

POST FALLS HIGHWAY DISTRICT
February 2010 MINUTES

Regular Meeting – February 3, 2010, 6:00 pm, E. 5629 Seltice Way

Terry Werner, Vice-Chairman, called the meeting to order at 6:00 P.M, making note that Chairman Humphreys was absent and excused. Present at the meeting were Commissioners Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; representatives from Ruen-Yeager and Associates, John Karpenko, Randy Broesch, and Matt Harwood. Guests included Rob Palus, Wayne Heath, Dick and Penny Haakenson.

Conflict of Interest

Commissioner Werner declared that the City of Post Falls employs him and the City has been engaged in some discussions with Mr. Green regarding Post Falls Landing. There were no other conflicts of interest stated.

PUBLIC HEARING

Prairie & McGuire Intersection Improvement Plan

Commissioner Werner opened the public hearing. Randy Broesch, representing the District's engineering firm, began the staff report addressing the needs and purpose, review of the alternatives, review of environmental impact, and the goals and objectives for intersection improvements. The goal is to reduce accidents, reduce the severity of the accidents and reduce property damage. Alternatives include either a round-about or a signalized intersection. The round-about is designed with an 80-foot radius; acquisition of property ranging from 10-feet to 40-feet of existing right-of-way; four warning lights to be installed at each leg; a 75-day construction period in which a detour will be needed. ADA compliant pedestrian crossings will be located at each leg of the intersection, identifying eight potential pedestrian/vehicle conflict points. The signalized intersection option will require acquisition of property ranging from 15-feet to 20-feet from existing right-of-way; light assemblies at each corner; no detour needed during the anticipated 50-working days of construction. Advanced warning will be installed at each leg. ADA compliant pedestrian crossings will be located at each leg of the intersection, identifying 24 potential pedestrian/vehicle conflict points. Both alternatives have an erosion sediment control plan; and past utility installations that have occurred on site have diminished the possibility of finding any archeological or historical artifacts so it is anticipated the project will receive a categorical exclusion from the FHWA for environmental clearance for both alternatives. The goals and objectives that these alternatives meet is to lower the instances and severity of accidents at the intersection; provide intersection improvements that meet current and future needs of the surrounding area, and accommodate pedestrian facilities. John Karpenko then discussed traffic capacity, trip generation, and explained the analysis which was projected out to 2030. The signalized alternative meets some conditions, and is expected to be red/green for a portion of the day and flashing for the larger part of the day. The round-about provides no delay, and no waiting; he also explained tests that had been conducted for the design using farm equipment and large trucks, and the speed that was used. Mr. Karpenko explained additional property had been purchased last week by the Post Falls School District and potential impacts to the intersection due to the construction of a school. RYA spoke with the school district's superintendent, Jerry Keane, to discuss the probable construction date of a school. Mr. Keane thought construction of a high school was seven years out; and construction of a middle school was 10-13 years out. Lighting and pedestrian traffic was further discussed as was potential development taking into account growth projections, potential annexation by the City of Post Falls, and utility installation. Analysis studies showed the signalized intersection was a weaker show; the roundabout would adequately handle the future traffic and is the better of two alternatives based on traffic analysis. Under public comments, Mrs. Haakerson asked who makes the final decision, and the cost difference of the two projects. Mr. Haakerson asked what is the alternative to the round-about and is it being considered; it sounds like the design is already obsolete for the projected traffic; it not his desire to be annexed into the city, if the District has the

funding, and when it will go out to bid. Mr. Heath asked if a northbound turn can be made from Prairie and if a southern turn can be made under the full signalized intersection; if pedestrian traffic options are equal with either option; if vehicles are responsible to stop for pedestrians at the round-about; and he would like to be notified of the decision. Matt Harwood stated the cost of the round-about is projected at approximately \$400,000 and the cost of the signalized intersection is projected at approximately \$650,000. It was explained that as development occurs in the area, through the planning process and based on traffic studies, developers are typically required to provide traffic improvements or contribute towards cost for future improvements. The pedestrian/vehicle conflict points were again discussed, as was annexation procedures and requirements. With no further audience participation, Commissioner Miller made the motion to keep the public comment period open for seven days; to meet under a special board meeting on Wednesday, February 10 at 4:30 pm to further discuss and make a decision. Commissioner Werner seconded. Motion carried unanimously for the public hearing to continue February 10. [2/3/10]

The Haakensons and Mr. Heath left the meeting at 6:45 pm.

