

POST FALLS HIGHWAY DISTRICT  
APRIL 2010 MINUTES

Regular Meeting – April 7, 2010, 6:00 pm, E. 5629 Seltice Way

Lynn Humphreys, Chairman, called the meeting to order at 6:00 P.M. Also present were Commissioners Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and John Karpenko, representing the District's Engineering firm, Ruen-Yeager and Associates. Harry Green joined the meeting as a guest at 6:17 pm.

At the opening of the meeting without Mr. Green present, the Commissioners had no conflict of interest with any agenda item. Upon Mr. Green's appearance, Commissioner Werner's previous statements of conflict are known.

Commissioner Werner moved to approve the March 2010 minutes and vouchers with the correction of a typing error. Commissioner Miller seconded. Motion carried.

CURRENT BUSINESS

Post Falls Landing

Harry Green was not present. Commissioner Werner made the motion to remove this item from the agenda until Mr. Green calls and asks to get back on the agenda. Commissioner Miller seconded. Motion carried unanimously. After Mr. Green's late arrival, he was allowed to present his discussion at 6:25 pm. Mr. Green offered his apologies for being late. Among his statements, he asserted his disappointment that he was not contacted prior to receiving the letter dated February 3, 2010 denying his request to build any kind of structure, pathway, etc. on District property. He also discussed he has heard of an "issue with the bridge", but did not state what the issue is. Chairman Humphreys stated he has heard of no issue with the bridge; the Board and staff stated they did not know of any issues with the bridge. He continued to explain the entire Board visited the site along with the Road Supervisor and engineer; contact was also made to the District's attorney; he continued by drawing attention to the paragraph in the letter in which the District would allow landscaping on the District's property, allowable by permit. Mr. Green stated he had an agreement with the District prior to working with the City of Post Falls for a land trade which has taken three years to obtain. Chairman Humphreys stated the District did not execute an agreement with Mr. Green, nor had a draft of any such agreement ever materialize. Mr. Green stated he is 'baffled' by the letter. Chairman Humphreys continued that no permanent fixtures, asphalt, concrete, steel, etc will be allowed; shrubs and that type of landscaping will be allowed by permit once he brings plans and a maintenance agreement to the Board along with a permit application. Mr. Green stated that is what he understood and asked if the Board was willing to put that in a letter. The District Clerk and Chairman Humphreys both stated it is in the letter. Mr. Green exited the meeting at 6:57 pm. A short discussion followed by Board and staff in which no understanding of Mr. Greens request to come to the Board had been made clear. [4/7/10]

Hayden Pit

Nathan Schumacher had requested to enter into a lease agreement with the District to farm seventeen acres of land at the Hayden Pit. The lease is for three years for \$1.00 per acre per year. Commissioner Werner asked for confirmation that the District has allowed this in prior years. The Road Supervisor offered the District has previously had an agreement with Meyers although Mr. Schumacher was the one who did the farming at that time. Commissioner Werner stated he sees this as a benefit to the District since it keeps the weeds down and the District doesn't need to expend funds to spray the property for weed control. Chairman Humphreys concurred. Commissioner Werner made the motion to enter into a lease agreement with Nathan Schumacher on the Hayden pit property that is farmable. Commissioner Miller seconded. Motion carried unanimously. [4/7/10]

### Dodge Takings Resolution

Chairman Humphreys asked if there has been any contact from the District's attorney regarding this subject. Supervisor Brownsberger stated he met with Susan Weeks March 26 to draft the letter for the offering according to the appraisal; the Chairman added he understood she would send a current resolution in place, but staff has not received any further correspondence or documents from the attorney. Supervisor Brownsberger stated he would follow up on the subject. Commissioner Werner made the motion to table the Dodge property resolution until the next meeting. Commissioner Miller seconded. Motion carried unanimously. [4/7/10]

### CORRESPONDENCE

Prairie Avenue, Meyer to Huetter, LHTAC notified the District of the \$100,000 Local Rural Highway Investment Program (LRHIP) awarded for construction. Application had been made by Ruen-Yeager on behalf of the District. [4/7/10]

### ROAD SUPERVISOR

McKinlay and Peters Equine Veterinary Services – Request for public comment was received from Kootenai County Planning for the proposed veterinary business. Discussion followed regarding previous application, circumstances of that process, and finally presented a letter stating the District has no comment. The Board concurred with the response. [4/7/10]

