

POST FALLS HIGHWAY DISTRICT
FEBRUARY 2011 MINUTES

Regular Meeting – February 2, 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. Guests in attendance for the Public Hearing were: Steve Syrcle, Tri-State Consulting, Dean Primmer, Karen Cooper, Sandra Derby, Merrilee Sylte, Carol Helmick, Glen Sylte, Loren Scarcello, and John Sylte.

Commissioners had no conflict of interest with any agenda item.

PUBLIC HEARING

WILLADSON ROAD

Chairman Humphreys opened the Public Hearing and requested a staff report. Road Supervisor Brownsberger reported this road was laid out as Gill Road by viewer's report #186. The section of Willadson Rd within the jurisdiction of Post Falls Highway District is approximately 3920 LF with 50-foot right-of-way containing 196,020 square feet, or 4.5 acres. On the 9th of December, 2010, the District received a petition to abandon the Willadson Road right-of-way and the Board set a Public Hearing for February 2, 2011. Notifications and publications were completed according Idaho Code. The Road Supervisor met with Lakes Highway District Supervisor, Joe Wuest, and the applicant's engineer, Steve Syrcle of Tri-State Consultants. On December 2, a letter was sent to Lakes Highway District stating Post Falls Highway District had no issues with Lakes Highway District abandoning their section of Willadson Road as long as no properties were left land-locked. Post Falls Highway District deemed that Willadson Road right-of-way would not be needed for future use due to the geographical nature of the right-of-way. No landlocked parcels would be created by abandoning Willadson Rd. A water source is accessed by the right-of-way however an easement could be secured by the abandonment process. The District has received numerous phone calls and two letters. Chairman Humphreys asked the Road Supervisor about the geographical nature of the area and Road Supervisor Brownsberger responded no road is laid out that you can pin to the right-of-way, but a best estimate was determined as to where it is located. From the bench, looking west, the hill went up at a steep angle and he felt you could not build a road. For a better determination, he asked the District's engineer to prepare a quad map to determine the location of the right-of-way and if a road could be built in the existing right-of-way. Engineer Darius Ruen stated much of his report is based on judgment as an actual engineered plan has not been done. At the end of Willadson Road and if a road were built on the section line, there is an excess of a 25-26 percent grade, therefore you would have to continue to the southwest, contour around the hill requiring the road be built through two to three parcels. With no questions from the Board, Chairman Humphreys asked the owner's representative to provide his presentation. Steve Syrcle of Tri-State Consulting Engineers is representing the owners Lorna and Paul Finman who own approximately 482 acres of land and refer to the property as Finman Ranch. Approximately 5,070 lineal feet of a 50-foot right-of-way divides the property from the north and south, terminating at the westerly border. Approximately 3,950 lineal feet lies within the Post Falls Highway District's jurisdiction; the remaining 1,150 lineal feet lies within the Lakes Highway District's jurisdiction. Mr. Syrcle restated the information provided in the petition application that no parcel will be landlocked, citing access for the Porria and Tukuno parcels. He continued that Willadson Road is not currently constructed to standard highway district standards nor is it or has it ever been constructed or maintained by either highway district within the boundaries being requested. He stated the Finmans are making this request simply to "un-divide" their parcel. Commissioner Miller asked why it is necessary to eliminate this right-of-way with Mr. Syrcle responding they currently own 482 acres and this public right-of-way splits it from the north and south and create one parcel. Commissioner Miller asked if the property will be developed with Mr. Syrcle answering that on the table, there is a proposal for a science center but he did not make that prevalent to this proposal because regardless of that existing or not, they still have the desire to vacate that right-or-way. Commissioner Werner asked about the other parcels access with Mr. Syrcle answering that Tukuno has a recorded easement from the south, westerly direction and Porria

