

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 February 20, 2017 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete and Montgomery, Director Shanley and District Clerk Flagg. Commissioner Fountain joined the meeting by telephone. Erna Rhinehart, Nancy Lowery, Lisa Troxel and Jason Ball attended regarding the Hayden Lake Marathon. Attorney Doug Marfice, Bob Boyle of Hanson Industries and Frank Waterman of the Idaho Dept. of Lands attended regarding the public hearing and Donna Montgomery, Ann Matlock and Melody Jones of Interstate Brokers 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 February 20, 2017 meeting as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the February 6, 2017 regular meeting minutes as presented. Commissioner Fountain seconded 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 33490 through 33530 in the amount of \$151,747.50 and the direct deposit dated for February 20, 2017 in the amount of \$33,397.82 for a total of \$185,145.32. Commissioner Montgomery seconded the motion which carried unanimously. Commissioner Fountain also asked about check number 33490. Commissioner Montgomery stated it was dollars held and not used. Director Shanley stated that it was a surety for a turn lane. Chairman Twete stated that it was outlined in the agreement to begin with. Commissioner Fountain stated she would like to know when the project was done and when the funds are released. Chairman Twete again stated it was in the agreement and Commissioner Montgomery said there is no Board action associated with the refund.

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 the first item under Current Business.

The Special Events Application for the Hayden Lake Marathon was item 8a. Director Shanley presented the application submitted by Nancy Lowry to the Board for review and explained that the race is proposed for October 14, 2017. Nancy Lowery addressed the Board and stated the event is a successful one and she would ask that the Board approve the application for this year. She stated that the traffic control plan is the same and the insurance certificate has been submitted. She also stated for Commissioner Fountain that she did verify with Eclipse Traffic Control that there were four (4) flaggers that leap frogged to eight (8) different spots so that blind corners were covered. At this time, Chairman Twete stated that he would be in favor of having Director Shanley review the special event applications and sign off on them for the various events in the District and not have them come before the Board every time as long as there are no emergency issues and that all the paperwork is up to date. If, however, Director Shanley sees a problem or there are emergency issues, then the application would need to be brought to the Board. Commissioner Montgomery agreed. Commissioner Fountain stated she disagreed and felt that all applications should be brought to the Board to make sure they comply and that it is not a big deal for the Board to review the application. Nancy Lowery stated that the Sheriff's Office and the Fire Department all sign off on the permits in that manner without having them go before a board. Chairman Twete said he trusts the District staff to review the permits and handle them accordingly. Ms. Lowery stated if there was a concern or the permit is different, the District still has the mechanism to address any issues. Chairman Twete stated

the event ran well last year other than the little hiccup with the flagger, but that was not behind the lake. Commissioner Fountain stated she still is not in favor of the marathon and feels it is a very poorly organized event. After deliberations, Commissioner Montgomery moved to approve the 2017 special events application for the Hayden Lake Marathon with Chairman Twete seconding the motion. Commissioners Twete and Montgomery voted aye and Commissioner Fountain voted nay. Motion carried.

Item 8b was the Spokane to Sandpoint Relay Race scheduled for August 18-19, 2017. Director Shanley presented the information to the Board explaining that the race will encompass various roads in the District. He also stated that the race has been held for several years and there have been no issues that he was aware of. Commissioner Fountain stated that the operations plan is very well detailed and compliments the race staff and feels it is a very well organized race. After deliberations, Commissioner Montgomery moved to approve the Spokane 2 Sandpoint Relay Race with Commissioner Fountain seconding the motion which carried unanimously.

As it was not yet time for the public hearing to begin, Chairman Twete called a short recess.

At this time, Chairman Twete stated this was the designated time and place for the public hearing on the petition to abandon and vacate a portion of right-of-way known as Road #73 the Spirit Lake to Athol Road and declared the public hearing open.

Chairman Twete stated the Board will hear from District staff, the petitioner and the public and asked that anyone that wished to speak proceed to the podium and state your name and address for the record. Only testimony pertaining to this petition will be accepted.

Chairman Twete asked Director Shanley if he had anything to bring before the Board. Director Shanley stated that the public hearing was noticed as required by Idaho Statutes. He then reviewed with the Board the District findings and information found in the old road books regarding Road #73. He indicated no dedication of right-of-way was found and there has been no maintenance done by the District. The District received one phone call from the Idaho Department of Lands requesting a copy of the viewer report, Hanson Industries original petition and a copy of the plat map as they were concerned about access to their lands which lie to the south.

Chairman Twete asked if there was any further testimony. Bob Boyle of Hanson Industries addressed the Board and gave a short background of the property. He agreed with Director Shanley and stated the right-of-way did not show up when Hanson Industries purchased the property. Now, they have a buyer for the parcels and the right-of-way showed up, which the buyer states they will not buy the property with the right-of-way attached. He requested the Board abandon and vacate the subject right-of-way.

Doug Marfice, attorney for Hanson Industries addressed the Board and stated that the right-of-way was never constructed and there have been no tax dollars expended on maintenance; therefore, the right-of-way exists by paper only. He stated it causes a cloud on the title to the property due to the Viewer Report which was executed years ago. Chairman Twete said he had no questions about that and explained why the Districts recorded the Viewer Reports.

Commissioner Fountain stated the property owner has paid taxes for at least ten (10) years which have gone to the Highway District and since it has never been used as a road, would agree to the abandonment and vacation. She also stated she felt that Hanson Industries should not have to reimburse the District.

Melody Jones of Interstate Brokers addressed the Board and stated that Humbird Lumber Company was written on the Viewer Report with a line drawn through their name so when the document was recorded it was not valid and created a cloud on the title.

Director Shanley stated the right-of-way is not needed for access to adjacent lands in the area.

Chairman Twete asked if there were any more comments and seeing none, stated the public hearing was now closed and asked District Clerk Flagg to read the Findings of Fact, Conclusions of Law and Decision (which shall become a part of these minutes.)

Upon conclusion of the reading, Chairman Twete asked the Commissioners if there was any further discussion.

Commissioner Montgomery stated there were no objections or comments related to the request for abandonment and vacation for Road #73. Therefore, I find it in the public interest to abandon and vacate the subject right-of-way and move to grant the abandonment and vacation as requested with title to be vested as provided in Idaho Code §50-311 and authorize the Chairman or Vice Chairman to sign the Order to Vacate on behalf of the District. Commissioner Fountain seconded the motion which carried unanimously.

Commissioner Fountain moved to adopt the Finding of Facts, Conclusions of Law and Decision as presented with Commissioner Montgomery seconding the motion which carried unanimously.

Chairman Twete asked if there was any further discussion; there being none, Chairman Twete asked District Clerk Flagg to call the roll. Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Chairman Twete stated the motion as passed and the Commissioners make the following Conclusions of Law: It is in the public interest to vacate a portion of right-of-way located in Spirit Lake East adjacent to Lots 1, 2, 3 and 4, Section 9, Township 53N, Range 4 West, Boise Meridian, Kootenai County, Idaho.

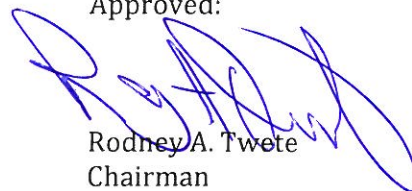
There being no further business, Commissioner Fountain moved to adjourn at 6:07 p.m. with Commissioner Montgomery seconding the motion which carried unanimously.

Respectfully Submitted:



Bonny A. Flagg
District Clerk

Approved:



Rodney A. Twete
Chairman