



BOTTLE BAY
RECREATIONAL WATER & SEWER DISTRICT



**SPECIAL
BOARD OF DIRECTORS
MEETING**

Bottle Bay Marina

April 25, 2025

1:00 pm

Bottle Bay Recreational Water & Sewer District
P. O. Box 304, Sagle, Idaho 83860 Phone: 208-265-4270

MEETING AGENDA
Monday, April 25, 2025 1 p.m.
At **BOTTLE BAY MARINA**

1. Call to Order
2. Announce Quorum Present
3. Introduce Attendees
4. Summary of Emergency Situation at the Bottle Bay Marina (Behrens)
5. Comments and Recommendations by District Staff and Experts
6. Comments by Chip Houske and/or his representatives.
7. Consideration of Resolution 2025-21 Declaring Emergency & Authorizing Hillside Stabilization
8. Discussion of follow-up matters.
9. Adjourn



Galaxy A15 5G



Galaxy A15 5G

Resolution Number 2025-21

Resolution Declaring Emergency and Authorizing Hillside Stabilization

WHEREAS a hillside located at the Bottle Bay Marina, parcel RP57N01W338775A, owned by Chesley R. Houske, Jr. and Julie A. Houske, Trustees of the Chesley R. and Julie A. Houske Family Trust (“Landowners”), has slumped due to the slope being undercut; and

WHEREAS the slump has undermined the lateral support of the District’s easement that contains the District’s force main; and

WHEREAS experts invited by the District to inspect the site advised the District that the erosion of the hillside combined with water intrusion into the soil presents an imminent danger of collapse, and a breach of the force main; and

WHEREAS a breach of the force main would cause a substantial discharge of wastewater into Lake Pend Oreille, and disrupt sewer service to twenty or more customers; and

WHEREAS the District has obtained a bid from C.E. Kramer Crane and Contracting Inc. (attached hereto) to immediately shore-up the hillside to protect the force main;

NOW THEREFORE BE IT RESOLVED, the Board of Directors of Bottle Bay Water and Sewer District adopts this resolution declaring an emergency; and

BE IT FURTHER RESOLVED, District staff is authorized to proceed with emergency repairs without engaging in a statutory competitive bid process; and

BE IT FURTHER RESOLVED, the Landowners shall be requested to immediately contract with C.E. Kramer Crane and Contracting Inc. to shore-up the hillside per the bid specifications; and

BE IT FURTHER RESOLVED, in the event the Landowners refuse to immediately enter a contract with C.E. Kramer Crane and Contracting Inc., the District shall enter into a contract and commence mitigation per the bid specifications; and

BE IT FURTHER RESOLVED, the District shall seek to hold Landowners responsible for the cost of mitigation and District inspection fees.

ADOPTED BY THE BOARD on April 25, 2025

William M. Berg, President

C.E. KRAMER CRANE AND CONTRACTING, INC.

495670 Hwy 95

Naples, ID 83847

208-264-3021

Quote

Attention: Chip Houske
37401 Eastvale Rd
Palos Verdes Peninsula, CA90274

Date: 4/23/25

Project Title: Bottle Bay Resort
Project Description: Temporary Shoring
Quote #: CEK-BBR-42325

Description	Quantity	Unit Price	Cost
Mobilization - Install	LS	\$8,200.00	\$8,200.00
Furnish and drive/ install (9) H Pile 24' x 12" x 89	216 LF	\$68.00	\$14,688.00
Furnish and place (8) 5' x 12' x .75" steel plate	480 SF	\$10.00	\$4,800.00
Mobilization - Removal	LS	\$6,500.00	\$6,500.00
H Pile Extraction	180 LF	\$29.00	\$5,220.00
Plate Extraction	480 SF	\$15.00	\$7,200.00
		Subtotal	\$46,608.00
		Total	\$46,608.00

Notes:

- Prices subject to change 30 days from quote date. Invoice will reflect actual quantities at quoted prices.
- H Pile target depth to be minimum of 12' below grade. Wall height above grade to be 12'. Shoring height not to exceed 10'. If onsite conditions allow - depth of piles driven below grade will increase, shortening the retained height length. Based on a site inspection (4/23/25) the ideal shoring height would be approximately 8' above grade (actual utility depth will determine actual shoring height).
- Engineering is not included with this quote. Quote is provided without a geotechnical report stating soil type and conditions. Soil conditions around affected utility are unknown.
- Locates, utility relocations, erosion control and other BMPs are not included with this quote.
- Rental rates are included for use up to 3 months from date of install.

