

LAKES HIGHWAY DISTRICT MINUTES

December 19, 2022

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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 December 19, 2022 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. Nick Snyder and Jamila Holmes of Kootenai County and Randy Smith attended regarding the Kootenai County Validation Hearing, Samuel Sommers of AllWest, Eric Olson of Olson Engineering and Justin Kerr attended regarding public comment, Wally and Pam Adams attended regarding the Redspire Validation Hearing and Donna Montgomery observed.

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

Chairman Twete asked if any Board member has a conflict of interest with any item on the agenda? Commissioner Twete no Commissioner Montgomery no and Commissioner Fountain no. Has anyone had any oral or written communication with an applicant, or anyone opposing an application? Commissioner Twete no, Commissioner Montgomery no and Commissioner Fountain no. Has anyone visited a site that is on the agenda for a Board decision regarding an application related to the site? Commissioner Twete no, Commissioner Montgomery no and Commissioner Fountain no .

Item 3 - Commissioner Montgomery moved to approve the December 19, 2022 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

Item 4 - Commissioner Montgomery moved to approve the November 21, 2022 regular minutes as presented with Commissioner Fountain seconding the motion which carried unanimously.

Item 5 - Commissioner Montgomery moved to approve the November 29, 2022 special meeting minutes as presented. Commissioner Fountain seconded the motion which carried unanimously.

Item 6 - After reviewing the payments journal and financial worksheet, Commissioner Fountain moved to approve the payments journal with bills paid by check numbers 39898 through 40012 in the amount of \$750,915.39, the direct deposit dated November 4, 2022 in the amount of \$46,276.56 and the direct deposit dated November 18, 2022 in the amount of \$47,723.37 for a total of \$844,915.32. Commissioner Montgomery seconded the motion which carried unanimously.

Item 7 - Public Comment - Chairman Twete asked if there was any public comment. Eric Olson of Olson Engineering addressed the Board regarding a proposed major subdivision on the south side of Hwy 53 west of Atlas Road.

As it was not yet time to reconvene the public hearing, Chairman Twete moved to item 9b.

Item 9b - Commissioner of the Year Award. Director Shanley informed the Board that Commissioner Twete was elected the 2022 Commissioner of the Year by members of the Idaho Association of Highway Districts at the annual convention held in November.

Item 9c - Day at the Capital. Director Shanley presented information regarding the Idaho Association of Highway Districts Day at the Capital to be held in Boise on February 1, 2023. After

deliberations, Commissioner Fountain moved to authorize Director Shanley attend Capital for a Day with Commissioner Montgomery seconding the motion which carried unanimously.

Item 9d – Resolution 2022-05 – Lone Mountain Estates 6th Addition Road Acceptance.

Director Shanley presented the request from Big Sky Capital for the District to accept Eclipse Road into the District's maintenance jurisdiction. After deliberations, Commissioner Fountain moved to adopt Resolution 2022-05 accepting the portion of Eclipse Road located in Lone Mountain Estates 6th Addition into the District's maintenance jurisdiction. The motion also included authorization for the Chairman or Vice Chairman to sign the resolution. Commissioner Montgomery seconded the motion which carried unanimously.

Item 9e – Resolution 2022-06 – Hoodoo Valley North, Phase I Road Acceptance. Director Shanley presented the request from Copper Basin Construction, Inc. for the District to accept Archer Road, Pulaski Road and Lander Road located in Hoodoo Valley North, Phase I into the District's maintenance jurisdiction. After deliberations, Commissioner Montgomery moved to adopt Resolution 2022-06 accepting the portions of Archer Road, Pulaski Road and Lander Road located in Hoodoo Valley North, Phase I into the District's maintenance jurisdiction. The motion also included authorization for the Chairman or Vice Chairman to sign the resolution. Commissioner Fountain seconded the motion which carried unanimously.

Item 8 - Old Business – Re-convene Public Hearing – Spokane Valley Commercial Orchards.

Chairman Twete stated this is the time and place set to reconvene the public hearing on the petition to validate Fifth Avenue located in Spokane Valley Commercial Orchards, lying in Sections 7 & 8, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho as petitioned by Kootenai County Parks and Waterways. Chairman Twete addressed the audience regarding any public comment and asked for all public comment forms be turned in to the Board. At this time, Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing.

Director Shanley presented a memo from District legal counsel as well as an updated staff report to the Board for review and discussed the information outlined in the memo and report.

Attorney Weeks read the comment forms and entered them into the record.

Kootenai County Parks and Waterways representative, Nick Snyder addressed the Board outlining the County's request.

Mr. Randy Smith addressed the Board in opposition to the validation.

Nick Snyder stated his rebuttal and the county's attorney, Jamila Holmes also addressed the Board.

As there was no additional testimony, attorney Weeks closed the public hearing and turned the meeting over to Chairman Twete to initiate deliberations.

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

Commissioner Fountain moved to place this item on the April 17th, 2023 agenda to set a date and time for a site visit. Commissioner Montgomery seconded the motion which carried unanimously.

Current Business

9a – Public Hearing – Redspire Road Validation and Abandonment Petition.

Chairman Twete stated this is the designated time and place set for the public hearing on the petition to validate Redspire Road located in Section 34, Township 54 North, Range 2 West, Boise Meridian, Kootenai County Idaho, and the alternative petition to Vacate a portion of Redspire Road. At this time, Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing.

