

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
MAY 21, 2014**

CALL TO ORDER

Council President Tom Gorman called the meeting to order at 5:00 pm. Present were President Gorman along with Councilmen Ed Graves, Tommy Frey and Jim Ackerman. City Attorney Pete Bredeson, Code Enforcement Officer Rand Wichman and William Bentz were also present.

AGENDA AND CONSENT AGENDA

Councilman GRAVES moved to approve the agenda for the meeting along with the consent agenda. The consent agenda included the minutes from the April 15th, 2014 regular meeting, the April 30th, 2014 special meeting and a list of invoices for approval. Councilman FREY seconded the motion. The motion carried.

CITIZEN ISSUES

I. Charlie Rens – Development Impact Fee

Attorney Bredeson reported that Mr. Rens called City Hall to inform the City that he could not attend the meeting.

II. William Bentz

Mr. Bentz, of 10400 Morris Road, voiced his concern regarding a portion of the perimeter fence that is being constructed by the Hayden Lake Country Club (“HLCC”). Such fence is the subject of the Right of Way Encroachment Permit Application discussed below. Mr. Bentz’s concern is with a portion of the fence adjacent to the southbound lane of Lakeview Drive before Lakeview converges with Hayden Avenue. He is concerned that this section doesn’t leave enough room for pedestrians to safely walk in the Lakeview right of way. Mr. Bentz distributed a handout illustrating his concern. Although the handout references other concerns, Mr. Bentz stated that his only real concern is with this issue.

Mr. Bentz also voiced his concern with having the fence moved if the City so requires as part of the pedestrian pathway system that is contemplated in the City’s Capital Improvements Plan. He questioned whether or not the City can without question require the fence to be moved or instead must initiate discussions with the HLCC before doing so. President Gorman stated that with respect to any portion of the fence that is in the right of way, there is no question that the HLCC would have to remove or relocate it upon being requested to do so. President Gorman also informed Mr. Bentz that the City is engaging in discussions with the HLCC regarding the construction and location of a

pedestrian path along Lakeview Drive. Such discussions include the possibility of realigning Lakeview so that it intersects with Hayden Avenue at or near a 90° angle, thereby providing more space for such a path. The HLCC is also trying to accelerate the process of completing its master plan for golf course improvements. President Gorman reported that a resolution of all of these issues is trying to be coordinated between the City and the HLCC.

President Gorman stated that the City will inspect the subject section of fence and discuss the issue with the HLCC. Councilman Graves stated that resolution of the issues referenced by President Gorman is being accelerated since the HLCC and the City are also engaged in discussions with the Hayden Lake Recreational Water & Sewer District relating to relocation of the pump station that is currently located next to Hayden Lake. Mr. Bentz stated that the City is welcome to use a portion of his property when constructing a pedestrian path along Lakeview and/or along Miles Avenue.

PUBLIC HEARING FOR ORDINANCE NO. 266 AUTHORIZING CONVEYANCE OF CITY WATER SYSTEM TO AVONDALE IRRIGATION DISTRICT

President Gorman opened the public hearing. No oral or written testimony was received from City residents or others, so the public hearing was closed. Councilman Graves stated that although he agrees with the plan to convey the City water system, he is concerned about the loss of water system revenues that are utilized to pay for a portion of the City's administrative expenses. Councilman Frey stated that the City is retaining \$100,000.00 to cover such expenses. President Gorman stated that the City will also start taking its maximum increase in property tax revenues and realize reductions in overhead, including but not limited to less utilization of Sewer District employees to perform water system related tasks.

ORDINANCE NO. 266 AUTHORIZING CONVEYANCE OF CITY WATER SYSTEM TO AVONDALE IRRIGATION DISTRICT

Councilman FREY moved to approve Ordinance No. 266, suspend the rule requiring the Ordinance to be read on three separate occasions and to be read in full. Councilman GRAVES seconded the motion. Roll Call Vote: Graves: yes; Gorman: yes; Frey: yes and Ackerman: yes. The motion carried.

