

Lakes Highway District Meeting Minutes

July 16, 2018

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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 July 16, 2018, at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete and Fountain, Director Shanley, District Clerk Flagg and District Attorney Weeks. Gary King, Dennis Sinning, Debra & James Kehrer, Al and Eunice Donnelly, Bob Richardson, Doris Reed, Linda Reagon, Doug Reagon, Mr. & Mrs. Woodward and Mark Lord attended regarding the Forest Ridge Estates Public Hearing, 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 and Fountain indicated no conflicts of interest.

Commissioner Fountain moved to approve the July 16, 2018 agenda as presented with Commissioner Twete seconding the motion which carried unanimously.

Commissioner Fountain moved to approve the June 18, 2018 meeting minutes as presented with Commissioner Twete 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 34994 through 35079 in the amount of \$ 1,054,206.42, the direct deposit dated June 20, 2018 in the amount of \$29,312.10 and the direct deposit dated July 5, 2018 in the amount of \$30,083.15 for a total of \$1,113,601.67. Commissioner Twete 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.

Item 8a, Special Events Application for the 2018 Princess Pedalfest. Director Shanley presented the race information to the Board and stated in addition to the traffic control plan that has been provided to the District, he would require flaggers to be on Lancaster Road at Croffoot Park, and at the intersections of Ramsey Road and Boekel Road and Lancaster Road and Ramsey Road. After deliberations, Commissioner Fountain moved to approve the Princess Pedalfest special events application for August 4, 2018 contingent upon additional flaggers at Lancaster and Croffoot Park, Ramsey and Boekel Roads and Lancaster and Ramsey Roads. Commissioner Twete seconded the motion which carried unanimously.

Item 8b, Special Events application for the Athol Daze Parade. Director Shanley reviewed this with the Board and after deliberations, Commissioner Fountain moved to approve the Special Events application for the Athol Daze Parade to be held on August 11th and authorized the Chairman or Vice Chairman to sign the application. Commissioner Twete seconded the motion which carried unanimously.

Commissioner Montgomery joined the meeting.

As it was not yet time for the public hearing, Chairman Twete moved to item **8d Perimeter Road Pedestrian Crossing Analysis**. As the residents of Bayview have requested a crosswalk located on Perimeter Road in the vicinity of the Post Office, Director Shanley presented his review to the Board for consideration of installing a marked cross walk on Perimeter Road at either the Post Office or Community Center. As this was not listed as an "Action Item" on the agenda, it will be placed on the August 6th, 2018 agenda for consideration.

Item 8c - Chairman Twete stated this is the designated time and place set for the **public hearing on the petition to validate the extension of Pebble Creek Drive** lying in Forest Ridge Estates, , Section 8, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho adjacent to the southern boundary of the subdivision stated on the plat as "future road" as petitioned by John Beutler. I now declare the public hearing open. Please proceed to the podium, state your name and address for the record. Only testimony pertaining to this petition will be accepted.

Attorney Weeks asked for all public comment sheets to be submitted at this time.

Attorney Weeks asked if the applicant was present or if anyone was here on behalf of the applicant or Rosenberger Construction Company. No one was present.

Attorney Weeks read the public comment forms with testimony given by the audience.

Mr. Stephen Reed stated he submitted a letter to the District and would like it to become part of the record. Attorney Weeks stated this letter will be put into the record as Exhibit "A".

At this time, Attorney Weeks turned it over to Director Shanley with the staff report. Director Shanley noted that the District received several comments and reviewed those with the Board. Attorney Weeks requested Clerk Flagg to mark the letter from Mr. Cordes as Exhibit "B", the electronic communication from Don Thomas, Jr. as Exhibit "C", Exhibit "D" was a duplicate of Mr. Reeds letter and the communication from Julia Blakely as Exhibit "E".

Attorney Weeks stated that on the record Mark Lord will be allowed to present testimony as the public hearing was not yet closed.

At this time the Board returned to the staff report. Director Shanley presented his report to the Board.

Director Shanley stated that the certified notices were mailed in accordance with statutes and the hearing was advertised within the appropriate timing.

Chairman Twete stated if there were no further comments, the public hearing is now closed.

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

Commissioner Fountain stated I find it in the public interest to deny the validation of the extension of Pebble Creek Drive depicted as "future road" on the plat of Forest Ridge Estates, as public right-of-way and find that the requirements of I.C. § 40-203 (1) (a) are not met.

Chairman Twete stated there is a motion to deny with a lack of a second. Therefore, the motion dies.

Commissioner Montgomery stated I find it in the public interest to validate the extension of Pebble Creek Drive depicted as "future road" on the plat of Forest Ridge Estates, as public right-of-way and find that the requirements of I.C. § 40-203 (1) (a) are met as it was platted that way in 2007 and it provides continuity throughout as designated at that time, and move to grant the validation as requested with Commissioner Twete seconding the motion. Commissioners Twete and Montgomery voted aye with Commissioner Fountain opposed.

Commissioner Fountain made a motion to abandon and vacate the subject right-of-way. Chairman Twete stated for lack of a second the motion dies.

Commissioner Fountain confirmed that the right-of-way has been validated. Attorney Weeks stated it had been validated but this is a dual petition, one to validate the right-of-way and one to vacate and abandon the right-of-way if validated.

Again, Commissioner Fountain made a motion to grant the request to vacate and abandon. Chairman Twete stated for lack of a second the motion dies.

