

## **MINUTES OF THE REGULAR MEETING OF THE NOTUS-PARMA HIGHWAY DISTRICT NO. 2**

A regular meeting of the Commissioners of the Notus-Parma Highway District #2 was held Tuesday, November 9, 2021 at 9:02 a.m. at the office of the District, 106<sup>th</sup> S. 4th Street, Parma, Idaho.

\*Chairman William Hartman proceeded to lead all in attendance in the Pledge of Allegiance.

### **PRESENT:**

Commissioners William Hartman, Tom Sells, Gary Hickman, Director of Highways Lynn Troxel, Secretary/Clerk Genia Watkins, Engineer Tim Blair, and Attorney Jay Kiiha.

### **VISITORS:**

Michael Conklin – J.A.P.S. of Idaho, LLC  
Jay Gibbons - J.A.P.S. of Idaho, LLC  
Lori Shandro – The Shandro Group

### **APPROVAL OF AGENDA:**

Secretary/Clerk Watkins reported that the agenda was posted on Thursday, November 4, 2021 at 1:00 p.m. **Motion made by Commissioner Tom Sells to approve agenda as posted, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

### **APPROVAL OF BOARD MEETING MINUTES:**

Secretary/Clerk Watkins provided copies of October 12, 2021, regular meeting minutes for approval. **Motion made by Commissioner Tom Sells to approve minutes as drafted, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

### **PUBLIC INPUT:**

None

### **TREASURER'S REPORT & BOARD APPROVAL OF BILLS:**

Secretary/Clerk Watkins provided copies of financial reports for discussion. Expenses for October 13, 2021, through November 9, 2021, were \$59,100.88 and payroll for the same period was \$40,791.98 for a total of \$99,892.86. **Motion made by Commissioner Tom Sells to approve accounts payable and financial statements as drafted, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

**OLD BUSINESS:**

➤ ROAD & BRIDGE REPAIR MAINTENANCE

Director Troxel summarized the attached report. Stafford Road bridge replacement is right on track, structure will be delivered right before Thanksgiving.

➤ APPLICATION TO WAIVE OR VARY SETBACK – LUCAS HANSEN

District Secretary/Clerk Genia Watkins stated that letter from Compass Land Surveying was received, but other requested documents have not. **Motion made by Commissioner Tom Sells to table Lucas Hansen's application to waive or vary setback, seconded by Commissioner Gary Hickman.** Motion passed unanimously. Application to waive or vary setback will be tabled until December 14, 2021 meeting.

➤ APPLICATION TO WAIVE OR VARY SETBACK – FORAGE COMPLETE

No new information has been received as of date. **Motion made by Commissioner Tom Sells to table Forage Complete's application to waive or vary setback, seconded by Commissioner Gary Hickman.** Motion passed unanimously. Application to waive or vary setback will be tabled until December 14, 2021 meeting.

**NEW BUSINESS:**

➤ APPLICATION FOR VARIANCE 2021-05 – J.A.P.S. OF IDAHO, LLC

Director Lynn Troxel gave summary of J.A.P.S. of Idaho, LLC's request for variance on Goodson Road.

Attorney Jay Kiiha directed the Board as to the proceedings of the hearing.

**Motion made by Commissioner William Hartman to open hearing at 9:16 a.m., seconded by Commissioner Gary Hickman.** Motion passed unanimously.

District Secretary/Clerk Genia Watkins presented the exhibits as listed below:

- A. Application for Variance J.A.P.S. of Idaho, LLC
- B. Preliminary Plat PP1.0
- C. Preliminary Plat PP1.1
- D. Preliminary Plat PP1.2
- E. Preliminary Plat PP1.4
- F. Preliminary Plat PP1.5
- G. Picture – Subdivision Entrance – West
- H. Picture – Subdivision Entrance – East
- I. Annual Report – State of Idaho

- J. Articles of Organization
- K. Staff Report
- L. A.C.C.H.D. Standards – Section 2140 Variance

**Motion made by Commissioner Tom Sells to admit all exhibits as listed, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

Applicant Jay Gibbons gave testimony as the history of this project. Mr. Gibbons initially started this project in 2008 and had previously met with representative from NPHD as to the placement of approaches for this subdivision. Letter from Mr. Tim Blair with J-U-B Engineering was received on behalf of the NPHD to Canyon County informing them that the intended use of the land does not meet A.C.C.H.D. standards for driveway spacing. Mr. Gibbons references Exhibit H to show driveway spacing.

