

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
JULY 3, 2007**

CALL TO ORDER

Mayor Prince called the regular meeting of the Hayden Lake City Council to order at 7:00 p.m. Present were Council members Bob Grant, Evelyn Meany and Todd Walker. Councilman Jim Riley was absent. Attorney Pete Bredeson and Dick Pelton were also present representing the Council. City Clerk Lynn Hagman recorded the minutes of the meeting. Lyn Pelton and Ed and Linda Felsing were the visitors present.

AGENDA

Councilman WALKER moved to approve the agenda for this meeting, seconded by Councilwoman MEANY. The motion carried.

Councilman GRANT then moved to approve the consent agenda including the minutes of June 18, 2007 and the list of bills for approval. Discussion of the minutes revealed a change to be made on the last paragraph, first page. Councilwoman MEANY seconded the motion with the requested deleted sentence and the motion carried.

VISITOR

Mr. Ed Felsing approached the Council asking if anyone had made a request to use the public path near his home. Councilman Walker stated that the Code Enforcement Officer had spoken with a citizen who had requested to use this path. Attorney Bredeson informed Mr. Felsing that the Council cannot discuss this issue without it being an agenda item and it was not on this agenda for discussion. Mr. Felsing questioned the possibility of the City vacating the public access path to the property owners. Attorney Bredeson informed Mr. Felsing that a request would need to be filed with the City.

Lyn Pelton addressed the Council to discuss Blue Herron Ct. Mrs. Pelton submitted information to the Mayor and Council on a subdivision across the street, Willow Wood, from Blue Herron Ct. for comparison. Dick and Lyn Pelton are requesting the City for an approval letter for the subdivision, Blue Herron Ct. Mrs. Pelton informed the Council that they had been working on this subdivision for 2 ½ years now and the City did approve the configuration the first time it was presented. The neighborhood has small parcels; Blue Herron Ct. is subdivided into 4 parcels on a 2 ½ acre piece of land. The parcels are over .6 of an acre on a private road. The property is zoned R5 through the County which would allow a density of 5 homes per acre.

The benefit to the neighborhood is to remove the duplex that is not conducive to the neighborhood and have the small subdivision. All storm water management plans have been approved as well as all other studies that have been done on the property. Sewer and water is available to the parcels the County Planning and Zoning has approved the subdivision pending the Cities approval. The County Planning and Zoning department advised the Pelton's to move forward with their plans, which has cost them a great deal of money. Mr. and Mrs. Pelton have agreed to the development impact fees on these parcels.

Councilwoman Meany questioned Mrs. Pelton on the previous City approval. Mrs. Pelton informed her that at the time the City previously approved this subdivision with the same configuration, it was called Windsor Court.

Councilman Grant discussed the standard response letter to the County and questioned is the Cities decision is binding with the County. Councilman Walker felt that the City decision is not the binding decision; the County has the final say. Attorney Bredeson informed the Council the first letter that was sent on this subdivision stated that the City had referred this to the City Engineer to review regarding the development impact fees. Councilman Grant stated that the impact fees were not an issue because the City Ordinance states that all new development will pay the fee. Attorney Bredeson also informed the Council that the County Ord. #390 adopts the City Ordinance regarding 1 acre lots and it is binding. If the City requires the 1 acre, the County would comply.

Councilman Grant explained the change in the City Area of Impact Ordinance that allows the City to enforce the 1 acre lot minimum. Councilman Walker felt that the subdivision across the street, Willow Wood, from Blue Herron Ct. was approved because it was submitted before the Ordinance changed. Blue Herron Ct. also started before the change in the Ordinance.

Councilman Grant voiced his concern with approving this subdivision with less than 1 acre lots due to others in the City that have been turned down. His feelings are that Willow Wood should not have been approved and with that, the Pelton's were encouraged to move forward with their subdivision by the County and are now asking for their subdivision to be approved with less than 1 acre lots. Councilman Grant felt that due to the facts regarding the two developments, Blue Herron Ct. should be approved but does not want to set a precedence that the City will approve less than 1 acre lots.

Councilman Walker pointed out the re-charge area for Hayden Lake and stated that Blue Herron Ct. is not in the area. Storm water would not be a problem so the density of less than 1 acre would not hurt the lake.

Councilman WALKER moved to approve the Blue Herron Ct. subdivision due to the timing of the application of the project and contingent upon a letter being sent to the County by Attorney Bredeson informing them that the City will require 1 acre lots from this point on, unless other circumstances prevail. Councilwoman MEANY seconded the motion.

Councilman Grant amended the motion to add that the approval is also based on the approval of Willow Wood subdivision and the County's advise to the Pelton's on moving forward.

The motion was then restated by Councilman GRANT as a motion to approved Blue Herron Ct. subdivision based on the interaction between the County, the City Engineer and the City Attorney. Also contingent upon a letter being sent to the County regarding 1 acre lots in the future. Councilwoman MEANY seconded the motion. The motion was unanimously carried.

POLICE

Councilman Grant inquired about the County animal control ordinance and if the City could adopt it as a whole. Attorney Bredeson informed the Council that he has worked on it but found there were many questions to be answered, therefore he is looking for direction from the Council on how to proceed. Councilman Grant stated that the County would be handling everything and the City only needs to have their ordinance in place so they can enforce it within the City limits. Attorney Bredeson will have an amended City ordinance ready for the next meeting.

LEGAL

Attorney Bredeson discussed the cost sharing agreement with N.K.W.D. and asked the Council how they would like to proceed. Councilman Grant felt that the agreement was fine and the Council should adopt. Councilman WALKER moved to approve the cost sharing agreement with North Kootenai Water Dist. on the Pt. Hayden project. Councilman GRANT seconded the motion. A roll call vote showed: Councilman WALKER, "aye", GRANT, "aye" and Councilwoman MEANY, "aye". The motion was unanimously carried.

Attorney Bredeson informed the Council that the question they asked regarding the width of the right of way on Lakeview and Bozanta intersection is fifty ft.(50'). Information was also submitted by Attorney Bredeson on the pedestrian walkways.

Attorney Bredeson discussed the development impact fees and how they should be paid. Councilman Grant stated that the City has an agreement with the County for them to collect the fees and pay the City. The County is not doing what is in the agreement.

STREETS

Councilman Grant stated that there are still no road repairs being done and we are still waiting for Larry Comer to get back to the Council on the intersection information.

MAYOR APPOINTMENT

Mayor Prince appointed President of the Council, Todd Walker as interim Mayor until the next general election in November, 2007. Councilwoman MEANY moved to approve the appointment, seconded by Councilman GRANT. The motion carried.

Mayor Prince submitted his resignation letter with regrets and thanked the Council for their service to the City.

ADJOURN

With no further business before the Council, the meeting was adjourned at 8:15 p.m.

Todd Walker, MAYOR

Lynn M. Hagman, CITY CLERK