

**East Side Highway District Board of Commissioners
Regular Meeting Minutes
April 18, 2022**

1. Call to Order:

Chairman Christensen called the meeting to order at 9:00 a.m.

2. Roll Call:

Present: Commissioner Christensen, Commissioner Sieverding, Commissioner Addington
Staff present: Director of Highways Weymouth, Deputy Director Yerian, Clerk Ham
Visitors: Attorney Susan Weeks -James Vernon & Weeks, Senior Auditor Korby Baker -
Magnuson McHugh & Co. P.A.; Angie Comstock P.E.- JUB Engineering; Residents Jacob
Kammers, Greg Delevan, Bill Reagan, Kevin Kerr

3. Approval of Agenda:

Action: Commissioner Sieverding moved to approve the meeting agenda, and Commissioner Addington seconded the motion. The motion carried. Declared Conflicts of Interest: Commissioner Addington recused himself from any discussion or action related to New Business Item - Thompson Lake Road Survey Assistance.

4. Public Comment for non-agenda items:

Resident Jacob Kammers addressed the Board regarding Black Rock Road. He purchased land at the end of the road and is encountering issues related to a gate placed by the Idaho Department of Lands beyond our maintenance point in what could be a public right-of-way. He requests the right of way be confirmed for him to proceed with access to his land and improve the road. A Road Validation will be required to make that determination. According to Attorney Weeks, the Validation Process is initiated by either a resident or the District. She advised the Board to refrain from directing staff until we have a petition and recommended the Board refrain from taking any action, like removing the gate, until the validation process is complete. She also reminded the Board not to take testimony outside of a public hearing.

5. Visitors: The remaining visitor topics are in New Business Agenda Item section.

6. Meeting Minutes: Action: Commissioner Addington moved to approve the March 21, 2022 Regular Board Meeting Minutes & April 6, 2022 Special Call & Public Hearing Minutes as presented. Commissioner Sieverding seconded the motion and the motion carried.

7. Treasury Report:

Action: Commissioner Sieverding moved to approve the Treasury Report. Commissioner Addington seconded the motion. The motion carried. The April 2022 Treasury Report Cash Fund Balances were as follows:

Petty Cash	\$200.00
Umpqua Checking	\$107,764.59
Less Assured Macro-Balance	(1,500.00)
State Treasury Fund 891	\$1,881,908.29
CDA Lake Dr. DBF Fund 412	\$1,563,769.33

Traffic Mitigation DBF Fund369	\$244,114.72
Total Funds	\$3,796,256.93

8. New Business: (The order of items was adjusted to accommodate the visitors present)
- A. Korby Baker, Supervising Senior Auditor with Magnuson McHugh & Company P.A. presented the FY2021 Audited Financial Statement. She highlighted points of interest to the Board and briefly reviewed the Management Discussion and Analysis. Magnuson McHugh & Company reported there were no findings of deficiencies and that the District is in full compliance with the GASB reporting requirements. In response to Commissioner Sieverding’s questions about amending the budget, Auditor Baker replied that she was unaware of an Idaho Code that specifies a dollar amount or timeline for opening the budget. In her experience, agencies amend their budget throughout their fiscal year and the “When & Why” is up to the individual agency. We must follow I.C. 40-1326 Notice of Budget Hearing. Auditor Baker thanked the District staff for their efforts and cooperation throughout the audit process. Clerk Ham voiced her appreciation to Ms. Baker’s availability for direction during the year, not just the audit season.
- B. Lamb Road Validation Request: Director Weymouth’s Staff Report briefed the Board that Petitioners Bill Reagan & Kevin Kerr are processing the estate of Michael Reagan. Mr. Reagan purchased 200 acres off Lamb Road in the Harrison 320 Property Owners Association about 25 years ago. The Kootenai County map shows Lamb Road runs about 2200’ short of where the Property Owners Association boundary starts, and this discrepancy clouds the property title and Association boundaries.
Action: Commissioner Sieverding made a motion to schedule the Validation Hearing for June 13, 2022. Commissioner Addington seconded the motion. The motion carried.
Action: Commissioner Addington made a motion directing staff to prepare a Staff Report for that hearing; Commissioner Sieverding seconded the motion. The motion carried.
- C. Executive Session under I.C. 74-206(f) Boothe Park for litigation discussion:
At 9:25 a.m. Commissioner Sieverding moved that the Board, under I.C. 74-206, convene into Executive Session to communicate with legal counsel regarding pending litigation. The following roll call vote was taken: Commissioner Addington -yes; Commissioner Sieverding – yes; Commissioner Christensen- yes.
Commissioner Addington seconded the motion. The motion carried.
The Regular Board Meeting reconvened at 10:15 a.m.
Action: Commissioner Sieverding made a motion directing Attorney Weeks to work with Attorney Magnuson on items discussed in Executive Session that pertain to the agreement. Commissioner Addington seconded the motion. With no further discussion, the motion carried.
- D. JUB Project Status: Engineer Comstock reviewed the project list and noted two action items – both of which are New Business action items.
- E. KN 22872 Utility Hearing: Engineer Comstock referenced IC40-312(3) and clarified that ITD has a very defined process for Federal Aid Projects and how they manage utilities. She noted that the process is LHTAC approved, and all notice requirements are on file and in

