

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 15, 2018, 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 and District Attorney Weeks. Bob Turnipseed, Bar Circle S Ranch, Rand Wichman representing N. Idaho Rose, Chris Pokorny of N. Idaho Rose, JoAnn Kennedy, Marvin Pridemore, Robert Kennedy, Jenny Marsh, Adrienne Daus, Mike Daus, Rusty Cordle, Robert & Donna Barnett, John and Sherry Scott, Dan and Cheryl Piva, R. Wolsfelt, Dean and Laurie Engle, Paul Ertel and Kevin Marsh attended regarding the Dolan Road 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, Montgomery and Fountain indicated no conflicts of interest.

Commissioner Montgomery moved to approve the January 15, 2018 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the December 18, 2017 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 34474 through 34557 in the amount of \$509,406.08, the direct deposit dated December 20, 2017 in the amount of \$32,146.02 and the direct deposit dated January 5, 2018 in the amount of \$43,355.89 for a total of \$584,907.99. 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.

Seeing none, Chairman Twete moved to item 8a the Moose Haven Road Development Agreement Addendum. Director Shanley presented an addendum to the original Road Development Agreement outlining bonding amounts for striping and the two (2) year construction guarantee on the interior roads. After review and deliberations, Commissioner Fountain moved to accept the Moose Haven Road Development Agreement Addendum reflecting the lower bond amount of \$38,670.50 and approve the bond for striping at \$6,180.00 with Commissioner Montgomery seconding the motion which carried unanimously. Director Shanley requested that the motion include authorization for the Chairman or Vice Chairman to sign the addendum. Commissioner Fountain confirmed as did Commissioner Montgomery. All Commissioners in agreement.

Item 8b was Resolution 2018-01 accepting Penobscot Road and Bellsway Drive into the District's maintenance jurisdiction. Director Shanley presented the resolution to the Board and after deliberations, Commissioner Fountain moved to adopt Resolution 2018-01 accepting Penobscot Road and Bellsway Drive into the District's maintenance jurisdiction

and authorized the Board to sign the resolution. Commissioner Montgomery seconded the motion which carried unanimously.

As it was not yet the time to begin the public hearing, Chairman Twete moved to item 8d.

Item 8d was a request for road validation and abandonment and vacation of an easement located on Lot 7, Block 9 Forest Ridge Estates shown as a future road extension. Director Shanley stated a staff report would need to be completed by the District for the public hearing. After deliberations, Commissioner Montgomery moved to authorize staff to proceed with a staff report with the public hearing being scheduled for a later date when the staff report is complete. The motion also included the applicant reimburse the District for any outside legal expenses. Commissioner Fountain seconded the motion which carried unanimously.

Item 8e was the 2018 IAHD dues and assessment invoice. Director Shanley presented the invoice in the amount of \$5,300 for the 2018 assessment and \$400 for the 2018 dues. After deliberations, Commissioner Fountain moved to approve the IAHD 2018 assessment in the amount of \$5,300 and the 2018 IAHD dues in the amount of \$400 for a total of \$5,700.00. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8f was the 2018 legal assistance program offered by David Wynkoop for members of the Idaho Association of Highway Districts. After deliberations, Commissioner Montgomery moved to decline the offer for the IAHD Legal Assistance Program with Commissioner Fountain seconding the motion which carried unanimously.

Chairman Twete stated this is the designated time and place set for the public hearing on the petition to validate the extension of Dolan Road lying in Bar Circle S Estates, 6<sup>th</sup> Addition, Section 23, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho adjacent to the easterly boundary of the subdivision stated on the plat as "future road" as petitioned by North Idaho Rose, LLC. 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 hearing comment sheets to be submitted at this time and stated the applicant may now address the Board.

Mr. Rand Wichman presented his comments to the Board regarding the request of North Idaho Rose, LLC to validate the Dolan Road extension beyond the cul-de-sac.

At this time Attorney Weeks read the public comment forms into the record and the audience testified for and/or against or neutral to the validation of the extension of Dolan Road and entered into the record all written comment sheets as Exhibit "A".

Attorney Weeks then read two pieces of written correspondence that were submitted to the District and stated they would enter into the record as Exhibit "B".

Director Shanley also stated that the certified notices were mailed with the return receipts being received by the District and the hearing was advertised, both in accordance with Idaho Code.

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

Attorney Weeks stated the staff report was prepared by Director Shanley and would need to be admitted into the record as Exhibit "C".

Attorney Weeks stated that Mr. Wichman was not given a chance for rebuttal prior to the hearing being closed and would request that the public hearing be reopened in order to allow Mr. Wichman the chance for rebuttal. Chairman Twete stated that the public hearing is reopened at 6:21 p.m. for rebuttal.

Mr. Wichman addressed the Board with final comments with Chairman Twete closing the public hearing at 6:25 p.m.

Attorney Weeks clarified that the staff report gives the Board a two (2) step process the Board looks at under the statute. The statutes allow you to consider whether the right-of-way satisfies the legal requirements of a public right-of-way and then allows the decision whether it is in the public interest to validate the road even if it was and is set forth as a public right-of-way, the Board has discretion to determine at this time that you do not want to validate it as an ongoing public right-of-way.

Deliberations followed regarding access to adjoining parcels to the east of Dolan Road. It was discussed that if the parcels to the east were developed in the future, that it is not necessary to take Dolan Road all the way to Old Hwy 95.

Commissioner Montgomery stated I find it in the public interest to validate the extension of Dolan Road depicted as "future road" on the plat of Bar Circle S Estates, 6<sup>th</sup> Addition, as public right-of-way and find that the requirements of I.C. § 40-203 (1) (a) are met because due to the fact it was platted that way in 1992 and it provides continuity throughout as designated at that time, I move to grant the validation as requested with Commissioner Twete seconding the motion. Commissioner Montgomery and Twete voted aye and Commissioner Fountain voted nay. Motion carried

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

At this time, Chairman Twete declared a five (5) minute recess at 6:49 p.m. to allow any members of the audience a chance to leave. Chairman Twete reconvened the meeting at 6:53 p.m.

Item 8g is the NPDES Contract Change amount. Director Shanley presented Ruen Yeager's request for an increase to the original NPDES contract in the amount of \$1,000 for completion of the Annual Report. Director Shanley explained Laura Winter of Ruen Yeager has been in touch with the District and expects additional efforts to coordinate with EPA this year and is the reason for the requested addendum. After deliberations, Commissioner Montgomery moved to table this item until further information can be provided. Commissioner Fountain seconded the motion which carried unanimously.

Item 9a under the Engineer/Director's Report was discussion on snow plow tracking devices. Director Shanley discussed complaints the District receives regarding snow plowing issues and constituents stating we have not plowed their road. The Director discussed a potential solution to help justify District work. The Board deliberated and did not feel this was necessary at this time. As this was a discussion item only, no motion was made.

There being no further business, Commissioner Montgomery moved to adjourn at 7:17 p.m. with Commissioner Fountain seconding the motion which carried unanimously.

Respectfully Submitted:

*Bonny A. Flagg*

Bonny A. Flagg  
District Clerk, Board Secretary

Approved:

  
Rodney A. Twete  
Chairman