

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
OCTOBER 4, 2011**

CALL TO ORDER

Mayor Morris called the regular meeting of the Hayden Lake City Council to order at 6:00 p.m. Council members present were Tom Gorman, Todd Walker, Bob Grant and Chris Beck. Attorney Pete Bredeson was present as a representative of the council. Clerk Hagman recorded the minutes of the meeting.

Visitors present were William Bentz, Sue Hennessey, Jim Denning and Correen Stauffer from Time Warner Cable.

AGENDA

Councilman Gorman moved to approve the agenda for this meeting, seconded by Councilman Beck. The motion carried.

Councilman Beck then moved to approve the consent agenda including the list of invoices for payment and the minutes of August 25th and September 20, 2011 and the financial report for August, 2011. Councilman Gorman seconded the motion. The motion carried.

PUBLIC HEARING

At 6:05 p.m. Mayor Morris recessed the regular meeting and opened the public hearing for the Time Warner franchise agreement.

Ms. Stauffer from Time Warner Cable spoke to the council and stated that Time Warner has enjoyed doing business with the city and would like to continue the relationship. There were no written comments received.

Mayor Morris closed the public hearing at 6:08 p.m.

Attorney Bredeson explained to the council that the franchise with Time Warner is a 5 year franchise and this preliminary hearing is required and the council will need to request a renewal proposal from Time Warner.

Councilman Beck moved to request the renewal proposal from Time Warner for the franchise agreement. Councilman Walker seconded the motion. The motion carried.

UNFINISHED BUSINESS

Council began deliberations on the Paracca variance request. The public hearing was held at a previous meeting. Councilman Walker felt there was no hardship by state code to grant this variance. Councilman Walker stated that the variance was submitted after the deck was built and this is grounds for denial. **Councilman Walker moved to deny the variance application submitted by Mr. and Mrs. Paracca. Councilman Gorman seconded the motion.**

Sue Hennessey spoke on Mr. and Mrs. Paracca's behalf and compared Mr. Richard Hackett's variance to the Paracca's and feels it is not fair that they be turned down.

Councilman Beck addressed Ms. Hennessey's concerns and explained that they are two very different circumstances.

Mayor Morris then called for the vote: Councilman Gorman, "aye", Councilman Walker, "aye", Councilman Grant, "aye" and Councilman Beck, "aye". The motion to deny was carried.

ACCESS AND EASEMENT/RIGHT OF WAY DEED

Attorney Bredeson informed the council that he is seeking preliminary approval only which will allow him to submit the documents to the Hayden Lake Country Club for their approval. These documents are ancillary documents and are mandated by the 2000 annexation agreement.

Councilman Beck and Councilman Gorman could participate for the preliminary approval according to Attorney Bredeson, however, due to the potential interpretation of Idaho Code 59-201a, sub (1), sub.(d), which governs interest in contracts, which the access and utility easement could be construed to be, Attorney Bredeson advised Councilman Beck and Councilman Gorman to recuse them from taking action on these documents. Since Councilman Grant is only a social member of the Country Club, Attorney Bredeson stated that he would not have an interest under Idaho Code 59-201a, therefore, he would be able to participate in the action taken on these documents.

Councilman Walker moved for temporary approval of the access and easement and right of way deed documents. Councilman Brant seconded the motion. A roll call vote was taken; Councilman Beck, “abstained”, Councilman Gorman, “abstained”, Councilman Walker, “aye” and Councilman Grant, “aye”. The motion carried.

LAKES HIGHWAY DISTRICT CONTRACT

Following review of the snow plowing contract with Lakes Highway District, **Councilman Grant moved to approve the contract for the plowing of certain streets in the city by Lakes Highway District. Councilman Walker seconded the motion. A roll call vote showed; Councilman Grant, “aye”, Councilman Beck, “aye”, Councilman Gorman, “aye”, and Councilman Walker, “aye”. The motion carried.**

RESOLUTION 104

Councilman Grant moved to remove Resolution 104 from the table for discussion. Councilman Gorman seconded the motion. The motion carried.

Attorney Bredeson explained the resolution to the council and stated that there was a legislative mandate the required cities to add agricultural land base to their comprehensive plans. The resolution does that and also cleans up some of the language with this addition. **Councilman Beck moved to adopt Resolution 104, seconded by Councilman Walker. A roll call vote showed; Councilman Grant, “aye”, Councilman Beck, “aye”, Councilman Gorman, “aye” and Councilman Walker, “aye”. The motion carried.**

MAYOR

Mayor Morris informed the council that she will be absent on October 18, 2011 and asked if the council would like to reschedule the meeting. Council’s preference was to have the meeting on the 18th of October.

ATTORNEY

Attorney Bredeson informed the council that he had received a variance application from the county which is located within the area of city impact. Attorney Bredeson requested permission to draft a letter of response to the county. **Councilman Gorman moved to direct Attorney Bredeson to draft the letter of response. Councilman Walker seconded the motion. The motion carried.**

WAGES

Mayor Morris asked the council for their input on increases employee wages for the FY 2011-2012. **Councilman Walker moved to approve a 3% increase, seconded by Councilman Beck.**

Councilman Walker felt that with the city not levying for the 3% property tax increase, and the employees doing a good job, the 3% increase was justified. Councilman Grant agreed, however, he felt that it is hard to raises in this economy. Councilman Gorman stated that the normal now is people are getting pay cuts or no raises. Councilman Beck agreed. **Mayor Morris called for a vote: Councilman Grant, “no”, Councilman Beck, “no”, Councilman Gorman, “no” and Councilman Walker “yes”. The motion carried with a no vote of 3 to 1.**

PLANNING AND ZONING

Councilman Walker informed the council that the City of Hayden has placed traffic counter on Hayden Ave and other streets.

STREETS

Councilman Walker informed the council that Peck and Peck had completed the work on the corner of Hayden Ave. and Strahorn. The water is now creating a large puddle and is not draining down to the swale properly. Peck and Peck submitted a bid to continue cleaning out the ditch down to the city hall driveway and placing a pipe that will drain the water into the swale as it was designed. The Sewer District will pay for one half of the work.

Councilman Gorman stated that Poe Asphalt wants the City’s business and questioned getting a bid from them as well. **Councilman Beck moved to approve the bid from Peck and Peck. Councilman Gorman seconded the motion with the understanding that the Sewer District will pay for one half of the expense.**

Councilman Grant recommended that on the next project we request a bid from Poe Asphalt as well. Councilman Beck suggested the city choose 3 contractors and get prices on small projects from each one. Mayor Morris called for a roll call vote; Councilman Beck, “aye”, Councilman Gorman, “aye”, Councilman Walker, “aye” and Councilman Grant, “aye”. The motion carried.

Due to not having received all snow plowing bids, this issue will be placed on the next agenda.

ADJOURN

With no further business before the council, **at 7:35 p.m. Councilman Grant moved to adjourn, seconded by Councilman Beck. The motion carried.**

Nancy E. Morris, MAYOR

Lynn M. Hagman, CITY CLERK