

Lakes Highway District Meeting Minutes

September 16, 2019

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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 September 16, 2019 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete, Montgomery and Fountain, Director Shanley and District Clerk Flagg. 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? Has anyone had any oral or written communication with an applicant, or anyone opposing an application? Has anyone visited a site that is on the agenda for a Board decision regarding an application related to the site? All Commissioners stated no.

Commissioner Montgomery moved to approve the September 16, 2019 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the August 26, 2019 regular meeting minutes as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the August 28, 2019 special meeting minutes as presented with Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the September 10, 2019 special meeting minutes as presented with Fountain seconding the motion which carried unanimously.

After reviewing the Payments Journal and Financial Worksheet, Commissioner Fountain moved to approve the payments journal with bills paid by check numbers 36217 through 36284 in the amount of \$338,197.05 and the direct deposit dated September 5, 2019 in the amount of \$38,060.39 for a total of \$376,257.44. Commissioner Montgomery seconded the motion which carried unanimously.

At this time, Chairman Twete asked if there was any public comment. As there was no public comment, Chairman Twete moved to the first item under Old Business.

Item 9a was to reconvene the public hearing for the abandonment and vacation of a portion of public right-of-way located in Hayden Lake Cottage Tracts.

Chairman Twete stated this is the time and place set to reconvene the public hearing on the petition to abandon and vacate a portion of right-of-way adjacent to Lot 92 located in Hayden Lake Cottage Tracts recorded in Book C, Pages 068, Kootenai County, Idaho as petitioned by Wayne and Khrystia Waibel.

Director Shanley presented the staff memorandum to the Board for review and stated the certified notices were mailed and the public hearing was noticed in accordance with Idaho Code. Kootenai Electric sent a letter requesting an electric utility right-of-way/easement be

retained if the District chose to abandon and vacate the referenced right-of-way as KEC has facilities located in that vicinity.

The Board proceeded to deliberations and upon conclusion, the following motion was made.

Commissioner Montgomery stated I find it in the public interest to abandon and vacate the subject right-of-way and find that the requirements of I.C.§40-203 are met. I move to grant the abandonment and vacation as requested subject to any condition(s) precedent with title to be vested as provided in Idaho Code §50-311 to Wayne and Khrystia Waibel and authorize the Chairman or Vice Chairman to sign the Order to Vacate on behalf of the District. I also move if the applicant fails to meet any of the above set forth conditions, including payment of fees in the amount of \$69,912.50 (\$15.98 per square foot based on the assessed value) for the subject right-of-way and any additional administrative fees, which must be remitted to the Highway District Office ninety (90) days (December 16, 2019) from today's date (September 16, 2019), then this order will not be recorded with the Kootenai County Recorder and shall become null and void in its entirety. Also included in the motion was a utility easement being retained for public utilities and any monies excluding administrative fees, collected for the subject right-of-way vacation and abandonment shall be earmarked for improvements to E. Hayden Lake Road. Commissioner Fountain seconded the motion which carried unanimously.

Chairman Twete asked for further discussion and there being none, stated the motion has passed.

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

Item 9b was to reconvene the public hearing for the abandonment and vacation of a portion of public right-of-way located in Hayden Lake Cottage Tracts.

Chairman Twete stated this is the time and place set to reconvene the public hearing on the petition to abandon and vacate a portion of right-of-way adjacent to Lot 94 located in Hayden Lake Cottage Tracts recorded in Book C, Pages 068, Kootenai County, Idaho as petitioned by Joimarie Simpson.

Director Shanley presented the staff memorandum to the Board for review and stated the certified notices were mailed and the public hearing was noticed in accordance with Idaho Code. Kootenai Electric sent a letter requesting an electric utility right-of-way/easement be retained if the District chose to abandon and vacate the referenced right-of-way as KEC has facilities located in that vicinity.

The Board proceeded to deliberations and upon conclusion, the following motion was made.

Commissioner Fountain stated I find it in the public interest to abandon and vacate the subject right-of-way and find that the requirements of I.C.§40-203 are met. I move to grant the abandonment and vacation as requested subject to any condition(s) precedent with title to be vested as provided in Idaho Code §50-311 to Joimarie Simpson and authorize the

Chairman or Vice Chairman to sign the Order to Vacate on behalf of the District. I also move if the applicant fails to meet any of the above set forth conditions, including payment of fees in the amount of \$87,554.92 (\$17.18 per square foot based on assessed value) for subject right-of-way and any additional administrative fees, which must be remitted to the Highway District Office ninety (90) days (December 16, 2019) from today's date (September 16, 2019), then this order will not be recorded with the Kootenai County Recorder and this order shall become null and void in its entirety. Also included in the motion was a utility easement being retained for public utilities and any monies collected excluding administrative fees, for the subject right-of-way vacation and abandonment shall be earmarked for improvements to E. Hayden Lake Road. Commissioner Montgomery seconded the motion which carried unanimously.

