

LAKES HIGHWAY DISTRICT MINUTES

May 6, 2024

Page 1

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 6, 2024 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete, Adams and Montgomery, Director Shanley and District Clerk Hendry and Attorney Weeks. George and Victoria Peterson and Keith Ekness attended regarding public comment. Frank and Patsy Heiberger and Scott McArthur attended regarding the Public Hearing for 1st Street. Peter Rosh, Mike Dirks, Greg and Katy Behnke, Julie Behnke, Warren and Kristi Scheuneman, Doug and Terry Harsh, Ed Strom, Bill Haywood, David Barber, Craig Sween, Paul and Karlene Andreola, Benjamin Doty, Jude Doty, Roger and Valerie Busse, Kelty Fuentes and Gerardo Fuentes Lopez attended regarding the Reconsideration Hearing for Doty. Donna Montgomery and Michael Jehnichen 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 Adams no and Commissioner Montgomery no. Has anyone had any oral or written communication with an applicant, or anyone opposing an application? Commissioner Twete no, Commissioner Adams no and Commissioner Montgomery 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 Adams no Commissioner Montgomery no.

Item 3 – Commissioner Montgomery moved to approve the May 6, 2024 agenda as presented with Commissioner Adams seconding the motion, which carried unanimously.

Item 4 – Public Comment –Chairman Twete asked if there was any public comment. George Peterson and Keith Ekness addressed the Board regarding Prairie Avenue.

Item 5 – Commissioner Adams moved to approve May 6, 2024 Consent Agenda as presented to include the April 22, 2024 Meeting minutes and the 2024 Weed Spray Agreement. Commissioner Montgomery seconded the motion, which carried unanimously.

Old Business

Item 6a - Reconsideration Hearing for Doty petition.

Director Shanley addressed the Board and reported the Petitioner requested that the Board reconsider their decision on this matter, which was made on December 18, 2023. The Board therefore previously set this day as the hearing date to reconsider the Board's previous decision.

At this time Chairman Twete stated this was the time and place set for the reconsideration public hearing on the petition to validate a portion of Remington Road in Section 17, Township 53 North, Range 3 West, Boise Meridian, Kootenai County, Idaho as petitioned by Benjamin, Jude and Angela Doty.

Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing.

Attorney Weeks entered a Supplemental Staff Report into the record.

Commissioner Twete stated that he had been contacted by the applicant who wanted to talk to him about this matter in which he refused to speak and ended the call. Commissioner Montgomery stated he was also contacted by the applicant and stated he would look into the matter. Commissioner Adams stated he was not contacted.

Director Shanley addressed the Board regarding the Supplemental Staff Report and the additional evidence presented by the applicant. Attorney Weeks clarified the definition of abandonment in relation to the Idaho Statute that was in place at the time of the Abandonment.

Attorney Weeks read the Doty Request for Reconsideration into the record as Exhibit "F", Abandonment and Vacation defined as Exhibit "G", 1993 Survey of Shamrock Ranch as Exhibit "H", 1993 Plat of Shamrock Ranch as Exhibit "I", 1994 Plat of Shamrock Ranch as Exhibit "J", 1997 Survey as Exhibit "K" and the Supplemental Staff Report as Exhibit "L" and the public comment forms as Exhibit "M"

Benjamin Doty addressed the Board and explained his request for the Boards reconsideration and stated he is not looking for a road validation but a right-of-way validation.

Attorney Weeks read the public comment forms which were in no particular order.

Katy Behnke addressed the Board as opposed and stated her concerns.

Terry Harsh addressed the Board as opposed and stated her concerns.

Craig Sween addressed the Board as opposed and stated his concerns.

Mike Dirks addressed the Board as opposed and stated his concerns.

Benjamin Doty gave his rebuttal.

Following public testimony, Attorney Weeks asked the Board if it had any questions before the public hearing was closed.

Commissioner Adams asked Attorney Weeks for clarification on passive abandonment in which Attorney Weeks provided the definition, clarifying that passive abandonment is not applicable here.

Commissioner Adams addressed Mr. Doty regarding access to his property.