Millsap Loop, Ann Kelch – Ms. Kelch contacted the office stating the District is contaminating her well. Chairman Humphreys and Supervisor Brownsberger arranged to meet with her but could not make contact at the property. The following week, Assistant Road Supervisor Monette was able to make contact and took water samples from her kitchen water supply. The results were presented to the Board with Commissioner Werner reviewing the findings. Chairman Humphreys offered a description of her well stating it is a spring cistern; a concrete vault on the surface of the ground that fills with a plastic pipe that runs down the hill into the house. Commissioner Werner stated there will always be particles of dirt, etc. The results show no e-coli, the results are average. The District uses magnesium chloride on the road, however the report shows magnesium at 8.29. Commissioner Werner stated the average is 14 and acceptable is 125 adding the report looks good. [4/7/10]

Computer and television purchase request – Supervisor Brownsberger requested the purchase of a laptop computer, primarily to use for the sign program and a larger television to be used for training; he believes both can be purchased for \$1,200. The Clerk was asked if the budget will allow the funding. Commissioner Werner was concerned staff is looking at a computer that is too small and asked that staff work with the City of Post Falls' I.T. department to ensure the computer will meet the District's needs. Commissioner Werner made the motion to authorize staff to expend up to \$1,500 for a tv and a laptop computer. Commissioner Miller seconded. Motion carried unanimously. [4/7/10]

6:17 PM – Mr. Green joined the meeting.

Title VI, LEP Plan – Supervisor Brownsberger explained Title VI requirements, and mandated through Federal Highways, state a Limited English Proficiency plan (LEP) must be in place which has been prepared by staff and presented to the Board for review. No opposition from the Board was specified. [4/7/10]

T2 Center Advisory Board – Bruce Drews asked the Supervisor Brownsberger if he would sit on the T2 Center Advisory Board. It will involve up to two meetings per year and they stay in-state. The next meeting will be held in Boise in June. No opposition from the Board was specified. [4/7/10]

Beck Road Update – Proceeding on schedule; no complaints have been received. The last two nights, barricades on the Seltice end have been taken down. [4/7/10]

*At this time, Harry Green was allowed to present his Post Falls Landing discussion. Refer back to Current Business.*

## ENGINEER

Dodge Takings – Legal descriptions along with a map exhibit and findings were presented to the Board for the right-of-way taking. John Karpenko stated both parcels make it large enough for either alignment the Board has discussed. [4/7/10]

Beck Road, staking issue – About 300-feet of the staking was done at a 2:1 slope and should have been a 4:1 slope. RYA will be at the location the following day to restake that portion. This will facilitate a correct slope for the Hagadone boat storage approach. Discussion followed questioning if the new slope will fall within right-of-way obtained from this property. Chairman Humphreys asked the Road Supervisor to ensure it will not conflict with the agreement that was recently drafted. [4/7/10]

Rice Road Legal Descriptions – Located adjacent to Rice Road, the District will build a drainage swale due to problems this winter. Ruen-Yeager prepared the legal description that will be used to draw up an agreement by legal staff. [4/7/10]

Prairie-McGuire Roundabout – Mr. Karpenko provided the Board with a draft letter to LHTAC asking to extend the final design to June 18, 2010. Concept approval was not received until April 2, 2010, a period of seven weeks after it was submitted. Mr. Karpenko also shared suggested options the consulting firm whom reviewed the report had provided: 1.) Switch the stop signs from Prairie to McGuire; Move stop bars closer to the intersection; 3.) They indicated a traffic signal is not applicable. Final design is due April 30, 2010 which cannot be met. Commissioner Werner made the motion for the Chairman to sign the letter to LHTAC on the Prairie McGuire Intersection Improvement Project. Commissioner Miller seconded. Motion carried unanimously. Chairman Humphreys asked staff to prepare the letter for his signature. [4/7/10]

## OFFICE

LID 9 Payment Discrepancy – The District Clerk reported a parcel from LID 9 that had a delinquent amount due. Discussion followed regarding procedures of billings and receipts. Due to the timing of payments and conflicting receipts records from 2005, Commissioner Werner made the motion to forgive the billing of Gary D. Wells for LID 9 as the records are somewhat incomplete and hard to figure out. Commissioner Miller seconded. Motion carried unanimously. [4/7/10]

Calico Flats – The District Clerk notified the Board owners are now in bankruptcy; the amount due has been turned over to the bankruptcy court; any payments for the amount due will now come from the court. The owner offered her apologies in her correspondence. [4/7/10]

## COMMISSIONERS

No comments from the Commissioners.

Commissioner Werner made the motion to adjourn at 7:08 pm.

