

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 August 28, 2017 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. Karen Howell, District Treasurer attended regarding the budget hearing, Scott McArthur, Doug Mayo and Attorney Mischelle Fulgham attended regarding the Clovis Road hearing, Dennis Damon, Tom and Jackie Lloyd, Sheryl Puckett and Susan Norlander attended regarding the Finding of Facts on 5th & Lakeside and Donna Montgomery and Doug Wall observed.

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

Chairman Twete asked if any Board member had a conflict of interest with any item on the agenda. Commissioners Twete, Montgomery and Fountain indicated no conflicts of interest.

Commissioner Montgomery moved to approve the agenda for the August 28, 2017 meeting as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the August 7, 2017 regular meeting minutes as presented with Commissioner 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 34040 through 34112 in the amount of \$1,598,851.32 and the direct deposit dated August 20, 2017 in the amount of \$29,208.20 for a total of \$1,628,059.52. Commissioner Montgomery seconded the motion which carried unanimously.

Chairman Twete asked if there was any public comment related to an item that was not on the agenda.

Susan Norlander addressed the Board regarding safety concerns on Ramsey Road from Hwy 53 north to approximately Ohio Match Road stating there is concerns about the safety of the children walking to school due to the speed of the traveling public and what they feel are inadequate walking areas for the kids. Ms. Norlander submitted a portfolio to the Board for review. Commissioner Montgomery stated that the speeding issue is the jurisdiction of the Sheriff's Department. Chairman Twete stated the District would send a letter of concern to the Sheriff's office and that he would talk to Sheriff Wolfinger. Director Shanley stated he would offer to be involved in a conversation with school officials.

The first item under Current Business, 8a, was the 2017-2018 budget hearing. Chairman Twete stated it was the time and place for the 2017-2018 budget hearing.

At this time, Chairman Twete opened the hearing for public comments at 5:47 p.m. and asked for public comments.

Director Shanley stated this budget has a proposed zero percent levy increase to property taxes and includes the new construction roll.

As there were no public comments, Commissioner Montgomery moved to close the public hearing at 5:47 p.m. with Commissioner Fountain seconding the motion which carried unanimously.

As there were no Board deliberations on the budget, Commissioner Montgomery moved to approve and adopt the FY 2017-2018 Lakes Highway District budget as presented which includes the new construction roll and a zero percent property tax levy increase. The motion also included authorization for the Chairman or Vice Chairman to sign the Dollar Certification when presented and authorized District staff to submit the Fiscal Year 2017-2018 budget to the Coeur d'Alene Press for advertisement. Commissioner Fountain seconded the motion. District Clerk Flagg called the roll with voting as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. The motion carried unanimously.

Item 7a under Old Business was the execution of the written Findings of Fact, Conclusion of Law and Order for the abandonment and vacation and/or exchange of right-of-way/easement petitioned by Chan Karupiah at 5th & Lakeside in Bayview, Idaho. Director Shanley stated the District received a letter from Attorney John Magnuson requesting reconsideration by the Board and per legal counsel, the applicant does have the right to request reconsideration. After review and deliberations, Commissioner Montgomery moved to table this item to a later date. Commissioner Fountain seconded the motion which carried unanimously. Chairman Twete addressed members of the audience explaining the reconsideration request.

Item 7b, Chairman Twete stated this was the time and place to reconvene the public hearing for the abandonment and vacation of Clovis Road.

Chairman Twete asked if there was any further correspondence. Director Shanley stated the District received a letter on November 23, 2016 from Michelle R. Fulgham, Attorney, of Lukins & Annis stating she has been retained to represent the legal interests of Brent Christian of Tobler Marina and the Christian Family, LLC. On November 28th, the District received a letter from Lukins & Annis a Notice of Objection Letter and another letter of representation from Lukins & Annis. Also, received on December 1, 2016 was a fax from Michelle R. Fulgham of Lukins & Annis requesting a continuance of the public hearing scheduled for December 5, 2016 to the December 19, 2016 meeting as Mr. Christian is unavailable for the December 5, 2016 hearing. The District received an email from the City of Hayden dated December 2, 2016 stating the City would not protest the abandonment and vacation of Clovis Road and on December 5, 2016 a letter from Brent Christian was hand delivered to the office regarding the Clovis Road abandonment and vacation. December 15, 2016 the District received a request for a continuance of the hearing from Scott McArthur of h2 Surveying & Engineering. February 8, 2017 the District received a letter, which included a proposed easement agreement, from Attorney John F. Magnuson stating he was representing Mr. & Mrs. Doug Mayo. February 13, 2017 the District received a letter from Attorney Fulgham regarding the legal objection to the abandonment. February 21, 2017 the District received a letter from Attorney Magnuson regarding Clovis Road and on March 6, 2017, the District received a letter from Scott McArthur of h2 Surveying and Engineering regarding a postponement of the public hearing scheduled for March 6, 2017. Also,

received on March 6, 2017 was an email from Mischelle Fulgham, Attorney regarding the public hearing scheduled for March 6, 2017 and on June 21, 2017 a letter was received from Mischelle Fulgham regarding Tobler Marina's continued objection to Little Tree Storage Clovis Road Abandonment or Vacation Request. March 30, 2017 David Padon of Avista called regarding the status of the request and that he was concerned about their easement, received email from David Callahan of Kootenai County regarding variance on May 5, 2017, an email from Scott McArthur on June 19, 2017 regarding a continuation of the hearing, a letter from Mischelle Fulgham dated June 19, 2017 regarding the application being withdrawn, an email received on July 17, 2017 from Mischelle Fulgham stating she would not be able to attend the July 17, 2017 meeting and an email from Scott McArthur requesting the postponement of the hearing until the next meeting regular meeting.

