

**CITY OF HAYDEN LAKE  
MINUTES OF REGULAR MEETING  
OCTOBER 16, 2012**

CALL TO ORDER

Mayor Beck called the meeting to order at 6:00 p.m. Councilmen present were Tom Gorman, Tommy Frey and Jim Ackerman. Councilman Ed Graves was absent. Code Enforcement Officer Rand Wichman was present as a representative of the Council. Clerk Hagman recorded the minutes of the meeting.

Visitors present were Mr. and Mrs. Allison, Mr. and Mrs. Overby, Mr. and Mrs. Schmidt, Dan Gatewood and Troy Turley all residents of Northwood Dr., William Bentz, Mr. and Mrs. Heckel, Mr. Smith, Mr. and Mrs. Gatton and Brett Gatton.

Mr. Wichman led us in the pledge of allegiance.

AGENDA

**Councilman Gorman moved to amend the agenda to add the Notice of Intent to participate in the all hazard mitigation plan due to this notice just being received, and to approve the agenda as amended. Councilman Frey seconded the motion. The motion carried.**

**Councilman Gorman then moved to approve the consent agenda including the invoices for payment and the minutes of October 2, 2012. Councilman Frey seconded the motion. The motion carried.**

NORTHWOOD DR.

William Allison, a resident on Northwood Dr. addressed the Council regarding Northwood Dr. chip sealing. Mr. Allison stated that a few months ago he had requested sink holes be fixed on Northwood Dr. and the City fixed them. Then the City came in and had a contractor do a chip seal on the street. Mr. Allison is concerned with the gravel left behind. Mr. Allison is requesting the City have the street swept.

Dan Schmidt presented a bucket of gravel he had swept from Northwood Dr. Mr. Schmidt informed the Council that this is what was left in the street and it is being carried into the driveways. Mr. Schmidt also voiced his concern with children falling and hurting themselves on the gravel. Mr. Schmidt feels that when the chip seal was done, not enough oil was put down. Plowing will push the loose rock into the yards. Mr. Schmidt feels that it needs to be swept now and redone next year.

Dan Gatewood explained that when the plowing is done the rocks will be pushed into the yards. The rocks stick to the wheels of his wheel chair and ruin his laminate flooring.

Troy Turley spoke to the Council and voiced his concern that there could be possible litigation. It is dangerous because the rocks are like marbles and cars are dodging them. There are a lot of children playing in the street.

Mike Overby stated that the corner of Chalet and Northwood Dr. is slick when you are on a bicycle or motorcycle. The gravel is piled up on the corner. Mr. Overby questioned why the City of Hayden used a fog seal after chip coating and the City of Hayden Lake did not.

Councilman Gorman explained that the sink holes were repaired numerous times on this street and the City was reluctant to spend money until the street settled. The cracking was bad so the chip seal was done. The contractor, Chip Masters has done several jobs in the City and has done a good job. The City has not used a fog seal on any of the other chip seal jobs and they turned out fine. Councilman Gorman stated that he drove Northwood Dr. after the chip seal was done and felt that it looked good. Councilman Gorman informed the citizens that he will call Chip Masters regarding the amount of oil that was put down and in the meantime the City will have the street swept and will look at it in the spring.

Mr. Overby asked if the street could be swept twice. Mayor Beck replied that the City will have the street swept once and will look at it in the spring. **Councilman Gorman moved to direct the clerk to contact a contractor to sweep Northwood Dr. Councilman Frey seconded the motion. The motion carried.** Mayor Beck explained that there are 2 or 3 different methods of chip sealing.

#### HECKEL VARIANCE APPLICATION

At 6:30 p.m. Mayor Beck closed the regular meeting and opened the public hearing for a variance application submitted by Mr. and Mrs. Heckel.

