

**HAYDEN LAKE RECREATIONAL WATER AND SEWER DISTRICT
MINUTES OF REGULAR MEETING
MARCH 12, 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. Present were Board members DePew, Sewell and Weinstein. Member Anderl was absent. Also present representing the Board were Attorney Mike Schmidt, Dustin Jacobson, Chris Seward and Steve Cordes from Welch Comer & Assoc.

Visitors present were Philip Clements, Doug Wall, Cecil Hathaway, Pat House, Merlyn Duerksen, Mel Schmidt and Ed Appleseth.

AGENDA

Additions to the agenda were:

1. Response to DEQ regarding the meeting on March 27, 2008
2. Response to PHD regarding the SMA
3. Response to Kootenai County on the retaining wall application on Hayden Lake.

The response to Kootenai County was discussed and the Board felt that the District should state their concerns in the response letter. **Board member Weinstein moved to direct Chairman House to write the response letter to the County and have legal review them. Board member Sewell seconded the motion. The motion carried.**

Board member Sewell moved to approve the agenda with the additions. Board member DePew seconded the motion. The motion carried.

MR. APPLESETH – EASEMENT ISSUE

Mr. Appleseth addressed the Board regarding a settlement issue for an easement on his property at 4728 E. Hayden Lake Rd. Mr. Appleseth informed the Board that when he built his home, he had to relocate approximately 20 feet for the easement as well as readjusting the plan for his driveway. Mr. Appleseth is requesting a 10' easement settlement and wants to increase the dollar amount to include his attorney fees. Mr. Appleseth's proposal to the Board is \$15,000 and he feels this is appropriate since the property values have increased.

Chairman House informed Mr. Appleseth that the Board has heard his proposal and would now seek legal advice from the District's Attorney.

Attorney Mike Schmidt stated that Sandy Emerson's valuation appraisal of the property was fair and the easement is a 5' construction easement only.

At the time of the District's proposal, Mr. Appleseth was advised to wait for property value to go up but the offer the District made was reasonable and there are no Attorney fees or grief that would be reimbursed. Only the value of the limitation of the 5' would be compensated.

Dustin Jacobson stated that a normal easement is 20' and the original conversation with Mr. Appleseth was that the District would allow a fence or landscaping on the easement and would replace if it were torn out for access to the sewer. Chairman House suggested Dustin Jacobson get the factual information on the easement and the Board will seek legal advice on the offer.

WILL SERVE LETTER

Attorney Mike Schmidt presented the Board with a draft proposal for cooperative agreement to evaluate disturbance plans. The recommendations from Mr. Schmidt are that when the County requests the site disturbance plan at preliminary plat, it is provided to the Sewer District for review. The Sewer District then evaluates the plan and makes recommendations as to whether or not it meets the County Ordinance. The Sewer District does not enforce the site disturbance. The District and the County should have an agreement to work cooperatively.

The County is in favor of professional site disturbance evaluations and is willing to work with the Sewer District. The Sewer District would act as an agent to the County and could require the applicant to get a professional site disturbance evaluation.

Attorney Schmidt recommended the Board review the draft letter and forward it to Pat Braden, John Cafferty and County Planner Scott Clark.

The Board approved the draft letter and directed Attorney Schmidt to work with the County on this.

Mr. Hathaway voiced his concern with the lack of enforcement around Hayden Lake. There are problems that are beyond the Sewer District jurisdiction and asked if the County has an Engineer. Attorney Schmidt replied that the County does not have an Engineer on staff. Board member DePew stated that the area of influence extend 6 miles from any tributary to the lake.

Mel Schmidt questioned who enforces outside the Sewer District. Chairman House replied he did not know. Board member DePew informed Mr. Schmidt that the fees from County building permits does not go to protect the site disturbance, it goes to the general fund and the Sewer District was the only one who spoke at the County budget hearing.

Mr. Schmidt questioned the Board on what the District's main responsibility was with the County Commissioners and the State. Chairman House informed Mr. Schmidt that the legal recommendation to the Sewer District is to be very careful enforcing the County Ordinance. The District has clear authority on the sewer system and the hooking up but not on land use. Mr. Schmidt asked how the citizens could help with getting authority. Board member DePew suggested they contact the County Commissioners.

Merlyn Duerksen asked if the County gives the Sewer District approval to be deputized, will the District then have authority. Board member DePew stated that the District will not be deputized. Board member Weinstein explained that packets are give to the Sewer District for review. The District wants to be identified as an agent for the County for policing site disturbance. Attorney Schmidt informed the citizens that the District will be professionally evaluating and making recommendations that will be credential back up for the County.

Chairman House discussed previously working with the County and the positive results they received on the Forest Ridge project. Board member DePew stated that Dustin Jacobson and Chris Seward are the eyes and ears for the violations around the lake.

Chairman House recommended the District continue as is in clarifying any site disturbance problems. Board member DePew stated that the developers' engineers are also available to evaluate problems and make suggestions for remedies. Dr. Miller has also been very helpful on site disturbance and the District hires him when necessary.

LAKE MANAGEMENT

The Lake management plan was discussed and Chairman House informed the Board that DEQ wants a regional plan. Board member Weinstein moved to direct Attorney Mike Schmidt to draft a letter that clarifies the Sewer District policy that will allow the District to ask for site disturbance plans. Board member Sewell seconded the motion. The motion carried. Attorney Schmidt suggested an agreement with the County so the District recommendation would be heard.

Chairman House discussed a news release to let the people know what the District is doing regarding the site disturbance on Hayden Lake. This would be after an agreement is reached with the County.

DEQ RESPONSE LETTER

Chairman House presented a draft letter to DEQ for the Board's review. Board member Weinstein felt that the letter should reflect the discontent with the citizens to have something done. Chairman House will edit the letter for Board review.

MINUTES

Comments and changes were made to the minutes of February 13th and February 27, 2008. **Board member DePew moved to approve these minutes with the suggested changes, seconded by Board member Weinstein. The motion carried.**

SET BACK RESPONSE LETTER

Chairman House will be clear that the District does not approve nor disapprove but does have strong concerns with the set backs.

EXECUTIVE SESSION

At 11:10 a.m. Board member Sewell moved to recess to executive session per ID Code 67-2345 (b). Board member DePew seconded the motion. A roll call vote was taken; Board member Weinstein, “aye”, Board member DePew, “aye” and Board member Sewell, “aye”. The motion carried. Board member Anderl was absent.

Present in executive session were Chairman House, Board members Sewell, Weinstein, DePew, Dustin Jacobson and Administrator Lynn Hagman.

At 11:35 a.m. the Board reconvened to regular session.

Dustin Jacobson requested the Board to allow himself and Chris Seward to have the ability to drop off or pick up their children at school. The Board asked Lynn Hagman to check with the insurance for coverage for this and Board member DePew will make a recommendation at the next meeting.

ADJOURN

At 11:37 a.m. Board member Weinstein moved to adjourn, seconded by Board member DePew. The motion carried.

Ken Sewell, SECRETARY

Lynn M. Hagman, ADMINISTRATOR