

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
JUNE 4, 2013**

CALL TO ORDER

Mayor Beck called the meeting to order at 5:00 p.m. Council members present were Ed Graves, Tom Gorman, Tommy Frey and Jim Ackerman. Attorney Bredeson and Code Enforcement Officer Rand Wichman were present as representatives of the Council. City Clerk Lynn Hagman recorded the minutes of the meeting. Visitors present were Maritom Picket, Charles Fazio and Melissa Moss. Mrs. Ringger arrived at 6:00 p.m.

AGENDA

Councilman Gorman moved to approve the agenda and the consent agenda including the minutes of May 7, 2013 and the invoices for payment and the paid pending invoices. Councilman Graves seconded the motion. The motion carried.

CITIZENS

Maritom Picket addressed the Council on the city leash law and enforcing it in the city park. Ms. Picket would like to know what Mr. McCall wanted for the park when he left the land to the city. People are not using the bags to clean up after their dogs and no leashes are being used. Ms. Pickett would like some resolution on this situation.

Councilman Graves felt that the city may need signs with a better understanding of the laws. Mayor Beck felt that Chief Johnson may need to visit those not complying. Mayor Beck suggested the Clerk research signs and verbiage regarding leash law and clean up. Councilman Graves questioned the clerk about the County work crews. Clerk Hagman explained that Sewer District Field Operators get the work crews from the County when they have the time to watch them. **Mayor Beck called for a motion to authorize Councilman Graves and Frey to address the park signs and spend up to \$500.00. Councilman Gorman made this motion, seconded by Councilman Ackerman. The motion carried unanimously.**

EXECUTIVE SESSION

At 5:10 p.m. Councilman Graves moved to recess to executive session per ID Code 67-2345 (1) (f) to discuss possible litigation. Councilman Frey seconded the motion. A roll call vote was taken; Councilman Frey, "aye", Councilman Ackerman, "aye", Councilman Graves, "aye" and Councilman Gorman, "aye". The motion carried unanimously.

Present in executive session were Mayor Beck, Councilmen Ackerman, Graves, Gorman and Frey, Attorney Bredeson, Code Enforcement Officer Wichman and Clerk Hagman.

At 5:18 p.m. Council reconvened to regular session.

CATERING PERMIT

The Porch Restaurant has applied for a catering permit for June 22, 2013 for an anniversary celebration. Following discussion Council felt that there should be no entertainment and the celebration should be done before 10:00 p.m. **Councilman Graves moved to approve the catering permit subject to no entertainment and the celebration being over before 10:00 p.m. Councilman Gorman seconded the motion. The motion carried.**

FAZIO LETTER

Code Enforcement Officer Rand Wichman gave the Council an update on the progress of Mr. Fazio's project. Mr. Wichman stated that the finish date on the extension agreement was May 31st and Mr. Fazio can't comply with this date. Mr. Wichman felt that Mr. Fazio is close to being complete.

Mr. Fazio, 547 S. Lower Chrystal Bay Rd. in Post Falls, informed the Council that he was having problems with the hardware deliveries and the steel deck being made for the side of the home. The doors and the hardware are not here yet and Mr. Fazio informed the Council that he stated these problems in his letter. Mayor Beck gave the Council their options; they may extend the date on the extension agreement, allow Mr. Fazio to continue working and apply the agreed to \$100.00 per day penalty or put a stop work order on the project.

Councilman Ackerman questioned if the Council can wait for Mr. Fazio to try to get his certificate of occupancy. Mr. Wichman suggested having the building inspector do a walk through and list what needs to be done for a certificate of occupancy. Councilman Gorman stated that the Council has already given Mr. Fazio an extra 30 days; however, we should allow Mr. Fazio to continue working. Councilman Gorman voiced his concern with Mr. Fazio not following through with the extension agreement and is inclined to impose the agreed to penalties. Councilman Frey agreed.

