

DISTRICT SECRETARY'S FINAL MINUTES BOARD OF COMMISSIONERS MEETING

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.

Wilder, Idaho

June 10, 2021

A regular meeting of the Commissioners of the Golden Gate Highway District No. 3 was held at 11:30 A.M. on Thursday, June 10, 2021 in the District Office at 500 E. Golden Gate Avenue, Wilder, Idaho.

PRESENT: Commissioners Virgil Holsclaw, Fred Sarceda, and David Lincoln, Commissioner Elect Andy Bishop, Commissioner Elect Ed Leavitt, Interim Director/Road Foreman Casey Percifield, Secretary/Clerk Anita Herman, and Attorney William F. Gigray.

ABSENT: None

CALL TO ORDER:

The meeting was called to order at 11:30 a.m. by Chairman Virgil Holsclaw.

AGENDA

REVIEW: Secretary/Clerk Anita Herman reported that she posted the revised agenda for the regular meeting Monday, June 7, 2021 at 4:45 p.m. at the locations listed on the agenda. **Motion: Made by Commissioner David Lincoln: To Approve the Posting of the Revised Agenda, Seconded by Commissioner Fred Sarceda.** The vote was unanimous. Motion carried.

VISITORS: Jeff Dewey (teleconference), Amber Dewey, Mike Beaver, Chris Pettigrew, and Tim Blair.

PUBLIC

INPUT: None

MINUTES

READ AND

APPROVED: Minutes of the meetings were read. **Motion: Made By Commissioner David Lincoln: To Approve The Minutes of Special Meeting March 16, 2021, Special Meeting April 1, 2021, Regular Meeting April 8, 2021, Special Meeting April 15, 2021, Special Meeting April 26, 2021, Special Meeting May 3, 2021, Special Meeting May 5, 2021, Regular Meeting May 13, 2021, and Special Meeting May 20, 2021, Seconded By Commissioner Fred Sarceda.** The vote was unanimous. Motion carried.

SECRETARY'S
RECORD DE-

STRUCTION

REQUEST: Made By Commissioner David Lincoln: To Approve The Minutes of Special Meeting March 16, 2021, Special Meeting April 1, 2021, Special Meeting April 15, 2021, Special Meeting April 26, 2021, Special Meeting May 3, 2021, Special Meeting May 5, 2021, Regular Meeting May 13, 2021, and Special Meeting May 20, 2021, Seconded By Commissioner Fred Sarceda. The vote was unanimous. Motion carried.

FINANCIAL

REPORT: Secretary/Clerk gave the financial report as follows. The expenses for May 14, 2021 through June 10, 2021 were \$75,924.53, payroll for May 14, 2021 through June 10, 2021 was \$36,031.22 for a total of \$111,955.75. **Motion made by Commissioner Fred Sarceda to Receive and Approve the Treasurer's Report, Seconded by Commissioner David Lincoln.** The vote was unanimous. Motion carried. **Motion: Made by Commissioner Fred Sarceda: To Approve the Financial Report and Authorize the Disbursement of Funds from the District's Treasury in the Sum of \$111,955.75 for the Payment of the Bills Presented by the Treasurer, Seconded by Commissioner David Lincoln.** The vote was unanimous. Motion carried.

PUBLIC

HEARING: None

OLD

BUSINESS: DISCUSS OPTIONS FY2021 BUDGET AMENDMENT

No action was taken, tabled until next meeting date.