Bill Berg's Note to Julie Houske Summarizing the Issue

On Apr 22, 2025, at 5:48 PM, William Berg <billb@bbsewer.org> wrote:

Julie: I want to bring you up to date on the situation at the marina both because you and Chip are the responsible landowners and because you are on the Board. In talking to Brent, he did locate on the mainline in advance of the digging, and it appears that there was an attempt in design and execution to avoid encroaching on the District's easement. But, for whatever reason, the hillside collapsed and the crest of the slope is now within the District's easement. More significantly, the unstable slope is an immediate danger to the integrity of the sewer mainline.

Rob and Brent met on site with our contractor, Aaron Vierra, this afternoon. Aaron is of the opinion that the danger of more slippage is very real and our mainline is exposed to breakage. Obviously, if it breaks, the wastewater is going to run down your driveway and into the lake. That will initiate an investigation, potential fines, and required mitigation by DEQ, which will be extraordinarily costly to you and the District. And, of course, there will be a temporary loss of service to an unknown number of customers. Simply put, we cannot allow that to happen.

What needs to happen immediately is the installation of sheet piling. Sheet piling is interconnected steel plates driven into the ground to form a retaining wall. Charlie Kramer is capable of doing the work and Rob thinks he can get Kramer to jump on the job. Rob and Kramer will probably meet on site in a day or so. We'll keep you informed.

Meanwhile, we're imposing a stop work order on the site. We expect you and Chip to work with Kramer or a company of your choice to install the sheet piling. If you choose another contractor, the work must commence immediately. We want to work with you and Chip on this but time is of the essence. We'll need a sewer permit application with plans that we can review, and the standard \$2,000 inspection deposit.

I know this is going to be a very expensive repair and I hope your insurance will cover it. Thank you for your understanding of the District's position on this, and your cooperation on mitigating this danger to the sewer system.

Yours truly,

Bill Berg
President
Bottle Bay Recreational
Water & Sewer District

Note from Scott McNee, District's Engineer

From: Scott McNee <smcnee@ardurra.com>

Sent: Thursday, April 24, 2025 4:40 PM

To: William Berg <billb@bbsewer.org>

Cc: Hansen, Bob (Water System Management Inc.) (Wsmibob@aol.com) <Wsmibob@aol.com>

Subject: RE: Bottle Bay Sewer - URGENT MATTER

Hi Bill:

If there is a slope failure in close proximity to the force main, then I would agree that this is something that needs to be dealt with immediately to avoid damage to the force main and potential spillage of wastewater. If there is a break in the sewer line, then IDEQ needs to be notified within 24 hours. Bob Hansen should know the protocol, but following is what your Operations Manual has to say.

If an overflow or break in the sewer line occurs, the situation should be considered a potential health hazard. Any time sewage surfaces on the ground or is accessible to the public, special precautions should be made to keep the public away from the area. Immediate arrangements for correction and temporary methods for maintaining sewage service or minimizing inconvenience should be instituted until the correction is made. The Operator shall report all spills or overflows by phone to:

Idaho Department of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
(208) 769-1422

Scott McNee, P.E. (ID, WA)

Project Manager

O: (208) 762-3644 | **M:** (208) 661-2229

7950 N. Meadowlark Way, Suite A, Coeur d'Alene, ID 83815

smcnee@ardurra.com | www.ardurra.com

Follow-up Note from Bob Presta, of C.E. Kramer (4-25-2025)

ALL. This just came from Bob Presta with Kramer:

Why does he not fill the hole back in, secure the utility.

Get engineering for shoring and building.

Take down the tree from above and do the project right.

There seems to be a lot of risk for the minimal amount of work already done.

Sent from my iPhone

C.E. KRAMER CRANE AND CONTRACTING, INC.

495670 Hwy 95

Naples, ID 83847

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244
191455

EASEMENT

GRANTOR:

VICTOR H. COLVARD and SANDRA COLVARD,
of HCR 66, Box 646, Sandpoint, ID 83864.

GRANTEE:

The BOTTLE BAY WATER and SEWER DISTRICT,
a political subdivision of the State of
Idaho.