Code Enforcement Officer Rand Wichman gave an introduction to the variance request and stated that there are three locations of encroachment, on the side and in the front of the property. Mr. Wichman felt that this variance is not justified in this circumstance and the applicant's needs can be met with a redesigned structure that meets setback requirements. Mr. Wichman felt that granting a variance in this circumstance would represent a special privilege without having exceptional physical conditions of the site to justify it.

Mr. Smith, representative for the Heckel's addressed the Mayor and Council and explained that the addition is designed for handicap access. The house is not being over built and moving back would complicate the roof structure and it would have better street appeal. Mr. Smith explained that the addition would help screen the neighbor's motor home. The addition would be 1100 sq. ft. onto a 1400 sq. ft. home with ADA requirements met. The encroachment is a total of 90 sq. ft. With ramps, Mr. Smith stated that this space is needed.

Mr. Smith presented a revision to the plan with a request of an additional 2 ft. onto the garage. Councilman Ackerman questioned Mr. Smith if the 2 ft. would encroach further. Councilman Gorman questioned why they do not move the addition back into the courtyard more. Councilman Frey agreed and felt that there was room to do this. Mr. Smith explained that this would make the courtyard small and all the water and snow would drain there. Mr. Smith asked the Council to give this variance some consideration.

Mark Heckel addressed the Mayor and Council and informed the Council that he had presented the plans to his neighbors and had good responses. Mr. Heckel feels that his home will look much better with the addition.

Mayor Beck informed the applicants that the city has received a letter from Polly Anderson. Mayor Beck read the letter into the record.

Mr. Smith commented on Ms. Anderson's letter and informed the Council that there is no encroachment on her side of the property. Mr. Smith then introduced a new set of plans that included an additional encroachment of 2 ft. on the garage. Mayor Beck asked Code Enforcement Officer Rand Wichman if he had any comment on the new plan. Mr. Wichman referred to Attorney Bredeson as to whether Mr. Smith could legally modify plans at the hearing.

Mayor Beck closed the public hearing at 7:00 p.m. and reconvened the regular meeting for council discussion. Councilman Gorman questioned Attorney Bredeson on the revised plans. Attorney Bredeson informed the council that they can only discuss the original plans or Mr. and Mrs. Heckel could choose to have a new hearing on the revised plans. Mayor Beck re-opened the public hearing at 7:05 p.m., and asked Mr. and Mrs. Heckel what they wanted to do. Mayor Beck informed the applicants that the council would not make a decision until a response was received from Northern Lakes Fire District and this could give enough time to resubmit new plans. Mayor Beck closed the public hearing at 7:12 p.m.

Councilman Gorman explained that having the Fire Dept. involved gives the Council more information. The Council cannot grant a variance on aesthetics. Mayor Beck gave the Council the option of voting on what was presented, or table this matter until we have a response from the Fire Dept. **Councilman Gorman moved to table the variance request. Councilman Frey seconded the motion. A roll call vote showed; Councilman Frey, "aye", Councilman Ackerman, "aye" and Councilman Gorman, "aye". The motion carried.**

#### OLD BUSINESS

The quotes for the walking path were discussed. The quotes were from Peck and Peck, Ken Bettis and Terra Underground. Clerk Hagman informed the Council that there has been no response from the Hayden Lake Country Club and Mr. Batchelder has not been contacted yet. Councilman Gorman questioned if Peck and Peck's quote included flaggers. The Clerk will check on this. Attorney Bredeson informed the Council that the Country Club needs to approve the path. Mayor Beck directed Attorney Bredeson to contact Mr. and Mrs. Batchelder. Councilman Gorman volunteered to speak to the Country Club also and will report at the next meeting.

Councilman Ackerman informed the Council that he had met with Steve from Western Tree planting and was told that it would cost \$100.00 per transplanted trees over 6ft. in height.