has a recorded deed from Reservoir Road which falls on his property on the western boundary. Road Supervisor Brownsberger stated he spoke with Mr. Tukuno on the phone and Tukuno stated he does have an easement through the adjoining property to the south and out to Daisy Duck. Mr. Syrcle asked to expand on Commissioner Miller's question stating, "regardless if the owner develops the property or not, the existing alignment doesn't necessarily lend itself to what could possibly be there, be it a subdivision or as an approved conditional use permit as is currently under review at Kootenai County, the easement doesn't serve a purpose as it stands today." Chairman Humphreys brought up existing water rights that are utilizing the existing right-of-way and asked if the client is willing to grant the holder of that water right ingress and egress and believes the Board will require that right. He also asked about a current existing easement for an Avista transmission line. Mr. Syrcle stated his client is aware and they will recognize the water right as it is a recorded water right with a described easement. There will also be no problem with the utility easement. He is also aware of power on the overhead and an underground phone line on the public portion of Willadson Road located where it is located in Lakes Highway District. Chairman Humphreys opened the hearing to public testimony. Dean Primmer - If he gets his access to the right-of-way for his water right, he won't have to speak. Karen Cooper - Since 1902 this has been a public road stating historical personal use and was never denied use until the present ownership so she feels the statement that the Finmans are willing to work with neighbors is not accurate. They have gated the roadway and feels that should not have been allowed since it is public right-of-way. Sandra Derby - Spoke for Porrias, out of state owners and cited fire blocking Reservoir Road would result in this access needed for an alternate route. Merrilee Sylte - Stated concerns of Finmans allowing Mr. Primmer access to his water. Carol Helmich - Questioned if Finmans made application to put up the gate. Road Supervisor Brownsberger stated the gate is located in Lakes Highway District and does not know what contact may have been made. Ms. Helmich went on to state her longevity in the area, no previous owners have asked for the right-of-way to be removed in 109 years referring to the Kootenai County Comprehensive Plan that available access should be kept for public use. She also stated community and historic use of the road (forestry, 4-H uses, hiking, hunting) and asked the Board to consider public use and not just private use; if they want to give it away, consider Friends of Rathdrum Mountain. Glen Sylte - Cited historic and personal use; he felt the BLM would not want it given back; his sister, a neighboring land owner, informed him the road is still accessible, and can't believe the Board would consider giving it to one person. Chairman Humphreys asked the Road Supervisor if he could see evidence of roadway with the Road Supervisor's response that you could see it and old skid trails took off all over the mountain, however he felt confident they could see some roadway, however without a survey, he can't be sure. Inaudible discussion and over talking conversation began in the audience with Chairman Humphreys bringing the meeting back in order. Loren Scarcello - Read a letter from his mother, Mildred Scarcello, asking for the road to remain as public right-of-way for fire and other emergency use. Mr. Scarcello continued that he felt it not in the public's best interest to abandon the right-of-way or even in the Finman's best interest to abandon the right-of-way and cited the Lakes Highway District public hearing as well as reading from a January 23, 2011 Coeur d'Alene Press article stating this will be a public school "open to all free of charge" but asking to obliterate a public right-of-way. John Sylte - Have done developing and in his experience the highway districts have not been in the business to close public right-of-ways for whatever might take place in the future, adding he has incurred considerable costs just to ensure that does in fact happen. For the District to consider vacating this right-of-way is opposite of those historic requirements. He cited alternative fire egress for Reservoir Road occupants. He does not understand why vacating this right-of-way would keep the owners from developing their property however they wish to develop and felt it could be beneficial to the owners to keep it the right-of-way public. He also feels keeping it open would maintain options for the Highway District in the future for the sake of Rathdrum Mountain and that any decision made by the Board affects the residents, not the Board. Chairman Humphreys clarified for the audience that a portion of the roadway lies within Lakes Highway District and a portion in Post Falls Highway District, stating the division line of the two Districts and the 1972 date is the time that all highway districts in Kootenai County were formed. He continued that all PFHD is interested in is the right-of-way located in PFHD and he believes Lakes Highway District is waiting to make a decision hinging on this District's decision. Carol Helmich asked who had jurisdiction where the gate is located and the Board again stated it is in Lakes Highway District. Mrs. Helmich asked if everyone shouldn't have a key then but Chairman Humphreys reminded her this meeting was to determine if Willadson Road were to remain public or become private and if the road remains public, that discussion will come later. Glen Sylte asked if BLM made comment and was informed that will be a

