

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
MAY 17, 2010**

CALL TO ORDER

Mayor Morris called the meeting to order at 4:00 p.m. Council members present were Bob Grant, Chris Beck, Tom Gorman and Todd Walker. Attorney Bredeson and Dick Pelton were present as representatives of the Council and Lynn Hagman recorded the minutes of the meeting. Visitors present were William Bentz, Matt Gillis from Welch Comer, Denny Bozarth, Rick Berger. and Patty Shea from Avista.

AGENDA

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

Councilman Walker moved to approve the consent agenda including the minutes of April 19th and May 4th and the invoices for payment. Councilman Beck seconded the motion. The motion carried.

ORDINANCE 238 CONTINUATION

Attorney Pete Bredeson informed the council that he had researched the requested easement by Councilman Beck in the 16 foot alley way that is to be vacated. Mr. Bredeson stated that you can not have a utility easement where there are no utilities present. Councilman Grant questioned the option of the compensation issue. Mr. Bredson informed the council that this is not allowed.

Councilman Grant made a motion to move forward with the Ordinance 238, seconded by Councilman Gorman. The motion carried. Councilman Walker questioned the storm water issue and could this alley way be used to control it. Councilman Beck felt that the buffer zone that is left after the 16 feet is vacated could easily handle any storm water with Lakes Highway District being involved.

Councilman Walker moved to approve Ordinance 238 by reading of title only. Councilman Grant seconded the motion. A roll call vote was taken; Councilman Grant, “aye”, Councilman Beck, “aye”, Councilman Gorman, “aye” and Councilman Walker, “aye”. The motion carried.

Mayor Morris read Ordinance 238 by title. **Councilman Walker moved to approve Ordinance 238 under suspension of the rules requiring the reading of the ordinance on three separate occasions. Councilman Grant seconded the motion.**

A roll call vote showed; Councilman Beck, “aye”, Councilman Gorman, “aye”, Councilman Walker, “aye” and Councilman Walker, “aye”. The motion carried.

Councilman Walker then moved to adopt Ordinance 238 as presented, seconded by Councilman Gorman. The motion carried. Councilman Walker then moved to approve the summary of Ordinance 238 for publication. Councilman Gorman seconded this motion and the motion carried.

CITIZEN ISSUES - DENNY BOZARTH

Mr. Denny Bozarth addressed the council regarding a water leak he had which resulted in a bill for \$860.00. The leak was in the check valve. Mr. Bozarth is requesting the council to give him a reduction. Mayor Morris explained to Mr. Bozarth that the city purchases our water from Avondale Irrigation. Mayor Morris questioned Mr. Bozarth about who had turned on the sprinkler system and did they check the meter after they turned it on. Mr. Bozarth replied that he did not know who turned on the sprinkler system, he is a renter and does not take care of that. Mr. Bozarth felt that the leak should be the responsibility of his landlord. Councilman Gorman also felt that this is an issue between Mr. Bozarth and his landlord.

Mayor Morris informed Mr. Bozarth that the city would take payments to make it easier. Councilman Grant suggested the clerk figure what the direct cost of the water would be to the city from Avondale Irrigation. Council was in favor of this and maybe the city can reduce the bill from that. This will be continued to the June 1, 2010 meeting.

WILLIAM BENTZ

Mr. William Bentz addressed the council on the Gibson Rd. easement to the lake. Mr. Bentz requested the council to consider taking action on this. The Country Club has installed signs that say “no public access or boat launching” on Gibson Rd. Mr. Bentz spoke to the Country Club’s manager, Mr. Hintz about the enforcement and he said they were mostly concerned about the boat launching. Mr. Bentz would like the city to research the prescriptive easement possibility.

Attorney Bredeson reminded the council that they had previously decided not to pursue this matter. Mr. Bredeson informed the council that there is a legal basis for a public easement. Mr. Bentz stated that this access is heavily used by the public. Mr. Bredeson stated that the Country Club has fee title to this property. Mayor Morris felt that this should be studied more.

Councilman Beck and Councilman Gorman excused themselves from deliberations or discussions on this topic due to each of them being members and stock holders in the Country Club.

Councilman Grant discussed previous discussions on this issue and why the council got the title report. There was never any action taken because the Country Club has always let the public use the access. Councilman Grant feels there is a good case for a prescriptive easement. Councilman Walker supports the citizens; however, he feels the council should invite the Country Club manager to a meeting to discuss this issue. Councilman Grant suggested Mr. Bredeson speak with the Country Club's legal counsel and report at the next meeting. Councilman Grant stated that he is a social member of the Country Club.

AVISTA

Mr. Rick Berger addressed the council with his concern of the cities road cut policy. Mr. Berger previously sent a letter to the Mayor and Council discussing these concerns. Mr. Berger requested the council give Avista consideration of not having to use Strata for their road cuts.

Councilman Gorman informed the Mayor and Council that this issue has been before the Code Review Committee and they reviewed the history behind hiring Strata which were bad roads and improperly done road cuts. At this point Strata has delayed projects due to lack of immediate response. The consensus of the code review committee was that everyone should follow the rules, including Avista. Councilman Gorman stated that Strata will expedite the permits for the road cuts or the city will get someone else for these inspections.

Mr. Berger stated that he worked with Strata on the Ponderosa Lane cut. Using Strata has added an estimated cost of 20 to 30% for each job. This will have an impact on the customer's service and rates. Avista has complied with the city's street cut policy in the past and guarantees their work. Mr. Berger quoted from the franchise agreement, section 4. The agreement states that the streets will be put back to original condition. Mr. Berger feels the franchise agreement could be a way to waive the use of Strata.

