

**Hayden Lake Irrigation District**  
2160 W. Dakota Avenue  
Hayden, ID 83835-5122

**July 2, 2019**  
**Regular Meeting**

*The following are minutes of the regular meeting of the Hayden Lake Irrigation District Board of Directors, held at 2160 W. Dakota Avenue, Hayden, Idaho, at 6:00 PM on July 2, 2019.*

- A. **CALL TO ORDER:** Meeting was called to order at 6:00 p.m. by Chairman Fleming.
- B. **ROLL CALL TO ESTABLISH QUORUM:** Present were Chairman Fleming and Director Holton and Director Timmins.
- C. **DECLARATION OF A QUORUM:** A quorum was declared.
- D. **APPROVAL OF AGENDA:** (*Action Item*) Director Holton made a motion to approve the July 2<sup>nd</sup>, 2019 agenda, seconded by Chairman Fleming, motion passed.
- E. **CONFLICTS OF INTEREST ON AGENDA:** (*Action Item*) None.
- F. **APPROVAL OF MINUTES & FINANCIALS:** (*Action Item*) There are 37 checks (13323 - 13359), and three auto pays, totaling \$525,909.51. An itemized list may be found in the minutes book. Director Holton made a motion to approve the June 4<sup>th</sup>, 2019 regular minutes and the July 2<sup>nd</sup>, 2019 financials as presented, seconded by Chairman Fleming, motion passed.
- G. **PUBLIC COMMENT:** None
- H. **OLD BUSINESS:**
1. **Wells #5 Carrington:** The new Well started up and is 90% complete. The project should be complete by August and the remaining balance of the project should be paid at the August Board meeting. There are no vibrations and the motor and pump seem to be running well. Pumptech believes the pump should produce 2,000 gallons per minute.
  2. **Water Master Plan:** A Public Workshop will be held July 16<sup>th</sup>, 2019. A Public Meeting will be held August 6<sup>th</sup>, 2019. Both announcements will be advertised in the CDA Press, posted on the website and at the District office. The topic at the Public Workshop will be the budget for FY 2020, CAP fees, rate increases, and bond requirements (elevated tank). The Public Meeting is to discuss the Water System Facility Plan.
  3. **Bureau of Reclamation:** The District has received news that the Bureau will be abandoning their interest in the District. A Memorandum of Understanding

should be received soon. The process could still take additional time as it is a slow process.

4. **Valley Way & Hayden Orchard Subdivisions:** A letter was sent to North Kootenai requesting they take over complete water service for the Valley Way and Hayden Orchard Subdivisions. The District has not received a response. The delay may be in part to give North Kootenai Water District the opportunity to present the opportunity to their Board.

5. **Rate Study FCS Group:** There is nothing new at this time. The District is awaiting the FCS study conclusion regarding the possibility of the District transferring over to a base plus consumption billing. The FCS study will help to determine the base rate.

6. **Annexation Viking 80 Acres, Resolution 19-09 & Order Granting Annexation Only:** (*Action Item*) The Board reviewed Resolution 19-09 and the Order Granting Annexation Only for the Carrington South 80 acres. The acceptance of the Well on the premises is still debatable. The District has discovered the Well is larger than anticipated but the condition will still need to be investigated. The Well pump and motor will need to be pulled to determine the condition and water samples will be received. A Development Agreement was drafted and is expected to be approved by Viking. The Administrator has been working with Viking to create an Annexation Agreement as well. A motion was made by Director Timmins to approve the Order Granting Annexation Only and Resolution 19-09, seconded by Director Holton, motion passed.

