

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING**

APRIL 21, 2015

CALL TO ORDER

Mayor Beck called the meeting to order at 5:00 p.m. Council members present were Tommy Frey, Jim Ackerman, Ed Graves and Tom Gorman by phone. Attorney Pete Bredeson and Code Enforcement Officer Rand Wichman were present as representatives of the Council. Clerk Hagman recorded the minutes of the meeting.

Visitors present were Attorney John Magnuson, Leslie Slezak, Wm. Bentz and Rich Sabota. Mayor Beck led the pledge of allegiance.

AGENDA

Councilman Graves moved to approve the agenda and the consent agenda including the invoices for approval and the minutes of March 3, 2015. Councilman Frey seconded the motion. The motion was carried.

APPEAL – 10291 FIR LN.

Code Enforcement Officer Rand Wichman addressed the Council and reported on the history of the code violation regarding this property. The shed roof is on rollers and is movable and it does match the home in appearance. Mr. Wichman informed the Council the structure is not visible to anyone but the applicant. Clerk Hagman read the letter from Northern Lakes Fire District into the record.

The Porte's have filed an appeal to the violation and Attorney Magnuson is here to represent them. Mr. Magnuson addressed the Council explaining the roof structure is not permanent and it is intended to be a dog screen. The structure matches the home and is on rollers and can be moved if necessary.

At 5:10 p.m. Councilman Gorman excused himself from the meeting.

Mayor Beck questioned if the roof structure was not on wheels, would it be considered a permanent structure. Mr. Wichman replied it would and would need to meet setbacks and any other codes that would apply.

Councilman Graves moved to accept the structure with provisions there are no changes to it in the future. Councilman Frey seconded the motion. The motion carried. Attorney Bredeson will draft a written decision for approval at the next meeting.

HAYDEN TRIATHLON

Mr. Rich Sabota presented a packet to the Mayor and Council for the annual Hayden Triathlon. The Triathlon will be held July 11, 2015 from 4:00 a.m. to 11:00 a.m. The starting point will be Honeysuckle Beach. Councilman Graves commented on last year's triathlon and said it was well run and had good attendance.

Councilman Graves moved to approve the Hayden Triathlon, seconded by Councilman Frey. The motion carried.

FENCE VARIANCE

Councilman Graves declared a conflict in this case due to his wife being the applicant for the variance.

Ms. Slezak addressed the Mayor and Council explaining the reason for the variance application. The variance would be for a 15' screen between the applicant and the neighbor for privacy. Ms. Slezak stated the screen would be moved when the neighbor sells his home. Ms. Slezak explained there are conflicts between themselves and the neighbor.

Mayor Beck questioned if there were any opportunity to plant vegetation in place of the screen. Ms. Slezak replied there would not be enough time for growth to provide for the privacy needed now.

Mayor Beck read Mike and Cynthia Jorgenson's letter into the record. Mr. Jorgenson is not opposed to a fence that meets City code but is not in favor of the screen. Mr. Jorgenson is trying to sell his home and feels the screen may bring the value down.

Following discussion of possible alternatives Councilman Ackerman moved to deny the variance request. Councilman Frey seconded the motion. The motion carried. Attorney Bredeson will draft a written decision for approval at the next meeting.

CODE ENFORCEMENT REPORT

Code Enforcement Officer Rand Wichman reported on the Hayden Lake Country Club major landscaping encroachment permit. Mr. Wichman reminded the Council the encroachment permit was for a split rail fence that would encroach into the right of way in several places. Mr. Wichman voiced his concern with the segment on the east side of Lakeview Dr. and the Fairway Dr. and Fir Ln portion.

A response letter from Matt Gillis at Welch Comer Engineers was discussed. In the area of Fir Ln. and Fairway Dr. Mr. Gillis felt the fence needed to be close enough to the street to deter parking or far enough away to allow parking. Mr. Gillis recommends the fence be 10' from pavement. Mayor Beck questioned if the fence would encroach into the pedestrian path. Mr. Wichman replied it would not. Mr. Wichman recommended the Country Club continue with post and chain in these areas, this will not impede pedestrian traffic. Councilmember Frey voiced his concern with parking being an issue with the fence right on the road. Mr. Wichman suggested removing the fence on Lakeview Dr. and around Fairway Dr. and Fir Ln. and discusses these areas another time. Mr. Wichman informed the Council there are also encroachments on Club Ln. and Hayden Ave. that are not a concern.

Mayor Beck questioned if the City had documents that clearly disclose if the fence needs to be removed it will be the Country Club's responsibility to do that. Mr. Wichman replied one of the requirements for a major landscaping encroachment permit is a "Letter of Agreement" that acknowledges the fence may have to be removed. The Letter of Agreement is recorded at the County.

Mayor discussed possible conflict for Council members. Attorney Bredeson explained there was no conflict, however the Council members can recuse themselves if they so choose.

Mr. William Bentz spoke to this issue and stated there should be no worries with parking because it is illegal to park on these streets. Mr. Bentz asked who paid for Welch Comer and Rand Wichman's time do the research for this. Mayor Beck replied the funds from the application fees and the rest is offset by the general fund. Mr. Bentz asked how much the total cost was and Mayor Beck replied the total cost is unknown at this time.

Mr. Bentz questioned the Council regarding several gates that have been put in and were they part of the fence permit. Mr. Wichman stated they were not part of the permit and will look into the City Code for permitting for the gates. Mr. Bentz questioned if the application was denied and the Country Club had to remove the fence, how much would this cost. Mayor Beck felt this would be a question for the Country Club. Mr. Bentz also questioned if there was a safety report submitted and asked what the cost for Mr. Wichman and Matt Gillis was for their work on this permit. Mr. Bentz questioned if the permit is denied and it will cost the Country Club to move it then why is the Council voting on it. Councilman Frey suggested Attorney Bredeson and Mr. Wichman give a written response to Mr. Bentz questions.

Mayor Beck asked for Council's opinion on tabling this issue until the next meeting on May 5, 2015. Councilman Frey moved to table the issue. The motion died for lack of a second.

Councilman Ackerman moved to approve the encroachment permit excluding two areas, Lakeview Dr. and the Fairway Dr. and Fir Ln. area. Councilman Graves seconded the motion. A roll call vote showed: Councilman Ackerman, "aye", Councilman Graves, "aye", and Councilman Frey, "abstain". The motion carried.

Mr. Wichman discussed the remaining of his code enforcement report and informed the Council of on-going building permits and permits that are about to expire and will need an extension.

ATTORNEY REPORT

Attorney Bredeson informed the council of new legislation and the city code will need to be updated to be in compliance.

FINANCIAL REPORT

Clerk Hagman reported on the financial status of the City. We are half way through the fiscal year and the budget looks good. Ms. Hagman informed the Council there will be budget workshops starting soon.

Councilman Graves moved to approve the financial report, seconded by Councilman Ackerman. The motion carried.

ADJOURN

With no further business before the Council, at 6:10 p.m. Councilman Graves moved to adjourn, seconded by Councilman Frey. The motion carried.

Chris Beck, MAYOR

Lynn Hagman, CITY CLERK