Commissioner Twete stated I find it is not in the public interest to abandon and vacate the subject right-of-way as requested and find that the requirements of I.C. § 40-203 are not met and move to deny the request to vacate and abandon the right-of-way. Commissioner Montgomery seconded the motion. Commissioners Twete and Montgomery voted aye, and Commissioner Fountain voted nay.

District Clerk Flagg called the roll, Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain no.

Item 8e, Radar Speed Trailer. Director Shanley presented information to the Board regarding the purchase of a mobile radar speed trailer and discussed the benefits to the District. After deliberations, Commissioner Fountain moved to table this item with Commissioner Montgomery seconding the motion which carried unanimously.

Item 8f, 2018 Idaho Association of Highway District's convention to be held in Coeur d'Alene. After deliberations, Commissioner Montgomery moved to send the Clerk, Deputy Clerk, Director, Deputy Director and Commissioners to the 2018 Idaho Association of Highway Districts convention with Commissioner Fountain seconding the motion which carried unanimously.

Item 8g, 2018 Construction Projects Completion Date Extension. Director Shanley presented the contractors statement and request to delay the start of work on St. James, thus moving the contracted substantial completion date. The Director stated that the anticipated

delay associated with the pavement pulverization contractor would ultimately require Board approval of the revised contract milestone completion timeline. The contract currently states that work on St. James shall not begin earlier than June 30th and shall be substantially complete by August 15th. The contract also states that once work begins, work shall be substantially complete within 14 calendar days. After deliberations, Commissioner Fountain moved to approve the change order to extend the requested dates for the 2018 Construction Projects with Commissioner Montgomery seconding the motion which carried unanimously.

Item 8h, Wyatt Meadows Subdivision which is a three (3) lot minor subdivision located on Wyatt Road off of Nettleton Gulch Road. Director Shanley presented his review to the Board and after deliberations, Commissioner Fountain moved to authorize District staff to submit a letter of comment to the County outlining item numbers 1a-c of Director Shanley's review noting the correction regarding only two (2) additional lots being created. The motion also included authorization for the Chairman or Vice Chairman to sign the Mylar when presented. Director Shanley asked for clarification of the two (2) additional items in his review letter. Commissioner Fountain confirmed items 1-3. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8i, Resolution 2018-04 regarding a parcel on Bunco Road impacting the reconstruction project. Director Shanley explained to the Board all methods of contact have been exhausted in the attempt to obtain the additional right-of-way necessary for the construction project. Therefore, upon legal counsel's advice, the District would need to exercise the eminent domain process. After deliberations, Commissioner Montgomery moved to adopt Resolution 2018-04 and authorized District staff to work with legal counsel in the eminent domain process. The motion also included authorization for the Board to sign the resolution. Commissioner Fountain seconded the motion which carried unanimously.

Item 8j, Advertising Expenditures. Commissioner Fountain inquired about the Coeur d'Alene Press advertising expenditure for the Prairie Avenue chip seal work public advertisement. She inquired when it was approved at a board meeting and was told that it was not, as their names were listed on it, her name in particular which takes up half of the ad. The issue Commissioner Fountain has with the ad in addition to the cost was that the Commissioner's names are on it, which takes up half the ad. Commissioner Fountain would rather try to get the Press to do a press release warning the public, however, this did catch her eye. In looking at the financial statements we are going to be over on advertising expenditures, which is the reason she wanted to bring this up and suggested that the board try to use the public's money as best we can. She would have liked to have seen an article in the paper rather than an ad with her name on it. Chairman Twete stated he did not have a problem with his name on the ad as did Commissioner Montgomery and appreciated staffs work to inform the public. Chairman Twete stated Director Shanley called him regarding the ad and he thought it would be fine as it was published. Chairman Twete stated he remembered in the past they had asked District staff to do better at letting the public know and remembered that Commissioner Fountain was in on that. Commissioner Fountain again suggested that there should be an article in the Press instead of an ad. Commissioner Montgomery stated we advertise on tv for snow removal in the winter time along with an ad for construction work regarding public safety and pay for those, and those are high dollar

compared to this ad. Commissioner Fountain said that if this had come before the Board she would have suggested it be just a regular article that we not have to pay for. Chairman Twete stated he feels we cannot give enough notice to the public and doesn't have an issue with the \$300 expense. Commissioner Montgomery stated Director Shanley needs to have the latitude to be able to do his job as that is what he was hired to do. As this was a discussion item only, no motion was made.

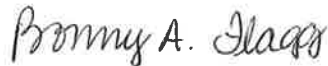
At this time Chairman Twete asked for a motion to enter into executive session.

Commissioner Montgomery moved to enter executive session at 7:08 p.m. under Idaho Code §74-206 (1) (a) to discuss hiring a public employee. Commissioner Fountain seconded the motion. Clerk Flagg called the roll with Commissioners voting as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Upon reconvening to regular session at 7:50 p.m., Commissioner Montgomery moved to proceed with advertisement for an executive assistant as discussed in executive session. Commissioner Fountain seconded the motion which carried unanimously.

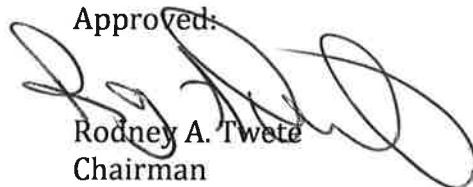
There being no further business, Commissioner Fountain moved to adjourn at 7:51 p.m. with Commissioner Montgomery seconding the motion which carried unanimously.

Respectfully Submitted:



Bonny A. Flagg
District Clerk/Board Secretary

Approved:



Rodney A. Twete
Chairman