Mr. Tim Blair discussed the staff report, Exhibit K. Proposed subdivision, Stadium Subdivision, has two entrances. Mr. Blair stated that after suggestions were made, Iron Horse Drive (east entrance) was adjusted and as it is placed right now, meets current A.C.C.H.D. standards. Bambino Way (west entrance) does not. Mr. Blair referenced Exhibit L, A.C.C.H.D. standards 2140.020 Findings Required for Variance.

Director Lynn Troxel stated that he agrees with Mr. Blair's findings that the west approach meets the characteristics to allow the variance.

Attorney Jay Kiiha directed Chairman Hartman to ask Director Troxel deliberation questions as follows:

1. Would the literal interpretation and enforcement of the relevant regulation result in a practical difficulty or unnecessary physical hardship which is inconsistent with the objectives of the HSDP standards?

Mr. Troxel: Yes, the way that the property is laid out does not give them another choice as to where the west approach will be placed. Any other placement of the driveway is not feasible.

2. Are there extraordinary site characteristics applicable to the property involved or to the intended use of the property, which do not apply generally?

Mr. Troxel: Yes, there are already roads built.

3. Will a literal interpretation and enforcement of the regulation deprive the applicant of privileges enjoyed by the owners of other properties?

Mr. Troxel: Yes, it would not allow them to build as proposed on their property.

4. Will the granting of the requested variance constitute a grant or special privilege inconsistent with the limitations on similarly situated properties?

Mr. Troxel: No

5. Will the granting of the variance be detrimental to the public health, safety or welfare or be materially injurious to properties or improvements in the vicinity?

Mr. Troxel: No

6. Are there any reasonable conditions found or proposed and found to be in the public interest that should be imposed as a condition of variance? If so, state them.

Mr. Troxel: No

With no other testimony from Director Lynn Troxel, applicant Jay Gibbons was given the floor for additional testimony.

Mr. Gibbons stated again that the only available location to build these approaches for the property is where they are listed right now due to its unique configuration. Mr. Gibbons points out that there are cases where A.C.C.H.D. standards cannot be met, and that generally, rejection would be detrimental to them.

Attorney Jay Kiiha asked Mr. Gibbons for clarification, if the District did not approve his application for variance, the subdivision would not be able to be developed. Mr. Gibbons agreed.

With no further comments, **Motion made by Commissioner William Hartman to close hearing at 9:37 a.m., seconded by Commissioner Gary Hickman.** Motion passed unanimously.

Attorney Jay Kiiha stated that the next step would be for the Commissioners to work through the variance preliminary deliberation work sheet.

District Secretary/Clerk Genia Watkins asked the following questions to the Board, Chairman Hartman will provide answers:

- Has the Application been filed with the Highway District on a form prescribed? **Yes**  
Does the Application include all the necessary information? **Yes**  
Has the appropriate fee been paid? **Yes**  
Has the Application been filed by a real party in interest? **Yes**
- Does the subject application include more than one request for variance? **No**
- Would the literal interpretation and enforcement of the relevant regulation result in a practical difficulty or unnecessary physical hardship which is inconsistent with the objectives of the HSDP standards? **Yes, from the variance application, "the site**

**has the correct zoning for a subdivision and not allowing the access locations will result in this property becoming unbuildable.”**

- Are there extraordinary site characteristics applicable to the property involved or to the intended use of the property, which do not apply generally? **Yes, from the variance application, “the intended use for this property is rural residential. The site has steep slopes that make this land unusable for farming operations.” Chairman Hartman stated that the limited access points to the property are the site characteristics that make this property unique.**
- Will a literal interpretation and enforcement of the regulation deprive the applicant of privileges enjoyed by the owners of other properties? **Yes, it is unbuildable otherwise.**
- Will the granting of the requested variance constitute a grant or special privilege inconsistent with the limitations on similarly situated properties? **No.**
- Will the granting of the variance be detrimental to the public health, safety or welfare or be materially injurious to properties or improvements in the vicinity? **No.**
- Are there any reasonable conditions found or proposed and found to be in the public interest that should be imposed as a condition of variance? If so, state them. **No.**

