

**East Side Highway District Board of Commissioners
October 17, 2022 Board Meeting Minutes and Public Hearing**

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 Professional Staff: Director of Highways Weymouth, Deputy Director Yerian, Clerk Ham
Attorney Weeks P.A. with James Vernon & Weeks, Angela Comstock P.E. with JUB Engineering

Guests: Alfred Braun, Jacob Kammers, Les Pattee, Casey Ostrander, Jeffrey Ziegler, Jacob Willard,
David Willard, Zachary Willard, Luemarie Lovey, Seth Berrow, Rachel Davis, Heidi Sirrila, Eric
Gardner, Rachel Hurd, Daniel Gabrielsen

3. Approval of Agenda

Commissioner Sieverding moved for approval of the October 17th meeting agenda. Commissioner
Addington seconded the motion, and the motion carried.

Declared Conflicts of Interest: none

4. Black Rock Road Validation Public Hearing: Chairman Christensen opened the public hearing at 9:01 a.m.
on the validation of Black Rock Road within Township 48 North Range 1 West, lying in the Northwest
Quarter of Section 7, the Northeast Quarter of Section 7, the Southeast Quarter of Section 7, the Northwest
Quarter of Section 17, the Southwest Quarter of Section 17, the Southeast Quarter of Section 17, the
Northeast Quarter of Section 18, the Northeast Quarter of Section 20, and Section 21 as set forth in Viewers
Report No. 162 (Dierks Road) and various subsequent right-of-way deed grants.

Attorney Weeks, informed the Board that this is a legal process outlined in Idaho Code 40-203A, and
explained the validation proceeding as set forth in the statute

All those present were requested to complete a public hearing form the form and submit it to Ms. Weeks
if they desired to testify.

Director Weymouth presented the staff report which was entered into the record as **Exhibit A**. Director
Weymouth answered questions from the Board of Commissioners.

The public hearing comment sheets received were submitted to the record as **Exhibit C**

At 9:35, Chairman Christensen asked for public testimony.

Petitioner Jacob Kammers 2151 W Settlement Rd Priest River Idaho testified. His petition and supporting
materials were submitted into the record as **Exhibit B**. Mr. Kammers explained he was initially denied
access to his land positioned beyond the District's existing turnaround and a locked gate. Mr. Kammers
answered questions from the Board of Commissioners.

Lumarie Lovey 19257 S. Black Rock Road Cataldo, Idaho testified in opposition to the petition.

Dave Willard 6705 W Silverado Rathdrum, Idaho testified in opposition to the petition.

Zachary Willard 12637 Murphy Rd Nevada City, California provided a comment sheet in opposition to
the petition, but did not wish to speak.

Les Pattee 19173 S Black Rock Road Cataldo, Idaho testified in opposition to the petition.

Jacob Willard 705 E 11th Sedalia Missouri, testified in opposition to the petition.

Seth Berrows 18626 S Black Rock Road Cataldo, Idaho testified in opposition to the petition.

Alfred Braun 565 W Dakota Ave Hayden, Idaho testified in opposition to the petition.

Brian Farley 23134 Derting Road Hayden, Idaho, testified in opposition to the petition and requested his emailed comments be read aloud to the Board of Commissioners.

Rachel Hurd 18500 S Black Rock Road Cataldo, Idaho testified in opposition to the petition.

Greg Beal 19561 Black Rock Road Cataldo, Idaho testified in opposition to the petition.

Casey Ostrander 7751 W Wright St Rathdrum, Idaho testified in opposition to the petition.

Eric Gardner 18313 Black Rock Road Cataldo, Idaho submitted a public hearing comment form indicating he was opposed to the validation and did not wish to speak.

Petitioner Jacob Kammers presented rebuttal and testified he was initially denied a gate key.

A screenshot of the aerial photograph from Kootenai County's GIS mapping system was entered into the record as **Exhibit D**.

At 10:40, with no other testimony requests, Chairman Christensen closed the public testimony portion of the hearing, and the Board proceeded to deliberations.

At 10:41, Commissioner Sieverding motioned to re-open the hearing for further public testimony. Commissioner Addington seconded the motion, and the motion carried. Commissioner Addington asked Mr. Kammers if he has access to his land. Mr. Kammers testified that the title company said he does not have legal access to his land; however, he now has a gate key and physical access.