compliance with regulations. The process allows utility companies two options (signed waiver vs. hearing). The waiver acknowledges they were notified of the project, agree to relocate their utilities at their costs, and relinquish rights to a hearing, or they can attend the hearing to plead their case to the Board.

Action: At 10:24, Commissioner Sieverding made a motion to open the Public Hearing. Commissioner Addington seconded the motion. The motion carried.

Chairman Christensen read aloud the hearing & project specifications to those present; subsequently, he opened the Public Hearing for public testimony. There being no written opposition received or public comment made, Chairman Christensen closed the public hearing.

Action: Commissioner Addington made the following motion: Based on the testimony provided, I move to require the utility companies to accommodate the project and relocate the utility facilities as required for the Canyon Road and Fernan Lake Road Guardrail project, Key Number 22872. Commissioner Sieverding seconded the motion. The motion carried.

- F. Thompson Lake Road Survey Assistance: Commissioner Addington recused himself from the discussion and action. Directory Weymouth said this action is a necessary step in the Thompson Lake Road widening project. The task order will authorize JUB Engineering to obtain the legal descriptions for the new right of way once the widening is complete and the extents can be determined.

Action: Commissioner Sieverding made a motion to authorize the Additional Services Agreement with JUB Engineering. Chairman Christensen vacated the Chair and seconded the motion. The motion carried.

Chairman Christensen called a recess at 10:15 a.m. The meeting reconvened at 10:30 a.m.

- G. Gozzer Flats Condominium Amendment: Directory Weymouth shared that the condo size reconfiguration does not impact the District's infrastructure.

Action: Commissioner Addington made a motion to approve CON20-0002 Gozzer Flats Condominium and authorized Director Weymouth to sign the Plat. Commissioner Sieverding seconded the motion. The motion carried.

- H. FY22 Amended Budget Discussion and Hearing Date: Staff requests the Board considers amending the FY 2022 Budget, citing the significant increase in funds expected this fiscal year. HB 772 potentially gives the Highway Districts an additional \$600K this July, the sale of surplus equipment and the broom's insurance money all contribute to the increase. Commissioner Sieverding expressed reluctance to schedule the hearing before the last Monday of September and feels it will cause the staff additional work. In considering the volume of new funds, Director Weymouth voiced that it would be beneficial to have a Board approved specific plan to expend the funds. He added that having the Amended Budget hearing before starting the new budget year process may be helpful.

Action: Motion by Commissioner Sieverding to set the Amended Budget Hearing for Monday, June 13, 2022. Commissioner Addington seconded the motion. The motion carried.

