

**HAYDEN LAKE RECREATIONAL WATER AND SEWER DISTRICT
MINUTES OF REGULAR MEETING
MARCH 28, 2012**

CALL TO ORDER

Chairman Sewell called the regular meeting to order at 5:00 p.m. Board members present were Dave Weinstein, Tom DePew, Todd Walker and Carole Stringer. Superintendent Dustin Jacobson, Ashley Williams from Welch Comer and Ken Thompson were also present as representatives of the District. Administrator Lynn Hagman recorded the minutes of the meeting. Visitors were Mike Pierce and Ms. Canzoneri.

AGENDA & MINUTES

Board member Stringer moved to approve the agenda for this meeting, seconded by Board member DePew. The motion carried.

Following review of the minutes, Board member Stringer moved to approve the minutes of March 14, 2012. Board member DePew seconded the motion. The motion carried.

M. PIERCE – CAP FEE

Mr. Pierce addressed the Board to discuss a CAP fee that he owes on a vacant lot. Mr. Pierce received a letter from the District informing him that one of his lots did not have an ER (equivalent residency). The amount he owes is \$10,500. Mr. Pierce informed the Board that he purchased the lots approximately one year ago and did not know that a CAP fee needed to be paid. Mr. Pierce assumed that if he ever built on the vacant lot he would pay for a sewer hook-up at that time. Mr. Pierce asked the Board if it would be possible to pay a lesser amount of \$9,000 which would be more manageable payments if the Board would allow payments.

Board member Walker voiced his concern with people requesting a reduction in CAP fee costs. Board member Walker explained that the Sewer District pays a large portion of this fee to the Hayden Area Regional Sewer Board. Board member Weinstein asked Mr. Pierce if he was aware of the plant and the costs. Mr. Pierce replied that he wasn't aware of all of the costs at the plant. Board member Weinstein explained some of the costs and that the Sewer District is a partner in the plant all costs related to it.

Board member Walker discussed the option of consolidating the two lots and no CAP fee would be due, however, if he deconsolidated later a CAP fee would be due again and it may be higher than it is today. Board member Walker suggested Mr. Pierce go to the County and research his options and the Board will continue this issue to the April 25, 2012 meeting.

ACCOUNTANT

Ken Thompson gave a report on the financial status of the District. Board member Walker questioned if the District was going to be able to re-coop the money spent on LID7 since the DEQ loan wasn't approved for this year. Mr. Thompson explained that the District has up to three years to be paid back for any expense incurred by LID7.

Mr. Thompson went on to review the invoices for payment. **Board member Walker moved to approve the financial report and the invoices for payment. Board member Weinstein seconded the motion. The motion carried.**

Mr. Thompson briefly discussed the upcoming budget for 2012-2013. Larry Comer and Dustin Jacobson are working on the capital improvement projects for the upcoming year. Mr. Thompson questioned the Board about the property tax and did they want to ask for the 3% this year. Previously the District has levied for \$50,000 each year without asking for the 3% increase. Chairman Sewell suggested the District request the 3% on the property tax and the Board agreed. A budget workshop was scheduled for May 9, 2012.

SUPERINTENDENT REPORT

Dustin Jacobson discussed the bills for the District and explained what they were for. Several upgrades were done last month.

SETTLEMENTS

Board members discussed the settlement with the Idaho Fair Housing and Board member Stringer asked for the addition of specific wording regarding transportation and lodging. When using the facilities, this settlement or the litigation can't be referenced. **Board member Walker moved to accept the settlement document with the revisions by Board member Stringer and to then authorize Chairman Sewell to sign the revised document. Board member Stringer seconded the motion. A roll call vote showed; Board member Walker, "aye", Board member Stringer, "aye", Board member Weinstein, "aye" and Board member DePew, "aye". The motion carried.**

Board member Stringer questioned if the promissory note attached to the settlement agreement for the By the Lake Assisted Living would go with the property if they sell. Legal Counsel replied that the note is personal to the Chmura's. Board member Stringer also voiced her concern with the wording "payee" versus "holder" in the document. Legal Counsel will review this and stated that this is clerical revisions and the Board could still approve the documents. **Board member Weinstein moved to accept the settlement documents with the clerical revisions made and approve Chairman Sewell to sign. Board member DePew seconded the motion. A roll call vote was taken: Board member Stringer, "aye", Board member Weinstein, "aye", Board member DePew, "aye" and Board member Walker, "aye". The motion carried.**

Following review of the Haydenvue Cottage documents, **Board member Walker moved to accept the documents, seconded by Board member Weinstein. A roll call vote showed; Board member Weinstein, "aye", Board member DePew, "aye", Board member Walker, "aye" and Board member Stringer, "aye". The motion carried.**

BOARD DISCUSSION

The Board discussed the previous settlement made with Mr. and Mrs. Linehan regarding their assisted living facility. In the settlement the Linehan's paid \$3,000 in back O & M fees. Board member Weinstein felt that the District should no longer charge for back O & M fees on this type of business. Board member Weinstein felt that the District should reimburse the Linehan's the back O & M fees that they paid.

Board member Weinstein moved to return \$2,925 to the Linehan's for back O & M fees collected. Board member DePew seconded the motion.

Board member Stringer stated that there is a breakdown in their settlement documents of what they paid and for the time period it was for. The back O & M amount to be returned should be from the original demand to the signing of the promissory note. This would remove \$75.00 from the \$3,000 leaving \$2,925 to be returned to the Linehan's.

Board member Walker stated that the District would no longer charge back O & M on any commercial property. This will be a new policy for the Sewer District.

JOINT POWERS AGREEMENT

Chairman Sewell informed the Board that Attorney Nancy Stricklin has asked that no more discussion be held on this issue at this time. The Board reviewed the revisions sent by Attorney Schmidt.

ADJOURN

With no further business before the Board, at 6:45 p.m. Board member DePew moved to adjourn, seconded by Board member Weinstein. The motion carried.

Dave Weinstein, SECRETARY

Lynn M. Hagman, ADMINISTRATOR