so. Mrs. Morris voiced her approval of the extra time to put this together and stated that this will be helpful. **Councilman Gorman moved to table this issue to the next meeting. Councilman Graves seconded the motion. The motion carried.**

Nancy Morris spoke on Ms. Salvadore's complaints and stated that Ms. Salvadore's property is only 1 or 2 feet from the line and the water will not go onto her property because there are trees and bushes along that side which will be good absorption for the water. Councilman Ackerman suggested the building inspector be invited to the next meeting to clarify when a certificate of occupancy is issued.

RFP – CODE ENFORCEMENT OFFICER

The request for proposal for the Code Enforcement Officer position was discussed and Mr. Pelton explained his memo to the Council explaining what he felt his job description is. Councilman Ackerman questioned how many hours Mr. Pelton works. Mr. Pelton replied that he puts 20 hours a week on his time sheet but it could be more at times or less. Mr. Pelton informed the Council that there are not many vacant lots left in Hayden Lake and the permits have been mostly remodel projects.

Mayor Beck gave the options to the Council of sending out the RFP or leaving things the way they are. **Councilman Gorman moved to proceed with the request for proposal and hoped that Mr. Pelton would apply. Councilman Ackerman seconded the motion. The motion carried.**

BUDGET

Clerk Hagman posed the question to the Council of increasing the property tax by 3% this year and increasing wages by 3%. Mayor discussed last year's budget and the Council's decision to not take the 3% that is allowed for property tax and the employees did not receive an increase in wages. Clerk Hagman explained that the taxes not taken last year have now become a foregone amount with the tax commission and the City is allowed to levy for that amount also. **Councilman Gorman moved to set the budget with the 3% increase in property tax and wages. Councilman Graves seconded the motion. The motion carried.**

ATTORNEY

Attorney Bredeson asked Council if he was to respond to Kathy Salvadore's letter of complaints. Mayor Beck referred this to the code review committee.

CLERK

Clerk Hagman requested permission from the Council to get quotes on painting the interior of City Hall and doing some maintenance on the wood trim. **Councilman Graves moved to direct the Clerk to get the quotes, seconded by Councilman Ackerman. The motion carried.**

Clerk Hagman gave a report on the conference she attended in Portland, OR.

CODE ENFORCEMENT REPORT

Mayor Beck asked Mr. Pelton about the other new homes being built that has received extensions and how close are they to being done. Mr. Pelton informed the Council that Mr. Fazio is almost done; he will fall within his extension.

STREETS

Councilman Gorman informed the Council that the federal grant funds are now available again and the City will need to be ready to apply for them. Matt Gillis from Welch Comer will need to get documents ready and this will cost the City some money.

Quotes for repairs and chip sealing Northwood Dr. were discussed. Two quotes were received, one from Chip Master and the other from CDA Paving. **Following review, Councilman Gorman moved to accept the bid from Chip Master. Councilman Graves seconded the motion. A roll call vote was taken; Councilman Ackerman, "aye", Councilman Graves, "aye" and Councilman Gorman, "aye". The motion carried.**

ADJOURN

With no further business before the Council, at 7:25 p.m. Councilman Gorman moved to adjourn, seconded by Councilman Graves. The motion carried.

Chris Beck, MAYOR

Lynn M. Hagman, CITY CLERK