

CITY OF HAUSER, IDAHO

Location: Hauser City Hall, 11837 N. Hauser Lake Road, Hauser, Idaho 83854

MEETING MINUTES

Special Public Meeting – October 15, 2011 – 10:00 a.m.

TOPIC: WATERFORD ESTATES TRAIL

CALL TO ORDER: 10:00 a.m. – Council President, Claire Hatfield

ROLL CALL: Councilmembers Hatfield, present; Lefebvre, present; Mallon, present; Mayor Johnston, absent.

PLEDGE OF ALLEGIANCE: Lead: Claire Hatfield

Council President, Claire Hatfield opened the meeting by thanking the community for their attendance regarding the Waterford Trail issues. She introduced the City Attorney, Art Macomber, and said he would be facilitating the meeting. Attorney Macomber also thanked the community for coming out early on a Saturday.

Macomber began stating there are a myriad of technical legal issues that he would not be addressing. He said he would be addressing options to address issues, and said the community can make any choices, but no decisions would be made today. He said he would be presenting an overview of the situation and would provide options for cure. He also said it would be a good opportunity for the community to discuss what needs to be done since, in his opinion, this is not a decision where the City of Hauser should be “pushing its municipal weight around.”

Attorney Macomber then opened a power point presentation entitled, Legal Issues Effecting the Use of the Waterford Estates Trail and Options for Cure.” He began by telling the community that all the documents related to this presentation are on the City of Hauser website and are printable by the community.

- Screen #1: Timeline of Events
- Screen #2: Potential Legal Issues
- Screen #3: Trail Ownership: How to clear up the title?
- Screen #4: Grant and Dedication Documents
- Screen #5: Order of Decision, Kootenai County BOCC
- Screen #6: Waterford Estates Plan (Instr. #1728841)
- Screen #7: Subdivision Agreement
- Screen #8: Trail Easement Deed (Instr. #1776980)
- Screen #9: Six Deeds to the City of Hauser
- Screen #10: Idaho Easements 101: Two Types
- Screen #11: What Type of Easements at the Trail?
- Screen #12: Insurance
- Screen #13: Questions?

There were some questions from the community on the Waterford Estates Plan (Instr. 1728841) which were addressed by the City Attorney. Macomber also described map details.

Macomber said that the Subdivision Agreement is dated June 2002, at which time the trail was 35% completed, and the Trail Easement Deed (Instr. 1776980) is dated January 2003. He asked if the Waterford Homeowner's Association President, Jeff Bear, was present. He was not.

A community participant stated that "homeowner's are freaked out if someone might fall" and asked the City to "fix the liability issue."

Attorney Macomber recognized participant Mark Snider. Mr. Snider said he was a Hauser Planning and Zoning member from 1998-2007, and explained "bonus points" issued on the property involved. He also said the "original intention should be taken into account." Further information was presented regarding the Waterford Estates Trail by Mr. Snider including that no motor vehicles were to be on the Trail.

William Hale, a community participant, said he brought up Trail issues in 2005, including that the trail is in the wrong location. He asked that the trail be put "where it should be!" He asked why the City did not follow-up at that time. Mr. Snider inserted his opinion at this point.

Trail Ownership: Macomber explained that the City has contracted a Preliminary Survey at a cost of \$2,000.00. Councilmember Lefebvre said the City has contacted the Corp of Engineers and is working on what can be done at this juncture.

It was suggested by the community for the City, the City Attorney and the pertinent landowners meet to resolve the issues regarding the Trail. Macomber explained what needed to happen and turned the meeting back to Councilmember Hatfield. Councilmember Lefebvre moved to instruct Art Macomber to make contact with the Waterford Homeowner's Association to set up a meeting since we do not want to wait until the next regular council meeting. Councilmember Mallon seconded the motion. Roll call: Mallon, aye; Hatfield, aye; Lefebvre, aye. Motion carried. Macomber said he would set up the meeting in the next week.

Public Comments:

- . "The City has not protected our community rights."
 - . "The City should write a letter to apologize to the Homeowner's Association."
 - . "Any solution will require an official statement to the community on the record what the true intent of the Trail is from the Waterford Homeowner's Association and that the intent is to solve the problem."
 - . Post "detailed signs at both ends of the trail" regarding liability.
 - . "The fence is ridiculous!"
 - . "Take the fence down!"
 - . "Move forward! Deal with where the trail is."
 - . "In seven years I have only seen one person stop and clean up dog mess."
 - . Kater Danford said, "For the record, I am very disappointed that our Mayor did not show up!"
- There were many other comments throughout the meeting from the community.

The meeting Adjourned at 11:46 a.m.

Donna Ray, City Clerk

Attachments: Slide Presentation

cc: Attorney Art Macomber

101511minWaterfordTrail - 101711 12:00p.m. dr

Claire Hatfield, Council President