9. Old Business List & Meeting Schedule Updates: May 9, 2022 Amended Budget Workshop & Board Meeting; June 13, 2022 Board Meeting and Amended Budget Hearing

10. Correspondence: No discussion

11. Staff Reports:

Clerk Ham reported that a meeting with Umpqua Bank Hayden Branch Manager resulted in the change of account status that would alleviate most if not all of the banking fees.

Director of Highways Weymouth

- We welcome new crewman Justin Carlton to the Sub-district 1 team.
- The Canyon Road Bridge Feasibility Study is in the close-out stage.
- The Leading Idaho Local Bridge Grant application process is open through 6/8/22 (administered through LHATAC). We will apply for funds to assist for the Canyon Road Bridge and the Springston Bridge. The webinar he attended explained the process; however, many questions don't address bridge removal – which is an option being considered. The application will be completed in-house with peer review by JUB Engineers and/or HDR Engineering before submission. Director Weymouth will provide the Board a status update at the next Board Meeting.
- We had to re-set our “Road Closed” barricades at Springston Bridge. Foreman Christensen anchored them so they can't be moved so easily. He shared that Harrison resident, Mary Mills, is writing an article about the Springston Bridge and its history for the Harrison newspaper.
- Western Federal Lands has developed three concept cost estimates ranging from \$12-\$56M for the Yellowstone Trail Road FLAP grant. They are working on a fourth option.
- The Marmot Trail Road (Phosphorus Reduction Grant Application) is ready for design, and the work will be scheduled this fall at low water stage.
- He is continuing to monitor the status of the River Road culvert grant application through the Restoration Partnership and Idaho Fish & Game. Our contribution could be via in-kind labor and equipment.
- The Coeur d Alene Lake Drive open house on April 13, 2022, was a success. The District's website will post the presentation video and comment form. Director Weymouth, Deputy Yerian, and Foreman Horning met with the City of Coeur d Alene staff regarding the chip seal project planned on CDA Lake Drive this summer. There will be some additional costs for painting all the cross-hatching.

Deputy Director Yerian

- Crews are busy preparing for the chip seal and overlay season.
- We assisted ITD with a rock slide on the 4th of July Pass that resulted in us hauling over 100 truckloads to the Sub District 2 yard. The boulders will be used for rip rap, and the rest for pit run. This opportunity presents an unexpected savings to the District.
- The Foreman completed the equipment reviews and the data is being organized for use in the CIP.
- Weight restrictions are still posted in the Bonanza Ranch area and some of the sub-district 3 roads.

Commissioner Addington asked if there has been any further development of the Gozzer Greeter Station proposal. Director Weymouth reported that he is waiting to hear from Gozzer. The general parameters discussed at the previous meeting will be included in the proposed agreement. We will continue to work with the details as they are presented until we have an agreement ready for Board review. Commissioner Addington shared that he is concerned about allowing a semi-controlled arrangement that could set a precedence and perception that traveling public is obligated to stop on a public road. He said sometimes in our world, “perception is considered reality.”

Commissioner Sieverding asked about the remote hearing for the Boothe Park scheduled for April 28th. It was clarified that the hearing is only intended for the attorneys and Judge to discuss the agreement status.

She received the final DH1510 report from Director Weymouth. She asked for the backup documentation in Excel format to that report. He shared that the State changed to a digital reporting format and showed how the information is accessible through GIS instead of multiple places. She indicated she preferred Excel to be able to double-check the unique identifiers, segments, and mileage, adding that the State has made errors in the past. Weymouth said it is no problem to add the road number and sub-district fields to GIS for reporting purposes. The Foremen are currently documenting our turn-a-round points to update the map.

Commissioner Christensen reminded us of the IAHD Regional meeting scheduled for May 5th at the Lake City Center.

12. Adjournment

There being no further business to come before the Commissioners, the Chairman adjourned the meeting at 11:36 a.m.

Commissioner Christensen
Sub District #1

Commissioner Sieverding
Sub District #2

Commissioner Addington
Sub District #3

Rosie Ham, Clerk