

## LAKES HIGHWAY DISTRICT MINUTES

May 1, 2023

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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 May 1, 2023 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. Connie Krueger and Chad Johnson of Johnson Engineering attended regarding Treeline Two and Bunco Base Camp. David Anderson, Mike Curry, Mark Streater, Harvey Brannigan, Bob Prince, Suzette McGoldnick, Ted & Faye Bare, Sheryl Puckett, Edith & Howard Bishop, Judy & Bruce Robinson, Margaret Nelson, Mike Lee, Chris Baleno, Larry & Teresa Dubey, Frank Abbott, Chuck Schmidt 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 stated she drove up to Bayview looking at Fir Road.

**Item 3** – Commissioner Montgomery moved to approve the May 1, 2023 agenda as presented with Commissioner Fountain seconding the motion which carried unanimously.

**Item 4** – Commissioner Montgomery moved to approve the April 3, 2023 regular meeting minutes as presented with Commissioner Fountain seconding the motion which carried unanimously.

**Item 5** - After reviewing the payments journal and financial worksheet, Commissioner Fountain moved to approve the payments journal with bills paid by check numbers 40255 through 40321 in the amount of \$615,506.00 and the direct deposit dated March 6, 2023 in the amount of \$44,624.00 and the direct deposit dated March 20, 2023 in the amount of \$55,023.31 for a total of \$715,153.31. Commissioner Montgomery seconded the motion which carried unanimously.

**Item 6 – Public Comment** – Chairman Twete asked if there was any public comment. As there was no public comment, Chairman Twete moved to the first item under old business.

### **Old Business**

**Item 7a** – Lakestone Estates. Residents of Bayview addressed the Board regarding the proposed major subdivision known as Lakestone Estates. Attorney Weeks explained that the County wanted a gate which Idaho Code prohibits.

**Item 7b – Set Site Visit for Kootenai County Validation.** Director Shanley discussed with the Board setting a time and date for a site visit in regard to the Kootenai County validation

request for a portion of right-of-way located in the Spokane Valley Commercial Orchard subdivision located in the vicinity of Chilco Falls. After deliberations, Commissioner Montgomery moved to set visit for May 17, 2023 at 9:00am, location being off Pope Road with Commissioner Fountain seconding the motion which carried unanimously.

**Item 7c – Consider Award of Pavement Marking Re-Bid.** Director Shanley presented the bid tab to the Board for the April 20, 2023 pavement marking re-bid. After review and deliberations, Commissioner Fountain moved to award the pavement marking bid to Stripe Rite Inc., in the amount of \$161,263.25 as the lowest responsive bidder as presented. Commissioner Montgomery seconded the motion which carried unanimously.

**Item 7d – Brunner Road Grade Separation.** Director Shanley presented the Board with the Scope of Work for alternative analysis and Right-of-Way needs for the Brunner Road/BNSF Overpass Project presented by David Evans and Associates. After deliberations, Commissioner Montgomery moved to approve the Scope of Work for the alternative analysis and right-of-way needs for the Brunner Road/BNSF Overpass Project in the amount of \$124,000.00 and authorize the Chairman or Vice Chairman to sign the agreement when presented. Commissioner Fountain seconded the motion which carried unanimously.

### **Current Business**

**Item 8a – Public Hearing – Abandonment and Vacation.** Chairman Twete stated this is the designated time and place set for the public hearing on the petition to abandon and vacate portions of rights-of-way for Pope Road and Garwood Road located in Section 25, Township 52 North, Range 4 West, Kootenai County, Idaho as petitioned by Lakes Highway District. 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 discussion and stated that the District received an email from Kootenai Electric regarding their easement, Jeff Mueller of Alpine Water called regarding utility easements and Becky Nelson called for information regarding the Abandonment and Vacation and stated she had no objection. Director Shanley also noted that all notifications and public notices were made in accordance with Idaho Statutes.

At this time Attorney Weeks entered the Kootenai Electric email into public record as Exhibit “A” and asked for public comment. As there were none, Chairman Twete closed the public hearing and the Board proceeded to deliberations. Upon conclusion of the deliberations the following motion was made.