NEW

BUSINESS: DISCUSS OPTIONS FOR VAC2021-02 – PORTION OF MIDDLE ROAD – JEFF DEWEY

Jeff and Amber Dewey at 19490 Hwy 95, Wilder, ID. 83676 came before the Board to discuss Middle Road (Parcel 1, Government Lot 3, in Section 29). They believe that in 2003 that portion of Middle Road was abandoned. They sent the attached letter in to the District for their review. Per Attorney William F. Gigray's opinion: that if the District had established a public right-of-way on that portion of Middle Road, then the only process to resolve that claim is either a vacation or validation process. He recommended that the District's position on this matter should be reviewed by the District's new Director of Highways. Due to the fact that the Board is willing to consider the proceeding with a validation to resolve this matter. **Motion: Made by Commissioner Fred Sarceda: To Return The Fee of \$1600.00 Back to Jeff and Amber Dewey Since They Are Withdrawing the Petition of Vacation, Seconded by Commissioner David Lincoln.** The vote was unanimous. Motion carried.

J-U-B ENGINEERING – TIM BLAIR AND CHRISTOPHER PETTIGREW

Tim Blair and Christopher Pettigrew from J-U-B Engineering introduced themselves to the Board and gave their Engineering report to them explaining what they have been

working on for the Highway District since May 13, 2021. No action taken, discussion only.

THE BOARD WILL RECEIVE AND ACCEPT THE CANVASS OF THE VOTES RECEIVED FROM THE CANYON COUNTY CLERK

Motion: Made by Commissioner David Lincoln: To Accept the Canvass of the Votes Received From the Canyon County Clerk For Ed Leavitt Sub-District #2 and Andy Bishop Sub-District #1, Seconded by Commissioner Fred Sarceda. The vote was unanimous. Motion carried

HOUSE BILL NO. 389 / MIKE MOYLE PROPERTY TAX BILL

Attorney William F. Gigray discussed with the Board the attached memo. No action taken, discussion only.

COSTCO RENEWALS

Motion: Made by Commissioner David Lincoln: To Approve the Costco Renewals For the Crew and Commissioners, Seconded by Commissioner Fred Sarceda. The vote was unanimous. Motion carried.

FY2022 BUDGET DISCUSSION

No action was taken, tabled until next meeting date.

ROAD

REPORT: Road Foreman / Interim Director Casey Percifield discussed his attached report.

ENGINEER

REPORT: Tim Blair and Christopher Pettigrew with J-U-B Engineers reported to the Board during New Business.

ATTORNEY'S

REPORT: Attorney William F. Gigray reported to the Board that he helped the District Secretary with minutes review, agenda reviews, and election documents for the two Commissioners Elect. He stated that he sent the purchase offer for the easement to Jessica Ball, Homedale Road and Agate Road, by certified mail. He also has been working on the 2nd Street Vacation Public Hearing.

GENERAL

MATTERS: Interim Director/Road Foreman Casey Percifield let the Board know that they are having computer issues with the Chip Box for chip sealing and he gave the Board the available options available to them at this time.

**COMMUN-
ICATIONS:** None

**MOJO
REPORT:** Commissioner Fred Sarceda reiterated what Interim Director/Road Foreman Casey Percifield said about running low on the gravel crushing project.

**IAHD
REPORT:** Commissioner David Lincoln let the Board know that there would be workshops for the Clerks at the IAHD conference on the new Legislative Reporting that needs done at the end of the year. He also informed the Board of the winners of the \$1000 scholarships. And he stated he resigned from the IAHD Board.

**ACCHD
REPORT:** Next ACCHD meeting will be held at Golden Gate Highway District on July 15, 2021.

**COMPASS
REPORT:** Commissioner David Lincoln let the Commissioners Elect and Commissioner Fred Sarceda know that they would have to elect a new Compass representative at the July Regular Meeting due to him resigning from that committee also.

EXECUTIVE

SESSION: **Motion: Made By Commissioner David Lincoln: To Convene Into Executive Session at 1:47 P.M. Under I.C. §74-206 (1) (a) To Consider Hiring a Public Officer, Employee, Staff Member of Individual Agent, Where-in the Respective Qualities of Individuals Are to Be Evaluated in Order to Fill a Particular Vacancy or Need and Under I.C. §74-206 (1) (d) To Consider Records That are Exempt From Disclosure as Provided in Chapter 1, Title 74, Idaho Code, Seconded By Commissioner Fred Sarceda.**

A roll call vote was taken by Secretary Anita Herman.

