

LAKES HIGHWAY DISTRICT MINUTES

October 3, 2022

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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 October 3, 2022 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete, Montgomery and Fountain, Director Shanley, District Clerk Flagg, Deputy Clerk Blaine and District Attorney Weeks. Nick Snyder of Kootenai County, Randall Smith and Ryan Smith attended regarding the validation hearing, Korby Baker and Mike Webster of Magnuson & McHugh Company attended regarding the audit presentation, Melissa Cleveland with Welch Comer, Mark Lazar, Sauna Lazar and Eric Olson with Olson Engineering attended regarding the gate encroachment, Gary Schmidt and Gordon Dobler of Dobler Engineering attended regarding Lakestone Estates. 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? Chairman Twete disclosed that Curt Carney called him regarding the validation hearing for Spokane Valley Commercial Orchards and Chairman Twete informed Mr. Carney that he was unable to discuss this item. 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 October 3, 2022 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

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

Item 5 – Commissioner Montgomery moved to approve the September 27, 2022 special meeting minutes as presented with Commissioner Fountain seconding the motion which carried unanimously.

Item 6 – Public Comment – Chairman Twete asked if there was any public comment. As there was no public comment, Chairman Twete moved to item 7a.

Item 7a – Reconvene Public Hearing – Spokane Valley Orchards Commercial Plat.

Chairman Twete stated this is the time and place set to reconvene the public hearing on the petition to validate Fifth Avenue located in Spokane Valley Commercial Orchards, lying in Sections 7 & 8, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho as petitioned by Kootenai County Parks and Waterways.

Attorney Weeks addressed the Board stating that the Board has received a request that will go into the record as Exhibit G, for a ninety (90) day extension, which is dated September 29, 2022. Clerk Flagg clarified it would be Exhibit H.

After deliberations, Commissioner Montgomery moved to grant a sixty (60) day postponement for the public hearing of the Spokane Valley Orchards Commercial to December 5, 2022. Commissioner Fountain stated she would not be available for that meeting and asked it be placed on the December 19th agenda. Commissioner Montgomery amended his motion to extend the time period to December 19, 2022. Nick Snyder of Kootenai County Parts and Waterways addressed the Board and stated he had no objection to the extension. Commissioner Fountain seconded the motion which carried unanimously. Clerk Flagg confirmed the time as 5:45 or as soon thereafter as possible.

At this time, Attorney Weeks added to the record Exhibit H, the request to continue the public hearing, Exhibit I which is the legal memorandum the Board requested from District counsel, Exhibit J, additional records from Kootenai County dated September 20, 2022, Exhibit K, Kootenai County's legal counsel letter, Exhibit L, additional supplemental information from Randall Smith, Exhibit M is Ryan Smith's comment sheet and Exhibit N is Randall Smith's comment sheet.

As it was not yet time for the budget hearing, Chairman Twete moved to item 8b.

Item 8b - E. Hayden Lake Road Gate Encroachment. Director Shanley presented information to the Board regarding an appeal submitted by Mr. Mark Lazar for placement of a gate adjacent to his parcel on E. Hayden Lake Road. Attorney Weeks stated that we have two (2) comment sheets for this item. Melissa Cleveland of Welch Comer Engineers presented her review to the Board which was admitted into the record as Exhibit A. Eric Olson of Olson Engineering presented his comment letter to the Board which was entered into record as exhibit B and his comment sheet as Exhibit C. Mr. Mark Lazar also addressed the Board outlining his request. Mr. Lazars comment sheet is entered into record as Exhibit D. After discussion and deliberations, Commissioner Fountain moved to approve the gate encroachment located at 2959 E. Hayden Lake Road as presented by Mark Lazar with the conditions that a long distance transmitter is required as well as creating additional parking area to accommodate at least three (3) cars, at least ten (10) feet wide, on the south side of E. Hayden Lake Road with all conditions included. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8a - Public Hearing - FY 2022-2023 Budget. Chairman Twete stated this was the time and place for the 2022-2023 budget hearing and declared the hearing open for any public comments.

Director Shanley stated he had no additional comments.

