

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
FEBRUARY 5, 2013**

CALL TO ORDER

Mayor Beck called the 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 Rand Wichman were present as representatives of the Council. City Clerk Lynn Hagman recorded the minutes of the meeting.

Mayor Beck led us in the pledge of allegiance.

Councilman Gorman moved to approve the agenda and the consent agenda including the minutes of January 15, 2013 and the invoices to be paid. Councilman Ackerman seconded the motion. The motion carried.

CODE ENFORCEMENT REPORT

Rand Wichman reported on the status of Chet Morris's project. Mr. Morris has received his certificate of occupancy and the demo of the old house is complete and the site has been graded. Mr. Wichman felt that the City could release the \$25,000 security back to Mr. Morris. **Councilman Gorman moved to release the \$25,000 security check back to Mr. Morris, seconded by Councilman Frey.** Councilman Graves questioned the landscaping and Mayor Beck stated that the landscaping is not in the scope of work for the demo permit. Councilman Ackerman questioned if the remaining work would be finished under a remodel permit. Mr. Wichman stated that he and Building Inspector Jeryl Archer feel that no other permit is needed unless he does something that was not included in the original permit. **All members of the council were in favor of returning the \$25,000 security check and the motion carried.**

Mr. Wichman reviewed his field notes regarding Mr. Fazio's project and discussed the latest letter from Mr. Fazio. Mr. Wichman informed the Council of the work that is still to be done and felt that an extension for three months from today would be very generous and he could complete enough to get his certificate of occupancy.

Councilman Graves feels that Mr. Fazio has not taken this issue very seriously and suggested the Council not deal with the extension letter since he did not sign for the last extension. Councilman Frey questioned how many extensions Mr. Fazio has had. Mr. Wichman stated that he has had three extensions.

Mayor Beck questioned Attorney Bredeson as to what the Council's options were. Attorney Bredeson explained that the Council could treat Mr. Fazio's latest letter as a request for another extension and issue another extension without any conditions, issue another extension with conditions in the form of a stipulation agreement, or deny an extension and implement code enforcement procedures, which could include a civil penalty of \$100.00 per day. Attorney Bredeson stated that the last extension is arguably not valid due to the stipulation agreement never being signed. Councilman Gorman questioned if the penalty could be applied from December 27, 2012. Attorney Bredeson informed the Council that some level of due process needs to be given if the penalty is to be assessed. Councilman Graves felt that a stop work order should be placed on the project and Mr. Fazio needs to sign the stipulation agreement from the

last extension before another extension is given. Mr. Wichman stated that another option is to give no extension and request a new permit. Councilman Frey agreed with the stop work order being posted. Mayor Beck felt that the goal is to have the project completed and Mr. Fazio get his certificate of occupancy. Mr. Wichman recommended a stop work order and getting a valid permit extension signed. Council directed Mr. Wichman to place to stop work order and to work with Attorney Bredeson on a stipulation agreement.

Mr. Wichman informed the Council that a development group has approached him to do some work for them. This development is Fox Hollow and is within the City's area of city impact. Mr. Wichman questioned if the Council would have any issues with this and should he request a release from a conflict of interest. Mayor Beck questioned if this developer had any thoughts of annexing into the City. Mr. Wichman stated that they do not want to annex. **Councilman Gorman moved to allow Mr. Wichman to work with this developer, Mr. Rick Gunther, on the Fox Hollow development. Councilman Graves seconded the motion. The motion carried.**

Councilman Ackerman questioned Mr. Wichman on the progress of the Mallrie construction. Mr. Wichman informed the Council that this project is on schedule.

ATTORNEY

Attorney Bredeson informed the Council that Ordinance 256, an ordinance regarding large gatherings is still being reviewed and Councilman Graves needs to meet with Attorney Bredeson on the decibel issue.

Attorney Bredeson addressed the concept of a firearm ordinance and informed the Council that a state statute enacted in 2008 prevents cities from having this type of ordinance.

PUBLIC WORKS

Mayor Beck informed the Council that Lakes Highway District has requested the City to help fund the right of way survey for Miles Ave. The cost is approximately \$4,000 and the City will pay 60% of the cost. **Councilman Graves moved to pay for our portion of the survey, seconded by Councilman Gorman. The motion carried.**

ADJOURN

With no further business before the Board, Councilman Gorman moved to adjourn at 6:40 p.m., seconded by Councilman Frey. The motion carried.

Chris Beck, MAYOR

Lynn M. Hagman, CITY CLERK