Commissioner - David Lincoln – Yes

Commissioner Virgil Holsclaw – Yes

Commissioner – Fred Sarceda – Yes

Also in attendance, as authorized by the Board, were: Anita Herman, Casey Percifield, Attorney William F. Gigray, Andy Bishop, Commissioner Elect, and Ed Leavitt, Commissioner elect.

During the executive session the applications for Director of Highways were opened and reviewed.

Motion: Made By Commissioner Fred Sarceda: To Come Out of Executive Session at 3:02 P.M., Seconded By Commissioner David Lincoln. The motion was unanimous. Motion carried.

Information was received, no action taken.

SPECIAL

BUSINESS: SICK LEAVE REIMBURSEMENT

Motion: Made By Commissioner David Lincoln: That the Board of Commissioners Grant in Personnel Case 2021-06-10 the Requests and Claims for Covid-19 Leave and Reimbursement for Each Claimant's Sick/Vacation Hours' Time Taken. That Henceforth, the Highway District Will Not Pay Any Covid-19 Leave and the Highway District Secretary is Directed To Draft and Provide Notice to the District's Employees of the Cessation of Covid-19 Leave Pay and That Employee Leave Caused by Covid-19 Illness or Exposure, Will Be Charged Against the Employee's Sick/Vacation Leave Benefits., Seconded By Commissioner Fred Sarceda. The motion was unanimous. Motion carried.

Motion: Made By Commissioner Fred Sarceda: To Meet Wednesday, June 16, 2021 at 5:30 p.m. To Interview One Applicant and the Other Applicant At 6:00 p.m. for the Director of Highways Open Position and Commissioner David Lincoln Will Be Appointed Secretary for that Special Meeting, Seconded By Commissioner David Lincoln. The motion was unanimous. Motion carried.

**ADJOURN-
MENT:**

There being no further business to come before the Commissioners, the meeting was adjourned at 3:12 p.m. **Motion: Made By Commissioner David Lincoln: To Adjourn the Meeting, Seconded by Commissioner Fred Sarceda.**

Next regular meeting is scheduled for July 8, 2021 at 11:30 a.m.


CHAIRMAN


SECRETARY

Good evening,

As we discussed on the phone, we ask that Golden Gate Highway District 3 (GGHD3) conclude that Middle Road already ends at our property line (Parcel 1, Government Lot 3, in Section 29). Since GGHD3's attorney has been named as the authority regarding this issue, my wife Amber and I ask for their review of and response to the facts that support our position:

We researched Idaho Statutes for this situation and we discovered Idaho Statute 40-203 (see attached PDF). The statute states:

In any proceeding under this section or section 40-203A, Idaho Code, or in any judicial proceeding determining the public status or width of a highway or public right-of-way, a highway or public right-of-way shall be deemed abandoned if the evidence shows:

- (a) That said highway or public right-of-way was created solely by a particular type of common law dedication, to wit, a dedication based upon a plat or other document that was not recorded in the official records of an Idaho county;
- (b) That said highway or public right-of-way is not located on land owned by the United States or the state of Idaho nor on land entirely surrounded by land owned by the United States or the state of Idaho nor does it provide the only means of access to such public lands; and
- (c) (i) That said highway or public right-of-way has not been used by the public and has not been maintained at the expense of the public in at least three (3) years during the previous fifteen (15) years;

The evidence proves this road has been abandoned by the following:

- (a) There are no deeds or easements recorded in the official records of Canyon County.
- (b) The land is not owned by the United States or the state of Idaho, nor is it entirely surrounded by land owned by the United States or state of Idaho.
- (c) This one car lane has not been maintained since 2003, likely earlier. According to a written recollection dated December 3rd, 2003, Robert Dewey stated, "I had a meeting with Wes Hancock, The Golden Gate highway district work director, and his engineer On December 2nd, 2003 [regarding the Sandy Beach Development]. They were good enough to inform me through the course of the conversation, that if I did not make sure, at the present time, to secure a provision for a continuation of the road to access my property for future development, the property would be land locked. Their suggestion was to take the road down to the [green] gate near the west end of the road. This would ensure access to the four-acre parcel west of the creek, as well as our remaining acreage. The highway dept. will also abandon any road that remains after the new road is built."