Mr. Fazio reminded the Council that he was shut down for a month and could have gotten a lot more work done in this time. **Councilman Gorman moved to allow Mr. Fazio to continue to work on the home and the city will impose the penalty of \$100.00 per day for each day after May 31st. Councilman Graves seconded the motion.** Councilman Ackerman suggested giving Mr. Fazio a week to complete the work to get a certificate of occupancy. Councilman Graves stated this would be the 3rd or 4th time for an extension and stated he was against this. Mayor Beck called for the question. **The motion carried unanimously.**

ORDINANCE 260

Ordinance 260, an ordinance to change city council meeting time to 5:00 p.m. from 6:00 p.m. was introduced. **Councilman Gorman moved to adopt Ordinance 260, to suspend the reading on three separate occasions and to be read in full. Councilman Graves seconded the motion. A roll call vote was taken; Councilman Ackerman, "aye", Councilman Graves, "aye", Councilman Gorman, "aye" and Councilman Frey, "aye". The motion carried.**

Mayor Beck read Ordinance 260 by Title only. **Councilman Gorman moved to approve Ordinance 260, to publish by summary and to adopt the summary of Ordinance 260. Councilman Frey seconded the motion. A roll call vote showed; Councilman Graves,**

“aye”, Councilman Gorman, “aye”, Councilman Frey, “aye” and Councilman Ackerman, “aye”. The motion carried.

ENCROACHMENT PERMITS

Mr. Norm Weber’s application to encroach into the city right of way 15’ on Lakeview Dr. was presented. Attorney Bredeson informed the Council that in 2006 an Ordinance was passed regulating right of way encroachments. This Ordinance was amended to permit major landscaping under certain conditions. Mr. Wichman informed the Council that there are fences on both sides of Mr. Weber’s property and Mr. Weber wants to enclose his property like his neighbors have done. Mr. Wichman informed the Council that the water main is 1’ from where Mr. Weber wants to put his fence and this could be problematic. Mayor Beck questioned if Mr. Weber’s fence would be in conjunction to his neighbors and Mr. Wichman replied that it would be. Councilman Gorman questioned if the neighbors’ fences were over the water line and Mr. Wichman replied that they were. **Councilman Gorman felt it would be unfair to not allow Mr. Weber to have his fence and moved to approve the encroachment permit contingent to it not encroaching any further than his neighbors. Councilman Frey seconded the motion. The motion carried.**

Mr. Wichman then addressed Ben and Erin Ringger’s encroachment application and informed the Council that their request is to encroach 3’ into the right of way on Hayden Ave. The water line is also located 3’ into the right of way and the proposed decorative fence with concrete and stone pillars would be on top of it. Mayor Beck asked if Mrs. Ringger was adamant about having her fence in this location. Mr. Wichman felt that she may be willing to move it back or have a different type of fence. Councilman Frey stated that the pillars are the problem and they would be hard to remove if we had a water line break. Mr. Wichman suggested he speak with Mrs. Ringger about some other options. Mayor Beck asked to table this issue until the next meeting. **Councilman Graves moved to table this encroachment application until the next meeting. Councilman Frey seconded the motion. The motion carried.**

Mr. Wichman presented Melissa Moss’s encroachment application of 3’ into the right of way on Pine St. Mr. Wichman stated that this is a modest encroachment and the water line is no problem. **Councilman Gorman moved to approve the encroachment permit for Mrs. Moss. Councilman Graves seconded the motion. The motion carried.**

CODE ENFORCEMENT REPORT

Mr. Wichman gave a report for the months of April and May and informed the Council that Mr. Robideaux has completed his fence and it looks good. Mr. Wichman then discussed the Mallrie building permit and stated there was a neighbor who felt he hadn’t been treated fairly by the contractor. Mr. Wichman met with him and the contractor and resolved the issues. Mayor Beck questioned some asphalt damage in front of the project and felt it may possibly be from large trucks. In repairing the damage to the road Councilman Gorman questioned how big the road cut needed to be to comply with our policy. Attorney Bredeson explained Ordinance No. 246 regarding the 3’ road prism. Mr. Wichman stated it was a very small area and a small patch would be needed.

Mr. Wichman informed the Council of a building permit that was issued for a new home on Hoffmeister Ct. by Mr. Wigen. Mr. Wichman also had a meeting with Mr. Bob Schmand and Mr. and Mrs. Batchelder regarding a possible PUD on a 4.5 acre parcel. The red tag on the fence on Fir Lane was discussed and Mr. Wichman stated that no one lives there, however a letter

was sent to the owner and the contractor will take care of it. The fence had no building permit and exceeds the height restriction. Councilman Graves questioned what happens if this person never gets a permit. Attorney Bredeson informed the Council that the City can take the fence down after a certain time period and charge the owner.

