

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
AUGUST 7, 2007**

CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Mayor Walker. Council members present were Jim Riley, Bob Grant and Evelyn Meany. Attorney Pete Bredeson, Larry Comer and Dick Pelton were also present as representatives of the Council. City Clerk Lynn Hagman recorded the minutes of the meeting. Visitors present were Tom Freeman of CDF Landscaping and Roy Garwood from Accent Builders and Bob Mallory.

AGENDA

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

Councilman Riley then moved to approve the consent agenda for this meeting including the minutes of July 3, 2007 and the unpaid bills for approval. Councilwoman Meany seconded the motion. The motion carried.

ENCROACHMENT APPLICATION – MRS. BULMER

Mr. Tom Freeman addressed the Council on Mrs. Bulmer's behalf to discuss the encroachment application previously submitted to the Council. Mr. Freeman informed the Council that Mrs. Bulmer is rebuilding her garage which has prompted some upgraded landscaping. Mr. Freeman went on to discuss stress cracks in the pavement of the street on Lakeview Dr. Because of this, Mr. Freeman is proposing to place concrete pavers into the right of way and place a raised wall for an island with some plantings in the middle. The proposal is to saw cut the asphalt and replace with concrete pavers. There would need to be a cast concrete edge approximately 6".

Code Enforcement Officer, Dick Pelton stated that on the positive side, the pavers would slope to the foliage to help with the drainage. Councilman Grant voiced his concern with the garage being very close to the road as did Councilman Riley. Mr. Freeman informed the Council that there is 10' to the fog line. Councilman Grant explained that there are future plans for a pedestrian/bike path on that side of Lakeview Dr. When this happens, Mrs. Bulmer will have to remove, at her expense, everything that they want to put in. Councilman Riley referred to Larry Comer, the City Engineer for his review and then the Council should continue this discussion to the next meeting.

Larry Comer stated that his recommendation would be not to allow any encroachment in the City right of way. Councilman Riley felt that Larry Comer should look at the safety issues and compare to the Capital Improvement Plan. Mr. Freeman asked if it would be considered encroaching if asphalt was put in instead of the pavers. Councilman Riley questioned the plantings and the fact that you can't walk through it. Larry Comer felt that the plantings and pavers are a bad idea and raised the question of who would maintain it. Public Right of Way is for public use. **Councilman Riley moved to refer this matter to the City Engineer, Larry Comer for his review and to look at safety issues, then address this at the next meeting.** Councilman Grant stated that he has reservations and is inclined to deny the application. **Councilman Riley's motion died for lack of a second.**

Councilman Grant felt that he did not need any more review and moved to deny the encroachment application. Councilwoman Meany seconded the motion. Councilman Riley discussed having an engineer's report on this issue; however, he felt that it would result in being a negative report. Mayor Walker called for the vote, all were in favor. **The motion carried.** The Encroachment application for Mrs. Bulmer was denied. Mr. Freeman asked how he could fix the driveway that is cracking. Larry Comer explained that the owner could pave their own driveway to tie in to the property line. Anything in the right of way needs an Encroachment permit and asphalt needs to be to City standards. Larry Comer also stated that encroachments should address drainage and driveways.

LOT LINE ADJUSTMENT – B. MALLORY

Mr. Mallory has submitted an application for a lot line adjustment on 1712 E. Hayden Ave. Mayor Walker questioned Mr. Mallory on where the line would be. Mr. Mallory explained that there is a pie shaped piece of property between his property and Mr. McKinley's property and the lot line adjustment would square off each piece of property. Mr. McKinley submitted a letter of his approval for the adjustment. Following review by the Council, **Councilman Grant moved to approve the lot line adjustment, seconded by Councilwoman Meany. The owners will record this at the County and submit a copy of the recorded document to the City. A roll call vote showed: Councilman Riley, "aye", Councilman Grant, "aye" and Councilwoman Meany, "aye". The motion carried.**

COUNCIL CONCERN

Council discussed the encroachment permit ordinance and felt that it may need to be revised. The ordinance does not specifically address driveways. Following discussion, Mayor Walker directed Larry Comer and Pete Bredeson to look at this and report back to the Council on suggested changes if needed.