Robert Dewey recollects that the GGHD3 followed through on their intent to abandon this road by stopping at the property line (green gate) when the road was widened and re-graveled within the next year. GGHD3 has continued to follow through on its intent to abandon the lane by stopping all road work at the property line and all records should reflect this action. It was also in 2003 that "private property" and "no trespassing" signs went up, with the district's knowledge and consent, at the de facto end of Middle Road located at the aforementioned "creek" or "green gate." Despite several offers for them to do so, Mr. Dewey has never seen road equipment pass the "green gate" property line to turn around. Instead, he states that they always turn around at the "creek"/hay shed lane, nearby. The above information shows the lane has not been maintained since at least 2003, exceeding the prescribed 3 of the previous 15 years.

As for public use, it has only been used by the previous owner (Robert Dewey) and the neighbor to the north, **Tony Sambosky, who received express permission from Mr. Dewey to use that part of his property along with other areas including his hay shed, and has used it with permission for 7 of the last 15 years.** Starting in 2003 Mr. Dewey operated under the understanding that all property after the "green gate" was private, placed signs as noted above, and kept people without permission off that property. Mr. Sambosky only recently claimed the lane was a public road when my father told him I was the new owner of the parcel and my father was removing his permission to use that area; meaning he would need to remove all the detritus he had collected there (he and his wife still have permission to use other parts of my father's land, like the hay shed). This shows the property was operated as private; there has been **no public use for the last 15 years, and absolutely no use outside of the Dewey family for more than 3 of the last 15 years.**

As part of our research, we located a Golden Gate Highway District Map Book from 2016 that clearly shows the road ends at our property line (see attached PDF) as intended by Wes Hancock and his engineer, as demonstrated by the update of the graveled road excluding our property, and as evidenced by the lack of maintenance beyond our property line. Based on the Idaho Statute 40-203 and the above-mentioned circumstances in place since 2003, any maps that show Middle Road extending onto our property are moot. The above-mentioned map can be found at: <https://apps.itd.idaho.gov/apps/GIS/maps/LocalRoads/RoadSurfaceMapBook/GoldenGateHdMb.pdf> and we refer to frames 10 and 14, specifically.

When Mr. Bates asked us to start vacation of right-of-way paperwork, the above information was not known to us because we were just taking his word for everything. It was when he asked us to have our surveyor provide a legal description of the road that we began to discover the facts above. It was when our surveyor stated he "can't survey something that is not there" and then followed April 23rd, 2021 in an email "Here is a copy of the plat of Sandy Beach, vicinity and canyon county assessors map. Per Canyon County and deeds no right-of-way has been deeded over to the highway district. Ownership still goes to the Section Line." that we began to question the facts of our situation. It was then that my parents (Mr. and Mrs. Bob Dewey) went back through their records and found more information, some of which is referenced above, and that led us to Pioneer Title Company and their revelation that no easements or rights-of-way are recorded on the title.

The Deweys have always had a cordial relationship with Golden Gate Highway District 3 since 1973, whether it was LeRoy Dewey and later Bob Dewey offering his property for each new employee grading the road to turn around on, lending assistance when asked by GGHD3 when GGHD3 conflicted with other projects or residents on or near the road, or our ready agreement to Mr. Bates's offer that GGHD3 would pay for our gravel driveway if we would grant an easement for a 60ft turnaround. We simply ask that GGHD3 stand by its expressed and demonstrated intent to abandon the one lane driveway that extends from the property line where the old green gate used to be and approve our driveway to marry up to Middle Rd at that very spot.

