

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

**April 3, 2018**  
**Regular Meeting**

*The following are minutes of a regular meeting of Hayden Lake Irrigation District held at 2160 W. Dakota Avenue, Hayden, Idaho at 6:00 PM on April 3, 2018*

1. **CALL TO ORDER:** Meeting was called to order at 6:00 PM by Chairman Doris Fleming
2. **ROLL CALL TO ESTABLISH QUORUM:** Present were Chairman Fleming, Director Eifler and Director Timmins; a quorum was declared.
3. **READING AND CORRECTION OF MINUTES FOR APPROVAL:** Director Timmins made a motion to approve the March 6, 2018 minutes and financials as presented, seconded by Director Eifler, minutes passed.
4. **PUBLIC COMMENT:** There was no public comment.
5. **STAFF PRESENT:** Branden Rose, Dawn Chidester, Susan Weeks, Jon Baune
6. **VISTORS PRESENT:** Greg and Alison Hagman, Tom Magee, Pat Hurrell, Monty Spencer, Mick Blakely, Jake Isaksen, Sharon Glacia, Robert Tavares
7. **CONFLICT OF INTEREST:** None declared
8. **NEW BUSINESS:**

**HAYDEN AVENUE SELF STORAGE -COMMERCIAL RATE DISPUTE:** On January 2, 2018, the Board passed a motion to proceed with the commercial fire hydrant/flow fee of \$150.00 per quarter. The customers affected by the fee were notified in writing and, upon receiving the letter, responded.

The Administrator explained to the Board and the visitors the average lines for the hydrants were 6" to 8". Most of the lines were 6". The hydrants must be flushed and maintained twice a year. The District is responsible for maintaining and repairing, or if need be replacing, the line and hydrant if damages occur. The estimated cost to replace a hydrant is \$4,900.00, without surface restoration.

Present for the April 3, 2018 meeting were Greg and Alison Hagman, owners of the commercial property known as Hayden Avenue Self-Storage. The Hagmans were the only customers who requested to be placed on the Board agenda to discuss the rate dispute. Mr. Hagman proclaimed they owned the business located at 2815 Hayden and they held a meeting at the location on Thursday March 29,

2018. Present for their meeting were various business owners, part of who could not be present for the April 3, 2018 Board meeting. Mr. Hagman requested a "special meeting" on behalf of the business owners who could not be present at the Board meeting. Mr. Hagman then read a letter from business owner Ed Morse, owner of A2Z Storage, and a letter from Tim Lowton, the owner of Biztown. Mr. Hagman read the letter to A2Z in its entirety and the letter was presented to the Board. The letter proclaimed, among other factors, the District's notice of the fee was "confusing, misleading and appears inadequate". Further stating the "charges were not fair and just". Mr. Morse's letter also contained two public record requests.

Despite the Mr. Hagman stating he appeared at the Board meeting strictly to speak on the Hagman's behalf and his request for a "special meeting" for the other customers who were not present, attorney Weeks stated if a topic is on the agenda, the Board has the right to open the meeting to the people who were present regarding the subject. Other customers had attended the meeting regarding the fee. Attorney Weeks further stated if a "special meeting" was scheduled, the Board had the right to request fees. Attorney Weeks suggested the visitors present be heard and the customers who were unable to attend the April 3, 2018 meeting be allowed 2 minutes each to speak at the next Board meeting on May 1, 2018 and the topic be listed as Old Business on the next agenda. The Board allowed the visitors who were present to speak.

After the Board made its decision, Greg Hagman spoke again. The Hagsmans proclaimed they had never seen the District service their hydrant and they share the same concerns as Biztown and A2Z Storage. Mr. Hagman stated he has never signed or given an easement to Hayden Lake Irrigation District, so the District has no rights on Hayden Avenue Self-Storage property. Mr. Hagman proclaimed the fire line is not his private line but stated if it was, they would request a 2-day notice requirement, and a \$300.00 fee each time the District flushes his hydrant, if the District goes on their property. Mr. Hagman claimed he spoke to six other water companies and one previous Hayden Lake Irrigation District employee about the fee.

Mick Blakely, owner of 2427 Hayden, provided a list of questions. He spoke on behalf of his business and said he was surprised by the fee. He believes the District could have provided better notice. Mr. Blakely stated a letter should have went out before the fee was charged. Mr. Blakely had questions regarding the flushing for residents versus commercial customers. Mr. Blakely wanted to know what other Districts charge and if it was an Idaho State law and if it is a law, does it mandate the commercial customers must pay. Mr. Blakely presented his list of questions to the Board. Said list included the questions listed herein as well as additional questions.

Dalen Gunn, owner of 3390 Hayden, was present at the Board meeting. He informed the Board he has spoke to his attorney. Mr. Gunn said he was not

seeking an answer but asked if this fee assessment was reviewed by the District's attorney. Mr. Gunn asked how the fee was determined and how it reflects to other Districts. Mr. Gunn stated his attorney would represent him in the matter but did not provide his attorney's name. Mr. Gunn stated his attorney asked if the fee was assessed to the domestic customers. Mr. Gunn stated his attorney suggested the Board look at the legal standing of charging the fee. Mr. Gunn further stated his attorney called the fee extremely excessive.

Sharon Garcia, for the Cornerstone Baptist Church located at 3983 Prairie, was present for the Board meeting. However, she stated she was not sure she was supposed to be there. Her husband is the minister of the church.

Tom Magee was present at the Board meeting to represent Northstar Baptist Church. Mr. Magee was concerned about the cost of the fee. He stated that it is a lot of money for their small church.