Scott McArthur, Mr. Mayo's representative, asked the Board to abandon the utility easements on either side of Clovis Road as requested in the original application.

Attorney Mischelle Fulgham requested the Board deny the abandonment and vacation request as it benefits no one but Little Tree.

Chairman Twete asked for a motion to close the public hearing. Commissioner Fountain moved to close the public hearing with Commissioner Montgomery seconding the motion which carried unanimously.

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

Commissioner Twete stated I find it is not in the public's best interest to abandon and vacate the sixty (60) foot wide right-of-way adjacent to Little Tree and Little Tree II known as Clovis Road. Therefore, I move to deny the request to vacate and abandon the sixty (60) foot wide right-of-way however, move to abandon and vacate the ten (10) foot wide utility and drainage easement on both the east and west side of Clovis Road. The motion also included authorization for the District to send a letter to the County, Mr. Christensen and Mr. Mayo stating that the District has no objection to a zero (0) foot setback to the sixty (60) foot right-of-way. Commissioner Montgomery seconded the motion.

District Clerk Flagg called the roll; Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. The motion carried unanimously.

Item 8b was the 2017-2018 ICRMP Renewal. Director Shanley discussed the renewal for the 2017-2018 policy period and the Anti-Terrorism coverage offered by ICRMP and presented the letter to the Board for review. After deliberations, Commissioner Fountain moved to accept the 2017-2018 ICRMP policy however, reject the additional terrorism coverage offered by ICRMP and authorized the Chairman or Vice Chairman to sign the Anti-Terrorism rejection letter. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8c was the 2017 NWPMA Conference to be held in Vancouver, WA., October 16-19th. Director Shanley requested the Board authorize him to attend the conference. After

deliberations, Commissioner Montgomery moved to authorize Director Shanley to attend the Northwest Pavement Management Conference with Commissioner Fountain seconding the motion which carried unanimously.

Item 8d was Resolution 2017-05. Director Shanley informed the Board that all District requirements for North McKenzie Ridge 1st Addition have been met and the developer is now requesting the District accept Parapet Road into its maintenance jurisdiction. After deliberations, Commissioner Fountain moved to adopt Resolution 2017-05 accepting Parapet Road located in North McKenzie Ridge 1st Addition into the District's maintenance jurisdiction. The motion also included authorization for the Board to sign the resolution. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8e was Pay Request #3 for Interstate Concrete & Asphalt for the 2017 Construction Projects. Director Shanley presented the request to the Board in the amount of \$755,438.06. After deliberations, Commissioner Montgomery moved to approve Pay Request #3 for Interstate Concrete & Asphalt in the amount of \$755,438.06 for the 2017 Construction Projects and authorized the Chairman or Vice Chairman to sign the pay request. Commissioner Fountain seconded the motion which carried unanimously.

Item 8f is the roadway section design modification request for Fox Hollow. Director Shanley discussed the request of the developer with the Board to modify the roadway section and explained the modifications to the Board. After deliberations, Commissioner Fountain moved to accept the design modification for the proposed section within the Fox Hollow subdivision with Commissioner Montgomery seconding the motion which carried unanimously.

Item 8g was the PEER Exchange Workshop to be held in Boise on September 26 & 27, 2017. Director Shanley discussed this LHTAC workshop with the Board and requested authorization to attend. After deliberations, Commissioner Montgomery moved to send Director Shanley and Chairman Twete to the LHTAC PEER Workshop in Boise on Sept. 26th & 27th, 2017 with Commissioner Fountain seconding the motion which carried unanimously.

Item 8h was the Tree Removal Safety Project at the intersection of Atlas and Boekel Roads. Director Shanley stated he has reviewed the accidents at this intersection and the proposal from Welch Comer to survey the intersection and requests authorization to proceed with the survey provided by Welch Comer in order to enhance the sight distance to improve safety at this intersection. After deliberations, Commissioner Montgomery moved to approve Welch Comer's contract for the surveying of the intersection of Atlas and Boekel Roads. Commissioner Fountain seconded the motion which carried unanimously.

Item 8i was the Cape Horn Road Slide Repair. Director Shanley reviewed the geotechnical report received by the District on a portion of Cape Horn Road that, due to a slope failure, will need to be reconstructed. He therefore requested authorization to obtain quotes for the slide repair. After deliberations, Commissioner Fountain moved to authorize District staff to obtain quotes

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for the Cape Horn Road wall slide repair with Commissioner Montgomery seconding the motion which carried unanimously.

Commissioner Montgomery moved to adjourn to executive session at 6:59 p.m. under Idaho Code §74-206 (1) (c) to discuss right-of-way acquisition on Bunco Road. Commissioner Fountain seconded the motion. District Clerk Flagg called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Upon reconvening to regular session at 7:21 p.m., Commissioner Fountain moved to authorize staff to proceed with right-of-way as discussed in executive session and authorize the Chairman or Vice Chairman to sign the agreement. Commissioner Montgomery seconding the motion which carried un

There being no further business, Commissioner Montgomery moved to adjourn at 7:21 p.m. with Commissioner Fountain seconding the motion which carried unanimously.

Respectfully submitted:


Bonny A. Flagg
District Clerk

Approved:

Rodney A. Twete
Board Chairman