For valuable consideration, Grantor(s), hereinafter
"Grantor", owner of the following described real property in
Bonner County, Idaho, to-wit:

16-4053, Section 33, Township 57 North, Range 1 West,
Boise Meridian, Tax #2, Bonner County, Idaho.

do hereby grant to Bottle Bay Water and Sewer District a perpetual
easement, right and privilege for the following purposes:

(1) To install, lay and maintain on and in said property
a sewer pipeline at the location shown on the engineer's map
of the sewer pipeline system of said District.

(2) To enter upon said property from time to time
for the purpose of installing, maintaining, replacing and repairing
said pipeline.

Grantor covenants that he is the owner of the above-
described premises and has a good right to grant this easement.
Grantor's title to the premises is free and clear of liens and
encumbrances, except for those of record this date.

Grantor reserves the right to use the surface of the
ground above such pipeline, except that Grantor shall erect
no permanent improvements over said pipeline, nor within a strip
of land five (5) feet on either side of said pipeline. During
construction the Grantee's contractor may have a temporary easement
of ten (10) feet on either side of said pipeline; however, when
said pipeline is in place and the ditch covered, the easement

HERNDON, HAMMARBERG
& HANLON, Chartered
Attorneys at Law
1st & Main - P. O. Box 216
Sandpoint, Idaho 83864
Tel. (208) 263-7511

*April 16, 1977 3:51 P
Rogers & Huber
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Jus 822*

shall be five (5) feet on either side of the pipe line as hereinabove mentioned.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal this 21 day of April, 1976.

Victor H. Colvard
Sandra Colvard

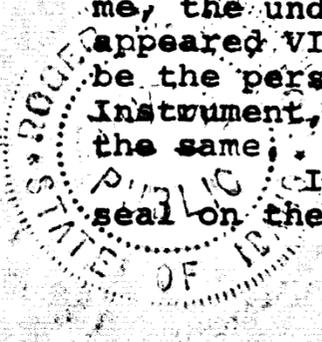
STATE OF
County of

On this 21 day of April, 1976, before me, the undersigned a Notary Public in and for said State, personally appeared VICTOR H. COLVARD and SANDRA COLVARD, known to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that (s)(t)he(y) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the date last above written.

Robert Hanson
Notary Public in and for the
State of

Residing at:



HERNDON, HAMMARBERG
& HANLON, Chartered
Attorneys at Law
1st & Main - P. O. Box 216
Sandpoint, Idaho 83864
Tel. (208) 263-7311

Return to grantee



580087

INSTRUMENT NO. 00026914

WARRANTY DEED

For Value Received JOHN M. HIGH and DORETTE C. HIGH, Husband and Wife, the grantor(s), do(es) hereby grant, bargain, sell and convey unto CHESLEY HOUSKE JR. and JULIE A. HOUSKE, Husband and Wife, the grantee(s) whose current address is 27401 EASTVALE ROAD, ROLLING HILLS ESTS, CA 90274, the following described premises, in Bonner County Idaho, to wit:

See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except those matters shown on the Exceptions Exhibit attached hereto and made a part hereof, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 13, 2001

John M. High
JOHN M. HIGH

Dorette C. High
DORETTE C. HIGH

STATE OF IDAHO }
COUNTY OF BONNER } SS

RECORDING DATA:

On this 13th day of APRIL, 2001, before me, the undersigned, a Notary Public in and for the said State, personally appeared JOHN M. HIGH and DORETTE C. HIGH known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lisa G. White
Notary Public in and for said State of Idaho
RESIDING AT: Sage, 2/30/05
COMMISSION EXPIRES: 2/30/05



SANDPOINT FIDELITY INSURANCE
2001 APR 17 12:54
HARVE SCOTT
BONNER COUNTY RECORDER
DEPUTY

EXCEPTIONS EXHIBIT

SUBJECT TO:

GENERAL TAXES FOR THE YEAR 2001, A LIEN IN THE PROCESS OF ASSESSMENT, NOT YET DUE OR PAYABLE.
ASSESSMENTS FOR BOTTLE BAY RECREATIONAL WATER AND SEWER DISTRICT.

