

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 2, 2019 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. Steve Syrcle of Tri State Engineering and Dan Green attended regarding Barbara Mae Estates, 1st Addition, Guy Maniscalco attended regarding the conditional use permit, Robert White, Donna Montgomery, Dale & Lu Broadsword, Richard Few, Don Eckenroth, Bob Seyle, James Williams and Rebecca Self of Panhandle Village Water, Francis Brunner, Sally Brunner and Tom Brunner 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? Has anyone had any oral or written communication with an applicant, or anyone opposing an application? Has anyone visited a site that is on the agenda for a Board decision regarding an application related to the site? Chairman Twete and Commissioner Fountain stated no, and Commissioner Montgomery recused himself from Item 8c.

Commissioner Montgomery moved to approve the December 2, 2019 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the November 4, 2019 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 Idaho Independent Bank check numbers 36427 through 36444 and First Interstate Bank check numbers 37002 through 37092 in the amount of \$4,419,903.12, the direct deposit dated November 5, 2019 in the amount of \$44,074.03 and the direct deposit for November 20, 2019 in the amount of \$36,039.74 for a total of \$4,500,016.89 and stated this amount included a check to BNSF for the project on Ramsey Road that was just under 4.1 million dollars. Commissioner Montgomery seconded the motion which carried unanimously.

At this time, Chairman Twete asked if there was any public comment. Mr. Robert White addressed the Board regarding ingress and egress on Howard Road due to increased development and fire danger.

Item 8a was Barbara Mae Estates 1st Addition plat review. Director Shanley presented this three (3) lot minor subdivision located on the northeast corner of Rimrock Road and Dodd Road to the Board for review. Steve Syrcle of Tri State Engineering addressed the Board and explained the lot configuration and requested access locations. Dan Green also addressed the Board and further explained the subdivision. After deliberations, Commissioner Montgomery moved to authorize District staff to submit a letter of comment to the County outlining item numbers 1-7 of Director Shanley's review to include the shared driveway access between lots 2 and 3. The motion also included authorization for the Chairman or Vice Chairman to sign the Mylars when presented. Commissioner Fountain seconded the motion which carried unanimously.

As it was time for the public hearings, Chairman Twete moved to **Item 8f, the public hearing for the Right-of-Way Validation for Viewer Report # 167 Downs Road.**

Chairman Twete stated this is the designated time and place set for the public hearing on the validation of Viewer Report #167, for portions of rights-of-way located in Sections 35 & 36 Township 53 North, Range 4 and Section 1, Township 52 North, Range 4 West Boise Meridian, Kootenai County, Idaho. I now declare the public hearing open.

Director Shanley addressed the Board and stated that an error from the title company regarding the radius report had occurred and therefore, not all adjacent property owners were properly notified. Director Shanley requested the hearing be recessed in order that proper notification could be given. Commissioner Fountain moved to recess the public hearing until January 20, 2020 with Commissioner Montgomery seconding the motion. District Clerk Flagg clarified that the public hearing was recessed, and all Commissioners concurred. Motion carried unanimously.

Item 8g is the public hearing for the Right-of-Way Validation for Viewer Report # 176 Springs Road.

Chairman Twete stated this is the designated time and place set for the public hearing on the validation of Viewer Report #176, for portions of rights-of-way located in Sections 21 & 28 and 22 & 27 and 23 & 26 and 24 & 25, Township 52N, Range 4 West, Boise Meridian, Kootenai County, Idaho. I now declare the public hearing open.

Director Shanley presented the staff report for Springs Road to the Board for review and discussion. Commissioner Fountain asked who had requested this Viewer Report be validated. Director Shanley stated the Board had asked staff to validate Viewer Reports whereby staff has chosen rights-of-way that may have been questioned whether or not right-of-way actually existed. Chairman Twete stated that it is not only Lakes Highway District validating Viewer Reports, all four (4) Highway Districts are.

Lou Broadsword each addressed the Board stating they are not in favor of the validation of the Viewer Report as the right-of-way is basically their backyard.

Francis Brunner also addressed the Board. Mr. Brunner stated there were no signatures or conveyances on the Viewer Report signing the property over to the County or the District and wasn't notarized or recorded until 2014. Discussion followed with Attorney Weeks explaining the documents and recordation process.

Chairman Twete asked if there had been any written testimony presented to the District or verbal communication in this matter. Director Shanley stated the District had received several telephone calls with general questions regarding the validation and also that Kootenai Electric had submitted an email stating they had no objection to the validation.

Chairman Twete asked for any further public comments and discussed the possibility of connectivity. Director Shanley stated that ITD had previously done a study and that there was no indication a frontage road in this area would be necessary.

Dale Broadsword addressed the Board indicating that there were no property owners that would need this right-of-way as an access point.

Francis Brunner addressed the Board again and stated if the right-of-way is so important then the District should have the property owners sign the right-of-way over via a deed.

As there were no additional public comments, Chairman Twete closed the public hearing.

