

**CITY OF HAYDEN LAKE
MINUTES OF REGULAR MEETING
SEPTEMBER 1, 2009**

CALL TO ORDER

Mayor Morris called the meeting to order at 7:00 pm. Present were Council members Tom Gorman, Todd Walker, Bob Grant and Jan Wingren. City Attorney Pete Bredeson and Code Enforcement Officer Dick Pelton were present as representatives of the Council. Deputy City Clerk Burnell Daugherty recorded the minutes of the meeting. Visitors present were Frank Lunceford, E.G. Lunceford, Jack Beebe, Camille Beebe and William Bentz.

AGENDA

Councilman GRANT moved to amend the agenda for the good faith reason of addressing, during his report on law enforcement, a meeting that he had yesterday afternoon with some concerned residents regarding speeding on Lakeview Drive and Hayden Avenue. Councilman GORMAN seconded the motion. The motion carried.

Councilman GORMAN moved to approve the consent agenda, including the minutes from the August 4, 2009 meeting, the list of invoices for payment and the paid pending list of invoices. Councilman GRANT seconded the motion. The motion carried.

UNFINISHED/OLD BUSINESS

BARBEQUES FOR MCCALL PARK

E.G. Lunceford made a short presentation regarding his proposal to install two barbeques in McCall Park, along with another picnic table. Mayor Morris questioned Lunceford as to what the cost would be to the City. Lunceford responded that he was just asking the City to pay for the cost of the picnic bench. Mayor Morris then questioned City Attorney Bredeson regarding the correct procedure for handling this matter. Bredeson responded by asking Lunceford what the cost of the bench would be. Lunceford responded that he did not know. Mayor Morris asked Lunceford if he could find out what the cost of the bench will be by the next regular meeting of the Council. Lunceford indicated that he would. Councilman Walker then commented that the bench to be constructed needs to match the existing benches both in material and appearance. Frank Lunceford then clarified that the request was really for the cost of the bench and the concrete bases for the barbeques. He also stated that E.G. can't move forward without some sort of approval from the Council tonight.

Councilman GRANT moved to approve the expenditure of funds for the bench and concrete bases, with a ceiling of \$750.00. Councilman WINGREN seconded the motion. The motion carried.

Councilman Walker then told E.G. to check in with the City during the process. Councilman Grant echoed this comment.

POINT HAYDEN SIGNS RE: “NO LAKE ACCESS”

Councilman Grant then brought up a discussion that took place at last week’s Code Review Committee meeting regarding a “no lake access” sign in the Point Hayden subdivision. Dick Pelton suggested the sign read “no lake access/dead end or no outlet”. After some limited discussion amongst the Mayor and Council, Councilman Grant suggested the Deputy Clerk work with Code Enforcement Officer Pelton to follow up on the matter and that signs be ordered if needed.

NEW BUSINESS

Mayor Morris then briefly explained the audit engagement letter that the City received from Lee Anderson regarding the City’s audit for FY 2008/2009.

Councilman GRANT moved to authorize Mr. Anderson to perform the City’s audit for FY 2008/2009. Councilman WALKER seconded the motion. During discussion, Councilman WALKER stated that the price for the audit needed to be the same price charged by Anderson for last year’s audit. The motion carried.

ORDINANCE 230 – ANNUAL APPROPRIATIONS ORDINANCE FOR FY 2009/2010

Councilman GORMAN moved to approve Ordinance No. 230, the Annual Appropriations Ordinance for FY 2009/2010, by reading of title only. Councilman WINGREN seconded the motion. Roll Call Vote: Councilman Gorman voted “aye”, Councilman Walker voted “aye”, Councilman Grant voted “aye” and Councilman Wingren voted “aye”. The motion passed.

Mayor Morris then read the title of Ordinance No. 230.

Councilman GORMAN then moved to approve Ordinance No. 230 under suspension of the rules. Councilman WALKER seconded the motion. Roll Call Vote: Councilman Gorman voted “aye”, Councilman Walker voted “aye”, Councilman Grant voted “aye” and Councilman Wingren voted “aye”. The motion passed.

Councilman GORMAN then moved to adopt Ordinance No. 230, which was seconded by Councilman WALKER. The motion carried.

CITY ATTORNEY

City Attorney Bredeson then explained that he had talked with Barry McHugh, Prosecuting Attorney for Kootenai County, regarding the status of McHugh's review of the contract between the City and the County for prosecution services. Mr. McHugh apologized to Bredeson for having not gotten to the matter as of yet. However, McHugh did agree that the City could pay the same rate as Dalton Gardens pays in the interim, which is \$125.00 per month.

MAYOR MORRIS

Mayor Morris stated that she had reviewed the City's financial report for July 2009 and everything looked in order.

