

LAKES HIGHWAY DISTRICT MINUTES

December 18, 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 December 18, 2023 at the District Office, 11341 N. Ramsey Road, Hayden, Idaho 83835. Those in attendance were Commissioners Twete, Adams and Montgomery, Director Shanley, District Clerk Hendry and Attorney Weeks. Brook Sween, Tanya Takeda, Tiffanie Espe, Julie Behnke, Victory Behnke, Katy Behnke, Bill Haywood, David Barber, Terrie and Doug Harsh, Mike Dirks, Scott and Jennifer Ramirez, Robert Craig Sween, Ed Strong, Ben Doty, Jude Doty and Paul and Karlene Andreola attended regarding the Public Hearings. Donna Montgomery, Kelley Hendry 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 December 18, 2023 agenda as presented with Commissioner Adams seconded the motion, which carried unanimously.

Item 4 – Public Comment – Chairman Twete asked if there was any public comment. There was none.

Item 5 – Commissioner Adams moved to approve December 18, 2023 Consent Agenda as presented with Commissioner Montgomery seconded the motion, which carried unanimously.

Current Business

Item 6a – Re-Convene Public Hearing – Mailhot Validation, Abandonment & Vacation.

Chairman Twete stated this was the time and place set to re-convene the public hearing on the petition to abandon and vacate a portion of Viewer's Report Road No. 55, Nelson Road in Section 18, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho along their western boundary, which is approximately Station 10 to Station 12 of the Viewer's Report as petitioned by Michael and Stephanie Mailhot. At this time, Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing.

Attorney Weeks presented the staff report to the Board for review and discussion. Director Shanley stated he had received written testimony from Schaeffer Land and Timber as well as MRW III which are included in the Commissioners' packets along with additional documents received by Tiffanie Espe of Advanced Technology Surveying, Inc.

Tiffanie Espe of ATS, Inc., addressed the Board and presented letters of support.

Following public testimony, 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.

Chairman Twete moved to continue deliberations to January 8, 2024 to allow time for staff to provide the assessed values as well as an Ingress/Egress agreement.

Item 6b – Garwood Operations Facility Pay Application. Director Shanley presented Pay Application # 3 for the Garwood Facility Construction submitted by Kilgore Construction for work through November 30, 2023 in the amount of \$416,817.86 to the Board for review. After deliberations, Commissioner Montgomery moved to approve and authorize payment to Kilgore Construction representing Pay Application #3, work through November 30, 2023 in the amount of \$416,817.86 for the Garwood Facility Construction Project. Motion also included authorization for the Director to sign the pay request. Commissioner Adams seconded the motion, which carried unanimously.

Item 6c – Brunner / BNSF Grade Separation Project, Railroad Crossing Elimination Grant Application. As previously discussed by the Boards September 18, 2023 Meeting, Director Shanley presented David Evans and Associates contract proposal to assist with the grant. After deliberations, Commissioner Montgomery moved approve the agreement as presented with Commissioner Adams seconding the motion, which carried unanimously.

Item 6d – Surplus Property Disposal - Lancaster Knob Property. Director Shanley presented his sale negotiations with the adjoining property owners to the Board for their consideration. This with consideration to the Boards previous findings at their November 11, 2023, Meeting. Director Shanley indicated that he has negotiated a sale price of \$75,000 which is with consideration of proposed range of appraisal values. After deliberations, Commissioner Adams moved to authorize staff to prepare the sales agreement as discussed with a sales price of \$75,000 contingent upon park dedication language included in the agreement. Commissioner Montgomery seconded the motion, which carried unanimously.

Item 6e – Govt Way and Pope Road Speed Study Amendment. Director Shanley presented his proposed amendment to the previously approved Speed Study. The amendment includes minor revisions to the area encompassing the Garwood Operations Facility and is recommending an Area Advisory Speed of 40-mph as opposed to a short regulatory speed reduction. After deliberations, Commissioner Montgomery moved to approve the Speed Study as presented with Commissioner Adams seconded the motion, which carried unanimously.

Item 7a - Public Hearing – Doty Validation.

Chairman Twete stated this was the time and place set for the 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. At this time, Chairman Twete appointed Attorney Susan Weeks as the hearing officer to conduct the public hearing.

Benjamin Doty addressed the Board and explained his request for the Validation.

Director Shanley presented the staff report to the Board for review and discussed the information outlined in the report. Director Shanley stated that all notifications were completed as required by

Idaho Statute. Attorney Weeks read written testimony into the record that was received from Greg Behnke, Katy Behnke, Victor Behnke and Julie Behnke, which is included in the Commissioners' packets.