CURRENT BUSINESS

Wild Ridge Bond

The Road Supervisor received an email from the developer, Kurtis Kingsolver, of Wild Ridge and asked that instead of putting up a bond, he would like to place two lots up for collateral for the financial guarantee. Commissioner Werner stated if they cannot afford to put up a bond, how are they going to afford the improvements. Mr. Brownsberger stated the Board agreed to do that with Lost Creek. The developer can also supply an appraisal done by the lenders late in 2009. Commissioner Miller stated he would like to see the appraisal to know what the property is worth. Although this is the first he heard of this request, Ruen-Yeager's John Karpenko represents the developer, and discussed the bonding the developer has already provided for the turn lanes as required by ITD, and a warranty for the work as required by Kootenai County. Due to recent bank situations and as stated in the email, the developer cannot come up with the District's bonding request. However, he is surprised the developer has offered two lots since the parcel has not been platted as yet. Mr. Karpenko also explained the status of the plat and projected approval times. Commissioner Werner voiced his concerns that he doesn't know what lots they could provide as collateral at this time and asked to table this item until the next Board meeting in order to review the appraisal and discuss this matter with legal staff. [2/3/10]

Ruen Yeager's staff members and Rob Paulas left the meeting at 6:50 pm.

Post Falls Landing

Commissioner Werner reminded the Board of his conflicts but stated he had no problem with the content of the letter but asked that his signature be removed. Commissioner Miller first asked if it could be sent out without a signature and then stated he would sign the letter. Commissioner Werner made the motion for Commissioner Miller to sign the letter to Harry Green for the Post Falls Landing project. Commissioner Miller seconded. Motion carried unanimously. [2/3/10]

Greensferry/Union Pacific Railroad State/Local Agreement

The District received an agreement for the Board's signature for development and construction of the Union Pacific Railroad crossing at Greensferry. This project, A010(508) will install mast mounted flashing lights, stop gate, constant warning detection system, and barrier protection to the existing railroad crossing. The Road Supervisor spoke with Greg Brands from District One, ITD, who is doing the design in-house. The design will be nearly identical to the Hayden crossing design except that Title IV requirements have been expanded and recommended the Board sign the agreement. Since ITD would like this agreement back as soon as possible, and Chairman Humphreys is absent, the Chairman offered his signature authority to the Road Supervisor as long as the Board approved. The Road Supervisor also spoke with ITD who said they approved as long as the full board allowed it and it was so noted in the minutes.

Commissioner Miller made the motion for the Board to approve and authorize the signing of the state/local agreement and authorize the Road Supervisor to sign for Chairman Humphreys, noting Mr. Humphreys has provided his authority to do that. Commissioner Werner seconded. Motion carried unanimously. [2/3/10]

CORRESPONDENCE

Speed limit, Mullan Avenue – Two letters were recently submitted to the District requesting a speed reduction on Mullan Avenue. The letters were forwarded to the attention of the city engineer at the City of Post Falls. One parcel does encumber both the City and the District. Commissioner Werner stated the City's engineer will look into it further, run some traffic counts when the weather allows and work with the Road Supervisor regarding the speed limit. [2/3/10]

Prairie/McGuire Intersection Improvement Project – LHTAC submitted a letter stating their approval of the PS&E submittal deadline. [2/3/10]

Federal Stimulus Funding – LHTAC submitted an update on stimulus funding. The Road Supervisor stated this is up for discussion at the special Associated Highway Districts of Kootenai County next Thursday. Lance Holmstrom will be present at that meeting. [2/3/10]