STREET MTCE. PLAN

Larry Comer presented information on street maintenance in Pt. Hayden at the request of Councilman Riley. Mr. Comer stated that there are 3 options for the City. One is to do nothing, the second is to repair what N. Kootenai Water Dist. tears up to replace lines and then fix the ditches and work from the bottom up. The third option is to leave the road like it is and overlay the bad sections.

Councilman Riley stated that the LID for Pt. Hayden was over one million and this repair would be approximately 1/5 of the LID cost. Councilwoman Meany questioned if the citizens would be happier with a partial LID for the completion of the overlay instead of doing a few hundred feet at a time. Mayor Walker explained that an overlay is only good for approximately 10 years before it would need to be done again. Mayor Walker discussed the three options and the cost involved. Councilman Grant felt that the storm water run off could be addressed for less than the \$35,000 that will be left over from the \$50,000 from the St. LID carryover.

Councilman Riley asked if the City was going to do the overlay and ditching all at once or are we doing this the segmented way. Councilman Grant stated that right now N.K.W.D. will repair some of their bad lines. It was a good decision to enter into the agreement with N.K.W.D. and we should move forward with this. The City has committed \$15,000 of the \$50,000 from the St. LID carryover.

Councilman Grant moved to ratify the approval of the agreement with N. Kootenai Water District and move forward with the project. Councilwoman Meany seconded the motion. Councilman Riley questioned Attorney Pete Bredeson on legal questions with the agreement and did they all get resolved. Attorney Bredeson stated that the agreement was satisfactory to the Mayor and Council. **The motion carried.**

Councilman Riley then asked Larry Comer if the design regarding drainage was going to cause any problems. Mr. Comer discussed drainage and ditches with the Council. Mr. Comer informed the Council that ditches is a rural system for drainage, hard pipe is and urban section in which a catch basin is used. Mr. Comer stated that the more pipes used, the more expensive it is. The City can't fund an urban system and a rural system is very invasive to property because the ditches would need to be very deep.

Councilman Grant stated that drainage is not the main reason for road failure. Mr. Comer felt that maybe the City should act on complaints and use vein drains in certain areas. The City should look at areas when there is a Chinook or hard rain to see where the drainage problems are. Councilman Riley suggested Larry Comer do a systematic inspection through the winter and document the problems.

Councilman Grant asked if the City should spend another \$15,000 and overlay more area in Pt. Hayden. Larry Comer informed the Council that the Contractor is the excavator and the sub is the asphalt, the bids are separate.

Councilman Riley suggested the Council direct Larry Comer to monitor and asked Mr. Comer to submit a proposal for doing this at the next meeting. Councilman Riley suggested possibly going to the citizens for input on an LID to overlay the rest of Pt. Hayden. Councilman Grant does not want to visit the LID option again. Mayor Walker felt that water is more of a problem and it would not be fixed as far as quality and this is where the LID would not work. Mayor Walker felt the timing would be to continue with the project with N.K.W.D. and monitor the water for next year for discussion of the roads and more overlay possibilities.

Councilman Riley felt that the citizens should have the chance to look at a new LID proposal. Councilman Riley would like to get with N.K.W.D. and have Phil Boyd work with the numbers for a new LID proposal. Larry Comer informed the Council that they would need to tie N.K.W.D. down with commitments of figures and take the proposal to the citizens in early spring. Mayor Walker asked Larry Comer for task orders on a new LID procedure packet.