Commissioner Montgomery stated it is in the public’s interest to abandon and vacate the subject rights-of-way and find that the requirements if I.C. §40-203 have been met. I move to approve and grant the abandonment and vacation as requested subject to this condition precedent with the title to be vested as provided in Idaho Code §50-311. Motion to include

authorization for the Chairman or Vice Chairman to sign the Findings-of-Fact, Conclusions of Law and the Order when presented. Commissioner Fountain seconded the motion.

Chairman Twete asked for any further discussion and there being none, stated the motion had passed. District Clerk Flagg then called the roll; Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye. Motion carried unanimously.

**Item 8b – Laney Acres Plat Review.** Director Shanley presented this (2) lot minor subdivision located off Ramsey and Rocky Road to the Board for review. After deliberations, Commissioner Fountain moved to authorize District Staff to submit a letter of comment to the County outlining item numbers 1-4 of Director Shanley's review. Commissioner Montgomery seconded the motion which carried unanimously.

**Item 8c – Treeline Two Plat Review.** Director Shanley presented this (2) lot minor subdivision located off of Estates Drive to the Board for review. After deliberations, Commissioner Montgomery moved to approve and accept the dedications that shall be shown on the final plat and authorized District staff to submit a letter of comment to the County outlining numbers 1-3 of Director Shanley's review. Commissioner Fountain seconded the motion which carried unanimously.

**Item 8d – Bunco Base Camp Special Permit Notice.** Director Shanley presented this Special Permit Notice to the Board for a recreational vehicle park located on the southeast corner of Hwy 54 and Sylvan Lane. After deliberations Commissioner Fountain moved to authorize District staff to submit a letter of comment to the County stating the District had no objection. Commissioner Montgomery seconded the motion which carried unanimously.

**Item 8e – Pur-Pos Access Improvement Plan Review.** Director Shanley presented the Board with the preliminary Access Improvement Plan for this 6,840 square foot Convenience Store, five-island Gas Station, and 18 Rental Cabins located adjacent to Bunco Road just east of Hwy 95 After deliberations, Commissioner Fountain moved to submit a letter of comment of Director Shanley's review. Commissioner Montgomery seconded the motion which carried unanimously.

**Item 8f – Letter of Support – Intermax Network.** Director Shanley discussed with the Board Commissioner Fountains request that the District write a letter of support for a rural broadband grant. After deliberations, Commissioner Fountain moved to authorize District Staff to work with legal counsel to write a letter of support offering installation in rights-of-way in accordance with Idaho Law. Commissioner Montgomery seconded the motion which carried unanimously.

Commissioner Montgomery moved to enter into executive session at 6:45 p.m. under Idaho Code§74-206 (1) (f) to discuss pending litigation. Commissioner Fountain seconded the motion. Clerk Flagg called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain aye.

Upon reconvening to regular session at 7:30 pm, Commissioner Montgomery moved to direct District legal staff to research and prepare a memorandum to the Board for review in executive session at the next regular meeting regarding the legalities of gating public roads and application of the Districts Access Management Ordinance. Commissioner Fountain seconded the motion which carried unanimously.

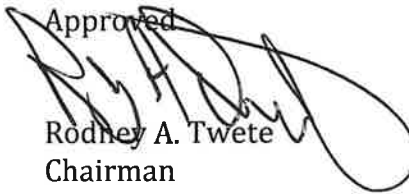
Director Shanley addressed the Board regarding the recipients of scholarships awarded through the Idaho Association of Highway Districts. Commissioner Fountain acknowledged the recipients as follows: Lauren Cooper for Nursing and Psychology, Cameron Esser for Animal and Veterinary Science, Ashlynn Shanley for Business Economics and Madison Van Gelder for Biology.

As there was no further business Chairman Twete adjourned the meeting at 7:32pm.

Respectfully Submitted:

*Bonny A. Flagg*

Bonny A. Flagg  
District Clerk/Board Secretary

Approved  
  
Rodney A. Twete  
Chairman