While we agree there exists a separate, ten foot wide easement in gross for the power company to maintain its power poles and lines, there simply are no other easements or rights-of-way on our property. With the above statute, map, circumstances present since 2003, and two separate directors voicing the intent to abandon the lane at our property line 19 years apart from each other, it is clear the lane has, in fact, been abandoned already. That is why Gordon Bates stated on August 13th, 2020 that there would be no issue with marrying my driveway to where Middle Road ends at my northeast property line and why there should be no issue with it now. We respectfully request that you make it so.

Very respectfully,

Jeff Dewey
Lieutenant Commander
US Navy Active Duty
MBA-HM, BSN, CNOR
jeffery.l.dewey.mil@navy.mil
208-697-2460

Find address or place



R37207111

R37207110

Middle Rd

SEL 070300

GOV. LOT 3

R37215010

T20097

38021



White Peterson

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Memorandum

*Attorney/Client Privileged Communication to Commissioners only for
their information*

To: Municipal Clients of White, Peterson, Gigray & Nichols, P.A.

From: Wm. F. Gigray, III,

Date: May 3, 2021

Re: HOUSE BILL NO. 389 / Mike Moyle Property Tax Bill

WARNING: This proposed legislation proposes significant changes in the property tax law the effect of which may apply differently to property taxing entities depending upon your circumstances.

EDITORIAL COMMENT SUMMARY: Too much proposed too late to be properly vetted.

Summary Review:

Increases Property Tax Homestead Exemption: Section 1. Amends I.C. § 63-602G from \$100,000 to \$125,000. New subsection 9 allows for the Taxing district to deduct the amount of the increase exemption taken above \$25,000 from the new construction roll for the following year but only to the extent that the amount exceeds the same deduction made in the previous year.

New Construction Roll: Section 2 amends I.C. § 63-301A by cross referencing to the new subsection 9 of I.C. ss 63-602G and reduces and limits the assessed value of the new construction roll to 90%. Also limits new construction roll to 80% of the increment value within revenue allocation areas.

Subdivision business Inventory site improvements are delayed for inclusion in assessed value: ---
Business Inventory that is a component of Real Property That is a single Family Dwelling: Section 3 amends I.C. § 63-602W concerns the assessment inclusion of site improvements associated with land, such as roads and utilities on real property held by the land developer's business are not included until the other improvements, such as buildings or structural components of buildings, are completed. This section currently provides which such buildings or structural components of buildings are begun.

Circuit Breaker Property Tax Reductions: Section 4 amends I.C. § 63-705. Chapter 7 of Title 63 provides for the property tax reduction (Circuit Breaker) program which reduces property taxes for qualified applicants. This amendment increases the income eligibility from \$28,000 to \$31,900. Starting on January 1, 2022, in the event a qualified individual's home's assessed value exceeds 125% of the median assessed valuation of all homes in the county receiving homestead exemptions, they are deferred to the property tax deferral program. Requires the County to determine the median assessed valuation of homes in the county. This new section does not apply to veterans who are 100% disabled or has an unemployability rating. This amendment increases the amount of property tax circuit breaker relief from \$1,300 to \$1,500 in tax year of 2021. This amendment increases the income limitation and reduction amount prorated so the highest income limitation will provide a reduction of \$250.00 which is an increase from the current law of \$150.00.

Special Property Tax or Occupancy Tax Reduction for Disabled Veterans: Section 5 amends I.C. § 63-705A amends the veteran with service-based disability of 100% or unemployability rating at 100% to receive a special reduction of property taxes or occupancy taxes on their homestead amount increased from \$320.00 to \$1,500.00.

Elections for deferral of payment of property tax on appeal: Section 6 amends I.C. § 63-715 adds that an application for deferral must be submitted to the state tax commission no later than the first Monday in September.