## Regular Meeting – April 21, 2010, 6:00 pm, E. 5629 Seltice Way

Lynn Humphreys, Chairman, called the meeting to order at 6:00 P.M. Present were Commissioners Lynn Humphreys, Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; District Engineer Darius Ruen and the District's Legal Representative, Susan Weeks. Guests included Mason Talkington and John Saywers, Whipple Consulting Engineers, and Lanzce Douglass, property owner.

Commissioners had no conflict of interest with any agenda item.

## OLD BUSINESS

### Dodge Takings

Commissioner Werner made the motion to approve Resolution Number 2010-01. Commissioner Miller seconded. Motion carried unanimously. [4/21/10]

## CURRENT BUSINESS

### Beck Road Paving Project

Sealed bids were requested to pave and install guardrail at the Beck Intersection realignment. Three bids were received by the deadline on Monday, April 19 and were opened at 1:00 pm the same day. The bids were as follows: Interstate Asphalt -\$164,785; Poe Asphalt - \$167,537.30; and Knife River - \$171,437.50. Ruen Yeager and Associates reviewed the bids stating all documents were complete and proper, recommending the Board authorize the Chairman to sign the of notice of award which will require Interstate to provide a contract to bond, insurance and contractors report within 10 days which provide all that info for them to execute at their first meeting in May. Commissioner Werner made the motion to award the Beck Road Paving Project to Interstate Concrete and Asphalt and the Chairman Humphreys sign the appropriate documents to award this bid. Commissioner Miller seconded. Motion carried unanimously. [4/21/10]

### Elmwood Vacation Request

Mason Talkington and John Saywers of Whipple Consulting Engineers, along with property owner Lanzce Douglass were present to request abandonment of four parcels located in the Riverside Park Addition and former Stimson Mill site. Mr. Talkington presented the Board with a package including a written request, maps, and legal descriptions of the request. The roads include portions of Elmwood Street, Abbington Street, Riverside Drive, Fourth Avenue, and Fifth Avenue and ally ways. All parcels are located in Section 10, Township 50N, Range 4W, B.M. Commissioner Werner asked if some of the parcels were located in the City of Coeur d'Alene and Mr. Saywers answered they were not, the City had not yet annexed these areas. Commissioner Werner made the motion to consider the vacation request June 2<sup>nd</sup>, 2010. Commissioner Miller seconded. Motion carried unanimously. [4/21/10]

### Title VI Annual Review Report

Road Supervisor Brownsberger explained federal aid process, the District is subject to Title VI review each year we received federal funding. Mr. Brownsberger submitted the District's Title VI report to ITD, submitted a copy to the Board for their record, and stated no comments have been received back from ITD as yet, so he assumes they have no questions and do no need additional information. [4/21/10]

## LEGAL

The District's attorney, Susan Weeks, presented the April list of ongoing legal issues. These items including the ordinance test; Dodge/Millview Lane takings in which the resolution was approved at the present meeting; Magnuson in which she will do a Road Developers Agreement and needs confirmation from the engineer the legal is still correct; the Millview Lane extension of the temporary approach, consent decree to be filed with the County; Huetter Road easement; the Nelson Loop Dam, urban renewal review by the auditor; recording fees; Jeremy Tripp's agreement, and Stoll's drainage easement will be prepared and signed. She also asked the Board for direction on the Everett Estates promissory note and deeds of trust. Discussion followed regarding the latter with the Board agreeing with Ms. Weeks that the debt has been reaffirmed so the five-year period begins again. Letters will be sent to both parties. Ms. Weeks also stated she will go to the May 4 training offered by the State and the County regarding L2's and budgeting as well as the upcoming Clerk's Meeting will invite Jackie Buck from Independent Highway District to explain how she discovered tax collection problems in Bonner County. The District Clerk presented the Board with a draft of a document maintenance resolution and asked the attorney to review as well. [4/21/10]

## CORRESPONDENCE

Loss History Summary – This summary was received for the Board's review showing costs paid to date on the Girard lawsuit. [4/21/10]

Kootenai County Noxious Weeds – A letter has been received recapping the recent meeting held with Road Supervisor Brownsberger whom updated the Board that bare ground spraying has been done; he's revamped the list to cut it back some. For the most part, he narrowed the widths of spray. [4/21/10]

STP Call For Projects – KMPO sent notification that potential projects could be requested through this ITD program. The District is still on a three-year hiatus. [4/21/10]