**J. NEW BUSINESS:**

1. **Avondale Fireline / 167 Miles:** (*Action Item*) 167 Miles consists of a 2.5-acre lot, with a coffee shop out front. The property has a leak of approximately 100,000 gallons per month. Steve Syrcle, with Tri-State Consultant Engineers, appeared on behalf of his customer, KWI Properties. The owner wishes to add a tenant, MacArthur Building Supplies warehouse, to the property. The warehouse will require a fire system. Avondale water District has hydrants surrounding the property. To simplify the project and save the customer money, Mr. Syrcle would propose the fire flow system be tied into Avondale's fire lines and Avondale Water District has approved the proposal. The customer would propose Avondale provide the fire flow and Hayden Lake Irrigation District maintain the domestic water supply. Thus, the water supply would be supplied by two Districts. After careful thought and consideration, the Board decided they do not want to commingle the water supply and will maintain the water supply to the property, for both sources, domestic and fire, since the property is in Hayden Lake Irrigation District. KWI Properties' request is denied. A motion was made by Director Holton to keep the domestic and fire flow the same, maintained by Hayden Lake Irrigation District, seconded by Director Timmins, motion passed.

2. **Seaside Obstruction Letters:** (*Action Item*) Seaside has a 20" waterline, 20" steel concrete pipe, and an easement created in 1960. The main line comes from Hayden Lake and is the first line put in for the District. Resolution 04-11 was created to maintain clear access to easements and rights-of-way. The issue of

maintaining and clearing easements has also been discussed at various Board meetings as well.

In December of 2018, the District had a break in a line at 1212 Hayden. A tree planted in an easement wrapped around a 6" waterline. The tree snapped and broke the A/C line. Before the District could work on the waterline, a doghouse, kennel, two vehicles and a fence had to be removed before the work could begin. These obstructions should not have been in the easement. By the time the District was able to clear the easement, it was 7:00 pm at night. Substantial time was wasted trying to clear the easement to do the repair. The line had to be replaced because the easement was not maintained. The District would like to avoid these situations in the future and Resolution 04-11 gives the District the power to maintain the easements.

Seaside has 20 feet of easements for the waterline. Many of the homeowners who purchased homes on the easements have obstructions in the easement; trees, rock formations, fire pits, water features and sheds. The District is in the process of auditing the District properties to clear the obstructions or, at a minimum, record Encroachment Permits to recognize the existence of the obstructions and educate the homeowners of what may occur if a waterline needs to be repaired or replaced. As part of the Master Plan, the District hopes to someday abandon backyard lines but as for now, the easement must be maintained. The District hopes to have the lines abandoned within the next 10 years, but this is not guaranteed.

The Seaside 20" – 27" mainline services neighboring homes, including a mobile home park. The line runs all the way to the District's tower. If a waterline breaks, the District would need to dig 7 feet down to do the repairs in order to ensure the water supply is not contaminated from backflow or back siphonage. If the Seaside obstructions, or any other obstructions located on other easements, are not moved prior to an incident, it would take the District valuable time to remove the obstructions and could result in a safety hazard to the District employees if the shed were to fall in the hole.

The District Administrator has requested the Seaside residents remove the sheds from the easements. Some of the properties have sewer easements as well as water easements on their properties. Some of the Seaside properties have sheds, electrical connections, making them even more difficult to move in a short time span. Another property has an inground water feature and another has a fire pit. The Seaside properties were sent a letter informing them they must move the obstructions from the easements within a 30-day timeframe or risk having their water disconnected.

Present at the Board meeting was the District Attorney, Susan Weeks. She explained Resolution 04-11 requires the District to give a customer notice of the obstruction and if they don't move the obstruction, the District would move it and pass the cost of the move on to the customer. If the customer does not pay the cost associated with the removal of the obstruction, the water would be shut off for non-payment. The District Administrator requests we place the burden for the removal of the obstructions on the customer not on the District. If the customer refuses to remove the obstruction, the District shall have the right to shut off the

water until the obstruction is removed, making the removal of the obstruction the customers responsibility.

The Board discussed the fact that there are many properties in the District that have obstructions in the District easements and the District needs to start somewhere and get the easements cleared. The District has the duty to keep the easements clear. If encroachments are not addressed, and encroachment permits are not signed, the District could lose the rights to the easements. The customers could be offered an encroachment permit for certain obstructions, but sheds need to be removed. The customers have the right to appeal to the Board regarding the encroachment permits language. Present at the Board meeting were Seaside residents who disagreed with the District's request to move their sheds. The District attorney stated the disagreements do not constitute a waiver of the requirements to remove the obstructions from the easements. Each and every customer interested in doing so will be given the opportunity to apply for an encroachment permit. Each encroachment permit will be specific to the customer's needs. The encroachment permits will then be submitted to the District Administrator for approval. The Administrator will make the call on whether to grant the permit request. If the customers do not like the Administrator's decision, they can appeal to the Board. The District and Seaside residents have a problem that needs to be jointly addressed. The Seaside residents notice to remove the obstructions will be extended so they can apply for an encroachment permit.

