

POST FALLS HIGHWAY DISTRICT  
AUGUST 2011 MINUTES

Executive Session – August 3, 2011, 6:00 pm, E 5629 Seltice Way

Chairman Lynn Humphreys called a regular to order at 5:22 PM. Present was Lynn Humphreys and Terry Werner. Commissioner Werner **made a motion** to enter into executive session pursuant to the provisions of Idaho Code 67-2345, Subsection 1(f). The purpose of the executive session is to discuss controversies not yet being litigated. Chairman Humphreys seconded the motion. Roll call:

Chairman Humphreys: aye

Commissioner Werner: aye

Commissioner Werner **made the motion** to come out of the executive session at 5:28 PM.

Commissioner Miller seconded. **Motion carried** unanimously. Meeting adjourned.

Regular Meeting – August 3, 2011, 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, Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and District Engineer Darius Ruen. Commissioner Miller had an excused absence; Steve Syrcle, Tri-State Consulting Engineers was present as a guest.

Commissioners had no conflict of interest with any agenda item.

CURRENT BUSINESS

Willadson Road Order of Vacation

The Order of Vacation along with the Summary of Proceedings was readied for the Board's Signature. As approved at the last meeting, a charge for the value of the four and a half acres was included in the amount of \$12,048.57, based on the county's assessed value. Steve Syrcle, representing the applicants, was present to request the Board reconsider that cost citing the roadway had not been developed and the District had not incurred any expense to this roadway; the District was not aware of the right-of-way; and the proposed science center benefits the community rather than being just a development. Chairman Humphreys stated the District did not ask for fair market value and incur the cost of an appraiser, which would have been passed on to the owner and although the District was not aware of the District's right-of-way at that location, that is the same scenario with other rights-of-way. He also stated code allows for this and in the past, the District has taken the same action. Commissioner Werner concurred adding the right-of-way is owned by the tax paying public and in looking out for their best interest, that is twelve thousand dollars that can be used to pave roads to lessen the tax burden on the tax payers. Commissioner Werner **made a motion** to sign the vacation with the stipulation that all fees be paid prior to recording the order. Chairman Humphreys seconded. The motion was carried unanimously. Road Supervisor Brownsberger added the District has received a building permit for the Star Center which shows the parking lot and other items on the right-of-way. He feels it is not appropriate to approve the building permit until the payment is made and the order is recorded. The Board agreed. [8/3/11 Board Mtg]

G & G Properties

Stephanie Blalack had sent an email requesting this item to be postponed. Commissioner Werner **made a motion** to table this item until August 17. Chairman Humphreys seconded. **Motion carried** unanimously. [8/3/11 Board Mtg]

July 2011 Minutes

Commissioner Werner **made a motion** to approve the July 2011 minutes as presented.

Chairman Humphreys seconded. **Motion carried** unanimously. [8/3/11 Board Mtg]

Prairie, Meyer to Huetter, Payment #11

Chairman Humphreys stated the payment is in the amount of \$12,067.50. Commissioner Werner **made a motion** to pay in the amount of \$12,067.50. Chairman Humphreys seconded. **Motion carried** unanimously. [8/3/11 Board Mtg]

### Beck Industrial Park

A request was received for a 12-month project extension due to the economy and market for the final plat. Chairman Humphreys stated a conflict of interest and **removed** himself from the discussion. Commissioner Werner stated he did not see any problems with granting an extension, this is the second requested extension. [8/3/11 Board Mtg]

### Budget Publication

The 2011-2012 budget has been prepared and is ready for publication for notification of the public hearing to be held August 17, 2011. Commissioner Werner stated that once this is published, the District cannot go higher than the amount requested, it can however, be lowered. Commissioner Werner **made a motion** to publish the notice of the public hearing. Chairman Humphreys seconded. **Motion carried** unanimously. [8/3/11 Board Mtg]

