

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
NOVEMBER 5, 2012**

CALL TO ORDER

Mayor Beck called the meeting to order at 6:00 p.m. Council members present were Tommy Frey, Jim Ackerman, Ed Graves and Tom Gorman. Attorney Bredeson was present as a representative of the Council. Clerk Hagman recorded the minutes of the meeting.

Visitors present were Mr. and Mrs. Heckel and their contractor Mr. Bill Smith.

Councilman Gorman moved to approve the agenda and the consent agenda including the minutes of the regular meeting of October 16, 2012 and the invoices for payment. Councilman Frey seconded the motion. The motion carried.

Mr. Heckel led us in the pledge of allegiance.

HECKEL VARIANCE

Councilman Gorman moved to take the Heckel variance request off the table, Councilman Frey seconded the motion. The motion carried.

Mayor Beck closed the regular meeting and re-opened the public hearing for the Heckel variance application at 6:05 p.m.

Mr. Smith addressed the Mayor and Council and presented documentation of the Americans with Disabilities Act. Mr. Smith discussed his background as a contractor and stated that the variance request is for small triangles along the front lot line. Mr. Smith stated that there is no breezeway; the addition is connected to the main home. Mr. Smith explained the fence line and stated that it is in the right of way. Mr. Smith referenced Ms. Nelson's residence and the variance she received for a similar circumstance as well as other variances that have been approved in the city.

Mr. Heckel voiced his concern regarding the curvature of the street and the steepness of the ramp. Mr. Smith discussed the positioning of the home and explained that it needs to be ADA compliant and the angle of the ramp needs to be 12 to 1.

Councilman Ackerman asked for a copy of the new plans. Councilman Gorman stated that plan B moves it back 2'. Mr. Smith stated that plan C moves it back the full 4' which will create problems with the ramp. Councilman Gorman questioned the slope of the ramp on the 2' option. Councilman Graves informed the Council that the ADA is only held for commercial not for residential purposes.

Mayor Beck summarized the three proposals of approving the requested variance with the encroachments as shown, plan B with moving back 2' or plan C, moving back the full 4'. Councilman Graves questioned the courtyard space. Mr. Smith explained that this will be for drainage from run off from the roof. Jennifer Heckel discussed the existing footprint of the home and the severe lot line along with her desire to meet the ADA requirements.

Mayor Beck read the response from the Northern Lakes Fire District into the record.

At 6:37 p.m. Mayor Beck closed the public hearing and reconvened the regular meeting. Council discussed the variance request. Councilman Frey was in favor of plan A, the full variance request. Councilmen Ackerman, Graves and Gorman also agreed. **Mayor Beck entertained a motion to approve the variance application with direction to Attorney Bredeson to draft the Findings of Fact, Conclusions of Law and Order for the Mayor's signature. Councilman Frey made this motion, seconded by Councilman Graves. A roll call showed; Councilman Gorman, "aye", Councilman Frey, "aye", Councilman Ackerman, "aye" and Councilman Graves, "aye". The motion carried.**

STORMWATER PROJECT

Mayor Beck read an update report on the storm water project in Pt. Hayden and on Lakeview Dr. from Matt Gillis. Both projects are complete and everything went smoothly.

PEDESTRIAN PATH

The bids for the pedestrian path on Hayden Ave. were discussed briefly. Councilman Frey questioned if the Country Club had responded. Mayor Beck informed the Council that the Country Club is fine with the path being put in. Attorney Bredeson notified the Batchelders' by certified letter and had no response. **Councilman Gorman moved to approve Peck and Peck as the contractor for this project. Councilman Frey seconded the motion. A roll call vote was taken; Councilman Ackerman, "aye", Councilman Graves, "aye", Councilman Gorman, "aye" and Councilman Frey, "aye". The motion carried.** Mayor Beck directed the clerk to make sure it could still be done this year, if it is too late in the year, we will have it done in the spring.

TRANSPLANTING TREES

Councilman Ackerman reported on his meeting with /Steve Enchon from Western Tree and stated that he is against doing anything with the berm that is in front of Ladybug Lane. Mayor Beck updated Councilman Graves on the previous meeting in which he was absent and the concerns with the neighbors building new homes next to the park. Councilman Ackerman informed the Council that there will be 10 to 20 trees transplanted at \$100.00 per tree. Mayor Beck authorized Councilman Ackerman to work with Mr. Enchon on the transplanting and to not exceed 20 trees. **Councilman Graves moved to approve the Mayor's authorization to Councilman Ackerman, Councilman Frey seconded the motion. The motion carried.**

FENCE VARIANCE

Mr. Robideaux was not present to speak on the fence variance he was requesting. Council discussed the variance request and other variances from the past that had been denied that were similar. Mayor Beck reviewed the options for the Council to take and Councilman Frey moved to table this issue until more information could be had on what the fence will look like. This motion died for lack of a second. **Councilman Gorman moved to deny the fence variance based on the Council's previous decision to deny a 2010 fence variance application submitted by Richard Hackett, seconded by Councilman Graves. The motion carried. Attorney Bredeson will draft the Findings of Fact, Conclusions of Law and Order.**

MORRIS RE-ROOF AGREEMENT

Attorney Bredeson stated that the agreement has not been received from Attorney Magnuson yet. This will continue to the next meeting.

UPDATE ON MILES AND STRAHORN

Mayor Beck informed the Council that the funds have been put off until 2015 and Lakes Highway District has expressed support with teaming up with the City to move forward on Miles Ave. Lakes Highway District will not be participating on the Strahorn project but will include it in the bid packet.

Councilman Gorman informed the Council that he spoke with Chip Masters regarding Northwood Dr. and he was told that the gravel used was regular instead of the small gravel and possibly the oil mixture was not right. Chip Masters may come in the spring and do a fog seal. Councilman Frey suggested having the street swept again before snow falls. **Councilman Gorman moved to have the clerk contact The Sweep and have the street swept. Councilman Frey seconded the motion. The motion carried.**

COUNCIL REPORTS

Councilman Ackerman question splitting the cost of the park trees between the park savings account from donations and the general fund. Clerk Hagman was fine with this.

Councilman Frey informed the Council that Mr. Morris has been steadily working on his home which should be complete by November 30, 2012.

ADJOURN

Councilman Gorman moved to adjourn at 7:10 p.m., seconded by Councilman Frey. The motion carried.

Chris Beck, MAYOR

Lynn M. Hagman, CITY CLERK