

**East Side Highway District Board of Commissioners  
June 13, 2022 Board Meeting Minutes**

1. Call to Order

Chairman Christensen called the meeting to order at 9:00

2. Roll Call

Present: Commissioner Christensen, Commissioner Sieverding, Commissioner Addington

District staff: Director of Highways Weymouth, Deputy Director Yerian, Clerk Ham

Guests: Attorney Weeks P.A. of James Vernon & Weeks, Angela Comstock P.E.-JUB Engineering  
Tom Lamb, Gabriel Lamb, Joe Stansell, Bill Reagan, Andy Wright, Steve Richardson, Jacob  
Kammers, Wesley Boudreau, Kelly Ham, Gary Mitchell, Matt Elvia

3. Approval of Agenda

Commissioner Sieverding moved for approval of the June 13, 2022 meeting agenda. Commissioner Addington seconded the motion, and the motion carried.

Declared Conflicts of Interest: none

4. Lamb Road Validation Public Hearing: Chairman Christensen opened the hearing at 9:02 a.m. This is the designated time and place set for the public hearing on the validation of a section of Lamb Road identified as Lot 1, Section 34, Township 48 North, Range 3 West, Boise Meridian, Idaho.

Attorney Weeks stated that this is a legal process outlined in Idaho Code 40-203A, explaining the purpose of today's hearing and the code provisions. The validation proceeding is a public process wherein the Board examines the evidence in determining whether or not a road is public or a public highway exists.

She disseminated comment sheets for any interested party present.

She suggested the staff report be reviewed before taking public comment.

A Staff Report presented by Director Weymouth summarized the historical research. These are entered as **Exhibits 1-21**. The exhibits revealed documents dating back to 1892, such as surveys, maps, Viewer Reports, Deeds, Commissioner Minutes, and County Commissioner Road Books. Staff did not find records related to abandonments or vacations.

Attorney Weeks called for all comment forms to be submitted. The Comment Sheets were entered as **Exhibit 22**.

The Petitioner's written and submitted documents were entered as **Exhibit 23**.

Chairman Christensen asked for public testimony.

Petitioner Bill Reagan testified on behalf of his brother, Michael Reagan's, estate. About 20 years ago, his brother was a partner in the purchase of 160 acres, then later, a 43-acre piece was added. An agreement was reached with the partnership, and Mr. Reagan took sole possession of the 203 acres. Mr. Reagan began obtaining title insurance, and in that process, the title company presented a road 800 feet short. Because this length differs from the County's record, the length must be determined to complete the processing the estate.

He stated that not being a real estate person, this was a complicated process and thanked Director Weymouth and Clerk Ham for their exceptional efforts. He closed his comments by thanking the Board for their time and consideration.

Steve Richardson submitted a comment form but did not wish to speak.

Tom Lamb addressed the Board with several questions. He asked if the Board determined if the road was 800 feet short or did they find that it went to the section line. He asked if the road will be validated to the original mapping or to the existing travel way. Chairman Christensen said these questions would be part of the discussion after public testimony. He asked who owns the 40 acres where the road terminates? Attorney Weeks replied that the Petitioner owns that parcel.

Matt Elvia also submitted a comment form; however, it was for an unrelated agenda item. He declined to comment on the Lamb Road validation.

Joe Stansell, Co-Executor & Attorney for the Michael Reagan Estate, reserved his right to testify in rebuttal. The Estate owns Government Lot 1, located in Section 34, and this is where the existing road terminates. They also own the lot immediately to the right - encompassing a portion of Sections 34 & 35. Based on the evidence, he believes when the road was initially surveyed, petitioned, approved, and as it is built, it was intended to terminate approximately 80 rods north of the south corner of Sections 34 & 35.

The County's map indicates the road ends at the rock pit, which is roughly 2,200 feet short of the intended terminus. They request the discrepancy between how the road was originally surveyed, how the Viewer's Report described it, how it is actually built, and resolve that against how it is currently mapped. If the Board does that, it will remove the clouded title issue in terms of how they are supposed to access their land.

The Board must also consider the benefit of public interest. It is their argument that without a determination giving legal rights to access their land, the Board would leave them and several other residents without legal access to their land. He emphasized that it is very much in the public's best interest for the Board to clarify that the current road map is incorrect and that the road actually travels 80 rods north of the south corner of the subsections.