At 6:00 p.m. Mrs. Ringger joined the meeting and Mr. Wichman announced her to the Council. Mr. Wichman explained what the Council direction was on her encroachment application. Mr. Wichman explained that he will meet with her the next day.

Mr. Wichman reviewed the draft fee schedule with the Council. Building permit fees were discussed and Councilman Graves questioned extensions and the time frame and fees. The first extension would be \$200.00 and any subsequent extensions would be half the cost of the building permit. The assumption by Councilman Graves is that the extension would be for another full year. Mr. Wichman confirmed that it would be and Councilman Graves questioned if the person only needs 3 months to finish, maybe the first permit should allow for this extension of time. Mr. Wichman felt that the person could request a partial fee waiver from the Council. Councilman Ackerman questioned where the \$200.00 came from. Mr. Wichman stated that he felt this was reasonable and would cover the costs. Councilman Ackerman felt that \$500.00 would be more reasonable. Mr. Wichman stated this would be up to the Council's discretion.

Mayor Beck clarified the process for changing fees with Attorney Bredeson. Attorney Bredeson replied that a public hearing will be held. Mr. Wichman stated that some permits that don't have a current fee should have a fee and other permits that have fees need to be better delineated.

Building without a permit would be a double fee. Mr. Wichman stated that the significant changes are new fees. A fixed fee is suggested for storm water permits to cover all costs. Mayor and Council agreed. Mayor Beck felt that whichever fees that can be bracketed should be. Mr. Wichman recommended a code amendment for the subdivision-extension of preliminary plat approval. Mr. Wichman asked for council comments and stated that there would need to be a resolution for the fee schedule and an ordinance if the code is amended. Attorney Bredeson suggested that the code revisions sent out previously be done with the fee resolution.

Mr. Wichman then informed the Council that he attended the forum on the County's ULUC. Attorney Bredeson has sent out a memo regarding the City ACI. Mr. Rens spoke to Mr. Wichman at the forum about the City Impact Fee and suggested that it was not properly adopted. Mr. Wichman suggested the City review the ACI ordinance with the current standards.

ATTORNEY

Attorney Bredeson asked the Council for direction to work with Mr. Wichman on the fee resolution and code revisions. Attorney Bredeson would like to hold a public hearing in July for the code revisions. Mayor Beck, by consent of the Council directed Attorney Beck to work with Mr. Wichman on the fee schedule and Ordinance for Code revisions.

FINANCIAL

Clerk Hagman reviewed the financial report for April, 2013 and informed the Council that the budget preparation has been started. **Councilman Graves moved to approve the financial report, seconded by Councilman Frey. The motion carried.**

PUBLIC WORKS

Mayor Beck informed the Council that the Hayden Lake Recreational Water and Sewer District would not be putting lines down Strahorn Rd. or Miles Ave. Mayor Beck met with the Sewer District and Lakes Highway District and the Sewer District approved the reimbursement of any extra costs the City and Lakes Highway District may incur on the Miles Ave. project. Mr. Shanley, engineer for Lakes Highway District will meet with his Board to discuss working with the City to get a bid on the Strahorn Rd. project from Miles Ave. to Dakota. Mayor Beck discussed design for Strahorn Rd. and stated that the Highway District engineer indicated if the Highway District is willing to do the design within their scope then with limited direction they can get a price from the contractor and accomplish the construction. This will be a large savings to the City.

Mayor Beck stated that the City needs to revisit the Northwood Dr. issue. There has been no word from Chipmasters and Mayor Beck requested Clerk Hagman to contact them. Councilman Gorman will be available to meet with them to look at Northwood Dr.

COUNCIL COMMENTS

Councilman Graves discussed engineering projects and recommends getting bids from qualifying engineering firms for future projects.

Mayor Beck congratulated Councilman Graves on being elected to the Hayden Lake Recreational Water and Sewer District Board.

ADJOURN

With no further business before the Council, at 6:45 p.m. Councilman Gorman moved to adjourn, seconded by Councilman Graves. The motion carried.

Chris Beck, MAYOR

Lynn M. Hagman, CITY CLERK