President Gorman then read the title of Ordinance No. 266. Such Ordinance authorizes the conveyance of the City water system to Avondale Irrigation District. The Ordinance also repeals Title 7, Chapters 2 (Water System Regulations) and 3 (Cross Connection Control) of the City Code upon finalization of such conveyance.

Councilman FREY moved to adopt Ordinance No. 266 and to publish by Summary only. Councilman GRAVES seconded the motion. Roll Call Vote: Graves: yes; Gorman: yes; Frey: yes and Ackerman: yes. The motion carried.

OLD BUSINESS

- I. Resolution No. 115 re: Merger of Time Warner Cable with Tango Acquisition Sub, Inc., a wholly owned subsidiary of Comcast

Attorney Bredeson briefly explained the purpose of the Resolution, which shows City support for the proposed merger of Time Warner Cable with Tango Acquisition Sub, Inc., a wholly owned subsidiary of Comcast. **Councilman GRAVES moved to approve Resolution No. 115. Councilman FREY seconded the motion. The motion carried.**

NEW BUSINESS

- I. Election Results

Bredeson summarized the results of the Special Election held on May 20, 2014 where the qualified electors who pay taxes on real property located within the City were asked whether or not the City should transfer its water system to Avondale Irrigation District. Over ninety-one percent (91%) voted in favor of such transfer (110 for; 9 against). Bredeson also reported that Avondale Irrigation District has scheduled the hearing concerning the corresponding annexation of property served by the City water system for July 1st.

POLICE CHIEF REPORT

Although Chief Johnson was not present, he did submit a written report. President Gorman stated that 55 citations had been issued during the period referenced in the written report.

CITY ATTORNEY

- I. Draft Notice for Amending the Budget

Attorney Bredeson explained the purpose of the proposed amendment. It reflects additional revenues received from investment funds to be used for street construction. Bredeson requested that the amendment be tentatively approved along with the Notice of Public Hearing regarding the same, with the caveat that the hearing date referenced therein be changed from June 3rd, 2014 to June 17th, 2014. **Councilman FREY moved to tentatively approve the proposed amendment and the Notice of Public Hearing with a hearing date of June 17th, 2014. Councilman ACKERMAN seconded the motion. The motion carried.**

CODE ENFORCEMENT OFFICER

I. Hayden Lake Country Club Right of Way Encroachment Permit Application

Mr. Wichman distributed pictures of the HLCC fence to the Council. Wichman believes it is appropriate for the HLCC to have to obtain a Right of Way Encroachment Permit since portions of the fence have been relocated closer to the paved portions of City rights of way. The recorded Letter of Agreement that is a requirement for such Permit still has not been submitted by the HLCC. Councilman Graves referenced the portion of the fence along Lakeview Drive that William Bentz voiced his concerns about earlier in the meeting. Councilman Graves shares the same concern. President Gorman and Councilman Frey both stated that the HLCC could fix that section quite easily. Given this concern, Wichman questioned whether or not the Council wanted to make a decision on this Application or wait until the June 3rd meeting. Councilman Frey proposed approving the Application with the condition that the portion of the fence at issue be fixed. President Gorman questioned whether or not such conditional approval is allowed. Attorney Bredeson stated that it was, although the Council could just wait and make a decision at its June 3rd meeting after the Letter of Agreement has been submitted. Councilman Graves suggested that another condition be attached to the Permit requiring all holes from the old fence to be filled if they haven't been already. The matter will be revisited at the June 3rd meeting.

Wichman also presented highlights of his written report to the Mayor and Council. Several fence permits and building permits have been applied for as of late. A suspected landscaping business on Hayden Avenue has been sent a Notice of Violation letter since such business is not a permitted use in the City's Residential Zoning District.

ADJOURNMENT

With no further business, Councilman GRAVES moved to adjourn at 5:56 pm, seconded by Councilman FREY. The motion carried.

Chris Beck, Mayor

Lynn M. Hagman, City Clerk