Alison Hagman, Hayden Self-Storage, spoke and stated she was concerned about the cost only being for the 58 commercial properties. She believed that was a low number of customers to pay \$6,000.00 every 10 years.

Monty Spencer, with Northwest Swiss, located at 433 Lacey, stated the commercial fire flow fee was a "chicken shit fee". Out of all the hydrants in the District, Mr. Spencer thought it was "bullshit" only 58 hydrants were chosen to pay the fee.

None of the other visitors opted to speak and Attorney Weeks suggested the Board move on to unfinished business. The topic was closed but the absent customers will have the right to speak for two minutes each at the May 1, 2018 Board meeting.

## **9. UNFINISHED BUSINESS:**

**WELL LARIX #4 & CARRINGTON #5:** Larix is ahead of schedule. Larix could be ready as early as May 20, 2018. The new motor should be in by May 15, 2018 or so. The Well should be functionable in time for early irrigation. The Carrington Well project is tabled pending FAA public comment. JUB showed the Board what came out of the Carrington Well after the sonar-jetting. Due to the blockage in the screens, the water was unable to flow. What was removed and presented by JUB was what was removed from the screen.

**CARRINGTON 16" WATERLINE VIKING/DAUGHTARY:** The District is presently waiting for Viking to do the crossing. Viking has submitted the plans. The District is in the process of the plan review and will do a developer agreement. Viking is addressing the District's concerns. Viking is waiting for a bid from Big Sky to do the loop. The District will coordinate separately with Big Sky for looping. JUB would like the District's field notes and record drawings.

**WATER MASTER PLAN:** Progress is being made. At present, the fire line and limit restrictions are in the works. The District is working on the fire line goals and different possible uses. The District will be working towards their fire line goals and the fire marshal's requirements. The plans presently show a need for looping to avoid dead-end lines. The District needs to generate a list of projects, classify projects and plan for growth.

The District will submit a request for the first half of the grant payout from the Department of Environmental Quality (DEQ). June is the end of DEQ's fiscal year. The District will not request payment of the second half of the grant payout until the project is complete. Once received, the grant funds will be deposited into the Capital Improvement account.

**EMPLOYEE HANDBOOK:** The Board has scheduled a special meeting for May 15, 2018 to discuss the handbook revisions. A reminder will be provided to the Board a week prior to the meeting.

**BUREAU OF RECLAMATION TITLE TRANSFER:** Attorney Weeks is working on the transfer. She will need to go through NEPA to assist with the historical and environmental contract termination process. The District may face mild resistance from the Bureau. The District will still need to go through the justification process. The District will assign as a companion a District in Ephrata, WA. Attorney Weeks will also check to see if any other Idaho Districts would like to join the separation between District and Bureau to save attorney fees, if the Board approves the sharing of information. A water District in Meridian, ID has agreed to join the separation and will assist with the attorney fees. Attorney Weeks is hoping in a year the District will be Bureau free.

**A2Z STORAGE:** At the January 2, 2018 Board meeting, the Board agreed the District would contribute 33% of the project costs once A2Z provided a separate bid for the cost to connect to the existing 4" A/C main on the northwest property line. The tie-in resulted in an abandoned line. The line was 70ft north of the actual tie-in. The District should pay the cost of the 70ft additional piping. The District received the wrong information which caused the need for the additional piping. The District Administrator suggested the main be upsized from 4" to 6" and that the District contribute towards that cost of the upgrades. The new line would allow the District to abandon another not needed line. The cost to upsize the line and the tie-in shall not exceed \$5,000.00. Director Timmins made a motion for the District to pay for the 70ft tie-in and to upsize the line from 4" to 6", at a cost of no more than \$5,000.00, seconded by Director Eifler, motion passed.

## 10. STAFF REPORTS:

**Administrator Report:** Report may be found in the minutes book.

**Financial Report:** There are 35 checks (12687-12721) totaling \$68,451.25. An itemized list may be found in the minutes book.

Director Eifler made a motion to approve the payment of the checks in the amount of \$68,451.25 and authorizing the administrator to transfer funds from the Mountain West ICS-Capital Improvement account, to the ICS Business Checking account, and from the Mountain West ICS-Capital Improvement account to the Business Checking account and from the Mountain West ICS-Replacements account to Business Checking account to cover the check run, seconded by Director Timmins, motion passed.

**11. SETTING DATE FOR NEXT MEETING:** - May 1, 2018

**12. EXECUTIVE SESSION:**

Chairman Fleming made a motion at 7:30 PM to hold an Executive Session under Idaho Code 74-206(1)(b): consider evaluation, dismissal, or disciplining of or to hear complaints or charges brought against, a public officer, employee, staff member and Idaho Code 67-2345(f): to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation, seconded by Director Timmins, motion passed.

**Roll call vote:**

Chairman Fleming	Yes
Director Eifler:	Yes
Director Timmins:	Yes

A motion was made by Director Timmins to end executive session at 9:24 PM and return to the regular board meeting seconded by Director Eifler, motion passed.

A motion was made by Director Timmins to hire a full-time clerk/bookkeeper, seconded by Director Eifler, motion passed.

The Boarded received Director Eifler's letter of resignation. Chairman Flemming made the motion to accept Director Eifler's resignation and accept Dion Holten as Director Eifler's replacement on the Board, seconded by Director Timmins, motion passed.

With no further business, a motion to adjourn was made by Director Eifler and seconded by Director Timmins. The meeting adjourned at 9:31 PM.

Respectfully submitted,

Branden Rose  
Administrator