### McGuire Prairie Intersection Improvement Project – Change Order #3

Change Order #3 has been received which authorized additional quantities for excavation and subsequent placement of granular borrow and ¾" aggregate on the south leg of McGuire Road. At the August 1 Workshop, the Board spoke with Randy Broesch of Ruen Yeager and Associates as to why the south leg was excavated and discussed their unhappiness that this had happened. Road Supervisor Brownsberger stated he spoke with LHTAC and was told that since the contractor had already incurred these costs, the invoices must be paid and that contingencies will remain that will cover the cost. Some discussion followed. Commissioner Werner **made a motion** to approve change order #3 for the McGuire Prairie Intersection Improvement Project. Chairman Humphreys seconded. **Motion carried** unanimously. [8/3/11 Board Mtg]

### CORRESPONDENCE

LHTAC Grant Application award response – The District had applied for monies to do work on Fairmont Loop. The application was turned down in favor of other projects across the state. [8/3/11 Board Mtg]

Harbor Island Bridge Inspection – Bruce Grachal, P.E., Ruen Yeager and Associates has completed his inspection of the bridge. A communication verification was delivered for signature; a full report will be presented soon. According to Mr. Grachal, the bridge is in good shape. [8/3/11 Board Mtg]

Project Record Summary, ITD – so noted. [8/3/11 Board Mtg]

Post Falls Public Hearing, Expo at Post Falls 7<sup>th</sup> Addition, Zone Change – Commissioner Werner stated this was zoned as commercial, they are now requesting it be zoned to industrial. So noted. [8/3/11 Board Mtg]

### ROAD SUPERVISOR

Road Master Scholar – LHTAC's T2 Center notified the District that Assistant Road Supervisor Michael Monette has been awarded the title of Road Master with the Idaho Technology Transfer Center LTAP.

Meyer Road Railroad Crossing – ITD began working on the design for the Meyer Road and rail crossing improvement project, scheduled for 2013 construction.

Greensferry Railroad Crossing – Union Pacific will begin working on this crossing on August 15 which will close that road for approximately three days. New planking will be installed and the District will do some paving. [8/3/11 Board Mtg]

Single audit requirements – He and the District Clerk met with other clerks and road supervisors along with Attorney Susan Weeks and Magnuson McHugh auditor Kacie Tollefson Tuesday. According to Ms. Tollefson, LHTAC contracts leave the Districts vulnerable to a federal audit since invoices are not provided to the District when LHTAC pays the invoices for audits. Attorney Susan Weeks will contact Idaho's Attorney General and Kelly Brownsberger will contact LHTAC to see if they are aware of this and if so, how they prepare for it; if they are not aware of it, how

can it be corrected. This will be discussed with the Commissioners at the September Association meeting. [8/3/11 Board Mtg]

Howell Road – Just across from Stone, Frank Valentine had some Poplar trees that began dying and contact the District because he felt it was due to mag chloride or spraying. Road Supervisor Brownsberger had Grace Tree Service look at them who determined it was definitely a chemical burn but didn't know if they would come back next year or not. He wanted them well watered to which may help them come back. [8/3/11 Board Mtg]

Crew Project Update - Chip seals are being done on Twelve, Sixteenth, and Greensferry. Commissioner Werner wanted to add that the highway districts are working jointly on Twelve and Sixteenth which are working out very well. [8/3/11 Board Mtg]

#### ENGINEER

Pleasantview Overpass – Randy Broesch is working with HDR for the Ruen Yeager portion of the estimate and it was submitted today. [8/3/11 Board Mtg]

Beck Road – Surveying so the right-of-way is documented.

Riverview Drive Extension – A portion is west of Foothills Drive that was never nailed down with Millers so it is now being cleaned up in the event the roadway is built once the pending litigation is settled. [8/3/11 Board Mtg]

#### OFFICE

District Potluck Picnic –The annual event will again be held Sunday, August 14 at 3:00 at Yvonne Wilbur's residence. [8/3/11 Board Mtg]

#### COMMISSIONERS

No items for discussion.

With no further business, Terry Werner **made the motion** to adjourn the meeting at 6:30 PM. Chairman Humphreys seconded. Meeting adjourned.

