

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, 2017 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete, Montgomery and Fountain, Director Shanley and District Clerk Flagg. Brent Christian of Tobler Marina, Doug Mayo of Little Tree Storage, Attorney John Magnuson, Scott McArthur of h2 Surveying, Drew Dittman and Attorney Mischelle Fulgham attended regarding the public hearing on Clovis Road, Jim Coleman of Coleman Engineering attended regarding the commercial approach on Miles Avenue, David Padon, Donna Montgomery, Doug Wall, Susan Carter Moss, Colleen Alton, Maureen Stark and S. Brooks 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 May 1, 2017 meeting as presented with Commissioner Fountain seconding the motion which carried unanimously.

Commissioner Montgomery moved to approve the April 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 33722 through 33761 in the amount of \$131,057.91 and the direct deposit dated April 20, 2017 in the amount of \$21,874.25 for a total of \$152,932.16. 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.

As it was not yet time to reconvene the public hearing, Chairman Twete moved to item 7b the copier replacement. Director Shanley presented the Board with additional information regarding a new copy machine. After deliberations, Commissioner Fountain moved to authorize District staff to move forward with the Cannon Lease Option with Commissioner Montgomery seconding the motion which carried unanimously.

Moving to item 8a, Gabriella Estates, Director Shanley informed the Board this was a two (2) lot subdivision located north of Highway 54 and fronting N. Old Hwy 95. Director Shanley discussed with the Board the applicants request to create two (2) lots from approximately 20 acres. 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. The motion also included authorization for the Chairman or Vice Chairman to sign the Mylars when presented. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8b was Nichole's Addition to Twin Lakes. Director Shanley presented this proposed two (2) lot subdivision located on the south side of Twin Lakes Road just west of Marilyn Road. After deliberations, Commissioner Montgomery moved to authorize District staff to submit a letter of comment to the County outlining item numbers 1-4 of Director Shanley's review. 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.

Item 8c was the commercial approach request from West Star Industries for a parcel of land located on Miles Avenue west of Ramsey Road. Director Shanley addressed the Board and presented the site plan for review. After deliberations, Commissioner Fountain moved to approve the commercial approach for West Star Industries for Miles Avenue and send a comment letter addressing the District's request for a thirty (30) foot radius for the approach. Commissioner Montgomery seconded the motion which carried unanimously.

Item 8d is the State and Local Agreement for the LHSIP grant the District received for Systematic Stop Control Intersection Improvements. Director Shanley presented the agreement to the Board and explained there is a \$2,000 payment due which is a refundable project deposit to LHTAC. After deliberations, Commissioner Montgomery moved to authorize the Chairman or Vice Chairman to sign the State and Local LHSIP Agreement and to authorize the payment of the \$2,000 to LHTAC. Commissioner Fountain seconded the motion which carried unanimously.

Item 8e is the pavement marking bid award consideration. Director Shanley presented the bid tab to the Board for review. Discussion followed regarding previous performance of vendors. After deliberations, Commissioner Fountain moved to award the 2017 Pavement Marking bid to Road Products, Inc. in the amount of \$127,094.63 and required the contract increase the liquidated damages in the contract for non-performance. Commissioner Montgomery seconded the motion which carried unanimously.

Moving back to item 7a, Chairman Twete stated this was the time and place to reconvene the public hearing for the abandonment and vacation of Clovis Road.

Chairman Twete asked if there was any further testimony. Director Shanley stated the District received a letter on November 23, 2016 from Mischelle R. Fulgham, Attorney, of Lukins & Annis stating she has been retained to represent the legal interests of Brent Christian of Tobler Marina and the Christian Family, LLC. On November 28th, the District received a letter from Lukins & Annis a Notice of Objection Letter and another letter of representation from Lukins & Annis. Also, received on December 1, 2016 was a fax from Mischelle R. Fulgham of Lukins & Annis requesting a continuance of the public hearing scheduled for December 5, 2016 to the December 19, 2016 meeting as Mr. Christian is unavailable for the December 5, 2016 hearing. The District received an email from the City of Hayden dated December 2, 2016 stating the City would not protest the abandonment and vacation of Clovis Road and on December 5, 2016 a letter from Brent Christian was hand delivered to the office regarding the Clovis Road abandonment and vacation. December 15, 2016 the District received a request for a continuance of the hearing from Scott McArthur of h2 Surveying & Engineering. February 8, 2017 the District received a letter, which included a proposed easement agreement, from Attorney John F. Magnuson stating he was representing Mr. & Mrs. Doug Mayo. February 13, 2017 the District received a letter from Attorney Fulgham regarding the legal objection to the abandonment. February 21, 2017 the District received a letter from Attorney Magnuson regarding Clovis Road and on March 6, 2017, the District received a letter from Scott McArthur of h2 Surveying and Engineering regarding a postponement of the public hearing scheduled for March 6, 2017. Also, received on March 6, 2017 was an email from Mischelle Fulgham, Attorney regarding the public hearing scheduled for March 6, 2017.

Chairman Twete asked both parties if a solution had been reached. Attorney Fulgham, representing Brent Christian and Tobler Marina, stated that no resolution had been reached. Scott McArthur of h2 Surveying representing Doug Mayo addressed the Board and presented his comments and request to the Board for abandonment and vacation of Clovis Road. Drew Dittman, Tobler Marina representative, next addressed the Board giving their opinion for opposition to the vacation and abandonment request. James Magnuson and Mischelle Fulgham, attorneys for the parties addressed the Board with their presentations along with Brent Christian, owner of Tobler Marina. Discussion followed between the two parties. After hearing comments from both sides, Chairman Twete stated that he was very hesitant to put the District in the middle of a legal battle and that he does not want to spend tax payor dollars to fight that battle. Commissioners Montgomery and Fountain agreed.

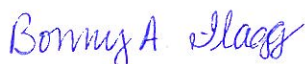
At this time, Director Shanley offered to contact the County to see if there was an option available whereby a variance could be issued to Mr. Mayo in order that he may complete his expansion as planned and leave in tack the right-of-way known as Clovis Road. Both parties agreed that would be a reasonable solution. Therefore, Commissioner Montgomery moved to continue the public hearing at the June 19<sup>th</sup> meeting at 5:45 p.m. or as soon thereafter as possible with Commissioner Fountain seconding the motion which carried unanimously.

Chairman Twete now moved back to item 8f which was the fuel tank purchase. Director Shanley discussed with the Board purchasing the above ground fuel tank from Coleman Oil. After deliberations, Commissioner Montgomery moved to authorize the purchase of the Coleman Oil tank with pumps, meters, hoses, nozzles, stingers and related hardware in the amount of \$10,760.00 with Commissioner Fountain seconding the motion. Chairman Twete asked for clarification the purchase price is up to \$10,760.00. All Commissioners confirmed and the motion carried unanimously.

Item 8g was the Idaho Association of Highway Districts annual regional meeting. Director Shanley shared with the Board it will be held on June 6, 2017 at the Best Western Inn in Coeur d'Alene and asked who the Board would like to attend. Commissioner Fountain moved to authorize Director Shanley, Deputy Director Van Zee, Clerk Flagg, Treasurer Howell and the Commissioners to attend the regional meeting of the Idaho Associated Highway Districts on June 6, 2017 with Commissioner Montgomery seconding the motion which carried unanimously.

There being no further business, Commissioner Fountain moved to adjourn at 7:16 p.m. with Commissioner Montgomery seconding the motion which carried unanimously.

Respectfully submitted:



Bonny A. Flagg  
District Clerk

Approved:



Rodney A. Twete  
Chairman