

LAKES HIGHWAY DISTRICT MINUTES

January 23, 2023

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The regular scheduled meeting of the Lakes Highway District Board of Commissioners was called to order by Vice Chairman Montgomery at 5:30 p.m. on January 23, 2023 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioner Montgomery and Director Shanley. Commissioners Twete, Fountain and District Clerk Flagg attended via phone. Bill Butherus, Chad Hammond, Phil Hammond, Olivia Hammond, Zack Marjamaa and John Marjamaa attended regarding the public hearing, Justin Kerr, Eric Olson and Sam Sommers attended regarding Bennett Estates. Richard Colburn of h2a attended regarding the Garwood Facility and Donna Montgomery observed.

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

Vice Chairman Montgomery 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 Fountain moved to approve the January 23, 2023 agenda as presented with Commissioner Twete seconding the motion which carried unanimously.

Item 4 - Commissioner Fountain moved to approve the January 9, 2023 regular minutes as presented with Commissioner Twete seconding the motion which carried unanimously.

Item 5 – Commissioner Fountain moved to approve the January 11, 2023 special meeting minutes with Commissioner Twete seconding the motion. Director Shanley clarified that it was the January 11th special meeting minutes. Commissioner Fountain confirmed. The motion 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 40013 through 40097 in the amount of \$547,424.34 and the direct deposit dated December 5, 2022 in the amount of \$52,846.71 and the direct deposit dated December 20, 2022 in the amount of \$58,377.01 for a total of \$658,648.06. Commissioner Twete seconded the motion which carried unanimously.

Item 7 – Public Comment – Vice Chairman Montgomery asked if there was any public comment. Seeing none, Vice Chairman Montgomery moved on to Old Business.

Old Business

Item 8a - Public Hearing Continuation–Spokane Valley Commercial Orchards. Vice Chairman Montgomery stated this was the time and place for the continuation of the public hearing for the validation/abandonment and vacation of a portion of Tenth Avenue located in Spokane Valley Commercial Orchards adjacent to Block 56, Section 18, Township 52

North, Range 3 West, Boise Meridian, Kootenai County Idaho. Vice Chairman Montgomery appointed Attorney Weeks as the hearing officer to conduct the hearing.

Attorney Weeks stated the public hearing is now reconvened.

Mr. Marjamaa addressed the Board stating he had no updates, and the survey was pretty straight forward.

Chad Hammond addressed the Board as opposed and stated his concerns.

Billy Butherus addressed the Board in opposition to the request and presented six (6) pages of documents to the Board. Attorney Weeks entered the six (6) pages into the record as Exhibit "E".

Zack Marjamaa addressed the Board in support of the request and outlined their intentions regarding the road and making their parcels whole.

Attorney Weeks entered the comment sheets to the record as Exhibit "F".

Mr. Hammond addressed the Board again and presented a copy of the Spokane Valley Commercial original tracts. Mr. Hammond also submitted a document with Instrument No. 1454864, Declaration of Road Maintenance & Covenants which Attorney Weeks entered into the record as Exhibit "G".

Zack Marjamaa addressed the Board and reiterated that Little Rock Road does lay on their property and they just want to make their purchase whole.

Mr. Marjamaa addressed the board in rebuttal and reiterated he would just like to make his parcels whole again through the vacation and abandonment or exchange process due to the approximate one (1) acre of ground they have lost due to the road being in its current location.

As all public testimony was presented, Attorney Weeks closed the public hearing and turned the matter over to Vice Chairman Montgomery to initiate deliberations. The Board proceeded to deliberations and upon conclusion, the following motion was made.

Commissioner Twete stated it is in the public interest to validate the right-of-way known as Tenth Avenue adjacent to Block 56 of Spokane Valley Commercial Orchards located in Section 18, Township 52 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. Commissioner Fountain voted nay.

Attorney Weeks called the roll as follows: Commissioner Twete aye, Commissioner Montgomery aye and Commissioner Fountain nay.

Item 8c - Garwood Facility, Design, Bid and Construction Architectural and Engineering Fees Contract Proposal. Richard Colburn of h2a Architects presented the proposed construction documents, permitting and construction administration fee contract based on previously developed documents developed by H2A and Welch Comer Engineers for the Garwood Facility to the Board for review. After deliberations, Commissioner Twete moved to authorize the Chairman or Vice Chairman to sign the contract when presented. Commissioner Fountain seconded the motion which carried unanimously.

As there were attendees in the audience regarding Item 9a, Vice Chairman Montgomery moved to Item 9a.

Item 9a - Bennett Estates Variance Request. Eric Olson of Olson Engineering addressed the Board regarding a variance request to replace the ballast section with on-site materials . Samuel Sommers of AllWest Testing & Engineering addressed the Board regarding their process of evaluating the soils on the proposed roadway alignment. Also discussed by Mr. Olson were the cost savings for the developer if this variance was granted. Director Shanley addressed Mr. Olson's and Mr. Sommers testimony and discussion followed. Attorney Weeks added that if the Association is updating standards, the current standards has a variance section and cost savings is not a part of the variance section. So, if that change is made, the variance criteria should match the cost savings criteria. Mr. Olson stated start of construction is late spring - in approximately four (4) months. After deliberations, Commissioner Fountain moved to approve the variance with the developer paying for the Geotech peer review by the Highway District. As there was not a second to the motion, Vice Chairman stated the motion dies. Commissioner Montgomery moved to table this item until after the Highway Districts are able to review the standards within the next three (3) to four (4) months. Commissioner Twete seconded the motion. Commissioners Montgomery and Twete voted aye. Commissioner Fountain stated she would vote to table this item, but at the same time, it is a variance, not a change to the standards. Attorney Weeks clarified from Commissioner Fountain that she is not opposed to tabling, but she indicated she is concerned that it is tabling a variance request and not tabling to see if the standards change.

Item 8b - Garwood Facility Survey Amendment. Director Shanley presented the amendment to Welch Comers survey agreement for the Garwood Facility to the Board for review. After deliberations, Commissioner Fountain moved to approve the amendment submitted by Welch Comer for the Garwood Facility survey in the amount of \$46,150.00 and authorized the Chairman or Vice Chairman to sign the amendment. Commissioner Twete seconded the motion which carried unanimously.

There being no further business, Vice Chairman Montgomery adjourned the meeting at 6:48 p.m.

Respectfully Submitted:



Aliesha Hendry
Deputy Clerk

Approved:



Weston E. Montgomery
Vice Chairman