## ROAD SUPERVISOR

Beck Road Testing Agreement – Allwest submitted a proposal to do materials and compaction testing on the asphalt. The Road Supervisor Ruen Yeager reviewed the proposal and after some changes that have been made, he recommended to the Board that the District enter into an agreement with Allwest. Commissioner Werner made the motion to enter into and agreement with Allwest Engineering and the Chairman sign the document. Commissioner Miller seconded. Motion carried unanimously. [4/21/10]

Valley Girl Marathon – The District received a request to hold the Second Annual Valley girl Marathon on July 11, 2010. Road Supervisor Brownsberger stated there were no complaints received last year; the route is from Idaho Road, into Millsap Loop, Holland, and West Riverview, back into Liberty Lake. The applicant will send in the certificate insurance prior to the race. [4/21/10]

Pleasantview / SH53 Intersection – ITD has sent email correspondence asking the District to apply for a turn lane project, and although ITD has no plans to sponsor the project, they would help. Road Supervisor said he would like to explore the possibility and partner with them for turn lanes. Commissioner Werner is interested as long as ITD contributes monetarily to the project. Chairman Humphreys concurred turn lanes are needed. Discussion followed regarding ITD's proposed May 5<sup>th</sup> meeting and the Board felt this would be a good item to bring to that meeting. [4/21/10]

2010 Road Seal List – The Road Supervisor provided a list stating the intended seals for 2010 totaling 15.1 miles. Depending on the application, he feels another one or more can be added. [4/21/10]

Beck Road Update – The project is going well. Union Pacific has planking on-site and hopes to have it installed this week or next. The new track master from UP has contacted him as well as a representative from Salt Lake City to ensure everything is going as planned. [4/21/10]

## ENGINEER

McGuire / Prairie Intersection Improvement Project – No response has been received for the District's request to begin the project this year. All design firms received notice from LHTAC that if one of these projects is planned to be completed this year, PS&E's must be done by the end of May so Randy Broesch called LHTAC's Dan Coonce asking to skip the intermediate review and go straight to final review with no response from LHTAC as of meeting time. LHTAC states three months is needed to go through the bidding process and they would then send a notice to proceed to the contractor the end of September which would only leave until October to get the project done. Hopefully, we can go straight to the final and if LHTAC gives any encouragement, RYA will do everything they can to get the final design done and get it to them by the end of May. The plans are coming together well; utilities are getting out of the way; the District will begin fencing next week. RYA is in discussions with Avista regarding two poles that may have curb and gutter instead of moving the poles. [4/21/10]

## OFFICE

Profit and Loss Report – For the Board’s review, a P&L report was presented. Chairman noted additional monies from forest reserves than anticipated; Commissioner Werner noted interest is down quite a bit from what was anticipated. [4/21/10]

Treasurers Report – The District Clerk presented the March 2010 Treasurers Report. Commissioner Werner moved to approve the Treasurers Report. Commissioner Miller seconded. Motion carried unanimously. [4/21/10]

Renewal Payroll Report – The 2009-2010 report was present to the Board for review. This report is, in part, how the workers compensation insurance premium is determined. The Clerk noted the difference in this year’s snow removal cost of \$19,692 compared to last year’s at \$43,342, wages only. [4/21/10]

Voucher Report – The April 2010 Voucher To Date report was present to the Board. Commissioner Werner made the motion to approve the Voucher report for April 2010. Commissioner Miller seconded. Motion carried unanimously. [4/21/10]

Document Maintenance and Retention Policy Draft - The District Clerk presented a draft resolution for document maintenance and retention periods. She has asked the auditor, Magnuson and McHugh to review that portion which deals with budget and financial records to ensure Idaho Code is the same as IRS rules. She also asked the attorney to review the report prior to the Board’s approval. [4/21/10]

Vacation – The District Clerk asked to take April 26 and 27 off as vacation. The Board concurred. [4/21/10]

COMMISSIONERS

Commissioner Werner stated he will be out of town April 23, 24, and 25.

No other commissioner comments ere made.

With no further business, Terry Werner made the motion to adjourn the meeting at 6:55 PM.

SPECIAL MEETING: April 5, 2010– 1:00 P.M. District Workshop cancelled.

SPECIAL MEETING: April 19, 2010– 1:00 P.M. District Workshop cancelled.

SPECIAL MEETING: April 26, 2010 – 1:00 P.M. Quarterly Meeting with Kootenai County Commissioners. Attended by Bob Miller.

APPROVED \_\_\_\_\_

ATTEST \_\_\_\_\_

DATE \_\_\_\_\_

Submitted by:  
Shirley Walson, District Clerk