

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 7, 2017 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. District Treasurer Karen Howell attended regarding the budget advertisement. Attending regarding the public hearing for 5th & Lakeside were: Attorney John Magnuson, Edith Bishop, Howard Bishop, Marsha Ritzheimer, Sue Damon, Sally Manthos, Jim Schultz, Lynn Pierce, Dennis Damon, Judith Robinson, Bruce Robinson, Casey Christian, Diane Christian, Ron Dayton, George Gormser, Norma Knowles, M. Zeayd, Judith Nelson, Teresa Karupiah, Chan Karupiah, Michele, Tom Lloyd, Jackie Lloyd, Hans Neubauer, Lynn Neubauer, Ron Houvier, Ken Saunders, Marilyn Saunders, Herb H., Tammy Davis, Ashley Davis, Margaret Nelson, Sheryl Puckett, Janis Engwer, Jeane Epps, Jeff Marty, Larry Tyler, Wayne Lee, Michael Clint Cord, Michele Williams, Charles Moran and Richard Hersh. Donna Montgomery 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 August 7, 2017 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously. Noted were the corrections to the July 3rd, 2017 minutes as clarified in the July 17th, 2017 minutes.

Commissioner Montgomery moved to approve the July 17, 2017 regular meeting minutes as presented with Commissioner Fountain seconding the motion which carried unanimously.

After reviewing the Payments Journal, Commissioner Fountain moved to approve the payments journal with bills paid by check numbers 33994 through 34039 in the amount of \$107,459.39, the direct deposit dated July 20, 2017 in the amount of \$23,424.04 and the direct deposit dated August 4, 2017 in the amount of \$28,571.60 for a total of \$159,455.03. 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 7a.

First Item on the Agenda was Item 7a to consider the request from the applicant requesting an exchange of right-of-way on 5th and Lakeside in Bayview. Director Shanley reviewed with the board a letter the District received from Attorney John Magnuson indicating the applicant was inadvertently deprived an opportunity to offer a rebuttal to the public testimony and evidence. The Director indicated the applicant would like the Board to consider allowing his rebuttal.

Commissioner Fountain asked Attorney Weeks if the issues could be addressed in an easement if there were no impact to the public. Attorney Weeks stated that if the Board directed staff to write an agreement addressing the legal concerns raised by the audience, an easement agreement could be drafted as such.

Commissioner Montgomery moved to allow Mr. Karupiah five (5) minutes for a rebuttal with Commissioner Fountain seconding the motion which carried unanimously.

Chairman Twete asked the Applicant to proceed to the podium with five (5) minutes to address the Board, and requested the applicant state their name and address for the record. Mr. Karupiah's attorney, John Magnuson addressed the Board and reviewed the reasons for Mr. Karupiah's request.

Commissioner Montgomery moved to close the public hearing with Commissioner Fountain seconding the motion. All Commissioners voted aye and the motion carried unanimously.

The Board then proceeded to deliberation. Upon conclusion of deliberations, the following motion was made.

Commissioner Montgomery stated I find it is not in the public interest to abandon and vacate the subject right-of-way on 5th and Lakeside in Bayview, and find that the requirements of I.C. § 40-203 are not met because real property adjoining the public right-of-way is left without access to an established highway or public right-of-way. I move to deny the request to vacate and abandon the right-of-way. Commissioner Twete seconded the motion. District Clerk Flagg called the roll with the following vote: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. The motion carried unanimously.

At this time, Chairman Twete took a short recess.

At 6:02, Chairman Twete reconvened the regular meeting.

Item 8a was authorization for District staff to advertise the 2017-2018 budget hearing in the Coeur d'Alene Press. Commissioner Fountain moved to authorize District staff to advertise the 2017-2018 budget hearing in the Coeur d'Alene Press pursuant to Idaho Code. Commissioner Montgomery seconded the motion which carried unanimously. Commissioner Fountain wanted it noted that she is not in favor of the increase in the Commissioner expense.

Item 8b was the Pay Request #2 submitted by Interstate Concrete and Asphalt in the amount of \$985,993.56 for the 2017 construction projects. Director Shanley reviewed the request with the Board and after deliberations, Commissioner Fountain moved to approve and authorize payment in the amount of \$985,993.56 representing Pay Request #2 from Interstate Concrete & Asphalt and authorized the Chairman or Vice Chairman to sign the request. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8c was Director Shanley reviewing construction plans with the Board on The Reserve at Twin Lakes. Upon deliberations, Commissioner Montgomery moved to authorize the Director to submit his comments to the developer and upon satisfactory resolution of his comments to issue an approval and permit for the work. Commissioner Fountain seconded the motion which carried unanimously.

At 6:08 p.m. Commissioner Fountain moved to enter executive session under Idaho Code §74-206 (1) (a). Commissioner Montgomery seconded the motion. District Clerk Flagg called the roll with the Commissioners voting as follows: Commissioner Twete aye, Commissioner Montgomery, aye and Commissioner Fountain aye. Motion carried unanimously.

Upon reconvening to regular session, Commissioner Montgomery moved to hire a new employee as discussed in executive session. Commissioner Fountain seconded the motion. All Commissioners voted aye and the motion carried unanimously.

There being no further business, Commissioner Fountain moved to adjourn at 6:29 p.m. with Commissioner Montgomery seconding the motion. All Commissioners voted aye and the motion carried unanimously.

Respectfully Submitted:


Bonny A. Flagg
District Clerk

Approved:

Rodney A. Twete
Chairman