ROAD SUPERVISOR

Insurance reimbursement – The District received an insurance reimbursement check in the amount of \$909.77 from the December 14, 2009 accident. A citizen ran into T-10 driven by Bruce Borst. [2/3/10]

Asphalt Oil Bid – The Road Supervisor spoke with the sales manager in Idaho Falls who feels oil prices look like they will be comparable to 2008 so it will be better to get a bid out soon. If done now, the cost will be much like last year's price. Last year, we opened the bid on March 4, so we are in the same time line. Commissioner Miller made the motion for the Road Supervisor to advertise for road oil and open the bid at a public meeting. Commissioner Werner seconded. Motion carried unanimously. [2/3/10]

NPDES Draft – The National Pollutant Discharge Elimination System draft report was received from District Engineer Darius Ruen. Upon review, it is ready to be sent to the EPA after a couple of small corrections. The due date is February 15, 2010. Commissioner Werner made the motion to allow the Road Supervisor to sign the stormwater management annual report. Commissioner Miller seconded. Motion carried unanimously. [2/3/10]

Beck Road Intersection Project – The Road Supervisor and the Engineer met with John Barlow from Hagadone Hospitality on January 26 to discuss the acquisition of right-of-way. Mr. Barlow is agreeable to exchanging the needed right-of-way for two approaches to Lots 156 and 167, East Farms Irrigated Tracts. Attorney Susan Weeks will prepare the deed stating details of the exchange. Commissioner Miller made the motion to allow the Vice-Chairman to sign the letter to Hagadone Hospitality in exchange for the approaches. Commissioner Werner seconded. Motion carried unanimously. The Road Supervisor also met with Don Bovial to discuss acquisition of additional right-of-way on the east side of Beck Road. Mr. Bovial offered to give the right-of-way that was to come with his CUP; any additional needed, he will sell to the District at a price of \$1.21 per foot, or a total of \$4,216.61 which was agreeable to the Road Supervisor. Commissioner Werner confirmed that was within the range the Board allowed. Attorney Susan Weeks will prepare the deed. [2/3/10]

Test holes – The District dug test holes at the Hern pit on material that is intended for the Beck Road project. Very little material can be used for fill due to the high sand content of the material, so the majority of the fill will come from Beck pit. To open the pit, Kootenai County required the District to use the material adjacent to the project for fill. [2/3/10]

Winch and North Idaho Road Intersection Realignment – RYA has staked the right-of-way for a realignment. A preliminary design was done in 1994 but it was possibly a little further east. RYA will pull the old design for the Board's review. [2/3/10]

Executive Session – The Road Supervisor asked to enter into an executive session at the end of the meeting to discuss a personnel issue. [2/3/10]

ENGINEER

Absent

OFFICE

January minutes and vouchers – Commissioner Miller made the motion to approve the January 2010 minutes and vouchers. Commissioner Werner seconded. Motion carried unanimously. [2/3/10]

Military Leave – Due to the upcoming deployment of a crew member, the District Clerk presented a list of District benefits and asked which, if any, benefits the Board wishes to keep current for his proposed year long departure. After review, Commissioner Werner made the motion to continue to pay Eric Prestegaard NCPERS during his deployment to Afghanistan at \$16 per month. Commissioner Miller seconded. Motion carried unanimously. [2/3/10]

Funds collected – The District received a Highway Distribution check last week in the amount of \$372,188, an increase of almost 6% from last quarter's payment. The property tax payment for December's collection came in last week at \$520,707, an increase of nearly 12% from last year's check. [2/3/10]

COMMISSIONERS

No comments.

Executive Session

Commissioner Werner moved to enter into Executive Session at 7:22 PM pursuant to the provisions of Idaho Code 67-2345, Subsection 1(b). The purpose of the executive session is to discuss personnel matters. Commissioner Miller seconded. Role call:

Commissioner Werner: aye

Commissioner Miller: aye

Chairman Humphreys: absent

Commissioner Miller made the motion to come out of the executive session at 7:45 PM.