He added that there is a discrepancy between where the road is, and the current highway map. There is an existing Supreme Court case that says essentially, the Highway District cannot create a public road out of a private road by simply showing it on a map. It must be done through an approval process. Considering this information, it is their position that once a road is a public road, it is in the public's best interest to declare it as such. If the Board does not declare it as such, then the District effectively abandons the road without going through the proper process.

To address Mr. Lamb's question about validating the road where it was initially routed, or where it currently lays. He said the original mapping was in Government Lot 1, which is through their land.

The Petitioners would favor the Board declaring the current travelway as a public road

Commissioner Sieverding asked for clarification of where the road actually ends related to the maintenance turn-around and Director Weymouth replied that our turn-around is at Tom Lamb's driveway. Attorney Weeks stated that if the driveway is the end of the maintenance jurisdiction, we would not be validating the easterly portion as a public highway; we would be validating it as a public right-of-way because it is not publicly maintained. To distinguish between the two, Attorney Weeks said a public highway is used and maintained concurrently, vs. right -of-way is used but not maintained.

At 9:34, with no other testimony requests, Chairman Christensen closed the public testimony portion of the hearing.

The Board proceeded to deliberations.

Commissioner Sieverding stated it appeared the research was complete.

Commissioner Addington agreed with the clarity of the evidence to the terminus of the road regardless of the maintenance turn-around.

Commissioner Christensen supports the validation based on the evidence, and that it is in the public's best interest.

Attorney Weeks clarified that the Board may validate the road where it currently travels and require the Petitioner to submit a survey, so there is no question about what is being validated.

Upon conclusion of the deliberations, the following action was taken:

Commissioner Sieverding motioned to validate that portion of Lamb Road extending beyond the maintained portion to the terminus as it currently exists in Section 34, subject to the Petitioner providing a survey to the Board to incorporate in its order. Commissioner Addington seconded the motion. With no further discussion, the motion carried.

5. Public Comment

Matt Elvia, a member of the Black Lake Property Owners Association, addressed the Board concerning Black Lake Road. In an email to Commissioner Sieverding, Mr. Elvia said an "overwhelming majority of property owners would like to develop a timeline for bringing the road up to standards. We would like to discuss partnering with ESHD to write a grant to fund the project." He informed the Board that there are 25 full time residents on the road, and although the road has been graded and is part of the Road Stabilization Program, it is heavily traveled. He added that the School District no longer considers the road for a bus route because of the road condition. They know the Board will be discussing a Capital Improvement Plan next month and request the road be paved. There has been some discussion with the Coeur d Alene Tribe about the dust and air quality with some interest.

6. Visitors: Angie Comstock P.E. with JUB Engineering provided a brief project status update. Jake Garringer, a local Policy Advisor with Governor Little's Office, attended today's meeting as a resource to entities. Director Weymouth thanked the Governor for the recent infrastructure income and income tax relief. He and Mr. Garringer have discussed the Governor's broadband internet infrastructure funds and the possibilities of accessing the program for District needs.

7. Approval of Minutes

Action: Commissioner Addington motioned to approve the May 9, 2022 Regular Board Meeting Minutes and the May 31, 2022 Special Call Meeting Minutes as presented Commissioner Sieverding seconded the motion. The motion carried.

8. Treasury Report

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

Petty Cash	\$200.00
Umpqua Checking	\$230,368.48

Less Assured Macro-Balance	(1,500.00)
State Treasury Fund 891	\$1,674,331.65
CDA Lake Dr. DBF Fund 412	\$1,565,464.91
Traffic Mitigation DBF Fund 369	\$244,360.92
<b>Total Funds</b>	<b>\$3,713,225.96</b>

9. New Business

A. JUB Project Status Update: (as discussed in the Visitor’s Section – No action item needed)

B. Black Rock Road Validation Request: The District received a formal Validation Petition from Jake Kammers and Wesley Boudreau for Black Rock Road. Action: Commissioner Sieverding made a motion setting an October 17, 2022 Validation Hearing date, and directing staff to proceed with a Staff Report. Commissioner Addington seconded the motion. The motion carried.

C. Executive Session – This item was removed after discussing Idaho Code requirements for personnel matters.

Chairman Christensen called a recess at 10:16 a.m. The meeting reconvened at 10:34 a.m.

D. FY21-22 Amended Budget Hearing: At 10:35 a.m. Chairman Christensen opened the FY21-22 Amended Budget Public Hearing. There was no written or vocalized testimony.

