

**HAYDEN LAKE RECREATIONAL WATER AND SEWER DISTRICT
MINUTES OF REGULAR MEETING
MAY 14, 2008**

CALL TO ORDER

Chairman House called the regular meeting of the Hayden Lake Recreational Water and Sewer District to order at 9:00 a.m. Board members present were George Anderl, Tom DePew, Dave Weinstein and Ken Sewell. Also present representing the Board were Larry Comer, Attorney Mike Schmidt and Dustin Jacobson. Administrator Lynn Hagman recorded the minutes of the meeting.

AGENDA

The following additions were made to the agenda; Cap fee issue for Dick Pelton and Larry Comer to discuss the design for the Strahorn SWPPP.

Board member DEPEW moved to approve the agenda with the additions, seconded by Board member ANDERL. The motion carried.

MINUTES

The minutes of April 9th, April 23rd, May 5th, May 9th, May 16 and May 21st were reviewed and **Board member DEPEW moved to approve these minutes.**

Board member ANDERL seconded the motion. The motion carried.

APPLESETH EASEMENT

Attorney Mike Schmidt informed the Board that Mr. Appleseth has agreed to the Sewer District offer \$4,196.00 in exchange for the grant of easement. The easement indicates that Mr. Appleseth will keep the easement clear of obstruction and facilities installed by the Sewer District will remain the property of the Sewer District and will be removable at the District discretion. **Board member SEWELL moved to approve the settlement letter and releasing a check in the amount of \$4,196.00 to Mr. Appleseth. Board member WEINSTEIN seconded the motion. The motion carried.**

MORELAND EASEMENT

Mr. Schmidt led a discussion of the easement for Mr. Moreland, stating the District will maintain the existing easement through the landscaping and rocks. The new easement is an access easement from the existing easement to E. Honeysuckle Ave. The Board directed Mr. Schmidt to draft the access easement for their review at the next meeting.

LEGAL

Mr. Schmidt then informed the Board that easements and minutes will soon be in a searchable database. Dustin can request easements through Mr. Schmidt's assistance and will work with Mr. Schmidt on the database.

HARSB / HLRWSD Conditional Sewer Application Agreement, previously distributed to the Board was discussed. Mr. Schmidt feels that the agreement goes against the City of Hailey decision and the District may face legal challenges in the future with this agreement. Chairman House suggested Attorney Schmidt contact Attorney Nancy Stricklin from the City of Hayden and speak with her about his concerns. Mr. Schmidt stated that his concern is the surcharge which will ultimately be for expansion of the plant. Larry Comer suggested modifying the agreement and guaranteeing the hook up. Mr. Schmidt will speak with Mrs. Stricklin on the capacity issue and the City of Hailey decision.

Board member Weinstein suggested Mr. Schmidt also talk with the County Attorney about this agreement since they are also involved with the plant. Larry Comer felt that the first attempt should be with the City of Hayden. Mr. Schmidt will get all Attorneys' opinions in writing.

Mr. Schmidt then informed the Board that the Idaho Dept. of Lands has rejected the memo of understanding. Mr. Pat Bradin will be speaking with Director Bacon on this further. This is a logging operation versus subdivision roads and the Board felt that it may need to possibly involve a legislator.

Mr. Schmidt informed the Board that he has talked with Pat Bradin and Scott Clark regarding the agreement on the agent for the County issue. Mr. Bradin and Mr. Clark would like to review this agreement again.

Chairman House informed the Board that there has been no response from Joe Wuest on the EPA settlement. **Board member WEINSTEIN moved the District assume responsibility for the full payment of the fine by May 22, 2008 and then go back to the other two parties involved for their share. Board member SEWELL seconded the motion.** Discussion of the motion was Mr. Schmidt recommending negotiating and getting it paid together rather than trying to get their share back in the end. Board member Weinstein voiced his concern with time elapsing and a penalty being imposed. Board member Anderl stated that he is not comfortable being solely responsible in this matter. **The motion was not carried.**

Board member WEINSTEIN moved that the Board reconvene on May 20, 2008 at 9:00 a.m. if the issue is not settled with Lakes Highway District or SI Construction. Board member DEPEW seconded the motion. The motion carried.

HLRWSD – CITY OF HAYDEN LAKE

Chairman House informed the Board that he had met with Mayor Nancy Morris regarding a response to PHD on changing the Sewer District SMA to agree with the City of Hayden Lake Area of City Impact. Board member Anderl questioned if the Sewer District could service this area. Larry Comer explained the SMA agreement with PHD and the District is under no obligation to service the area in question. Having the City of Hayden Lake's ACI included in the SMA would be for notice only. PHD would notify the District of septic tank permits in this area and the Sewer District could have input. Larry Comer then asked the Board if the Sewer District will want capacity at the plant for this area. Information on septic system impact was given to Board members for their review.

The ER issue for Dick Pelton was discussed. Administrator Lynn Hagman explained the circumstances of the lot in which there is no ER. Following a brief discussion, the Board's conclusion is that Mr. Pelton does need to purchase an ER for the newly created lot.

ENGINEER

Larry Comer recommended to the Board to update the proposal to amend the drawing and add the SWPPP to the Strahorn project. The cost will be approximately \$5,000. Task Order No. 08-05 was presented for Mr. Comer to re-design the Strahorn sewer extension between Kensington Ave. to Merman Dr. **Board member SEWELL moved to approve the task order, seconded by Board member DEPEW. The motion carried.**

Larry Comer discussed the invoices submitted by the consortium. The invoiced pertaining to the LID 6 project was reviewed and Mr. Comer has recommended approval of them for payment. **Board member WEINSTEIN moved to pay these invoices, seconded by Board member ANDERL. The motion carried.**

At 12:00 noon Board member DEPEW moved to recess to executive session per ID Code 67-2345 (f). Board member SEWELL seconded the motion and a roll call vote was taken; Board member ANDERL, "aye", WEINSTEIN, "aye", DEPEW, "aye" and SEWELL, "aye". The motion carried.

Chairman House and all Board members were present as well as Attorney Mike Schmidt and Administrator Lynn Hagman. Negotiations of a contract was discussed.

At 12:15 p.m. the Board reconvened to regular session.

ADJOURN

With no further business before the Board, at 12:18 p.m. **Board member DEPEW moved to adjourn, seconded by Board member WEINSTEIN. The motion carried.**

Ken Sewell, SECRETARY

Lynn Hagman, ADMINISTRATOR