Commissioner Werner seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:45 PM. With no further business, Commissioner Miller made the motion to adjourn at 7:45 PM. Commissioner Werner seconded. Motion carried unanimously.

Regular Meeting – February 17, 2010, 6:00 pm, E. 5629 Seltice Way

Terry Werner, Vice-Chairman, called the meeting to order at 6:00 P.M. Present were Commissioners Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; District Engineer Darius Ruen; and Attorney Susan Weeks.

Commissioners had no conflict of interest with any agenda item.

CURRENT BUSINESS

Road Abandonment – Toby Sheldon

Toby Sheldon notified the office he could not make the meeting and asked that this item be placed on the March 1 Workshop. Item tabled until that time. [2/17/10]

Calico Flats

The District Clerk reported an unpaid billing in the amount of \$1,578.58 for this proposed subdivision. The initial \$1,000 fee was paid in 2006 and that amount was exceeded beginning 8/15/07 with the last billing for engineering review submitted in June 2008. The development was never completed, so there is no developer's agreement. Additional information was provided of attempted collection and a \$200.00 payment received 11/10/08. Commissioner Werner stated if the District cannot collect the balance, it could be turned over to a collection agency. Commissioner Miller made the motion to send a letter one more time that if the billing is not paid, it will be turned over to a collection agency. Commissioner Werner seconded. Motion carried unanimously. [2/17/10]

Audit RFP

The District Clerk submitted a package of the proposals received along with a table showing the submitting company and proposed amount along with the other highway districts' audit costs. The Road Supervisor stated staff has reviewed the RFP's and had some questions. He asked the Board more time for staff review to do research as to why there is such a significant spread in the submittals. Commissioner Miller made the motion take the RFP's under advisement, and do more investigation on the RFP submittals. Commissioner Werner seconded. Motion carried unanimously. [2/17/10]

URD Audit

Commissioner Werner asked if the Road Supervisor had the same recommendation as the previous audit RFP's, receiving an affirmatively answer. Commissioner Miller stated he had the same motion as the Audit RFP. Commissioner Werner seconded. Motion carried unanimously. [2/17/10]

IAHD Legal Assistance Program

This program offers attorney David Wynkoop's legal service for five 15-minute phone calls for \$250.00 per year. This has been an annual program. Commissioner Miller made the motion to turn down this offer. Commissioner Werner seconded. Motion carried unanimously. [2/17/10]

Benson Road Order of Vacation

Commissioner Werner reiterated the actions from the January 20, 2010 meeting in which this vacation was presented. Commissioner Werner stated all the paperwork presented is appropriate as to the outcome from that meeting. Commissioner Miller made the motion to sign the Order of Vacation for Benson Road. Commissioner Werner seconded. Motion carried unanimously. [2/17/10]

CORRESPONDENCE

Kootenai County Planning Commissioners Flood Damage Prevention Ordinance – No comments made. [2/17/10]

Kootenai County Hearing Examiner for Commissioner Miller Tracts 1st Addition – Commissioner Werner noted comments have been sent to the Planning Office. [2/17/10]

Motor Vehicle Waste Disposal Well Closure – A letter was received from the Idaho Department of Environmental Quality. After Commissioner Werner's reading of the letter, the Road Supervisor stated he had called IDEQ to set up a meeting but has not yet heard back from them. [2/17/10]

Stateline Road Railroad Crossing – A letter was received from the Washington Utilities and Transportation Commission stating they were considering closing this crossing. The Road Supervisor informed them the District would have some concerns regarding emergency access. The Commission replied if the District had concerns, they would drop the request. [2/17/10]

ROAD SUPERVISOR

Weight Restrictions – The prairie has had weight restrictions lifted and more are planned to come off next week depending on the weather. They will begin sweeping that area as well.

