

**HAYDEN LAKE RECREATIONAL WATER AND SEWER DISTRICT
MINUTES OF REGULAR MEETING
OCTOBER 27, 2010**

CALL TO ORDER

Chairman Sewell called the regular meeting to order at 5:00 p.m. Board members present were Todd Walker, Carole Stringer, and Tom DePew. Board member Dave Weinstein was absent. Attorney Mike Schmidt, Larry Comer, Ken Thompson and Dist. Superintendent Dustin Jacobson were also present as representatives of the Board. District Administrator Lynn Hagman recorded the minutes of the meeting.

AGENDA

Following review of the agenda, Board member DePew moved to approve the agenda as presented, seconded by Board member Walker. The motion carried.

MINUTES

Board member DePew questioned if the extra construction due to the hooking up of the restrooms without a permit was complete and had they been billed for any of the District's extra time spent on this. Dustin Jacobson explained that there was no need to bill the Falls at Hayden because he had not spent extra time except to do the inspection. The extra work that was done was on them. **Board member DePew moved to approve the minutes, seconded by Board member Stringer. The motion carried.**

FINANCIAL

Ken Thompson reviewed the financial report and invoiced for approval with the Board. Mr. Thompson pointed out that there had been an expenditure in LID6 for \$292.50 for the Falls at Hayden. This amount should be billed to them. **Board member DePew moved to approve the invoices for payment and the financial report. Board member Walker seconded the motion. The motion carried.**

ENGINEER REPORT

Larry Comer discussed the sub-division process policy with the Board. The policy is a four step process for new sub-divisions. **There were two edits made to the policy and with that Board member DePew moved to approve the policy with the new edits made. Board member Walker seconded the motion. The motion carried.**

The Capital Improvement Plan was submitted to the Board by Mr. Comer. The first page for capital improvement items are the most significant items.

Ken Thompson stated that these items will be limited unless the sewer rates are discussed in February.

Dustin Jacobson questioned the misc. pressure service upgrades on the operations and maintenance page. Larry Comer stated that this line item should be related to the fund and will put this on the correct page. Ken Thompson informed the Board that an item is not capitalized unless it is \$5,000 or more and if it is less then it comes out of the operations and maintenance fund. Larry Comer explained that each page stands alone and the District may not be able to do all of the capital improvements, some may need to be carried over to next year. Dustin Jacobson feels that the Point Hayden panel is the first priority. Chairman Sewell asked that the capital improvement plan be placed on the next agenda.

Next, Larry Comer informed the Board that the Avondale generator system is in operation now. The damage issue of someone backing into it has been submitted to the contractor's insurance as a claim. Attorney Mike Schmidt informed the Board that he had received a call from the contractor's insurance company and they say it isn't covered under their policy. Larry Comer suggested that CAT Equipment Co. come and looks at the generator and gives an estimate of the damage. Mr. Comer will submit the estimate from CAT Equipment Co. to Attorney Schmidt. Board member Walker discussed putting bollards at the corners of the generator and Mr. Comer replied that the District would need to have Lakes Highway District's permission to do this. Mr. Comer recommended placing the bollards at a later date and not add to this account.

NEWS LETTER

Larry Comer submitted the revised news letter to the Board and informed the Board that this news- letter had also been submitted to HARSB. Chairman Sewell informed the Board that Stephen, City Administrator for the City of Hayden liked the news-letter and feels it is ready to go as soon as a decision is made. Attorney Schmidt suggested sending the news-letter to Gary Allen for review before sending it out. Board member Stringer suggested putting the news-letter on the web site and having it printed in black and white to save on expense.

Board member Walker asked for an edit to the beneficial uses by irrigating crops to add more language to help explain to the constituents about land application. Also suggested was to add sewer rates to the news-letter for future discussion.

ATTORNEY REPORT

Attorney Schmidt explained the Hemlock Hills reimbursement agreement to the Board and stated that there will be a \$1,000 deposit from the developer to start.

EXECUTIVE SESSION

At 6:00 p.m. Board member DePew moved to recess to executive session per ID Code 67-2345 (f) pending litigation on Tort Claim issues and Assisted Living issues. Board member Walker seconded the motion. A roll call vote was taken; Board member DePew, “aye”, Board member Walker, “aye”, and Board member Stringer, “aye”. Board member Weinstein was absent. The motion carried. At this time Larry Comer and Dustin Jacobson excused themselves from the meeting.

Present in executive session were Chairman Sewell, Board members Walker, Stringer and DePew, Attorney Mike Schmidt, and District Administrator Lynn Hagman.

At 6:30 p.m. the Board reconvened to regular session. Board member DePew moved to have Chairman Sewell as the Board contact for Attorney Schmidt in the assisted homes litigation between Board meetings. Board member Walker seconded the motion. The motion carried.

BOARD REPORTS

Attorney Schmidt presented a memorandum to the Board explaining the requirements for a “Recreational” Water and Sewer District. Attorney Schmidt stated that having the recreational in the name does not change anything the District does; therefore, there is no reason to take it out of our name. Board member DePew felt that having recreational in our name gives the District the right to voice our opinion on lake issues. Larry Comer discussed the voting requirements for a Recreational Sewer District versus a Sewer District.

Public records requests were discussed and Board member Stringer questioned the reason for Attorney Schmidt responding to Mr. Mend’s request for minutes rather than the District Administrator responding. Attorney Schmidt explained that the Board’s practice has been to have legal forward any correspondence to a citizen when there is litigation. Attorney Schmidt recommended to the Board that he be the one to respond to records requests when there are legal issues involved.

Board member Stringer disagreed with Attorney Schmidt and stated that all citizens should be treated the same no matter what the circumstances are. Chairman Sewell endorses the attorney’s opinion and recommendation.

Next the Board discussed By-Laws and whether or not the District had them. Larry Comer stated that he would check court documents and Attorney Schmidt stated that if there were By-Laws they would not be located in court documents. Attorney Schmidt stated that he has searchable records and will search what he has for By-Laws, however, the Idaho Code has the laws that the District is run by. Board member Walker felt that the District needed to have things more clear and this should be done in the By-Laws. Attorney Schmidt will review sample By-Laws from other entities.

Board member Stringer voiced her concern with Board members attending outside meetings and giving no report to the Board. Board member Walker agreed and stated that if a Board member attends any meeting other than the District meetings, there should be a report to the Board on the meeting they attended.

ADJOURN

With no further business before the Board, at 7:30 p.m. Board member DePew moved to adjourn, seconded by Board member Walker. The motion carried.

Dave Weinstein, SECRETARY

Lynn M. Hagman, ADMINISTRATOR