#### Regular Meeting –August 17, 2011, 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; and District Engineer Darius Ruen. Stephanie Blalack of Verdis and Al Snyder were guests. Attorney Susan Weeks joined the meeting at 6:10 pm.

Commissioners had no conflict of interest with any agenda item.

Commissioner Werner **moved** to amend the agenda under Current Business and add 'Encroachment Permit-Al Snyder' and add 'Vouchers-August 2011' under Office. Commissioner Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

#### PUBLIC HEARING

##### 2011-2012 Budget

Chairman Humphreys asked if anyone in the audience wished to speak. Negative response. Chairman Humphreys then asked the District Clerk if any media or public inquiries or comments have been made. District Clerk Walson stated several weeks ago a constituent contact the office for the time and place of the public hearing for the budget but he was not present. He then asked if there had been any changes to the budget since the Board last reviewed it. District Clerk Walson stated it was the same however the Transfer to Cities had not yet been updated since the @BCL@BC04EA63.doc

last Workshop. The amounts sent by the County included the full city assessed value, not the portion that only was included in the Highway District's boundaries and those would available within the next few days. That information should not change the forecasted amount currently in the budget. Chairman Humphreys then closed the public testimony. He then asked for Board discussion. Commissioner Werner stated there have been workshops for the budget, and **moved** to approve the budget for the year 2012. Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

## CURRENT BUSINESS

### G & G Properties, Spokane Street Market Place

Stephanie Blalack from Verdis stated G & G is proposing a farmers market on the parcel. It will be held on Saturdays only from 8:00 am to 1:00 pm and have been approved for no more than 30 vendors. The 50-foot approach has been paved. Commissioner Werner stated they have paid their bill that was outstanding and it should be a nice use for that parcel. Parking was discussed as well as dust abatement. [8/17/11 Board Mtg]

### 2011-2012 Health Insurance

Commissioner Werner **moved** to accept the health insurance coverage. Commissioner Miller seconded. **Motion carried** unanimously. The District Clerk added that Lakes Highway District will see a 30-35 percent increase in their insurance this year where this District has a 5% increase. The Board declined to sign the proxy vote for Regence of Blue Shield's Board of Directors. [8/17/11 Board Mtg]

### Treasurers Report

Commissioner Werner **moved** to approve the Treasurer's Report for July 2011. Commissioner Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

### Resolution 2011-06 – Declaration of Surplus Property

A listing of surplus properties, including a 1998 Chevrolet pickup, a power hacksaw, a Williamson trailer, etc. Commissioner Werner **moved** to approve Resolution 2011-06. Commissioner Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

### Set Public Hearing

A public hearing notice to be published in which any person interested may appear and show cause that the sale should not be made for items listed in Resolution 2011-06 was presented for approval. Commissioner Werner **moved** for September 7, 2011 at 6:00 pm for the public hearing for sale of surplus equipment. Commissioner Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

### Call for Bid

After discussion, the Board opted to hold on approving the call for bid publication for the various equipment until after the Public Hearing is held. [8/17/11 Board Mtg]

### Al Snyder Road Access Permit

This item was added to the agenda at the beginning of the meeting. Mr. Snyder came before the Board on July 20, 2011 to request this access. Commissioner Werner further summarized the events in which the Assistant Road Supervisor issued an access permit on July 25; the Road Supervisor reviewed it at a later date and the Board did a site review earlier in this day. Commissioner Werner has concerns that a draw is located at this particular location, called a seasonal creek by the Army Corp of Engineers and the Board should pull-back on the permit until such time a finding is made by the Corp if they will allow the work. He added there may be other avenues to investigate prior to the work commencing. Chairman Humphreys concurs stating it appears this natural drainage would be changed dramatically and we don't have the call for waterways. He also feels changing the angle of the culvert would impact the District in a negative manner. Commissioner Miller agreed stating more information is needed if the course of the stream were changed. Commissioner Werner **moved** to rescind the PFHD permit number 7019 until such time information from the Corp of Engineers, BLM, or anyone else that would be associated with the property up there. Commissioner Miller seconded. **Motion carried**

unanimously. Chairman Humphreys added the District will work with Mr. Snyder as much as possible; he does still have access. Road Supervisor Brownsberger added that he is to meet with the Corp after the week of September 29 and will update them on the issue and try to arrange an on-site meeting with Mr. Snyder. Mr. Snyder asked for confirmation that he should not continue to work on the approach and the Board confirmed he should not do any work until the Corp has looked at it. Mr. Snyder asked if he would get a refund for the \$125 permit fee and the Board informed him the District would refund the amount. [8/17/11 Board Mtg]

