

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
MARCH 19, 2013**

CALL TO ORDER

Mayor Beck called the meeting to order at 6:00 pm. Present were Council members Tom Gorman, Ed Graves and Jim Ackerman. Councilman Frey had an excused absence. City Attorney Pete Bredeson and Code Enforcement Officer Rand Wichman were present as representatives of the Council, as was Police Chief Glen Johnson. Also in attendance were Bill and Dayle Allison, Maritom Pickett, John Robideaux, Jr. and William Bentz.

AGENDA AND CONSENT AGENDA

Councilman GRAVES moved to approve the posted agenda for the meeting along with the consent agenda. The consent agenda included the minutes from the March 5, 2013 regular meeting, the list of invoices for approval and the paid invoices pending approval. Councilman GORMAN seconded the motion. The motion carried.

CITIZEN ISSUES

I. CONCERNED CITIZEN FOR LEASH LAW

Maritom Pickett of 10751 N. Lakeview Drive provided comments regarding dogs in McCall Park. She stated that she uses the Park often to walk her dog and other dogs. Ms. Pickett distributed a document to the Mayor and Council entitled "Establishing a Dog Park in Your Community". She requested that the Mayor and Council review the document. Her main concerns are dogs not being on a leash and the failure of some dog owners to pick up their dog's feces. She would like to see the dog park concept applied to McCall Park. Ms. Pickett requested guidelines for all of the Park users to follow.

Councilman Gorman questioned Ms. Pickett about the dog park concept. He asked her if all dogs in the park would be required to be on a leash. Ms. Pickett indicated that wouldn't be the case since there would be a fence around that portion of the park where dogs could roam free. Dogs outside of the fenced portion would still be required to be on a leash. Councilman Graves verified that dogs outside of the fenced portion would still be required to be on a leash.

Councilman Gorman asked if signs were posted in the Park informing dog owners of their responsibilities. Councilman Gorman thought that signs had been posted along with bag dispensers to facilitate dog feces pick up. Ms. Pickett stated that there were no signs. She offered to pay for such signs. She said that the dispensers only contain bags some of the time. Councilman Gorman asked if the City had a leash law. City Attorney Bredeson indicated that the City does have such a law,

which is actually part of the Kootenai County Code that has been adopted by the City. It requires dogs to be kept on a leash of no more than ten (10) feet in length, with certain exceptions, such as when a dog is trained to be and is under direct voice control. Ms. Pickett requested that all users of the Park abide by the same guidelines. Mayor Beck thanked Ms. Pickett for her comments.

II. CONCERNED CITIZEN FOR NORTHWOOD DRIVE ROAD REPAIR

Bill Allison of 1644 Northwood Drive addressed the Mayor and Council regarding Northwood Drive. Mr. Allison asked for an update on the Council's decisions regarding the resurfacing of Northwood. He stated that loose gravel from the street has become a real problem by clogging up drains and getting on yards. Councilman Gorman stated that the City has actually been quite active in addressing this issue. After talking with Councilman Gorman, the owner of Chipmasters has agreed to review the condition of the street after he returns to the area this spring to develop a plan to remedy the issue and then do so. Councilman Gorman also stated that the City has had workers rake gravel out of lawns located along Northwood. Mr. Allison commented that the rocks from the yards were still lying where they were raked. Councilman Gorman responded that the reason for this is that the plan is to rake all of the gravel from the yards into the street so that they can be picked up by a street sweeper. Mr. Allison then confirmed with Councilman Gorman that the City was going to do more than just sweep up the rocks to address the matter. Councilman Gorman predicted that the plan may involve a new chip seal or fog seal. However, that answer won't be known until the owner of Chipmasters analyzes the issue. Mr. Allison commented that a new chip seal wouldn't solve the problem. Councilman Gorman requested that the owner of Chipmasters review the matter first before conclusions as to what is or isn't necessary are made.

Mr. Allison questioned to what degree Chipmasters had agreed to fix the problem. Councilman Gorman responded that Chipmasters had agreed to make it right. Councilman Graves stated that the goal was to not have gravel tracking into yards and driveways. Councilman Gorman stated that the City doesn't have the funds to grind up the street and re-pave it. Mr. Allison then asked who owns the street that intersects with Northwood. Councilman Gorman stated that such street, which is Chalet Road, is owned by the City down to Lady Bug Lane. Mr. Allison commented that the City has the worst part of that road, further commenting that it is falling apart. Councilman Gorman stated that the City is also aware of the condition of Chalet Road. Councilman Gorman thanked Mr. Allison for his comments and requested that Mr. Allison pass the information he has gleaned onto his neighbors. Once the City Clerk returns, a letter will be mailed to all property owners along Northwood informing them of the City's plan to address the issue. Councilman Gorman predicted that Chipmasters will complete its work in late May or early June of 2013. Mayor Beck also thanked Mr. Allison for his comments.

