

**CITY OF HAYDEN LAKE  
MINUTES OF REGULAR MEETING  
NOVEMBER 20, 2012**

CALL TO ORDER

Mayor Beck called the regular 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 also present as representatives of the Council. Clerk Lynn Hagman recorded the minutes of the meeting.

Mayor Beck led in the pledge of allegiance.

AGENDA

**Councilman Gorman moved to approve the regular agenda and the consent agenda including the minutes of November 5, 2012, the invoices for payment and the paid pending approval invoice to DEQ. Councilman Ackerman seconded the motion. The motion carried.**

FENCE VARIANCE

Councilman Gorman informed the Council that he had met with Mr. Robideaux and looked at the fence issue. Mr. Gorman stated that Mr. Robideaux's complaint is that the neighbor is having large parties and it is disruptive to him and several other neighbors'. Councilman Gorman explained that Mr. Robideaux's home is located on the higher part of his property and then slopes down, therefore 6' doesn't block very much.

Councilman Gorman informed the Council that he had explained to Mr. Robideaux that other 8' fence variances have been denied due to no hardship. Councilman Gorman also explained that as it is now the variance has been denied because of precedence and State Statue. The City may possibly be looking into changing the ordinance to give the City more flexibility in the future, Councilman Gorman questioned Attorney Bredeson on the fence ordinance we have in place now. Councilman Graves stated that the City does have a noise ordinance in place and informed the Council that he has a machine that could measure the decibels. Councilman Frey suggested Mr. Robideaux put up a 6' fence and planters on top or place a 2' berm and the 6' fence on top of the berm. Attorney Bredeson informed the Council that the fence has to be from the original grade. Attorney Bredeson informed the Council that the City could regulate this type of activity as a nuisance; however the ordinance would need to be amended.

Code Enforcement Officer, Rand Wichman stated that it is difficult to enforce noise ordinances. If there is another way he would encourage it. Mayor Beck directed Mr. Wichman to draft the language for an amendment in the code. Attorney Bredeson will research how the City could define what an appropriate use is in the residential zone without crossing into intruding on anyone's private property rights.

Councilman Ackerman questioned if the Council should ask Mr. and Mrs. Daines to a meeting and ask what their intentions are this spring and summer. Councilman Frey suggested a letter to the Daines apprising them of the complaints received. **Councilman Ackerman moved to have the Mayor put the Daines on notice for complaints on disturbance.**

**Councilman Gorman seconded the motion. The motion carried. Councilman Gorman moved to continue the fence variance, seconded by Councilman Graves. The motion carried.**

#### MORRIS AGREEMENT

Attorney Bredeson explained the agreement with Mr. Morris regarding the roof on his home on Morris Rd. This agreement will be recorded at the County. **Councilman Gorman moved to approve the agreement, seconded by Councilman Frey. The motion carried.**

#### FLOOD PLAIN ADMINISTRATOR

Clerk Hagman informed the Council that the City needs to appoint a Flood Plain Administrator. The last one we had was Larry Boatwright who was the City building inspector. **Councilman Gorman moved to have the Code Enforcement Officer, Rand Wichman as the Flood Plain Administrator. Councilman Frey seconded the motion. The motion carried.**

#### CODE ENFORCEMENT REPORT

Code Enforcement Officer Rand Wichman reviewed the open building permits with the Council stating that he had conducted 3 final inspections. Mr. Wichman voiced his concern with storm water runoff at 1677 Bozanta St. and will keep an eye on it. Mr. Wichman informed the Council that he had spoken with the building inspector regarding the progress on Chet Morris's house. Mr. Wichman would like to look at a temporary certificate of occupancy at the end of November. Mayor Beck stated that Mr. Morris should be done with all of the work inside and outside of the house and the inspection should be done the day before November 30<sup>th</sup>. The basement can be unfinished. Mayor Beck stated that they can have a gravel driveway of all season material.

Mr. Morris has 60 days to remove the existing home. Mr. Wichman questioned the Council on issuing a permanent versus a temporary certificate of occupancy. Council felt that if all the conditions are met he can have a permanent certificate of occupancy. Mr. Wichman presented a stop work order and a violation form that he would like to have printed for his use. Attorney Bredeson will review the forms and work with Mr. Wichman on this.

#### FINANCIAL

**Following review of the financial report, Councilman Gorman moved to approve the financial report for October, 2012. Councilman Graves seconded the motion. The motion carried.**

#### PUBLIC WORKS

Councilman Gorman discussed an email that he had received from Eric Shanley from Lakes Highway District. Mayor Beck informed the Council that he had met with Larry Comer from Welch Comer, Melissa Cleveland and Mr. Shanley regarding the Miles Ave. and Strahorn Rd. project. Mayor Beck informed the Council that the Hayden Lake Recreational Water and Sewer District will more likely than not be installing a line on Miles Ave. and Strahorn Rd. in 2013 and they want to cost share with the City for the reconstruction on Strahorn and with the City and the Highway District for reconstruction on Miles Ave.

Mayor Beck stated that at the meeting the discussions were who would design what and who would pay for what. Mayor Beck stated that once the Sewer District makes their decision on the proposed LID7a, then the City will be able to make a decision on how to proceed and whether we will use federal funds or not. Councilman Ackerman questioned that if the City uses federal funds, we will have to design to federal standards. Mayor Beck replied that we would.

Mayor Beck explained that the new sewer lines would go down Miles Ave. and down Strahorn Rd. to Hayden Ave. The Sewer District questioned if the City would participate in cost sharing all the way to Hayden Ave. instead of to Dakota. Mayor Beck explained that it would depend on funds.

#### COUNCIL COMMENTS

Councilman Ackerman informed the Council that the trees have been transplanted in the park and Peck and Peck donated their water truck for this project. A blue spruce was planted in memory of Gerry House and Western Tree also donated a blue spruce.

The walking path will start next week according to Councilman Ackerman.

**Councilman Gorman moved to approve the clerk to order a cd recorder for the meeting room. Councilman Frey seconded the motion. The motion carried.**

Clerk Hagman announced that the Blue Cross premium has gone down this year by approximately \$150.00.

#### ADJOURN

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

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Chris Beck, MAYOR

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Lynn M. Hagman, CITY CLERK