

**HAYDEN LAKE RECREATIONAL WATER AND SEWER DISTRICT
MINUTES OF REGULAR MEETING
APRIL 23, 2008**

CALL TO ORDER

Chairman House called the meeting of the Hayden Lake Recreational Water and Sewer District to order at 5:00 p.m. Board members present were George Anderl, Ken Sewell and Tom DePew. Board member Dave Weinstein was absent. Also present representing the Board were Ken Thompson, John Austin, Larry Comer, Attorney Mike Schmidt and Chris Seward. Administrator Lynn Hagman recorded the minutes of the meeting.

AGENDA

Chairman House added an executive session for legal discussion to the agenda. With that, **Board member Sewell moved to approve the agenda as amended, seconded by Board member DePew. The motion carried.**

MINUTES

Following review of the minutes of March 12th and March 26, 2008, **Board member DePew moved to approve them. Board member Sewell seconded the motion and the motion was carried.**

ACCOUNTANT REPORT

Ken Thompson gave a report on the financial condition of the District and reviewed the list of invoices for payment. **Board member Sewell moved to approve the financial report and the invoices for payment. Board member DePew seconded the motion. The motion carried.**

The Board discussed a possible August election for N.K.W.D. to take over the Gem Shores/Hayden Haven water system from the District. The Sewer District would pay for all publications and election expenses this time. Larry Comer will speak with Mike Galante about a tentative election in August and find out a date and time and report back to the Board.

ENGINEER REPORT

Larry Comer introduced a pay request from Western States on the generators in the amount of \$ 86,333.15. **Board member Anderl moved to approve the pay request, seconded by Board member Sewell. The motion carried.**

Larry Comer then discussed the Yellow banks study. Mr. Comer informed the Board that PHD wants an agreement or a letter for the study. They also are requesting the Sewer District to do the leg work for this study. Larry Comer asked for Board direction on sending a letter and request PHD to get the permission from the property owners and they should do the inspections and the Sewer District will still pay the agreed upon amount of \$8,300. The Board directed Larry Comer to communicate with PHD on this.

Board member DePew suggested sharing the cost with the Kootenai County Aquifer Protection Commission. Larry Comer explained that Yellow banks have an indirect impact on the aquifer.

Larry Comer then discussed the S. Hayden Lake Sewer. Mr. Comer explained that he is working with Dustin Jacobson and Chris Seward from the Sewer District to get the data. This study is monitoring for capacity.

LANCASTER LID UPDATE

Larry Comer presented the newsletter and EPA documents regarding the storm water settlement agreement for the Lancaster project in cooperation with Lakes Highway District. EPA has filed a complaint and the Hayden Lake Recreational Water and Sewer District has been named in the complaint along with Lakes Highway District and SI Construction.

The fine is \$14,950 if settled within 30 days. Larry Comer felt that the site disturbance was Lakes Highway Dist. and the only fault of the Sewer District was not having our name on the permit, therefore, the Sewer District's exposure should only be around \$2,500 out of the fine amount.

Attorney Mike Schmidt informed the Board that his associate, Attorney Paul Harrington has reviewed the complaint. Attorney Schmidt questioned whose responsibility it was to put the Sewer District's name on the permit. There is a potential for a large liability and the key is to get the other entities involved to step up and pay their share, what ever it may be. Attorney Schmidt recommends the Board get a settlement with the other entities and pay the fine within the 30 days.

Board member Anderl questioned if a new application will be needed. Larry comer suggested getting the Sewer District's name on the permit and watch SI Construction to be sure they are complying with the regulations.

EXECUTIVE SESSION

At 5:50 p.m. Chairman House called an executive session per ID Code 67-2345 (f). At this time Ken Thompson and John Austin excused themselves.

Board member DePew moved to recess to executive session, seconded by Board member Anderl. A roll call vote showed; Board member Anderl, “aye”, Board member DePew, “aye” and Board member Sewell, “aye”. The motion carried.

Legal issues were discussed and those present were Chairman House and Board members Sewell, Anderl and DePew. Larry Comer, Attorney Mike Schmidt and Administrator Lynn Hagman were also present.

At 6:45 p.m. the Board reconvened to regular session.

Chairman House and the Board directed Attorney Mike Schmidt to move forward with Mr. Appleseth’s settlement.

Chairman House informed the Board that there are some documents from HARSB regarding a Conditional Sewer Approval Agreement that will be discussed at the next meeting.

HARSB has requested the Sewer District to purchase samplers. Larry Comer will review the proposal from HARSB.

ADJOURN

With no further business before the Board, **Board member DePew moved to adjourn at 7:00 p.m. Board member Anderl seconded the motion. The motion carried.**

Ken Sewell, SECRETARY

Lynn M. Hagman, ADMINISTRATOR