Findings of Fact:

1. The Public Hearing Notice for the 2021/2022 East Side Highway District Proposed Amended Budget was advertised in the June 3<sup>rd</sup> & 4<sup>th</sup>, 2022 legal ad section of the Coeur d Alene Press, and published on the District’s website.
2. We have had a Special Call Meeting on May 31, 2022 and a workshop to discuss the proposed amendments.
3. No written opposition or public comments was received prior to or at the hearing. Chairman Christensen closed the hearing for public comment at 10:36 a.m.

The Board proceeded to deliberations. Chairman Christensen asked that a motion be made on line items to be changed as they progress through the budget.

Commissioner Addington made a motion to approve the rate increases as presented. Commissioner Sieverding asked for discussion. Director Weymouth stated that the increases would not change the budgeted line item totals. Commissioner Christensen, drawing from personal business owner experience, said he increased his employee wages 25% over the last 2 years, and that was necessary for employee retention. He stated that the employees are our most valuable asset and it is not fair to short-change them at a time when inflation is hitting every household. He said if we give a 3% now and 3% at the beginning of the fiscal year, it will still not keep up with inflation.

Commissioner Sieverding feels we have an ample benefit package including lifetime PERSI, which is not available to the private sector. She checked wages and benefits of other agencies like the City of Coeur d Alene & Kootenai County, and found that in lieu of a COLA increase, some are awarding a retention bonus because they are losing employees to the private sector.

She said our wages are in-line or higher than other agencies. She stated “in her opinion that inflation is caused by the increased price of doing business, and labor costs are a part of that.” Director Weymouth shared that we have increased our budget by 228% from 10 years ago, and we have only added one position. He said this is a huge testimony to how hard everyone is working, and we are doing far more work than ever before.

Commissioner Sieverding stated that the AHDKC wage comparison averages are blown out of proportion. She said that there is a lot of ‘newness’ to the District and that you can’t buy experience, and with that being said, supports the clerk’s increase. Director Weymouth commented that Deputy Yerian’s 21+ years’ experience enables us to bring the aggressive construction schedule to fruition. In closing, Commissioner Sieverding agreed with the 3% COLA for this last quarter of the fiscal year; but is unsure of a 3% for the next budget cycle.

Action: Commissioner Addington made a motion to adopt the proposed FY2021-2022 Amended Budget as presented. Commissioner Sieverding seconded the motion. The motion carried.

Director Weymouth thanked the Board for their vote and said he looks forward to building on the great foundation from the people who came before him.

The Public Hearing was closed at 11:10 a.m.

- E. Resolution 2022-05 to Adopt the proposed FY 2022 Amended Budget. Action: Commissioner Sieverding moved to adopt Resolution 2022-05. Commissioner Addington seconded the motion. With no further discussion, the motion carried. Chairman Christensen asked for Roll Call.  
Commissioner Sieverding – Yes  
Commissioner Addington – Yes  
Commissioner Christensen – Yes
- F. Legal Notice Discussion: Commissioner Sieverding requests all Public Hearing Notices previewed and approved by the Commissioners prior to sending them to publication, and prefers the Commissioner’s names on the notices.
- G. Western Federal Lands Memorandum of Understanding: A Staff Report by Director Weymouth presented the agreement with the Western Federal Lands that requires our initial \$50K match for Yellowstone Trail Road be paid by August 1st. He noted that the WFL combined the two awarded segments into one project, which is noted as ID FLAP Kootenai 8450 (1) Yellowstone Trail, Segment (1). Increased construction costs will impact the attainable distance. The project will begin west of Exit 22 (from I-90), continuing up the hill as far as funds allow. Idaho Transportation Department has contributed \$100K which counts towards our match.  
Action: Commissioner Addington made a motion approving the agreement as presented. Commissioner Sieverding seconded the motion. The motion carried.
- H. FY22-23 Budget Discussion: A Staff Report by Director Weymouth highlighted factors the Board should consider with the new budget cycle with a request for direction from the Board. The 3% tax levy is an annual discussion. Commissioner Sieverding remembers when the District did not take the given increase in 1994, then the taxing rules changed with Resolution 1994-01, leaving the District at a permanent financial disadvantage. She said we have a history of being conservative and is not in favor of leaving funds ‘on the table’.  
Commissioner Christensen hesitates taking the 3% if we continue seeing increases in Highway User Revenue & Sales Tax. He requested staff provide projections with and without taking the

3% increase. He supports the idea of shifting the infrastructure burden from property taxes to user-based taxes.