Commissioner Fountain stated she had a comment as she reviewed her paperwork and had a concern that the notice that was in the paper for the original budget hearing, she was never provided those figures. Therefore, she was uncertain as to why the District had to go through

another hearing except for the fact the original L2 that was done after the budget hearing was incorrect and was concerned why she wasn't getting paperwork that the Board was approving.

As there was no additional public comment, Chairman Twete closed the public hearing.

Director Shanley asked for a quick recess to obtain the budget workshop agenda that was provided to the commissioners before the advertisement was done. At 6:33 p.m. the Board took a short recess and reconvened to regular session at 6:38 p.m. Director Shanley addressed Commissioner Fountain stating the documents that she had not received were emailed to her on August 8th by Clerk Flagg at the request of Director Shanley who then read the email and stated it was sent at 9:10 a.m. Director Shanley then proceeded to explain the reason for the current budget hearing.

The Board proceeded to deliberations.

Commissioner Fountain moved to approve the adopted budget for 2023. The motion also included the District will forgo the foregone taxes for the upcoming fiscal year and authorized District staff to submit a letter to the County to that effect. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8c – FY2020-2021 Audit Presentation. Director Shanley directed the presentation to Korby Baker of Magnuson McHugh. After the presentation and deliberations, Commissioner Fountain moved to approve the 2020-2021 final audit conducted by Magnuson McHugh & Company and have it posted to the website as well as the LSO. Commissioner Montgomery seconded the motion which carried unanimously.

As there were members in the audience for Lakestone Estates, Chairman Twete moved to item 8e.

Item 8e – Lakestone Estates Plat Review. Director Shanley presented this twenty five (25) lot major subdivision located south of Perimeter Road in Bayview to the Board for review. Gordon Dobler of Dobler Engineering addressed the Board on behalf of the developer and explained the subdivision to the Board. Mr. Dobler indicated that Director Shanley had met with him previously and they had discussed the District's requirements and draft comment letter and stated they had no objections to the comments. After deliberations, Commissioner Montgomery moved to approve and accept the dedications that shall be shown on the final plat and authorized District staff to submit a letter of comment to the county outlining item numbers 1-10 of Director Shanley's review. Commissioner Fountain seconded the motion which carried unanimously.

Item 8d – Rimrock Road Approach. Attorney Weeks addressed the Board regarding the Johnson's Rimrock Road approach and stated that as the Johnson's had submitted additional information regarding their approach, it would need to be remanded back to the Director for his review and decision taking into consideration all new information submitted. Attorney Weeks stated she had been in contact with the Johnson's Attorney, Art Bistline who indicated the Johnson's were concerned they may lose their builder. Director Shanley, through

discussions with Attorney Weeks, indicated there was a mechanism to protect the District and still allow them to move forward with a conditional approval of the building permit and withhold approval of the final Certificate of Occupancy until the approach permit issue is decided. Commissioner Fountain moved to remand this matter back to Director Shanley to make a decision based on all new materials that have been submitted. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8f – Set Public Hearing for Validation in Spokane Valley Commercial Orchards. Director Shanley presented a petition from John Marjamma to validate a portion of right-of-way located in the Spokane Valley Commercial Orchards. After deliberations, Commissioner Montgomery moved to set January 9, 2023 at 5:45 p.m. or as soon thereafter as possible for the public hearing. Commissioner Fountain seconded the motion which carried unanimously.

Item 8g – Award Sand Quotes. Director Shanley addressed the Board regarding the quote for winter sanding material received from Interstate Concrete & Asphalt. After deliberations, Commissioner Montgomery moved to approve the quote submitted by Interstate Concrete & Asphalt in the amount of \$4.00 per ton for winter sanding materials. Commissioner Fountain seconded the motion which carried unanimously.

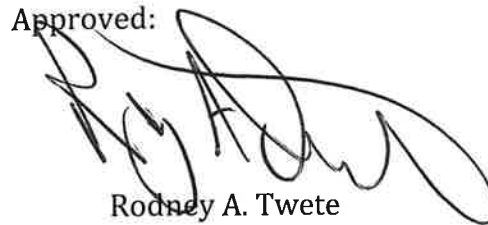
As there was no further business, Chairman Twete adjourned the meeting at 7:03 p.m.

Respectfully Submitted:

Bonny A. Flagg

Bonny A. Flagg
District Clerk/Board Secretary

Approved:



Rodney A. Twete
Chairman