OLD BUSINESS

III. CONTINUED FENCE VARIANCE FOR JOHN ROBIDEAUX, JR.

Mayor Beck asked City Attorney Bredeson to explain where this matter stood and what needs to be done. Bredeson explained that a hearing on the application was held during the November 5th, 2012 Council meeting, after which the City Council voted to deny the request based on the denial of a fence variance application submitted by Richard Hackett in 2010. Following the November 5th meeting, it was discovered that Mr. Robideaux had been given the incorrect date of the hearing, so Mr. Bredeson advised the City Clerk to put the matter back on for hearing tonight. Mr. Bredeson then requested that the hearing process begin by having Mr. Robideaux speak.

John Robideaux, Jr. of 9264 Chalet Road stated that he was present to answer any questions the Mayor and Council might have pertaining to his request for a special permit to construct a noise barrier. Mayor Beck confirmed with Mr. Robideaux that the request is for a fence eight feet (8') in height along the south border of Mr. Robideaux's property. The proposed fence consists of two hundred and four feet (204') of fence six feet (6') in height and one hundred twenty-five feet (125') of fence eight feet (8') in height. Section 8-3-1 of the City Code restricts the height of fences for back yards and side yards to seventy-two inches (72") above original grade.

Councilman Ackerman asked Mr. Robideaux what type of construction the fence would be. Mr. Robideaux explained that it would be a cedar fence of solid construction due to wind problems in the area. Councilman Ackerman then asked how close the fence would be to Hayden Lake. Mr. Robideaux explained that the fence would be approximately 110 feet away from the ordinary high water mark. Councilman Gorman asked if the 8' portion of the fence would be visible from Chalet Road. Mr. Robideaux indicated that it would not be visible from the road. City Attorney Bredeson then asked if Mr. Robideaux's house sat on elevated ground so that his house overlooked the neighboring property to the south. Mr. Robideaux indicated that it did, which is why he needs the additional fence height. Mr. Robideaux also stated that the fence will help block the noise from his neighbor's patio. He referenced letters that were submitted as a part of his application from adjoining neighbors in support of the application. Councilman Gorman then stated that all of Mr. Robideaux's adjoining neighbors had been notified of the application. Councilman Gorman then asked Mr. Robideaux about how the neighbors to the south felt about the application. Mr. Robideaux stated that they didn't care.

Councilman Graves informed Mr. Robideaux of City Ordinance No. 257, which prohibits disruptive parties, events and gatherings. Mr. Robideaux thanked the City for its help in resolving this issue.

Code Enforcement Officer Rand Wichman then presented several pictures of where the proposed fence would be located. Wichman stated that these pictures illustrate that Mr. Robideaux's house sits on elevated ground so that his house overlooks the neighboring property to the south, thereby making the additional fence height necessary. Wichman also stated that the 8' portion of the fence wouldn't be visible from Chalet Road since that portion of the fence will lie approximately 1100' back from the road. Wichman also confirmed that the fence would not be closer than 110' to Hayden Lake.

Mayor Beck then asked Attorney Bredeson where the City goes from here. Bredeson stated that the Council could either approve or deny the application tonight and approve a corresponding written decision at its next meeting. Bredeson explained that the relevant factors under City Code Section 8-3-5 are whether or not there are special characteristics of the site and whether or not the 8' section of the proposed fence is compatible with the neighborhood. Bredeson stated that since Mr. Robideaux's house sits on elevated ground, he believes that the special characteristics requirement is met here. Bredeson also stated that the 8' portion of the fence is compatible with the neighborhood since a majority of it will not be visible from Chalet Road or Hayden Lake. Therefore, Bredeson recommended that the variance request be granted.

Councilman GRAVES moved to approve the variance request due to apparent specific conditions allowing such variance to take place and due to a lack of a visual issue, problem or nuisance since the 8' portion of the proposed fence won't be visible from Chalet Road or Hayden Lake. Councilman ACKERMAN seconded the motion.

Roll Call Vote: Councilman Graves voted "aye", Councilman Gorman voted "aye" and Councilman Ackerman voted "aye". The motion passed.

POLICE CHIEF REPORT

Chief Johnson reported that during the last month he had one call for service relating to a traffic accident on Lakeview Drive and ten (10) traffic stops, from which seven (7) citations and three (3) warnings were issued. Traffic violations were spread pretty evenly throughout the City. Councilman Gorman asked about the circumstances surrounding the accident. Chief Johnson replied that it was due to the driver having some sort of medical condition. Councilman Graves requested that Chief Johnson call him to arrange for equipping the Chief with a decibel meter.