Summer Hours – The Road Supervisor asked if the weather stays favorable, he would like to go to 4-10's March 15. The Board agreed. [2/17/10]

NACE Convention – The Road Supervisor stated this year's convention will be held in Fort Worth, Texas from April 25-29. He has been attending on behalf of IACRS who also pays for his travel expense as he is president. Commissioner Miller asked if there is a benefit to the District if he attends with the Road Supervisor answering training and networking with his peers. Commissioner Miller made the motion for the Road Supervisor to attend the conference. Commissioner Werner seconded. Motion carried unanimously. [2/17/10]

ENGINEER

Hilltop Estates – The Engineer's findings were presented to the Board. He recommends the District ask for a 10-foot right-of-way as well as a change in one existing access. The recommendations will be forwarded to Kootenai County Planning. [2/17/10]

DJ Holdings – The Engineer's findings were presented to the Board for a zone change and a Special Notice Permit where they want to convert existing buildings to be leased for storage. Additional right-of-way is requested, but no improvements were recommended to Church Road since no additional lots are made. A proposal at this same site was heard by the Board for American Auto Recycling the Board for review in 2008. [2/17/10]

LEGAL

Attorney Susan Weeks was present to discuss ongoing legal issues. Discussed was the Boothe Park Ordinance, stating the Kootenai County Sheriff's Office will challenge the ordinance; Millview Lane taking, Huetter Road, the broom patent, tax notices, recording fees, and agreement updates for Jeremy Tripp, Wilde Ridge, and Beck Road acquisitions. Specifically in regards to the Nelson Loop Dam, the attorney has contacted the bank that is in possession of the property and asked them to provide a proposal of how they will rectify the dam issue. The attorney asked the County to answer her question regarding recording fees by the end of February. The District Clerk provided an update on tax notices stating it appears all parcels with delinquencies have been cleared up and we should only be billed for proper charges; however, two 2004 taxes are showing but was told by the Treasurer's Office they are present due a computer glitch. Ms. Weeks asked for the Board to enter into Executive Session to discuss another item. [2/17/10]

OFFICE

Vouchers to Date – The District Clerk stated a listed had not been prepared for the meeting to accompany the billings. It would be available at the next meeting. [2/17/10]

Treasurer's Report – The District Clerk stated it was not yet ready due to her absence from illness. [2/17/10]

Profit and Loss Report - The current report was provided to the Board. [2/17/10]

COMMISSIONERS

No comments from the Board members.

EXECUTIVE SESSION

Commissioner Werner moved to enter into Executive Session at 6:28 PM pursuant to the provisions of Idaho Code 67-2345, Subsection 1(f). The purpose of the executive session is to discuss legal options for pending litigation or controversies not yet being litigated. Commissioner Miller seconded. Role call:
Commissioner Werner: aye

Commissioner Miller: aye
Chairman Humphreys: absent
Commissioner Miller made the motion to come out of the executive session at 6:29 PM.
Commissioner Werner seconded.

The Regular Meeting reconvened at 6:29 PM. Commissioner Miller made a motion for the District's attorney to file a writ of mandamus. Commissioner Werner seconded. Motion carried unanimously.

With no further business, Commissioner Miller made the motion to adjourn at 6:31 PM.
Commissioner Werner seconded. Motion carried unanimously. Meeting adjourned.

SPECIAL MEETING – February 10, 2010, 4:30 pm, E. 5629 Seltice Way

Commissioner Werner, Vice-Chairman, called the special meeting to order at 4:30 P.M. Present were Commissioners Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, and District Clerk Shirley Walson. Ruen-Yeager & Associates was represented by Randy Broesch, P.E. and Matt Harwood.

Commissioner Miller made the motion to add the Beck Road intersection improvement project to the agenda, stating the reason that time is of the essence to get the property acquired to complete the project. Commissioner Werner seconded. Motion carried unanimously.

Commissioners had no conflict of interest with any agenda item.

