

LAKES HIGHWAY DISTRICT MINUTES

January 9, 2023

Page 1

The regular scheduled meeting of the Lakes Highway District Board of Commissioners was called to order by Chairman Twete at 5:30 p.m. on January 9, 2023 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete and Montgomery, Director Shanley and District Clerk Flagg. Commissioner Fountain attended by zoom. Richard Colburn, James Colburn (by zoom) of H2a and Steve Cordes of Welch Comer Engineering attended regarding the Garwood Facility, Bill Butherus, Chad and Stacy Hammond, John Marjamaa and Zach Marjamaa attended regarding the public hearing for Spokane Valley Commercial Orchards, Pat Miller and Bob Williams attended regarding the public hearing on Lake Park Acre Tracts. Donna Montgomery observed.

Chairman Twete called the meeting to order and led the Pledge of Allegiance.

Chairman Twete asked if any Board member has a conflict of interest with any item on the agenda? Commissioner Twete no Commissioner Montgomery no and Commissioner Fountain no. Has anyone had any oral or written communication with an applicant, or anyone opposing an application? Commissioner Twete no Commissioner Montgomery no and Commissioner Fountain no. Has anyone visited a site that is on the agenda for a Board decision regarding an application related to the site? Commissioner Twete no, Commissioner Montgomery no and Commissioner Fountain no.

Item 3 - Commissioner Montgomery moved to approve the January 9, 2023 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

Item 4 - Commissioner Montgomery moved to approve the December 19, 2022 regular meeting minutes as presented with Commissioner Fountain seconding the motion which carried unanimously.

Item 5 - Public Comment - Chairman Twete asked if there was any public comment. There being no public comment, Chairman Twete moved to item 6b under Old Business.

Old Business

Item 6b - Garwood Facility Update. Director Shanley updated the Board on the status of the Garwood site. After deliberations, Commissioner Montgomery moved to authorize the consultant to draw up a contract to be brought back to the Board based on the concept submitted to the Board tonight. Commissioner Fountain seconded the motion which carried unanimously.

Item 6a - Redspire Road Abandonment & Vacation. Attorney Weeks presented the Board with the assessed property values from the county for the previous four (4) years for the parcel owned by Mr. & Mrs. Adams. After deliberations, Commissioner Montgomery moved to value the abandoned and vacated portion of public right-of-way adjacent to the Adams' parcel on Redspire Road at \$35,000.00 with Commissioner Twete seconding the motion which carried unanimously.

Current Business

Item 7a - Public Hearing for Spokane Valley Commercial Orchards Validation/Abandonment and Vacation.

Chairman Twete stated this is the designated time and place set for the public hearing on the petition to validate/abandon and vacate Tenth Avenue adjacent to Block 56 located in Spokane Valley Commercial Orchards, lying in Section 18, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho as petitioned by John and Jeanette Marjamaa. At this time, Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing.

Attorney Weeks presented the staff report to the Board for review and discussed the information outlined in the report. It was noted that Kootenai Electric Cooperative submitted an email to the District stating they do have overhead power lines within this portion of right-of-way and if the validation/abandonment and vacation is approved, would need a thirty (30) foot wide easement to operate and maintain their equipment.

Mr. Marjamaa addressed the Board outlining why he is requesting the abandonment and vacation of the right-of-way adjoining his parcel.

District Attorney Weeks read the public comment forms which were in no particular order and the Board heard public testimony.

Mr. Billy Butherus submitted copies of their road association agreement and explained the creation of the road.

Mr. Marjamaa addressed the Board again and reiterated that he would like to make his property whole.

Mr. Butherus addressed the Board regarding Mr. Marjamaa swapping properties.

Following public testimony, Attorney Weeks closed the public hearing and turned the matter over to Chairman Twete to initiate deliberations. The Board proceeded to deliberations and upon conclusion, the following motion was made.

Commissioner Montgomery moved to table this item and leave the public hearing open for January 23, 2023 at our 5:30 meeting time in order to give the attendees an opportunity to discuss Mr. Marjamaa's request and present additional testimony allowing the Board to continue deliberations on that date. Commissioner Fountain seconded the motion which carried unanimously.

Item 7b - Public Hearing for Lake Park Acre Tracts - Abandonment and Vacation.

Chairman Twete stated this is the designated time and place set for the public hearing on the petition to abandon and vacate a portion of right-of-way located in the plat of Lake Park Acre Tracts located in Section 36, Township 53 North, Range 5 West, Boise Meridian, Kootenai

County, Idaho as petitioned by Mark and Regina Zehm. At this time, Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing

Attorney Weeks presented the staff report to the Board for review and discussion. Attorney Weeks also presented the previous four (4) years assessed value of the adjacent property owners.

Mr. Bob Williams, representing Mr. & Mrs. Zehm, addressed the Board and stated that Mrs. Zehm stated she is good with everything.

Mr. Patrick Miller addressed the Board discussed with the Board the value of the subject parcel. He also indicated they would be willing to purchase the north half of the right-of-way if abandoned and vacated.

Attorney Weeks entered all items received into the record.

Mr. Williams rebutted stating that the Zehms were ok with Millers purchasing the northern half of the right-of-way.

Following public testimony, Attorney Weeks closed the public hearing and turned the matter over to Chairman Twete to initiate deliberations. The Board proceeded to deliberations and upon conclusion, the following motion was made.

Commissioner Montgomery moved to approve the abandonment and vacation of the subject right-of-way. Commissioner Fountain seconded the motion which carried unanimously.

District Clerk Flagg called the roll; Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Commissioner Montgomery moved to offer the abandoned and vacated north half of the right-of-way to Mr. Miller at the cost of \$5,294.00. After thirty (30) days, if Miller's do not wish to purchase the north half of the right-of-way, it would be offered to the Zehms for the full amount of \$10,588.00. Commissioner Twete seconded the motion which carried unanimously.

Clerk Flagg called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Item 7c – IAHD Annual 2023 Dues and Assessment. Director Shanley presented the annual dues and assessment billing from the Idaho Association of Highway Districts for 2023. After deliberations, Commission Fountain moved to approve the 2023 dues in the amount of \$400.00 and assessment billing in the amount of \$5,300.00 for the Idaho Association of Highway Districts. Commissioner Montgomery seconded the motion which carried unanimously.

Item 7d – 2023 Legal Assistance Program. Director Shanley discussed with the Board the availability of the IAHD Legal Assistance Program. After deliberations, Commissioner Montgomery moved to pass on the legal assistance program offered through IAHD with Commissioner Fountain seconding the motion which carried unanimously.

Item 7e – Rimrock Road Approach Fee & Culvert. Director Shanley discussed with the Board the request of Mr. & Mrs. Johnson to have their appeal fee refunded and to have the District provide a culvert for their approach on to Rimrock Road north of Ohio Match Road. After deliberations, Commissioner Montgomery moved to authorize Attorney Weeks to write a letter on behalf of the District stating that the \$1,000 appeal fee would be refunded by the District if the Johnsons accepted the three (3) items associated with an approach permit as outlined in Director Shanley’s letter dated December 5, 2022. Commissioner Fountain seconded the motion which carried unanimously.

As there was no further business, Chairman Twete adjourned the meeting at 6:55 p.m.

Respectfully Submitted:

Bonny A. Flagg

Bonny A. Flagg
District Clerk/Board Secretary

Approved:



Rodney A. Twete
Chairman