Commissioner Adams asked Attorney Weeks for clarification of a Validation.

Benjamin Doty addressed the Board in response to the presentation of the Staff Report. Commissioner Adams asked Mr. Doty for clarification of his current access to his property.

Commissioner Adams asked Attorney Weeks for clarification of Abandonment.

Attorney Weeks entered the Staff Report into the record as Exhibit A. Attorney Weeks read the public comment forms which were in no particular order, these were entered into the record as Exhibit B.

The Board heard public testimony.

Jennifer Ramirez addressed the Board as opposed and stated her concerns.

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

Douglas and Terry Harsh addressed the Board as opposed and stated their concerns.

Bill Haywood addressed the Board as opposed and stated his concerns.

David Barber addressed the Board as opposed and stated his concerns.

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

Karlene Andreola addressed the Board as opposed and stated her concerns.

Attorney Weeks read written testimony into the record received from Smith & Malek on behalf of Julie Behnke, this was entered into the record as Exhibit C.

Benjamin Doty gave his rebuttal.

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, the following motion was made:

Commissioner Montgomery stated I find that since 1971 it was abandoned or vacated which can be found and documented in Book 67, page 280. I find it is not in the public's interest to validate a portion of Remington Road located in Section 17, Township 53 North, Range 3 West, Boise Meridian, Kootenai County, Idaho as a public right-of-way per Idaho Code §40-203 (1) (a). Motion also included authorization for the Chairman or Vice Chairman to sign the Findings-of-Fact contingent upon legal counsel's review. Commissioner Adams 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.

Item 7b - Resolution 2023-16 TJ Trail Road Acceptance. Director Shanley presented Resolution 2023-16 TJ Trail Road Acceptance to the Board for their consideration of acceptance into the Districts jurisdiction. After deliberations, Commissioner Adams moved to accept Resolution 2023-16 as presented. Commissioner Montgomery seconded the motion, which carried unanimously.

Item 7c - IAHD 2024 Annual Renewal Director Shanley presented this year's annual Idaho Association of Highway Districts Renewal for consideration by the Board. After deliberations, Commissioner Adams moved to accept IAHD 2024 Annual Renewal as presented with Commissioner Montgomery seconding the motion, which carried unanimously.

Item 7d - Local Federal Aid Bridge FY24 Application. Director Shanley presented this grant application along with Resolution 2023-17 to the Board and recommended the District apply for grant funding for reconstruction of the Spirit Lake Causeway Bridge. Upon consideration, Commissioner Montgomery moved to adopt Resolution 2023-17 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 FY2024 and submit the application to LHTAC. Commissioner Adams seconded the motion, which carried unanimously.

Item 7e - Winter Public Safety Advertisement. Director Shanley discussed with the Board the winter public safety advertisement that the District has shared in the public outreach effort with the other Association of Highway Districts Members. After deliberations, Commissioner Adams moved to authorize the PSA for the winter months for a cost of approximately \$2,400 with Commissioner Montgomery seconding the motion, which carried unanimously.

Item 7f - iWorq's Culvert Inventory Program Director Shanley discussed with the Board the need brought to his attention for a new culvert inventory program that would help improve the District's efforts to improve maintenance of these systems. After deliberations, Commissioner Adams moved to authorize approval of the Culvert Inventory Program a cost of approximately \$3,000 annually with Commissioner Montgomery seconding the motion, which carried unanimously.

Item 7g - Employee Holiday Gift Cards. Commissioner Twete requested this item to be on the agenda for discussion and posed the idea of increasing employee holiday gift card amounts. After deliberations, Commissioner Montgomery moved to increase gift cards by \$25 each. with Commissioner Adams seconding the motion, which carried unanimously.

Item 7h - Mobile Equipment Power Washer. Director Shanley presented a proposal for the Boards consideration to purchase a mobile power washer that provides heated water capacity. This to address the need for washing road salts and snow from the plow trucks at the Belmont Shop and to help facility cleaning of the sanders and other equipment prior to storage. After deliberations, Commissioner Montgomery moved to approve staff to purchase the mobile power washer with Commissioner Adams seconding the motion, which carried unanimously.

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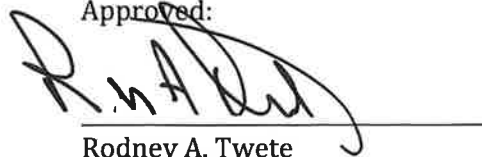
As there was no further business, Chairman Twete adjourned the meeting at 6:52 p.m.

Respectfully Submitted:



Alisha Hendry
District Clerk

Approved:



Rodney A. Twete
Chairman