PUBLIC HEARING

Commissioner Werner stated this is a continuation of the Public Hearing that began on February 3. The District held this meeting open for the last seven days to obtain any public comments, and asked if any comments were received. The District Clerk stated no comments were received nor were any phone calls received. Randy Broesch stated no comments were received at the engineer's office. Vice-Chairman Werner declared the public hearing closed and opened the meeting for discussion by the Board. Commissioner Werner stated he felt the round-about was the preferred option for the reasons stated by our engineer at the February 3, 2010 meeting. Reasons cited is that it meets the traffic needs for the next 15 years +/-; right-of-way has been acquired; and the only public comment came from attendees at the meeting, both of whom live adjacent to the intersection. Mr. Heath, who lives on the northwest corner, had no real comment but did ask about allowed turning movements under a full signalized intersection. Mr. and Mrs. Haakenson, who lives on the northeast corner, said he really doesn't understand the need for any improvements although he was willing to sell his property at his asking price. Commissioner Miller stated of the two options, he feels the round-about is best. He also asked if the District has heard from the other two property owners on the opposite side of the intersection. Commissioner Werner stated they were not at either of the Public Hearings and have not submitted any public comments; they did agree to sell their properties to the District for the project. Commissioner Miller made the motion to go with the project designed as the round-about. Commissioner Werner seconded the motion, asking Matt Harwood if all the conditions of LHTAC have been met and received an affirmative answer. Asking if there were any further comments, the Motion carried unanimously.

CURRENT BUSINESS

Wild-Ridge Subdivision

The Road Supervisor reminded the Board they had asked him to check with legal council regarding the developers request to lien one or two lots instead of providing a bond for required improvements. Attorney Susan Weeks stated the District could do an addendum to the Road Developers Agreement. The Road Supervisor provided the appraisal on the lots and stated the developers also had lot values listed on their web page. There, the lots values were listed with

smaller values than the appraisal. Commissioner Werner asked what the District required with the Road Supervisor stating we had asked for \$259,000, noting that Lot 18, Block 5 was listed at \$260,000 with some discussion of Lot 19 and compared the acreage. Commissioner Miller made the motion to accept the addendum to the developer's agreement for Wilde Idaho Development LLC, and lien Lot 18, Block 5. Commissioner Werner seconded. Motion carried unanimously.

Beck Road, Hagadone Hospitality Parcel

The District received a letter from John Barlow of Hagadone Hospitality asking for an acknowledgement letter stating they have met all of the terms of his zone change request as well as acknowledge the District is in agreement with exchanging two approaches for additional right-of-way the District has asked to receive for the Beck Road Project. The Board reviewed a map showing right-of-way needed for the Beck Road intersection improvement project. After some discussion, Commissioner Werner asked that a letter be sent to Mr. Barlow stating the District will ask for right-of-way along the remainder of the Hagadone Hospitality parcel when further development or annexation occur. The Road Supervisor reiterated Mr. Barlow's email basically states the same.

Commissioner Werner asked if staff had any additional comments of which there were none. Commissioner Miller made the motion to adjourn. Commissioner Werner seconded. The meeting was adjourned at 5:46 PM.

SPECIAL MEETING: February 3, 2010– 1:00 P.M. Workshop Cancelled

SPECIAL MEETING: February 15, 2010– 1:00 P.M. Workshop Cancelled

SPECIAL MEETING: February 3, 2010 – Utility Council, Sargents, 12:00 PM. Attended by Bob Miller and Kelly Brownsberger.

SPECIAL MEETING: February 4, 2010 – OEM, Office of Emergency Management, Iron Horse Restaurant, 7:30 AM. Attended by Kelly Brownsberger.

SPECIAL MEETING: February 4, 2010 – KMPO, Post Falls Council Chambers, 1:30 PM. Attended by Kelly Brownsberger.

SPECIAL MEETING: February 22, 2010 – Regulatory Workshop-Army Corp of Engineers & various agencies, 8:30 AM, USFS. Attended by Bob Miller and Kelly Brownsberger.

SPECIAL MEETING: February 23, 2010 – KCATT, 8:00 AM, ITD. Attended by Bob Miller and Kelly Brownsberger.

APPROVED _____

ATTEST _____

DATE _____

Submitted by:
Shirley Walson, District Clerk