Commissioner Sieverding said we must consider how our roads are failing. She added that we struggle financially to keep up with the needed maintenance, not to mention trying to improve our roads. This year property values increased 40%, which means our ad velorum will be reduced.

Commissioner Addington said he appreciates both perspectives; however, we have always taken the 3% because lack of funding left no other option. We have lost over \$20M in lost revenue since 1994 because of a one-time decision, and would not want history to repeat itself. Director Weymouth said that Property Tax is the only revenue we control, and the other sources can and do change.

#### 10. Old Business

*Item # 1:* Gozzer Vacation is removed and will be reinstated if needed.

*Item #2:* 2021 DH1510 Report. Director Weymouth discovered a 76' difference between what was reported and the State's balance. He prefers not to update last year's information in light of the number of changes we will be making this year, then submit all the updates at once this fall. He will send JUB our transmittal to be updated in the GIS platform they are developing.

*Item #3:* Amended Budget Requirements: Pending response from Magnuson McHugh & Co.

#### 11. Correspondence: No Comments

#### 12. Staff Reports

A. Director of Highways Weymouth reported that all staff are well and on the job.

- He received a complimentary phone call from a resident regarding new Crewman Carlton.
- Some of the staff are working on Fridays hauling material etc.
- We are waiting to hear from ITD regarding the Leading Idaho Bridge Applications.
- Canyon Road Bridge project is 'on the shelf and ready'. If LHTAC finds the funds, then we are prepared.
- The Restoration Partnership (Black Lake Wetlands) are at 100% design this week, which they will be sharing with Director Weymouth. Two approach permits are needed, and they will not be changing the water level or increasing the traffic other than construction.

B. Deputy Yerian vocalized his deep appreciation for the quality of our crew and said he has never worked with a better group of people. He complimented Kristi as the 'Face of the District' and how well she manages the front desk with phone calls and walk-ins. We started with a good foundation, and things are rapidly changing in the Highway District. He appreciates the team atmosphere and the ability to quickly get needed information from the Clerk and work through different situations with her and the Director. In his experience, we have the best Director in Kootenai County if not the State.

C. Commissioner Addington said he sees and appreciates the enormous amount of work being accomplished. Getting the Sub 3 Vehicle Shed done for our crew is a huge improvement.

Commissioner Sieverding asked if new right-of-way data and vacations are being tracked. Director Weymouth replied that office staff is tracking right-of-way changes. She requested a GIS Workshop to address how the right-of-way will be identified. This will be important in updating the District's map. Director Weymouth replied that this is a deliverable defined in the task order with JUB.

Commissioner Sieverding said she spoke with IWORQ and indicated that our data had not been updated in some time. Director Weymouth replied that we have viewed 3 different demonstrations of multifaceted platforms that include fleet maintenance. IWORQ modules are limited and each module cost separately. He stated that we will have a comprehensive data maintenance platform in place by the end of the fiscal year.

Commissioner Christensen spoke of this year's annual IAHD Convention to be held at the Coeur d Alene Resort. The registration fee is \$385 PP; however, the Resort is charging \$418 PP for food. With this in mind, it will be important when registering, to note if you are planning to attend the meals.

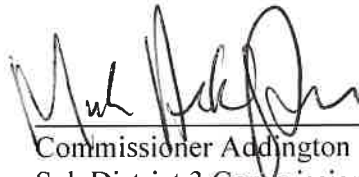
He reported a development in the IAHD in creating a Purchasing Co-Op. This could be beneficial to agencies trying to purchase bulk materials etc. It is currently in the 'gathering information stage'.

At a recent meeting he heard that some Districts may not be doing chip seals because of the increased oil costs, and wondered if an agency is selling their chip spreader.

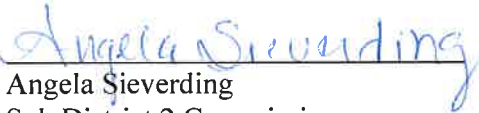
13. Adjournment: There being no further business to come before the Commissioners, the Chairman adjourned the meeting at 12:35 p.m.



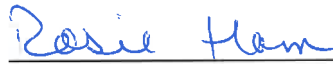
Chairman Christensen  
Sub District 1 Commissioner



Commissioner Addington  
Sub District 3 Commissioner



Angela Sieverding  
Sub District 2 Commissioner



Rosie Ham, District Clerk