Councilman GRANT moved to approve the financial report for July 2009. Councilman GORMAN seconded the motion. The motion carried.

PLANNING & ZONING

Councilman Walker stated that Code Enforcement Officer Pelton had received a complaint from a citizen regarding their neighbor leaving his dumpster out in front of his residence for long periods of time. Councilman Walker then confirmed with Mr. Pelton that the City had no ordinance addressing such an issue.

Mayor Morris suggested that this may be a good topic for the Code Review Committee. Councilman Walker stated that the City has no site disturbance ordinance, which he believes is needed. Councilman Grant commented that he thought the City had previously considered such an ordinance and decided against it. Councilman Gorman suggested that this matter be reviewed by the Code Review Committee, which would report back to the Council with its findings.

Councilman Walker responded that the City needs an ordinance stating that real property cannot be disturbed within twenty-five feet of Hayden Lake without a proper permit. He also stated that the Comprehensive Plan Review Committee is in the process of writing up a final report containing the results of its recent questionnaire. The report will be ready by the next regular meeting of the Council. Councilman Walker then explained that a City check for \$15.00 was for snacks that he purchased for the Comprehensive Plan Review Committee at The Porch. Mayor Morris then applauded Councilman Walker's action since such committees work hard and put in a lot of hours without any compensation.

LAW ENFORCEMENT

Councilman Grant informed the council that he recently had coffee with a gentleman who lived on Lakeview Drive and had concerns with the speeding. Councilman Grant responded the questions he was asked and the gentleman stated he was representing a group of neighbors. Councilman Grant was then invited to attend a meeting with this person and approximately seventeen other individuals regarding speeding on Lakeview Drive and Hayden Avenue. From the audience, Jack Beebe stated that he and some other individuals that were in attendance at the meeting plan on making a presentation at the next regular meeting of the Council, and would follow the proper procedures to be put on the agenda.

Councilman Grant continued with informing the Mayor and Council of the concerns this group has. They feel there is a serious speeding problem on Hayden and Lakeview, for which they want a solution. Councilman Grant also stated that this group believes that the City does not have the manpower to handle the problem. There were discussions on funding for additional officers or help from the Kootenai County Sheriff's Dept. One suggestion was to create a possible assessment against City residents, specifically those residents who live on Lakeview Dr. and Hayden Ave., for additional patrols by the Kootenai County Sheriff's Department.

Councilman Grant stated that this group wants strict enforcement of the 25 mph speed limit, much like what exists in and around school zones at the beginning of the school year. According to Councilman Grant, Mr. Beebe has contacted Sheriff Watson about this matter and presented data to Sheriff Watson that Councilman Grant has not seen. Councilman Grant feels that Mr. Beebe and his group believe they have a way to remedy the problem.

Mr. Beebe responded that they do not have a remedy to the problem and want to work with the City towards a solution. Councilman Grant stated that the group would like to have flags on the speed limit signs and have a show of force to get the problem resolved. Councilman Grant stated that he has a different belief of what speeds are on Lakeview Dr. and Hayden Ave. than the individuals at the meeting. Councilman Grant feels that the group feels they are right about the speeding and the majority of the group believe that half the cars are going in excess of 50 mph on Lakeview Dr. Councilman Grant discussed a prior traffic safety report that the city received from Lakes Highway Dist. where traffic counters were installed. The city has recently discussed having the counters placed on city streets again. Councilman Grant requested Chief Johnson to put emphasis on running radar on Lakeview Dr. and Hayden Ave. on this day of the meeting. He also had Chief Johnson prepare reports of this day's activities on Lakeview. For two hours in the morning, from approximately 8:40 a.m. to 9:40 a.m. and 10:50 a.m. to 11:50 a.m., 257 vehicles were observed, nine of these were traveling over 30 mph, of which four were traveling 35 mph and above and those four were cited.

Councilman Wingren asked about using the County's "your speed is" signs. Mayor Morris stated that the City could get these whenever it wanted. Councilman Grant stated that the city used this in the past and the signs don't have much of an impact. The County's models don't count vehicles or record speeds. Councilman Grant will give the rest of the law enforcement report at the next regular meeting of the Council.

Councilman Grant stated that the City doesn't offer much to its residents besides good police protection and service, and if the city is not providing a good service then it should be re-evaluated. Councilman Grant doesn't feel that the speeding problem is as bad as the group that he met with think it is. He proposed finding some funds in the budget for more hours for the reserve police officer or to possibly hire another full time officer.

Mayor Morris stated that this really needed to be looked at for the FY 2011 budget. Councilman Grant announced that he would like the Council's approval to spend \$2,000 for extra patrols by the reserve officer during peak times and in problem areas.