Councilman Walker questioned Mr. Berger if he had to comply with compaction testing with Lakes Highway District. Mr. Berger replied that the only time he had to do this was when they did a major road cut on an arterial.

Councilman Grant recommended this issue go back to the code review committee and they will report back at the next meeting.

Councilman Beck suggested a possible alternative to say that a franchise contractor that is working in the city would agree to follow this protocol and if there is some sort of financial penalty to go back in to fix the cut, it would benefit the city and penalize the franchisor. This would make it in their best interest to do it right the first time. Councilman Gorman questioned is this would be an amendment to the franchise agreement. Councilman Beck felt that this could be an amendment or another agreement with a penalty. The attorney would need to look at this.

AUDIT

Lee Anderson from Anderson Brothers was present at the meeting to review the annual audit for 2008/2009 with the council. Mr. Anderson went through the audit page by page and discussed the general fund activities. Mr. Anderson stated that the infrastructure is not accurate but because the city is only 500 in population, we are not required to keep the records on the streets. The internal control findings were reviewed by Mr. Anderson and there were six findings, two of which are normal for a city of our size the other four have been discussed with the clerk previously and taken care of. **Following the review, Councilman Gorman moved to approve the audit as presented. Councilman Beck seconded the motion. The motion carried.**

MATT GILLIS – WELCH COMER

Mr. Gillis presented a design for a one way south bound street on Strahorn Rd. from Hayden Ave. to Miles Ave. Mr. Gillis discussed the Strahorn Rd. modifications such as pedestrian circulation. The constraints this would cause were also discussed. Mr. Gillis presented options for Strahorn Rd. and one would be to reconstruct the entire road with two lanes, two would be widening the existing road with two lanes and a shared pedestrian path and three would be a one way with shared use path through the golf course.

The one way would consist of a 30' right of way. This would give 19' of road width, and 9' south bound traffic lane, 2' gravel center and an 8' shared use path which allows two-way traffic on the path. A barrier would be placed in the middle; this is not required but recommended. Signage was shown that would be required. An option to consider before making Strahorn Rd. a one way would be to do a traffic count before and after.

Mr. Gillis discussed pedestrian circulation history in Hayden Lake. Diagrams for pedestrian access to Honeysuckle beach were shown. Options for this are using Strahorn Rd. to Honeysuckle and then on to the beach. Second option would be to use the easement in the park to make a path to Northwood Dr. and using Northwood Dr. to Chalet and on to the beach. Third option is to use Hayden Ave. to Chalet and on to the beach. Councilman Gorman felt that the city should help facilitate the route to Honeysuckle beach.

Mr. Gillis discussed the cost of these options. Councilman Walker did not feel that getting to the beach was a priority and the comprehensive plan showed Lakeview Dr. and bicycles are the citizens concerns.

Councilman Gorman discussed using temporary bollards with striping and signage for Strahorn Rd. Councilman Beck added that bollards would be needed on Dakota and Burnham St. also. Councilman Grant felt that the city should try the one-way street temporarily and see how it works. Mr. Gillis suggested the different signage that should be used. Councilman Gorman suggested that in conjunction with making Strahorn Rd. a one-way street, the city should also make the intersection of Strahorn Rd. and Hayden Ave. a four way stop with a crosswalk.

Councilman Grant moved to go forward with the one-way temporary on Strahorn Rd. with south bound traffic, signage as recommended by the engineer and a 6" white stripe and bollards with bike lane marked. Also in this motion would be to make Strahorn Rd. and Hayden Ave. a four way stop intersection. Councilman Beck seconded the motion.

Councilman Beck stated that in the comprehensive plan survey, people liked the way things are now in Hayden Lake. This will be a big change for our city. Councilman Walker stated that he would like to see three bollards on the south end of Strahorn Rd. and would like to have traffic counts done before and after. The counts should be on every street that this would impact. **Councilman Grant moved to amend his motion to include a \$2,500 cap on this project. Councilman Beck seconded the motion. A roll call vote showed; Councilman Beck, "no", Councilman Gorman, "abstained" due to him living on Strahorn Rd., Councilman Walker, "aye" and Councilman Grant, "aye". The motion carried.**

Mayor Morris then call for a roll call vote on the motion by Councilman Grant to make Strahorn Rd. into a temporary one-way street. Councilman Grant, "aye", Councilman Beck, "no", Councilman Gorman, "Abstained" and Councilman Walker, "aye". The motion carried.

Mayor Morris questioned when the start date would be for this project. Councilman Grant replied that we first need to identify someone to do the work and ask Lakes Highway District for new traffic counts. Signs need to be ordered as well. Mr. Gillis stated that he would work with the city and supply a plan and a list of what signs will be needed.

FINANCIAL

The financial statement for April, 2010 was reviewed. **Councilman Beck moved to approve the financial statement, seconded by Councilman Walker. The motion carried.**

STREETS

Councilman Gorman informed the Council that the city is tied for second place for the grant on Miles Ave. Mr. Gillis stated that it looks promising. The design process will take two years and it would go to construction in 2013.

Councilman Gorman requested clerk Hagman to contact Chipmasters for a quote on chip sealing the cities portion of Dakota Ave. Councilman Beck suggested the city speak with the City of Hayden about de-annexing Dakota to them. Councilman Beck will meet with the City of Hayden's Administrator and report at the next meeting.

ADJOURN

With no further business before the council, at 6:15 p.m. Councilman Beck moved to adjourn, seconded by Councilman Gorman. The motion carried.

Nancy E. Morris, MAYOR

Lynn M. Hagman, CITY CLERK