Director Shanley presented the staff report to the Board for review and discussed the information outlined in the report. Director Shanley stated that all notifications were completed as required by Idaho Statute. Written comments that were received by the District were discussed and Clerk Flagg stated that both Will Stafford and Todd Rork called with questions regarding validating the entire Redspire Road.

Attorney Weeks put into record all exhibits presented.

Wallace Adams addressed the Board outlining his request for the validation and abandonment and vacation.

There were no public comments.

Wallace Adams addressed the Board again along with Mrs. Adams.

Following public testimony, Chairman Twete closed the public hearing and entered into deliberations. The Board proceeded to deliberations and upon conclusion, the following motion was made.

Commissioner Montgomery stated I find it in the public interest to validate Redspire Road located in Section 34 Township 54 North, Range 2 West, Boise Meridian, Kootenai County, Idaho as a public right-of-way per Idaho Code §40-203 (1) (a). Motion also includes authorization for the Chairman or Vice Chairman to sign the Findings-of-Fact when presented contingent upon legal counsel's review. Commissioner Fountain seconded the motion.

Clerk Flagg called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. Motion carried unanimously.

Commissioner Fountain stated I find it in the public interest to abandon and vacate the right-of-way known as Redspire Road adjacent to Lots 20, 21 and 22, Block 4 of the Plat of Bayview located in Section 34 Township 54 North, Range 2 West, Boise Meridian, Kootenai County, Idaho per Idaho Code §40-203 (1) (a). Compensation shall be determined at the next regular scheduled meeting of the Board. Motion also includes authorization for the Chairman or Vice Chairman to sign the Findings-of-Fact and the Order Abandoning and Vacating Public Right-of-

Way when presented, contingent upon legal counsel's review. Commissioner Montgomery seconded the motion.

Clerk Flagg called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye and the motion carried unanimously.

Item 9f – 2022 Local Road Mileage Report. Director Shanley presented the updated maps from ITD and discussed changes to the District's maintenance system during 2022. After deliberations, Commissioner Montgomery moved to approve the changes made to the Local Road Mileage Report and authorized the Chairman or Vice Chairman to sign the report and the maps. Commissioner Fountain seconded the motion which carried unanimously.

Item 9g – 2022 Street and Road Report. Director Shanley presented the 2022 Road & Street Report to the Board for review. After deliberations, Commissioner Fountain moved to approve and accept the 2022 Road & Street Report and authorized the Board to sign the report. Commissioner Montgomery seconded the motion which carried unanimously.

Item 9h – Audit Engagement Letter. Director Shanley presented the Audit Engagement letter provided by Magnuson McHugh to the Board for review. After deliberations, Commissioner Fountain moved to approve Magnuson McHugh's Audit Engagement Letter for 2021-2022 in the amount of \$9,300. Commissioner Montgomery seconded the motion which carried unanimously.

Item 9i – CPA, Audit Support. Director Shanley discussed entering into an agreement with a CPA to assist the District with the upcoming audit. After deliberations, Commissioner Fountain moved to approve the contract with Jeff Shay of Shay Consulting to assist with the District audit. Commissioner Montgomery seconded the motion which carried unanimously.

Item 9j – City of Hayden Transfer Agreement & Resolution. Director Shanley presented the transfer agreement with the City of Hayden for the Marks property on the south side of Lancaster Road (parcel Nos. H-000-012-0800 and H-000-012-2400). Also presented was Resolution 2022-07 declaring those parcels surplus. After deliberations, Commissioner Montgomery moved to have legal counsel revise the resolution to include the City of Hayden is required to annex the public right-of-way adjacent to parcels that are annexed into the City as a condition of the transfer. Commissioner Fountain seconded the motion which carried unanimously.

Item 9k – Avondale Irrigation District Agreement Amendment. Director Shanley presented the Board with an amendment to the original Easement Agreement between the District and Avondale Irrigation District for the property on Lancaster Road regarding water appropriation. After deliberations, Commissioner Montgomery moved to approve the amendment to the original Easement Agreement with Avondale Irrigation District regarding water appropriation and authorize the Chairman or Vice Chairman to sign the amendment. Commissioner Fountain seconded the motion which carried unanimously.

Commissioner Montgomery moved to enter into executive session at 7:16 p.m. under Idaho Code §74-206 (1) (c) with Commissioner Fountain seconding the motion. Clerk Flagg called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. Motion carried unanimously.

The Board came out of the executive session at 7:40 p.m. Commissioner Montgomery moved to authorize Director Shanley, to negotiate the real property acquisition with Timothy McCall for the Diagonal Road project as discussed in the executive session. Commissioner Fountain seconded the motion which unanimously carried.

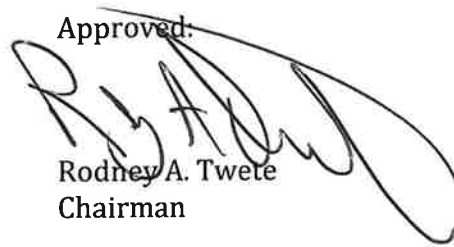
There being no further business before the Board, Chairman Twete adjourned the meeting at 7:42 p.m.

Respectfully Submitted:

Bonny A. Flagg

Bonny A. Flagg
District Clerk/Board Secretary

Approved:

A handwritten signature in black ink, appearing to read 'R. A. Twete', written over a horizontal line.

Rodney A. Twete
Chairman