Tim Gatton, who is building a new home next to the park, presented his landscaping plan to the Council. Mr. Gatton voiced his concerns with weeds and underbrush between the path and the adjacent lot. Mr. Gatton has observed kids in the forested area of the park hanging out and sometimes camping there. Mr. Gatton suggested the City limb the large trees and remove the underbrush for fire hazard and loitering. Mr. Gatton stated that the large area on the corner is full of weeds and the large berm on the easement is an eyesore and is also full of weeds. Mr. Gatton suggested reducing the berm and planting flowers on it. Mr. Gatton informed the Council that currently the irrigation from the park sprays onto their land. Mr. Gatton suggested adding irrigation to their property that would spray 30 to 40 ft. into the park area. Mr. Gatton stated that he was thinking of running a line next to the berm area if the City wanted to plant something there. Mr. Gatton would like to walk the line with the Council and discuss the part of the path that is on their property.

Councilman Ackerman explained where the City berm is and where the transplanted trees would be placed.

Brett Gatton, contractor for Tim Gatton explained the problems with the berm and volunteered to donate material and remove the path that is on the Gatton's property and then the path could be redone at the City's expense.

Councilman Ackerman questioned Mr. Gatton if his fence line would be in front of his home. Mr. Gatton replied that the only fence would be on the west side of the property. Mrs. Gatton stated that there will be no fence in front. Mayor Beck explained that the Hayden Lake citizens' concerns were to have the forested buffer back.

Brett Gatton explained that the corner next to Strahorn Rd. is a problem, it is wooded and kids are hanging out there. Mr. Gatton feels that the park users would like to have the park more usable. Mr. Gatton stated that he is willing to donate some time and materials to help clean this up. Tim Gatton stated that he and his family love the park and it is an asset to his home.

Mayor Beck directed Councilman Ackerman to meet with the Gatton's and look at these issues.

#### ACCESS EASEMENT

Attorney Bredeson explained the easement and recommended the council approve. **Councilman Frey moved to approve the access easement for Pat and Kandi Walters. Councilman Gorman seconded the motion. A roll call was taken; Councilman Ackerman, "aye", Councilman Gorman, "aye" and Councilman Frey, "aye". The motion carried.**

#### NOTICE OF INTENT TO PARTICIPATE I FEMA GRANTS

Mayor Beck explained the notice intent to participate in the process of the County requesting FEMA grants. **Councilman Gorman moved to approve the notice of intent, seconded by Councilman Frey. The motion carried.**

#### CODE ENFORCEMENT REPORT

Rand Wichman reported on Mr. Mallrie's building permit and voiced his concern with storm water runoff. Mr. Wichman informed the Council that he will need to research the City Code further on this. Mr. Wichman discussed talking about greater flexibility in the Code in future discussions with the Council.

#### FINANCIAL

Clerk Hagman gave a brief overview of the September, 2012 financial report. **Councilman Frey moved to approve the financial report, seconded by Councilman Ackerman. The motion carried.**

#### COUNCIL COMMENTS

Clerk Hagman updated the Council on the Sewer District's capital improvement plans regarding Strahorn Rd. and Miles Ave. and the proposed LID#7.

Mayor Beck felt that the City should plan on the street projects with Lakes Highway District for now and doing preliminary design work on Miles. Councilman Gorman questioned if Welch Comer should start the design work on Strahorn Rd. Mayor Beck replied that we need to ask

Lakes Highway District if they want to participate in the design work on Strahorn Rd. Mayor Beck volunteered to speak with Lakes Highway District about this.

Councilman Ackerman discussed the parameters in the park. It was explained that the berm on the easement next to Ladybug Lane was placed there to keep people from driving golf carts through the park. Attorney Bredeson felt that the City would need to determine if the path was on the Gatton's property. Councilman Ackerman will research and bring costs of transplanting to the next meeting.

Mayor Beck rescheduled the November 6, 2012 regular council meeting to Monday, November 5, 2012 at 6:00 p.m. **Councilman Gorman moved to approve the rescheduling of the meeting, seconded by Councilman Frey. The motion carried.**

ADJOURN

**With no further business before the Council, at 8:30 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