#### CORRESPONDENCE

School Bus Website Posting – An email was received from Rhonda Stenersen thanking the District for addressing her request to post on our website that school busses are exempt to the overweight rules. [8/17/11 Board Mtg]

Kootenai Electric Capital Credit Allocation – So noted.

Roundabout Correspondence – A copy of an August 1, 2011 letter to Stratta from David Evans and Associates was received. Stratta was to refrain from this project since there is a conflict of interest. [8/17/11 Board Mtg]

Kootenai County Public Hearing, Conditional Use Permit Burlington Northern and Santa Fe – So noted. [8/17/11 Board Mtg]

ICRMP Response – Closed file for leased Caterpillar roller. Total amount of \$28,770.13 [8/17/11 Board Mtg]

#### LEGAL

Attorney Susan Weeks asked that attorney report be reviewed under Executive Session, 67-2345(f) due to the fact that all items fall under litigation or threatened litigation.

#### ROAD SUPERVISOR

Defensive Driving Class – Scheduled August 31, 2011 at 6:00 am at the office. [8/17/11 Board Mtg]

Plow Wing for Truck – Road Supervisor Brownsberger asked for the Board's permission to order the wing as discussed at the Workshop. It will be 60-90 days for delivery. The cost is \$6,785 plus about \$3,000 to modify the truck, or \$10,000 total. Commissioner Werner **moved** to authorize the Road Supervisor to order a wing for the truck at a cost not to exceed \$10,000. Commissioner Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

McGuire Prairie Intersection Improvement Project Update – The Road Supervisor asked if the Board wanted a ceremony for the opening or just let traffic begin using it. The Board felt the latter option was best. [8/17/11 Board Mtg]

KATS and NICE Bus Storage – The District has an ongoing agreement to store the NICE buses and allowed KATS bus storage on a temporary basis beginning earlier this summer. Bob Van Gelder contacted the District stating they are interested in a more permanent home with possibly an office trailer. He would provide the District with more information which the Road Supervisor will bring to the Board at that time. Discussion followed regarding number of buses and stating the bus storage has not created any issues to the District to date. [8/17/11 Board Mtg]

NPDES inspection – The Board was earlier notified that the EPA has scheduled an inspection on September 15, 2011. They sent a letter requesting information to prepare them for that inspection. The Road Supervisor and Ruen Yeager and Associates have prepared answers to those questions and it was mailed on this date. [8/17/11 Board Mtg]

#### ENGINEER

Foothills Drive – Close to completing exhibits for the acquisition of right-of-way west of Foothills Drive for the Riverview Drive extension. Once completed, he will give the information to the Road Supervisor so he can forward it to the attorney. [8/17/11 Board Mtg]

Beck Road – Close to having drawings done for the pin locates. [8/17/11 Board Mtg]

NPDES Permit – As mentioned earlier, RYA assisted with the NPDES permit. . [8/17/11 Board Mtg]

#### OFFICE

August 2011 Vouchers – Commissioner Werner **moved** to approve the vouchers as presented. Commissioner Miller seconded. **Motion carried** unanimously. [8/17/11 Board Mtg]

#### COMMISSIONERS

No items for discussion.

#### EXECUTIVE SESSION

Commissioner Werner **moved** to enter into Executive Session at 6:37 PM pursuant to the provisions of Idaho Code 67-2345, Subsection 1(f). The purpose of the executive session is to discuss pending and upcoming litigation. Commissioner Miller seconded. Roll call:

Chairman Humphreys: aye

Commissioner Werner: aye

Commissioner Miller: aye

Commissioner Werner **made the motion** to come out of the executive session at 6:54 PM.