A motion was made by Director Holton to extend the time limit to address the encroachment permits to September 30<sup>th</sup>, seconded by Director Timmins, motion passed.

3. **Resolutions 19-07:** (*Action Item*) A motion was made by Director Holton to approve Resolution 19-07, Resolution for Will Serve Extensions Requirements, seconded by Director Timmins, motion passed.

4. **Easement Encroachment Permits:** Resolution 19-10 was presented to the Board. The District attorney stated the resolution could be approved but it must state it resends Resolution 04-11.

5. **Preliminary Budget:** (*Action Item*) FCS is proposing the District increase the rates and fees by 8%. A workshop must be scheduled. A motion was made by Director Holton to schedule a Workshop for July 16<sup>th</sup>, 2019 at 5:00 pm., seconded by Director Timmins, motion passed.

6. **Development Agreements:** (*Action Item*) A motion was made by Director Timmins to approve the Laramie Estate Subdivision, Parker's Park, NEC Huetter & Prairie, LLC, Property Brothers Subdivision and Viking Carrington South Development Agreements, seconded by Director Holton, motion passed.

7. **Warranty Agreement Vista Meadows:** (*Action Item*) Vista Meadows submitted a Subdivision Warranty Agreement for the Board approval. The District Attorney suggested Vista Meadows provide a Letter of Credit, bring a check to the bank and have the bank contact the District. The District Attorney will provide the appropriate form. The Board followed the District Attorney's suggestion and did not approve the Warranty Agreement.

**K. STAFF REPORT:**

**Administrator Report:** Administrator's report was given orally. He provided a review of the upcoming months schedule.

Kyle with Keller Associates addressed the Board. He is a past employee of JUB, an engineer that has worked with Post Falls, City of Coeur d'Alene and Apple. Kyle is a District Engineer in Bonner County. His firm has approximately 115 employees and they are very hands on. They do environmental, surveying and engineering in the Northwest area. He suggested that in the event the District requires a smaller firm, Keller and Associates would appreciate the opportunity to assist the District.

A motion was made by Director Holton to transfer \$49,786.58 from the MWB Credit Card account to MWB Sweep Checking, \$61,395.52 from the MWB EFT account to MWB Sweep Checking, \$15,842.32 from the MWB Replacement account to MWB Sweep Checking, \$223,840.24 from the MWB ICS-Replacement account to MWB Sweep Checking, and \$223,840.24 from the MWB ICS-Connection account to MWB Sweep Checking, seconded by Director Timmins, motion passed.

**SETTING DATE FOR NEXT MEETING:** - August 6<sup>th</sup>, 2019

**L. EXECUTIVE SESSIONS:**

Chairman Fleming made a motion at 7:38 PM to hold an Executive Session under Idaho Code 74-206(f): Advise legal representative or public awareness of probable litigation.

**Roll call vote:**

Chairman Fleming	Yes
Director Holton:	Yes
Director Timmins:	Yes

A motion was made by Director Holton to end executive session at 7:42 PM and return to the regular board meeting, seconded by Director Timmins, motion passed.

District Administrator proposed slight revisions to the Hayden Lake Irrigation By-Laws. The District Attorney made some slight changes. The By-Laws will be presented to the Board at the August 6<sup>th</sup>, 2019 Board meeting. If the By-Laws are approved, the revisions will be posted in a legal add and the District website.

A legal ad will be posted to inform the District members the District Board meetings will be held the first Tuesday of every month as usual but at 5:00 pm, not 6:00 pm.

With no further business, a motion to adjourn was made by Director Timmins and seconded by Director Holton. The meeting adjourned at 7:55 p.m.

Respectfully submitted:

Dawn Chidester  
District Clerk

Approved by:

Branden Rose  
District Administrator