

**EAST SIDE HIGHWAY DISTRICT  
SPECIAL CALL  
MINUTES – JANUARY 3, 2017**

Chairman Sverdsten called the Special Call meeting to order at 9:00 a.m.

**PRESENT** Chairman Sverdsten, Commissioner Addington, Supervisor Pankratz, Secretary Sieverding

**VISITORS:** Norman Milem, Brent Regan, Graham Christensen, Jenifer Christensen, J.B. Whipple, Gary Campbell, Lou Stein, and Lorna Casey-Kaiser.

1. At the last East Side Highway District board meeting held on December 19, 2016, the commissioners appointed Graham Christensen to fill the vacancy for Sub District 1 Commissioner- which was a premature call, due to the fact, the vacancy did not officially occur until January 1, 2017. The District's attorney recommended that we ratify the appointment at today's meeting. (Idaho Code 40-1304 - Vacancy in Office of Highway Commissioners (subsection 2) *Any vacancy occurring in the office of highway commissioner, other than by expiration of the term of office, shall be determined by the remaining highway district commissioners using the criteria established in section 59-901, Idaho Code. If it is determined that a vacancy **has occurred**, the commissioners shall declare there is a vacancy and such vacancy shall be filled by the highway district board and be for the balance of the term of the person replaced.*

Mr. **Norman Milem** presented three point of views from his observation from the December 19, 2016 ESHD Board meeting:

Mr. Milem's first point of view included that appointment of Graham Christensen was made prematurely and his suggestion would be "Vote to void all procedures, deliberations, motions and votes from December 19, 2016 meeting to nullify and void what based on case law could potentially be determined to be illegal action, and begin the process again according to Idaho State Law to avoid potential court intervention and action, possibly other legal actions, and risking losing the trust of the voters of the district in which they were elected to represent."

Secondly, Mr. Milem said that commissioners should be "appointed to work on behalf of and represent the people of the district. Commissioners are not elected primarily base upon their education or skills but based on the people believing the commissioners will best represent them." Mr. Milem felt Graham Christensen's relationship with the mountain biking community and support of the BLM proposal for the BLM Mountain Biking Trail System and negotiations with the Coeur d' Alene Lake Drive may lead to a future conflict for the District due to Christensen's interest in both endeavors.

Mr. Milem's last point of view included that he understood under Idaho Code 74-204 (3) - Notice of meeting and agenda should be posted/"**published**" in the same manner.

All the District's general board meetings are published according to 74-204 (1) and Secretary Sieverding said today's Special Call meeting was posted according to 74-204 (2) and 74-204 (4). The notice and agenda were posted at the District's office, on the District's web-site, and the notice of the Special Call meeting with a **reference to the agenda** was **published** in the Coeur d' Alene Press in December 28th and 29th issues.

A Special Call meeting has to have a (24) hour meeting notice and agenda, unless a emergency exists. The District posts all meeting notices and agendas at the District's office entry and on the District's website. If time allows, the District in good faith will attempt to run a legal notice for the Special Call meeting.

It is unclear whether posting and **publishing** a notice and agenda holds the same meaning under Idaho Code 74-204 (4); therefore, in good faith, the Board agreed to re-publish in the Coeur d' Alene Press for Special Call meeting **including an agenda** for January 10, 2017 at 9:00 a.m. (Publication will run December 6th and 7th , 2017 - which meets the 24 hour special meeting notice.) The notice and agenda will also be posted at District office at 6095 E. Mullan Trail Rd and posted on the District's web-site at <http://www.eastsidehighwaydistrict.com>

Agenda items for Special Call meeting to be held at the ESHD office on January 10, 2017 at 9:00 a.m. will include the appointment to fill the Sub District 1 Commissioner's Vacancy and approval previous hearing and board meeting minutes.

2. **Brent Regan** resident off Borley Road said that he has received training on the "Open Meeting Law" and would recommend for the Board to disregard all actions taken at the last ESHD Board meeting and reopen the floor for new nominations to fill the vacancy position for Sub District 1 Commissioner. In regards to appointment for candidate, he pointed out at the former contested election Lorna Casey-Kaiser only lost my five votes- so if he was sitting in the ESHD's commissioner's seat, he would be asking himself who was the next person in line to win the election- which was Lorna Casey-Kaiser.
3. **Joe Whipple** implied his sole intent in his findings of the premature appointment made at the December 19, 2016 board meeting was to protect the District from future litigation.
4. **Lorna Casey-Kaiser** is opposed to the BLM's Mountain Biking Trail System proposal in Sub District #1. She feels that the commissioners don't have the Sub District #1 residents best interest in mind, and suggested separating Sub District #1 away from the entire ESHD District. She went on to say, the taxes in Sub District #1 constitute the majority of the tax base and feels that the dollars collected from Sub District #1 should not go towards projects in the other two subdistricts.

Supervisor Pankratz said that ESHD has no jurisdiction over BLM projects. He is un-aware of any provisions in place for a traffic impact study. The District can enforce standards for approaches onto public road but can only make recommendation to BLM for future road improvements.

Supervisor Pankratz pointed out that a subdistrict commissioner represents the whole District, not just their individual Subdistrict (Idaho Code 40-1310 (1)). Supervisor Pankratz implied

the District attempts to equally distributed revenues received throughout the whole district for road projects, equipment, and labor cost.

Commissioner Addington said he agreed with Supervisor Pankratz. The Proposed BLM Project reminded Addington of when they proposed the CDA Rails-To-Trails which received a lot of oppositions from the local residents- including himself. Yes, the Rails-To-Trail project brought more traffic to the surrounding areas, but it also brought more jobs and public use to the area.

5. Graham Christensen implied that his involvement with the BLM Mountain Biking Trail System proposal was just a matter of showing up for one Blue Creek Bay Scoping Meeting on October 29, 2015 which resulted in his name being added to a group email listing.

**Supervisor's Report:**

1. The District had a lot of over-time last week due to winter snow fall. The Board has budgeted for over-time and for hiring one extra crew person.
2. Pankratz will be traveling to Idaho Falls next week to pick up the truck the District recently purchased.

**Commissioners:**

The Commissioners ended the meeting by saying they respected the visitors input and thanked the group for attendance.

Commissioner Addington made a motion to adjourn the Special Call meeting at 10:00 a.m. . Commissioner Sverdsten seconded the motion, which was unanimously approved.

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**VACANT  
SUB-DISTRICT #1**

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**CHAIRMAN SVERDSTEN  
SUB-DISTRICT #2**

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**COMMISSIONER ADDINGTON  
SUB-DISTRICT #3**

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**SECRETARY/TREASURER  
SIEVERDING**