Commissioner Miller seconded. **Motion carried** unanimously.

The Regular Meeting reconvened at 6:54 PM. With no further business, With no further business, Commissioner Werner **made the motion** to adjourn the meeting at 6:54 PM. Commissioner Miller seconded. Meeting adjourned.

SPECIAL MEETING: August 3, 2011– 1:00 P.M. 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Bob Miller; Road Supervisor Kelly Brownsberger, and District Clerk Shirley Walson met for a District Workshop. Randy Broesch of Ruen Yeager & Associates was a guest.

Prairie McGuire Intersection Improvement Project – A site visit was done earlier in the day with Randy Broesch, RYA; Kelly Brownsberger; and Commissioner Miller. Several discrepancies were noted including it has not been constructed as designed. Mr. Broesch cannot identify why it was constructed in error and in his opinion, feels it should be corrected. Road Supervisor Brownsberger stated the south leg, McGuire is shorter than it should be and the west leg is shorter yet. He talked with Jeremy Clark from David Evans and Associates who is doing the inspection, telling him the District wants it out to 15-feet and wants the radius issues fixed. An additional problem is the south portion of McGuire was excavated and should not have been since the base was from a previous federal project and met specs. A third problem was with pavement in which Western States sent the wrong oil to Interstate Concrete who applied it. The lift is a harder product, but since it is not the final lift, it may not be a problem. Discussion followed regarding identifying the problem, a way to fix it, who is responsible, and potential change orders for the correction. Further discussion followed regarding payment for the fix and the time sensitivity of this project. The Board is adamant that the District should not have to pay for the error, even if project contingency funding remains. Randy Broesch recalled excavation of McGuire was discussed at both the preconstruction meeting and prior to that meeting and the Board asked if he would be able to obtain a recording of the preconstruction and he issued a memo to David Evans and Associates once he found out the south leg was excavated. The cost is \$12,395. Commissioner Werner clarified that ‘retain and protect’ was not on the plans with discussion with an explanation from Mr. Broesch stating the item was on the plans, was subsequently **removed**; it was discussed prior to project; and a Avoid Verbal Order should have been issued but was not. The Board will not take formal action until Wednesday’s Board meeting, however both Commissioner Werner and Commissioner Miller felt the District should not be responsible. Road Supervisor Brownsberger added that anytime a lot of people are involved in a project, there are bound to be mistakes in communication and believes the information most likely did not get passed down. Chairman Humphreys asked the Road Supervisor to obtain the recording and/or minutes of the preconstruction meeting. The Board asked for David Evans and

Associates attend an Executive Session Wednesday night, prior to the regular meeting. [8/3/11 Wksp]

Preliminary Budget Review – District Clerk Walson provided updated budget packets and stated changes to the line items as reviewed at the July 18 review. Federal funding for projects was added to show the revenue and spending primarily for the Prairie, Meyer to Huetter project. Road Supervisor Brownsberger stated the equipment purchase includes a truck hoist, estimated at \$40,000 to \$50,000 and is still shopping for a screening plant. He also hopes to purchase a short wing for a truck that is used on the prairie. Percentage changes were discussed on line items. The budget reflects the maximum three percent increase in ad valorem and a sixty-four cent raise for employees. A large increase in radio equipment is required to bring the District compliant with narrow banding rules. A small construction project on shop door raised the building and yard maintenance as well. With the exception of federal funding and road improvement projects, all increases are expected for increase of cost and many items showed a decrease as well. [8/3/11 Wksp]

The Meeting adjourned at 1:40 pm.

SPECIAL MEETING: August 15, 2011– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Bob Miller; Road Supervisor Kelly Brownsberger, and District Clerk Shirley Walson met for a District Workshop. Scott Jones from Copperleaf consultants was present as a guest; Al Snyder arrived at 1:45 pm.