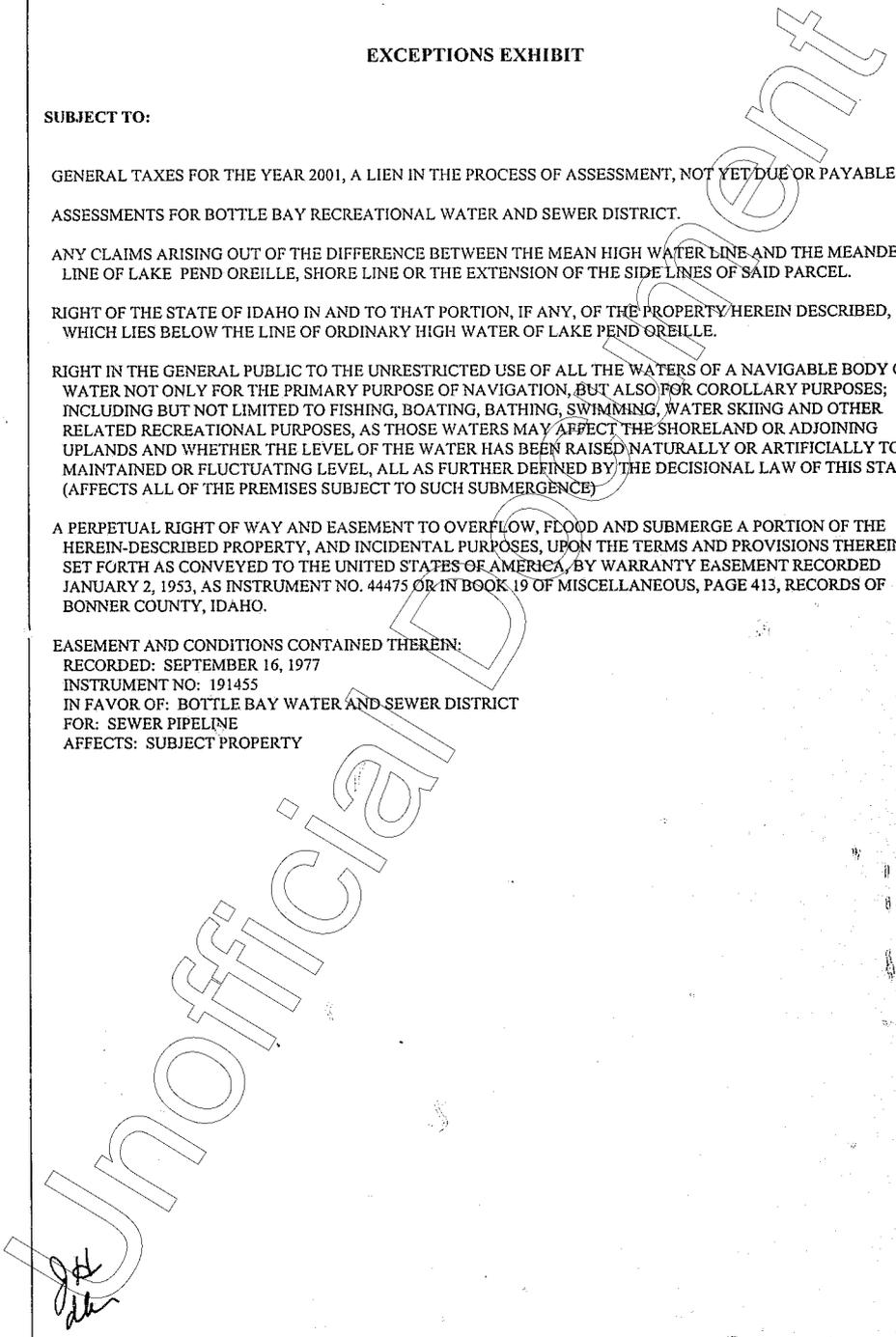
ANY CLAIMS ARISING OUT OF THE DIFFERENCE BETWEEN THE MEAN HIGH WATER LINE AND THE MEANDER LINE OF LAKE PEND OREILLE, SHORE LINE OR THE EXTENSION OF THE SIDE LINES OF SAID PARCEL.

RIGHT OF THE STATE OF IDAHO IN AND TO THAT PORTION, IF ANY, OF THE PROPERTY HEREIN DESCRIBED, WHICH LIES BELOW THE LINE OF ORDINARY HIGH WATER OF LAKE PEND OREILLE.