Following any questions from the Board, Attorney Weeks closed the Public Hearing and turned the matter over to Chairman Twete to initiate deliberations. The Board proceeded to deliberations and upon conclusion, the following motion was made:

Commissioner Adams stated, on this Reconsideration I find that since the 1971 Resolution abandoned any claim the District had to a public right-of-way over and across this portion or Remington Road and our prior finding of Fact, Conclusions of Law and Order should not be changed. Commissioner Montgomery seconded the motion, which carried unanimously.

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

Attorney Weeks stated that the final order will be presented and signed at the next Board Meeting.

Item 6b – Sturgeon Road – Order of Decision, Mailhot. Director Shanley presented the Findings-of-Facts, Conclusions of Law and written Order of Decision prepared by Attorney Weeks. Director Shanley explained that the written Order of Decision represented that which the Board previously discussed and approved at the January 8, 2024 meeting. The Board discussed this matter and Commissioner Adams moved to accept the Order or Decision as presented and authorize its signature. Commissioner Montgomery the motion, which carried unanimously.

Current Business

Item 7a - Public Hearing for Validation, Vacation & Abandonment of 1st Street.

Chairman Twete stated this was the time and place set for the public hearing on the Petition for Validation of Right-of-Way on December 7, 2023, seeking validation, vacation and abandonment of 1st Street (Old Highway 95) situated in Section 9, Township 53 North, Range 3 West, Boise Meridian, Kootenai County, Idaho. 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.

Scott McArthur of McArthur Engineering addressed the Board on behalf of the Mr. and Mrs. Heiberger explaining their request for validation, vacation and abandonment.

Frank Heiberger addressed the Board to explain their request for validation, vacation and abandonment.

Commissioner Adams addressed Mr. Heiberger to inquire the intended purpose for the property.

Following public testimony, Attorney Weeks asked the Board if it had any questions before the public hearing was closed. Following any questions from the Board, Attorney Weeks closed the public hearing and turned the matter over to Chairman Twete to initiate deliberations.

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

Commissioner Adams stated it is in the public interest to validate the right-of-way known as N. 1st Street (Old Highway 95) situated in Section 9, Township 53 North, Range 3 West, Boise Meridian, Kootenai County, Idaho. 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 Montgomery seconded the motion, which carried unanimously.

Clerk Hendry called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Adams aye. Chairman Twete stated the motion had passed.

Item 7b – 2024 CPA Audit Engagement Letter. Director Shanley presented the 2024 Audit Engagement letter and contract from Shay Consulting to the Board for review. After deliberations, Commissioner Montgomery moved to entered into an audit agreement as presented. Commissioner Adams seconded the motion, which carried unanimously.

Item 7c – Marvin Estates Plat Review (MIN24-0010). Director Shanley presented this two (2) lot minor subdivision located off Remington Road to the Board for review. After deliberations, Commissioner Adams moved to authorize District Staff to submit a letter of comment to the County outlining numbers 1 through 5 of Director Shanley’s review. Commissioner Montgomery seconded the motion, which carried unanimously.


Item 7d – Reidt Acres Plat Review (MIN23-0032). Director Shanley presented this (4) lot minor subdivision located off Triangle 7 Road to the Board for review. After deliberations, Commissioner Montgomery moved to authorize District Staff to submit a letter of comment to the County outlining numbers 1 through 5 of Director Shanley’s review. Commissioner Adams seconded the motion, which carried unanimously.

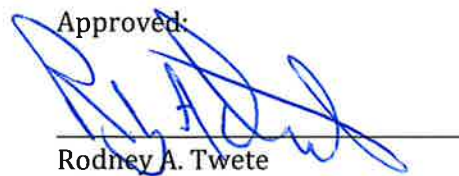
Commissioner Adams moved to enter into executive session at 7:00 p.m. under Idaho Code § 74-206(1). Commissioner Montgomery seconded the motion. Clerk Hendry called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Adams aye, the motion carried unanimously.

The Board exited the executive session at 7:29 p.m. Commissioner Adams moved to proceed with those items discussed in Executive Session to include sending a letter in response to the Public Comment as well as a letter in response to the Airport letter. Commissioner Montgomery seconded the motion which carried unanimously.

As there was no further business, Chairman Twete adjourned the meeting at 7:30 p.m.

Respectfully Submitted:


Aliasha Hendry
District Clerk/Board Secretary

Approved:

Rodney A. Twete
Chairman