2011-2012 Health Insurance - Scott Jones of Copperleaf Consultants was present to discuss the fees for the upcoming year. He was quite happy that the District will see only a 5% increase for the premiums. Among other items, he also discussed use of the HRA/VEBA usage, going out for bids again, and raising the deductible. For every \$500 raise in deductible, there would be about a \$30 savings per employee. Mr. Jones also discussed a health fair and assisting in organizing the event. The Board felt that would be advantages to the District employees. Commissioner Werner complemented Mr. Jones and his Copperleaf Consultants team. He stated for the last two years the insurance program has been running smoothly and felt Scott's group was a big part of that. [8/15/11 Wkshp]

ENGINEER  
Absent

#### ROAD SUPERVISOR

Pending Retirement – Bruce Borst notified the District that his retirement date will be August 22, 2011. At that date, staff will advertise for that position. [8/15/11 Wkshp]

Al Snyder approach permit, Barb's Tracts – The Road Supervisor reported a problem with an open access permit. Where his approach comes out, there is a 36" culvert. Mike reviewed and thought it came up one location. Over the weekend, Al Snyder got in there and dug over to the west property line. He wants to come down to the middle of the draw and hook into the end of our culvert, and bend it to another location which puts in on to another person's property, off the right of way and we have no rights to get onto private property to maintain it; it puts a kink in the culvert, causing a maintenance issue, and fills in the draw. Discussion followed showing the Board a map and pointing out where the District thought the culvert was to be placed and Mr. Snyder offering several comments, none of which pertained to the problem. Also discussed was the width of the approach and elevation. The Board asked the Road Supervisor for ideas with Road Supervisor Brownsberger stating his first inclination is to cancel the permit since the District will have no rights to drain water to the other property, nor can the District maintain it adding six-feet of fill is needed to correct the problem. After further explanation from Mr. Snyder, Chairman Humphreys added he is having a hard time understanding how the water would not come down a natural drainage as Mr. Snyder suggests will happen. A site visit was suggested and was scheduled for August 17 at 5:00 pm. [8/15/11 Wkshp]

Plow wing purchase – The Road Supervisor received the best quote at \$6,785 for a wing and added approximately \$3,000 of work will need to be done on the truck. When ordered, it will not be delivered for 60-90 days. If the Board agrees to purchase, he would need to do it soon so it can arrive prior to winter. Chairman Humphreys asked if this smaller size will be sturdy enough to handle the snow. Road Supervisor Brownsberger answered affirmatively stating he has seen a junior version of it; he also believes it will pay for itself in one year. [8/15/11 Wkshp]

Prairie McGuire Intersection Improvement Project – Regarding the incorrect asphalt mix, a 50% deduction will be allowed on the billing. The curbs have been straightened and it should be open in one to two weeks due to dirt work and seeding. Illumination should be done by the end of September. [8/15/11 Wkshp]

Surplus Equipment – The Road Supervisor presented a list of equipment he would like to surplus and sell. [8/15/11 Wkshp]

#### OFFICE

Budget – Asked the Board if they need any items for the upcoming Budget Hearing to be held Wednesday night. The Clerk also talked about the Transfer to Cities numbers. They are so different from the previous year that she will check with the County prior to finalizing the report.

With no further discussions, the Meeting adjourned at 2:15 pm.

SPECIAL MEETING: August 3, 2011 – Utility Council, Sargents, 12:00 PM. Attended by Kelly Brownsberger.

SPECIAL MEETING: August 4, 2011 – OEM, Office of Emergency Management, Iron Horse Restaurant, 7:30 AM. Attended by Kelly Brownsberger.

SPECIAL MEETING: August 4, 2011 – KMPO, Post Falls City Hall, 1:30 PM. Attended by Lynn Humphreys and Kelly Brownsberger.

SPECIAL MEETING: April 23, 2011 – KCATT, 8:00 AM, ITD. Attended by Lynn Humphreys.

ORIGINAL SIGNED AND  
DATED 9/7/2011

Submitted by:  
Shirley Walson, District Clerk