Chairman Hartman stated that they did not need additional discussion before deciding. **Motion made by Commissioner Tom Sells to approve application for variance 2021-05 by J.A.P.S. of Idaho, LLC, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

**Motion made by Commissioner Tom Sells to instruct Attorney Jay Kiiha to draft Findings of Fact and Conclusions of Law and Order of Decision in approval of Variance 2021-05 for December 14, 2021 regular meeting, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

*\*Chairman Hartman requested to move Lori Shandro with the Shandro Group ahead on the agenda for Discuss and Approve 2022 Employee Health Benefits.*

➤ **DISCUSS AND APPROVE 2022 EMPLOYEE HEALTH BENEFITS**

Chairman Hartman introduced representative Lori Shandro with Shandro Group. Ms. Shandro gave summary of benefits that the District has. Rates will raise by 4.32% for the year for health insurance, which is to be expected at this time. Ms. Shandro showed the Board comparisons for three other providers and believes that staying with Select Health if we are happy, would be her recommendation. Rates for Delta Dental, Mutual of Omaha, and United Heritage will stay the same. **Motion made by Commissioner Tom Sells to keep District health benefits the same for calendar year 2022 and authorize Chairman Hartman to sign any renewal documents as needed, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

➤ **APPROVE MOJO CERTIFICATE OF VALUE FISCAL YEAR 2020/2021**

District Secretary/Clerk Genia Watkins stated that this is the annual document showing the value of MOJO. This document was reviewed at the MOJO meeting in October 2021. **Motion made by Commissioner Gary Hickman to approve and authorize Chairman Hartman to sign MOJO Certificate of Value Fiscal Year 2020/2021, seconded by Commissioner Tom Sells.** Motion passed unanimously.

➤ **APPROVE LETTER TO NOTUS SCHOOL DISTRICT RE: RIGHT-OF-WAY ISSUES**

District Secretary/Clerk Genia Watkins presented letter to Notus School District that was drafted at the request of the Board regarding the removal of fence and sprinkler system within the District's ROW. **Motion made by Commissioner Gary Hickman to approve and authorize Chairman Hartman to sign letter to Notus School District, seconded by Commissioner Tom Sells.** Motion passed unanimously.

➤ **2021 HOLIDAY COMPENSATION**

Director Troxel stated that historically, the District has given employees special holiday compensation. **Motion made by Commissioner Tom Sells to approve Director Troxel's request for employee special compensation, seconded by Commissioner Gary Hickman.** Motion passed unanimously.

**ACCHD/IAHD REPORT:**

None

**MOJO REPORT:**

None

**CORRESPONDENCE:**

District Secretary/Clerk Genia Watkins stated that there is a virtual IAHD meeting today if anyone would like attend.

**EXECUTIVE SESSION UNDER IDAHO CODE § 74-206 (1) (a), (b), (c), (d), (e), (f), or (i):**

None

**NEXT BOARD MEETING:**

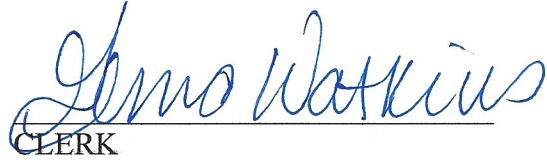
Next regular board meeting is scheduled for December 14, 2021 at 9:00 a.m.

**ADJOURNMENT:**

*These minutes have been approved by the Board of Commissioners and are the official record relating to the conduct or administration of the District's business, as reflected herein.*

With no further business to come before the Commissioners, meeting is adjourned. **Motion made by Commissioner Gary Hickman to adjourn at 10:31 a.m., seconded by Commissioner Tom Sells.** Motion passed unanimously.

  
CHAIRMAN

  
CLERK