Ms. Weeks, and Director Weymouth shared in reading four emailed comments received over the weekend into the record. These are entered as **Exhibit E**, and are from the following individuals: Brian Farley, Greg Beal, Tyler Drechsel and James Swearingen.

Chairman Christensen closed the re-opened public testimony at 10:55 a.m.

Ms. Weeks clarified that if the Board did not validate the road, the decision is subject to a court appeal before a District Judge.

Chairman Christensen observed that continuing the public hearing would allow property owners the opportunity to resolve the issue through reciprocal easements for the public portion of the road and allow any new testimony from property owners on whether they reached an agreement on reciprocal easements.

The Board of Commissioners discussed whether a gate can be allowed on public right of way.

Action: Commissioner Sieverding moved to continue the Black Rock Road Validation public hearing to December 19, 2022, at 9:00 a.m. for further testimony. Commissioner Addington seconded the motion. With no further discussion, the motion carried.

Chairman Christensen called a recess at 11:00 a.m. The meeting reconvened at 11:10 a.m.

5. 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, and the motion carried.

6. Treasury Report

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

Petty Cash	\$200.00
Umpqua Checking	\$62,230
Less Assured Macro-Balance	(1,500.00)
State Treasury Fund 891	\$1,984,098
CDA Lake Dr. DBF Fund 412	\$1,575,434
Traffic Mitigation DBF Fund 369	\$245,887
Total Funds	\$3,866,349

7. New Business

A. JUB Project Status Update: Engineer Comstock reviewed projects and the active status of the LHRIP Frontage/Wolf Lodge Creek Project; Frontage Road Bridge over Wolf Lodge Creek (permitting is underway for material removal). There was a brief discussion about the upcoming LHTAC Grant Workshop.

B. Liquid Deicer: Director Weymouth reported that GMCO offered the District the same prices for liquid deicer as last year in a piggyback opportunity. He has made several attempts to contact another supplier in the area without success. **Action:** Commissioner Sieverding motioned to approve the piggyback bid with GMCO for the 2023 Liquid Deicer at last year's prices. Without further discussion, Commissioner Addington seconded the motion, and the motion carried.

C. Executive Session: Motion by Commissioner Sieverding to enter Executive Session as allowed by Idaho Code 74-206 (f) to discuss existing litigation for Boothe Park at 11:20 a.m. Commissioner Addington seconded the motion, and the motion carried.

The following roll call was taken:

Commissioner Addington – Yes

Commissioner Sieverding – Yes

Commissioner Christensen -Yes

Executive Session concluded at 11:40 a.m. and the regular meeting resumed. No action was taken.

8. Old Business (No changes were made)

9. Correspondence: (No discussion)

10. Staff Reports

A. Director of Highways Weymouth:

- Interviews are scheduled for Sub 1 Crewman.
- We are waiting for a delivery date on the 550 and foremen trucks.
- We have a new plow truck budgeted and are planning that purchase in the spring.
- The Blue Creek Road culvert installations are delayed to allow for design and permitting.
- The contractor stockpiled Carlin Bay Road regrinds. We expect the billing shortly.
- The Coeur d Alene Lake Advisory Committee is meeting on the 28th. That committee is tasked with prioritizing the Leading Idaho Grant list.

B. Deputy Yerian

- Work is resuming on Thompson Lake Road.
- The fall culvert installations have been going well.
- Crews are preparing equipment for winter maintenance.

C. Commissioner Addington asked about Hells Gulch Road, noting its appearance related to the mag chloride applied this summer and that it appears ready to fall apart as soon as it rains. Deputy Director Yerian replied this is why it is not a good idea to apply the product over native material. Commissioner Sieverding said the Grays Meadow work has begun. The project is a constructed wetlands that enhances the wildlife habitat. She referenced the upcoming GIS staff training and emphasized the need for updated traffic counts to be integrated into the module. Commissioner Christensen recently attended the Blue Wolf Community meeting. He indicated residents' appreciation of some of the work done, listened to their concerns about Yellowstone Trail and Sunnyside Road, and said residents on Reeve Road expressed cost-share interest.

11. Adjournment: There being no further business to come before the Commissioners, the Chairman adjourned the meeting at 11:55 p.m.

Chairman Christensen
Sub District 1 Commissioner

Commissioner Addington
Sub District 3 Commissioner

Angela Sieverding
Sub District 2 Commissioner

Rosie Ham, District Clerk