Larry Comer deferred the intersection concepts for another meeting and gave the Mayor and Council handouts for review. Mr. Comer discussed options for the Cities 2008 street maintenance program. The Country Club area needs maintenance and Mr. Comer recommended against a chip seal, however a slurry seal would be the process of a crack seal first with an asphalt mix and then slurry seal is recommended by Mr. Comer. It was suggested that the City require this to be done after Labor Day and before October 1, 2007. Approximate cost should be \$8,000. Intersections into Bozanta should be done with asphalt with an approximate cost of \$30,000 and the Engineer costs should be approximately \$4,000. Mr. Comer explained the bid process and the City will need three competitive quotes for the projects. Mr. Comer will solicit the bids. **Councilman Riley moved to approve the work to be done in the Country Club area. Councilwoman Meany seconded the motion. The motion carried.**

HEXAGON FINAL PLAT

Larry Comer informed the Council that the City needs to have a warranty and a Millar map to sign off on in order to finalize the project. **Councilwoman Meany moved to approve the final plat for the Hexagon subdivision contingent upon Larry Comer's recommendation of signing the Millar map and getting a warranty from Mrs. Hulteng. Councilman Grant seconded the motion. The motion carried.**

BILLS

Councilwoman Meany moved to ratify the decision to pay the bills, seconded by Councilman Grant. The motion carried.

ORDINANCE 219

Ordinance #219, a new animal control ordinance derived from Kootenai County, was discussed. **Councilman Riley moved to adopt Ordinance #219, seconded by Councilwoman Meany. A roll call vote showed: Councilman Grant, “aye”, Councilwoman Meany, “aye” and Councilman Riley, “aye”. The motion carried.**

The Clerk read Ordinance #219 by Title only.

Councilman Riley moved to adopt Ordinance #219 by reading of Title only and under the suspension of the rules of reading the Ordinance on three separate occasions. Councilwoman Meany seconded the motion. A roll call was taken: Councilman Grant, “aye”, Councilwoman Meany, “aye” and Councilman Riley, “aye”. The motion carried.

Councilman Riley then moved to adopt Ordinance #219 as presented, seconded by Councilwoman Meany. The motion was carried.

BLUE HERON CT.

Attorney Pete Bredeson informed the Mayor and Council that a letter was received from Kootenai County informing the City that they could waive the one acre minimum if the City would sign and accept an addendum that would indemnify the County. Mr. Pelton stated that he would not ask the City to do this. Following discussion, the Council disagreed with the agreement with the County and would not sign the agreement.

LEGAL

Attorney Bredeson informed the Mayor and Council that he has met with Pat Braden at the County and they have agreed to allow the City to collect the impact fees in the area of city impact, directly from the property owner. This would be a condition of the preliminary plat approval. The County will summarize which ones were already passed and inform the City. Subdivisions will pay only at the time of preliminary plat approval. Single family residence is not included in the development impact fees if they are in the ACI. Councilman Riley suggested Attorney Bredeson speaks with Dana Wetzel about not getting fees for single family residence located in the ACI.

FINANCIAL

Councilwoman Meany discussed the upcoming budget and a proposal to raise the cities levy rate next year. Attorney Bredeson will draft a memo on the procedure to do this. The financial report for June, 2007 was reviewed by the **Council and Councilman Riley moved to approve the financial report, seconded by Councilwoman Meany. The motion carried.**

EXECUTIVE SESSION

Councilwoman Meany moved to recess to Executive Session per ID Code 67-2345 (b) at 9:40 p.m. Councilman Riley seconded the motion. A roll call vote was taken; Councilman Grant, “aye”, Councilwoman Meany, “aye” and Councilman Riley, “aye”. The motion carried.

Present in Executive Session were Mayor Walker, Councilmen Grant and Riley and Councilwoman Meany and Attorney Pete Bredeson. Personnel salaries were discussed.

At 10:25 p.m. Council reconvened to regular session. Councilwoman Meany moved to approve the tentative budget for FY 2007/08 as presented. Councilman Riley seconded the motion. The motion carried.

ADJOURN

With no further business before the Council, the meeting was adjourned at 10:30 p.m.

Todd Walker, MAYOR

Lynn M. Hagman, CITY CLERK