Property Tax Limitation on Budget Requests: Section 7 Amends I.C. § 63-802. This concerns the maximum amount of property tax taxing districts can certify in their budget. This amendment provides that:

- The District's property tax budgeting calculations start with the highest amount it certified with the preceding 3 tax years then it determines allowable increases as follows:
 - ✓ Step No. 1: First the District determines what portion of the 3% increase it will take based on the current assessed valuation [prior years assessed value may be used] {the preliminary levy rate determination}
 - Step No. 2: The preliminary levy rate is then used to multiply the value shown on the new construction roll and by 90% of the value of annexation value during the previous calendar year. Fire Districts annexation property prior to July 1, 2021 get 100% of annexed value. Following the first year, in which a fire district annexed a city property, the city shall then subtract an amount equal to the moneys spent on first protection services from its budget limitation.
 - ✓ Step No. 3: The total budget increase under this amended paragraph cannot exceed 8%, except for the distribution of funds to a taxing district as result of the termination of an urban renewal revenue allocation area.

- ✓ Step No. 4 the **Foregone amount used for operation and maintenance**: The amount allowed to be taken can not exceed 1%. **unless the District does not take its 3% increase and does not take any new construction roll increase.**
- ✓ Step No. 5: **The Foregone amount used for Capital projects or project**: Can not exceed **3% increase of the taxing district's budget** are then deducted from District's foregone amount in the year it was budgeted. **Capital Projects** are defined in the amendment and include public facilities construction, **expansion, renovation, or replacement including land purchase and site improvements.** Also includes public works **improvements to roads, bridges, water systems, sewer systems, and broadband systems and the purchase of equipment with a useful life of 10 years or more.**

Transient Personal Property: Section 8 amends I.C. § 63-313 will eliminate beginning January 1, 2022 all transient personal property **taxation** and provides for no replacement of lost tax revenue. **[This is like operating equipment.]**

Personal Property Tax Exemptions: Section 9 amends I.C. § 63-602KK starting January 1, 2022 **increases** the personal property exemption which may otherwise exist to \$150,000 located in each **county** with a combined exemption not to exceed \$250,000. Provides for property **tax** reimbursement to **taxing** districts base upon when they were created.

Certification of Budgets in Dollars: Section 10 amends I.C. § 63-803. The amendments **include some** edits not changing any substance. It also adds a provision to include in the **taxable** value less the exemptions **provided** for in I.C. § 63-602KK.

Sales Tax: Section 11 amends I.C. § 63-3638 to implement from sales tax the reimbursements to **taxing** districts provided in the amendment to I.C. § **63-602KK** above referenced.

Golden Gate Highway District No. 3

Commissioners: Virgil Holsclaw, David Lincoln, Fred Sarceda

June 10, 2021

To: GGHD Commissioners

From: Casey Percifield

Subject: Road Report for June 2021

This past month the crew has accomplished:

- Grader Patching chip seal roads
- Dura Patcher, potholes & broken edges
- Brooming off all chip seal roads
- Timberlake Construction laid 3 inch mat on Case Ln over new culvert
- Installed 12 inch pipe Matthews Rd
- Hauled chips from Mojo to yard

Next month's projects

- Chip sealing starts June 21st-29th, 5 trucks of ours, chip box, & roller. Notus Parma Hwy, 2 trucks & roller with operator's
- Shoot radius with dura patcher after chip seal is done
- Broom off excess chips
- Continue dura patching across district
- Help Notus/Parma hwy with chip seal July 6th- 14th

I have been working with Tim Blair, and Christopher Pettigrew with JUB on **several** Administrative Land Divisions. We are still **receiving** quite a few **Approach**, and Utility Permits. The **Homedale Road** project started on June 8th and have been checking in with them daily. I have also been working **with** Canyon Hwy on getting **Mojo dewatered** so the crushing crew can get as much gravel as possible.



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