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

Commissioner Montgomery moved to table this item to the January 20, 2020 meeting to allow staff to provide addition information on the segments of this Viewer Report. Commissioner Fountain seconded the motion which carried unanimously.

Item 8h is the public hearing for the Right-of-Way Validation for Viewer Report #75 Koch Road.

Chairman Twete stated this is the designated time and place set for the public hearing on the validation of Viewer Report #75, for portions of rights-of-way located in Sections 16 & 21 and 15 & 22, Township 52N, Range 4 West, Boise Meridian, Kootenai County, Idaho. I now declare the public hearing open.

Director Shanley presented the staff report for Koch Road to the Board for review and discussion.

Chairman Twete asked for public comment. Francis Brunner addressed the Board and asked if there had been any conveyances provided. Director Shanley stated there had not been. Attorney Weeks stated during the research, no conveyances were found and indicated the County has lost one of the road books containing conveyances during this time period. However, this report does have releases of damage signed by the individuals that this road would have gone across. Attorney Weeks also stated it is evident this road is being used by the roadbed.

Chairman Twete asked for any further public comments. Seeing none, Chairman Twete closed the public hearing.

Chairman Twete asked if there had been any written testimony presented to the District or verbal communication in this matter. Director Shanley stated the District received several telephone calls with general questions regarding the Viewer Report and the public hearing. Also, Kootenai Electric submitted an email stating they had no objection to the validation of the report. Director Shanley also stated that a property owner had visited with him and let him know that he sees cars going down this road all the time, along with the UPS driver.

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 validate Viewer Report #75 lying in Sections 16 & 21 and 15 & 22, Township 52N, Range 4 West, Boise Meridian, Kootenai County, Idaho as a public right-of-way per Idaho Code §40-203 (1) (a). Commissioner Montgomery seconded the motion which carried unanimously.

District Clerk Flagg called the roll with voting as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Item 8b was Bethel Estates Plat Review. Director Shanley presented this three (3) lot minor subdivision located on Seasons Road to the Board for review. After deliberations, Commissioner Fountain moved to submit a letter of comment to the County outlining item numbers 1-7 of Director Shanley's review and authorize the Chairman or Vice Chairman to sign the Mylars when presented. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8c was the Conditional Use Permit application for the Seventh Day Adventist Church. Director Shanley presented this permit application to the Board regarding the proposed new church and school located on the northeast corner of Rimrock Road and Lancaster Road. After deliberations, Commissioner Fountain moved to authorize District staff to submit a letter of comment to the County outlining item numbers 1-3 of Director Shanley's review. Commissioner Twete seconded the motion. Motion carried.

Item 8d was The Crossings plat approval. Director Shanley submitted the final plat for The Crossings located on the northeast corner of Hwy 95 and Hwy 54 to the Board for review. After deliberations, Commissioner Fountain moved to accept the road improvements on Howard Road and authorized the Chairman or Vice Chairman to sign the Mylars when presented. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8e was Lone Mountain Estates 4th & 5th Addition Construction Plans. Director Shanley discussed the construction plans submitted by the developer for Lone Mountain Estates 4th & 5th Additions. After deliberations Commissioner Montgomery moved to approve the construction plans for Lone Mountain Estates 4th and 5th Additions as presented with Commissioner Fountain seconding the motion which carried unanimously.

Item 8i was the Local Federal Aid Bridge FY20 Application. Director Shanley presented this grant application along with Resolution 2019-08 to the Board and recommended the District apply for grant funding for reconstruction of the Union Pacific Railroad Bridge on Old Hwy 95 south of Athol.

In order to verify figures, Chairman Twete called a short recess at 6:52 p.m.

Reconvening the regular session at 6:53 p.m., Commissioner Montgomery moved to adopt Resolution 2019-08 and authorized the Chairman or Vice Chairman to sign the resolution. The motion also included authorization for the Chairman or Vice Chairman to sign the grant application for the Federal Aid Bridge FY2020 and submit the application to LHTAC. Commissioner Fountain seconded the motion which carried unanimously.

Item 8j was the 2020 Taxing District Information Form. Director Shanley presented the taxing district information form to the Board for review. After deliberations, Commissioner Fountain moved to authorize District staff to complete the 2020 Taxing District Elections form and return to the Kootenai County Elections Office. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8k was the Health Insurance Renewal. Director Shanley presented health insurance information to the Board as presented by Advanced Benefits. After deliberations, Commissioner Montgomery moved to accept the health insurance plan as presented with Commissioner Fountain seconding the motion which carried unanimously.

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

Commissioner Fountain moved to enter into executive session at 6:57 p.m. under Idaho Code §74-206 (1) (c) to discuss right-of-way acquisitions. Commissioner Montgomery seconded the motion. Clerk Flagg called the roll with voting as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. Motion carried unanimously.

Upon reconvening to regular session at 7:10 p.m. and there being no further business, Commissioner Montgomery moved to adjourn at 7:10 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