RIGHT IN THE GENERAL PUBLIC TO THE UNRESTRICTED USE OF ALL THE WATERS OF A NAVIGABLE BODY OF WATER NOT ONLY FOR THE PRIMARY PURPOSE OF NAVIGATION, BUT ALSO FOR COROLLARY PURPOSES; INCLUDING BUT NOT LIMITED TO FISHING, BOATING, BATHING, SWIMMING, WATER SKIING AND OTHER RELATED RECREATIONAL PURPOSES, AS THOSE WATERS MAY AFFECT THE SHORELAND OR ADJOINING UPLANDS AND WHETHER THE LEVEL OF THE WATER HAS BEEN RAISED NATURALLY OR ARTIFICIALLY TO A MAINTAINED OR FLUCTUATING LEVEL, ALL AS FURTHER DEFINED BY THE DECISIONAL LAW OF THIS STATE. (AFFECTS ALL OF THE PREMISES SUBJECT TO SUCH SUBMERGENCE)

A PERPETUAL RIGHT OF WAY AND EASEMENT TO OVERFLOW, FLOOD AND SUBMERGE A PORTION OF THE HEREIN-DESCRIBED PROPERTY, AND INCIDENTAL PURPOSES, UPON THE TERMS AND PROVISIONS THEREIN SET FORTH AS CONVEYED TO THE UNITED STATES OF AMERICA, BY WARRANTY EASEMENT RECORDED JANUARY 2, 1953, AS INSTRUMENT NO. 44475 OR IN BOOK 19 OF MISCELLANEOUS, PAGE 413, RECORDS OF BONNER COUNTY, IDAHO.

EASEMENT AND CONDITIONS CONTAINED THEREIN:
RECORDED: SEPTEMBER 16, 1977
INSTRUMENT NO: 191455
IN FAVOR OF: BOTTLE BAY WATER AND SEWER DISTRICT
FOR: SEWER PIPELINE
AFFECTS: SUBJECT PROPERTY



[Handwritten signature]

Exhibit A

A part of Government Lot 6 in Section 33, Township 57 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more fully described as follows:

BEGINNING at the meander corner identical with the Southeast corner of Government Lot 6 of the above described Section, Township and Range from which the meander corner across the lake bears South 89 degrees 14' East a distance of 1980.66 feet;

THENCE North 41 degrees 08' West a distance of 395.32 feet to the True Point of Beginning;

THENCE first course along a small creek South 46 degrees 20' West a distance of 201.75 feet;

THENCE continuing along said creek South 57 degrees 04' West a distance of 203.40 feet to a point in the Northeasterly line of the county road;

THENCE along said road North 39 degrees 42' West a distance of 125.00 feet;

THENCE North 57 degrees 04' East to a point which bears North 46 degrees 33' West from the True Point of Beginning;

THENCE South 46 degrees 33' East to the True Point of Beginning.
(ALSO KNOWN AS "HOUSE PARCEL")

TOGETHER WITH an easement for ingress, egress and utilities, over and across the existing roads located on the following described property:

A part of Government Lot 6 in Section 33, Township 57 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more fully described as follows:

Beginning at the meander corner identical with the Southeast corner of Government Lot 6 of the above described Section, Township and Range from which the meander corner across the lake bears South 89 degrees 14' East a distance of 1980.66 feet;

thence North 41 degrees 08' West a distance of 395.32 feet to the true point of beginning;

thence first course along a small creek South 46 degrees 20' West a distance of 201.75 feet;

thence continuing along said creek South 57 degrees 04' West a distance of 203.40 feet to a point in the Northeasterly line of the County Road;

thence along said road North 39 degrees 42' West a distance of 380.00 feet;

thence North 59 degrees 33' East a distance of 368.28 feet;

thence South 46 degrees 33' East a distance of 333.21 feet to the place of beginning, including the shore lands lying between the side lines of the above described property.

LESS a part of Government Lot 6 in Section 33, Township 57 North, Range 1 West, Boise Meridian, Bonner County, Idaho, more fully described as follows:

Beginning at the meander corner identical with the Southeast corner of Government Lot 6 of the above described Section, Township and Range from which the meander corner across the lake bears South 89 degrees 14' East a distance of 1980.66 feet;

thence North 41 degrees 08' West a distance of 395.32 feet to the true point of beginning;

thence first course along a small creek South 46 degrees 20' West a distance of 201.75 feet;

thence continuing along said creek South 57 degrees 04' West a distance of 203.40 feet to a point in the Northeasterly line of the county road;

thence along said road North 39 degrees 42' West a distance of 125.00 feet;

thence North 57 degrees 04' East to a point which bears North 46 degrees 33' West from the true point of beginning;

thence South 46 degrees 33' East to the True Point of Beginning

J.H.
D.H.