Councilman Gorman agreed with this and feels the problem, if any, needs to be addressed. Councilman Gorman questioned Councilman Walker about the Comprehensive Plan questionnaire and were there any red flags about speeding. Councilman Walker replied that there was concern with traffic and bicycles. Councilman Gorman also questioned the efficiency in going to Sheriff Watson first before coming to the Council, since the Council's regular and special meetings are always open to the public. Mr. Beebe responded by saying that Sheriff Watson had contacted him.

Councilman Grant went on to further state that he felt blindsided at yesterday's meeting with the 18 individuals present. Councilman Grant stated there will be a divide regarding the people who want the 25 mph strictly adhered to and want tickets given to anyone going over the 25 mph and practically, this doesn't happen. Generally, the police standard is a ticket is written when they exceed the speed limit by 10 miles over.

Councilman Walker stated that, based on past conversations with the Kootenai County Prosecuting Attorney, writing tickets for 4 mph over the speed limit are very hard to prosecute. Mr. Beebe then stated that he would like to have the discussion at the next meeting.

Councilman Grant informed the Council that Chief Johnson had received a written thank you from Chris Hackett relating to a golf cart that had sunk on Hackett's property. Councilman Walker stated that growth is causing the speeding problem and agreed that less than one percent of drivers in the area speed. He agreed with the reserve officer working extra hours, but is not for hiring another full time officer.

Mayor Morris questioned William Bentz on the time of day that he notices speeders. Mr. Bentz replied that after dark the cars seem to pick up speed but doesn't know if they are actually speeding.

Councilman Grant then stated that most of Chief Johnson's shifts were late shifts, and that perhaps different shifts during more peak hours of the day would be more conducive to catching speeders. Councilman Wingren then questioned why the access to Rimrock couldn't be closed off if volume is the issue. Mayor Morris responded that the City can't do that since it is classified as a main arterial by the Idaho Transportation Department.

Councilman Gorman then questioned whether a stop sign could be placed at Lakeview Dr. and Rimrock. Councilman Grant responded that it can't be done since the intersection is not on City property. Councilman Gorman then asked about putting some type of three way stop configuration at Lakeview and Hayden to calm traffic. Councilman Grant stated that the City Engineer would have to look at this.

STREETS AND ROADS

Councilman Gorman reported that Tom Frey hadn't fixed the broken buoys in Berven Bay yet, but would do so soon. With respect to the Miles Avenue right of way, Councilman Gorman stated that when Lakes Highway District learned of the cost of Welch Comer's study to determine ownership of the right of way, Lakes responded that it will do the study itself with the aid of All West, then the parties will move forward based on the results of such study.

Councilman Gorman then reported on a study produced by the Kootenai County Metropolitan Planning Organization ("KMPO") regarding making Strahorn Road a one-way street. Although hard to decipher, the study seems to indicate that doing so will reduce traffic on Strahorn while at the same time not increasing traffic on other City streets. Therefore, Councilman Gorman doesn't feel like there's anything preventing the City from moving forward. Councilman Grant stated that he thinks it's a good idea that needs to be moved forward with the assistance of the City Engineer. Councilman Gorman responded that he had already talked to the City Engineer, who told him to talk to KMPO. Councilman Gorman also stated that others that live on Strahorn beyond the City limits should be consulted before the one-way determination is made. He also questioned whether Strahorn should be rebuilt first. The consensus was yes. Councilman Gorman will work with Welch Comer to get going on the reconstruction of Strahorn.

Councilman Wingren stated that notices need to be posted reminding boaters to obey the buoys. Councilman Gorman questioned whether a sign at the boat launch would be adequate. Councilman Wingren indicated that it would. Councilman Gorman will talk with the Sheriff's Marine Division about placing such a sign.

At 8:10 p.m. Councilman Wingren was excused from the meeting.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 67-2345(1)(b)

Councilman GRANT moved to go into executive session pursuant to Idaho Code Section 67-2345(1)(b). Councilman GORMAN seconded the motion. Roll Call Vote:

Councilman Gorman voted “aye”, Councilman Walker voted “aye” and Councilman Grant voted “aye”. The motion passed.

The Mayor, Council, City Attorney Bredeson, Code Enforcement Officer Pelton, and Deputy City Clerk Daugherty went into executive session at 8:11 p.m. The City’s contract engineering services were discussed. At 8:20 p.m., the Council reconvened.

Councilman WALKER moved to have Councilman GORMAN meet with Larry Comer regarding timely review of stormwater management plans. Councilman GORMAN seconded the motion. The motion carried.

ADJOURN

With no further business, Councilman GORMAN moved to adjourn at 8:21 pm, seconded by Councilman GRANT. The motion carried.

Nancy E. Morris, Mayor

Lynn M. Hagman, City Clerk