Chairman Twete asked for further discussion and there being none, stated the motion has passed.

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

Item 10a is the Cobra Insurance Proposal. Director Shanley presented the Board a proposal from Benefits Exchange Northwest regarding facilitation of Cobra Insurance Coverage. After review and deliberations, Commissioner Montgomery moved to table this item in order to set up a meeting with the insurance agent to obtain additional information. Commissioner Fountain seconded the motion which carried unanimously.

Item 10b is Pay Request #3 for the 2019 Construction Projects. Director Shanley presented the Board with Pay Request #3 from Coeur d'Alene Paving for the 2019 Construction Projects in the amount of \$1,066,900.62. After review and deliberations, Commissioner Montgomery moved authorize payment to the contractor in the amount of \$1,066,900.62 with Commissioner Fountain seconding the motion which carried unanimously.

Item 10c is the Findings-of-Fact, Conclusions of Law and Decision for the CDA Airport Southeast Abandonment & Vacation. Director Shanley presented the Findings-of-Fact, Conclusions of Law and Decision to the Board for Kootenai County's request to abandon and vacate public right-of-way located in the CDA Airport Southeast Plat known as Weeks Drive and Rhodes Avenue. After deliberations, Commissioner Fountain moved to approve the Findings-of-Fact, Conclusions of Law and Decision for the abandonment and vacation of public right-of-way located in the CDA Airport Southeast plat known as Weeks Drive and Rhodes Avenue and authorize the Chairman or Vice Chairman to sign the Findings-of-Fact, Conclusions of Law and Decision. Commissioner Montgomery seconded the motion which carried unanimously.

Item 10d was Henderson Estates Plat Review. Director Shanley presented his review of this two (2) lot minor subdivision located on Sylvan Road. After review and deliberations, Commissioner Fountain moved to authorize District staff to send a letter of comment to the County outlining item numbers 1-5 of Director Shanley's review and authorized the Chairman or Vice Chairman to sign the Mylars when presented. Director Shanley clarified

the subdivision was approved contingent upon all requirements being met. Commissioner Fountain confirmed. Commissioner Montgomery seconding the motion which carried unanimously.

Item 10e was Walking Horse Estates Construction Plan Review. Director Shanley presented his comments regarding the construction plans for Walking Horse Estates. After deliberations, Commissioner Montgomery moved to send a letter of comment to the County outlining item numbers 1-3 of Director Shanley's review. Commissioner Fountain seconded the motion which carried unanimously.

Commissioner Comments. Chairman Twete stated that the District is in the process of doing some improvements that will help to take care of some rutting issues on Remington Road. His understanding after talking with District staff, they felt repairs would allow the District to permit full loads to be hauled at 25 mph. The roads will be monitored and if they start to deteriorate restrictions will resume. Chairman Twete stated the contractor has been notified by email that by the end of this week, the repairs should be completed. Commissioner Montgomery confirmed that permits would need to be obtained through the District. All permits shall be specific as to what is being hauled, the route taken, time frame etc. Commissioner Fountain asked if the load limits would remain in place. Chairman Twete responded that they would remain on, but hauling is permitted with a permit. That way, the developers aren't held up.

Director Shanley then updated the Board stating that District employees are periodically inspecting the roadways to monitor any rutting or damage that may be occurring. Director Shanley went on to explain the structure of the roadway and that District staff will continue to work towards a permanent solution.

Commissioner Montgomery moved to enter into executive session at 6:14 p.m. under Idaho Code §74-206 (1) (b) to discuss evaluations. Commissioner Fountain seconded the motion. Clerk Flagg called the roll with voting as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Upon reconvening to regular session at 6:23 p.m., Commissioner Fountain moved to approve the annual increases for the fiscal year 2019-2020 as discussed in executive session with Commissioner Montgomery seconding the motion which carried unanimously.

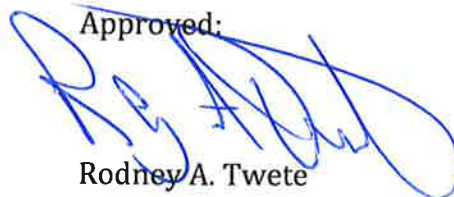
There being no further business, Commissioner Montgomery moved to adjourn at 6:24 p.m. with Commissioner Fountain seconding the motion which carried unanimously.

Respectfully Submitted:



Bonny A. Flagg
District Clerk/Board Secretary

Approved:



Rodney A. Twete
Chairman