CODE ENFORCEMENT OFFICER

Code Enforcement Officer Rand Wichman presented highlights of his written report to the Mayor and Council. Wichman stated that Mr. Fazio is on his way with his building permit extension agreement. The only new building permit issued is for a fence. Such permit was issued today. A road cut permit has been issued to Avista Utilities for work

on Pines Road. However, that work hasn't been started yet. Wichman also reported that he met with Les Hintz, General Manager of the Hayden Lake Country Club, regarding the construction being conducted on the golf course. Wichman talked to Mr. Hintz about minimizing the tracking of soil and debris onto City streets. Wichman also referenced some large trees that the Country Club has removed along Strahorn Road, the remnants of which still need to be removed from the bike path along Strahorn.

Wichman then reported that he continues to work on revising various permit application forms. He and Attorney Bredeson recently completed the finalization of an application form and checklist for the City's new alternate setback and building height requirements. Wichman stated that he continues to work with Councilman Graves on a new fee resolution and fee structure for City fees. Councilman Ackerman stated that he hopes that fees for building permit extensions will be substantial.

CITY ATTORNEY REPORT

Bredeson stated that he had drafted an ordinance that was included in the meeting packets which allows the City Clerk to issue liquor licenses, along with renewals and transfers of the same, instead of requiring such matters to be approved by the City Council. Bredeson reported that revocations, suspensions or denials of liquor licenses would still need to go to the City Council for hearing. Mayor Beck asked if this procedure is consistent with the procedure utilized by most other cities in the State of Idaho. Bredeson responded that it was. Bredeson also stated that this procedure is expressly authorized by Idaho Code §23-1016(3). Mayor Beck questioned whether or not the ordinance had been advertised for approval. Bredeson responded that the ordinance was not on the agenda for approval. He requested that the ordinance be put on the agenda for approval at the next regular meeting. The Council unanimously consented to do so.

Mr. Bredeson also reported that he is working on summarizing some proposed revisions to the City Code that were pending in the Code Review Committee. Bredeson will report on such revisions at the next regular meeting.

PUBLIC WORKS REPORT

Mayor Beck reported that he and Councilman Gorman met with representatives of Lakes Highway District and the Hayden Lake Recreational Water & Sewer District to discuss reconstruction of Miles Avenue and Strahorn Road. The Sewer District now will be putting a new sewer line underneath Miles Avenue and Strahorn Road. With respect to Miles Avenue, the City and Lakes Highway District will fund the project only to the extent provided in their Memorandum of Understanding, with the Sewer District picking up any additional costs associated with complete reconstruction of the street. Councilman Gorman stated that the project will be completed in 2013. The MOU with the Highway District is being amended to include the Sewer District as a party. Councilman Graves questioned whether or not Miles Avenue would be shut down completely at times during construction. Mayor Beck responded that access will have to be provided to adjacent property owners, so a one lane dirt or gravel road can be expected. With respect to

Strahorn Road, Councilman Gorman stated that there is a pending agreement with the Sewer District to reconstruct that road as well with the City only being obligated for the cost of doing asphalt treated base re-surfacing for one-half (1/2) of the road. If the anticipated cost is too much for the City to absorb, the City will only provide funding for that portion of Strahorn that lies between Miles Avenue and Dakota Avenue. From Miles Avenue to Hayden Avenue, the new sewer line underneath Strahorn will run along the west side of the road. Councilman Gorman commented that the City will end up with a much better road due to cooperation from the Sewer District. Councilman Gorman commented that work still needs to be done with respect to finalizing the terms of the agreement with the Sewer District regarding reconstruction of Strahorn.

Councilman Ackerman asked about the responsibility for construction cost overages. Councilman Gorman stated that the Sewer District would solely be responsible for such overages on both the Miles Avenue and Strahorn Road projects. Mayor Beck commented that the new sewer lines would run from Lakeview Drive down Miles Avenue to Strahorn Road, then down Strahorn Road all the way to Lift Station H-1 along Honeysuckle Avenue in Hayden. Mayor Beck stated that as part of the project, both Miles Avenue and Strahorn Road would be repaved by the end of 2013. Councilman Ackerman asked if the Sewer District would be paying for a bike path along Miles Avenue. Mayor Beck responded that the City will be responsible for the costs associated with any such bike path.

MAYOR COMMENTS

Mayor Beck stated that he has asked the City Clerk to prepare an ordinance assigning numbers to the City Council seats so that candidates would have to designate which seat they are running for. Mayor Beck commented that many cities in Idaho have adopted this method. Councilman Gorman commented that the “horse race” method that the City uses is really the exception to the rule. Mayor Beck stated that such method used to be the norm 40 to 50 years ago but is now the exception. Other cities such as Coeur d’Alene and Post Falls have assigned numbers to Council seats.

ADJOURNMENT

With no further business, Councilman GORMAN moved to adjourn at 6:46 pm, seconded by Councilman GRAVES. The motion carried.

Chris Beck, Mayor

Lynn M. Hagman, City Clerk