consideration of the Board. Karen Cooper asked that if a 20,00 square foot science center is built, wouldn't it be in the better interest of the public for this public building to be served by a public road, the owners would not have to maintain it and if there was a fire or flood, if the owner doesn't keep the road up to standards, people could become trapped in the school. Merrilee Sylte had concerns about the private road and a public science center and referred to the Lakes Highway District meeting that the gate is planned to remain, and again, stated concerns about fire and thinks it is a dangerous situation. Loren Scarcello stated to himself, his family, and his mother, it costs little to nothing for the District to maintain this road, so why not keep the options open. Chairman Humphreys read the two letters that were received, the first from John and Lisa Porria stating they were unaware of the existence of this right-of-way, cited fire concerns, and requested the Board deny the request. The second letter was from Avista Utilities requesting a perpetual easement and supplied the easement for signatures. Sandra Derby stated there is also a telephone line that runs underground. Rebuttal from the applicant was provided by Steve Syrcle responding to the water right that the owners acknowledge and never questioned that it is legal and are currently working out legal issues with Mr. Primmer. He reiterated the thick, black, dashed line on the exhibit is all that they are asking to be abandoned by the District and although he understands the historic use of horse trails, etc., but the right-of-way is only 50-feet wide and the property behind it is private so it does not back up to public land. The reason for the vacation request is that the current alignment does not fit the owner's desire in how they would like to use their parcel and feel the alignment will change. He then addressed Mr. Scarcello's statement from a Lakes Highway District meeting regarding alignment with Chairman Humphreys reminded him to address the Board. Mr. Syrcle addressed emergency service access and referenced Engineer Ruen's statement that once you get to the end of the right-of-way, the slope is 20-30% so if anyone wishes to get to the end of that right-of-way, they could not do it without crossing private property and asked again if there was any comment from Kootenai Fire and Rescue. Chairman Humphreys stated there was no response from Kootenai Fire and asked if the Board had any questions. Dean Primmer asked to speak again stating his culvert from the water source was pulled out by the applicant elaborating on problems that created. Commissioner Werner asked him to show on the map exhibit where that spring and culvert were located. Chairman Humphreys questioned him about his access and what type of easement he accessed. Steve Syrcle stating he is not representing the Finmans on the water right issue, but in his opinion, there are two issues, one that exists and one that is under application for water rights. The one that Mr. Primmer is describing is not a water right that he legally and currently has. The easement he has read is 300-feet north of the section line and terminates at the creek is the recorded easement. It does not say access is off of Willadson Road. Chairman Humphreys asked Mr. Primmer if his pipeline is in the right-of-way and the response was it is off the road, then stating he doesn't really know if it is in the right-of-way. Chairman Humphreys asked if it is currently in litigation but no clear answer was established. According to John Sylte, Idaho Department of Water Resources is currently working on it and Chairman Humphreys believes he is talking adjudication and not a lawsuit. Discussion followed with a review of Mr. Primmer's water right as described in Warranty Deed 66051, provided by Mr. Primmer at the beginning of the meeting. Commissioner Werner asked the District's Engineer if one could get from Reservoir Road to this right-of-way that is located in Post Falls Highway District and Mr. Ruen responded, "Not without going over private property". Chairman Humphreys closed the meeting to public testimony at 7:03 p.m. and open it to Board deliberation. Commissioner Werner made a motion to take this under advisement and make a decision at the next Board meeting. Commissioner Miller seconded. Motion carried unanimously. All guests exited the meeting. Road Supervisor Brownsberger reminded the Board that the District's attorney, Susan Weeks, stated Dean Primmer has no easement to get into the spring and Lakes Highway District extensively reviewed those rights. [2/2/11]

CURRENT BUSINESS

January 2011 Minutes

Commissioner Werner made a motion to approve the January 2011 Minutes as presented. Commissioner Miller seconded. Motion carried unanimously. [2/2/11]

Annexation to City of Post Falls – Portion of Prairie Pit

Commissioner Werner stated a conflict of interest due to the fact that he works for the City of Post Falls and will agree with the Board's decision. Chairman Humphreys asked Commissioner Werner where the

City now stands with this item. Commissioner Werner stated the City has agreed to annex but have not passed the ordinance yet because not only do they have to have the annexation agreement but also any other agreements needed. The Annexation Agreement, a Grant of Easement for Cecil Road, and a Grant of Right-of-Way have been presented to the District for the Board's approval and signature. Chairman Humphreys asked for assurance that as part of the agreement for the annexation, the City has requested 22 and 1/2-feet along Cecil Road and asked it that is an easement or a deed. Road Supervisor Brownsberger stated along with the agreement, this is an easement for Cecil Road. Commissioner Miller made a motion to accept the agreements. Chairman Humphreys asked the engineer if everything has been addressed for the lot-line adjustment. Engineer Ruen stated he is comfortable that the remaining parcels will be left after consolidation are, under municipal parcels, exempt from the subdivision process. Chairman Humphreys seconded the motion. Commissioner Werner abstained, motion carried by quorum vote. [2/2/11]

Beck Road

Road Supervisor Brownsberger presented a draft letter as prepared by Ruen-Yeager and Associates to the Board asking they pay particular attention to items 2 and 5. Engineer Ruen stated he had not reviewed this letter with the author and is not comfortable with several items. He would like to review and make some modifications. Commissioner Miller made a motion to table this item until the next meeting so that the engineer can review the requirements with the road supervisor. Commissioner Werner seconded. Motion carried unanimously. [2/2/11]

Addendum to Agreement, Creekside Estates and Big Sky Development

Commissioner Werner has reviewed the agreement and found it to be in order and that he would like Mr. Jeremy Tripp's signature prior to the Board signing. [2/2/11]

CORRESPONDENCE

Prairie /McGuire Roundabout – Welch-Comer submitted a letter requesting to provide Construction Engineering and Inspection (CE&I) work on the upcoming roundabout. Engineer Ruen explained the Federal Highways has made the determination that one engineering firm can do both design work and CEI work on one projects. More of these kinds of letters will be coming. Commissioner Werner asked if an RFP should be done and Mr. Ruen stated CEI work is from the term agreement. LHTAC will assist the locals in choosing and engineering firm since they monitoring assignments of the engineering firms. He continued that this is a non-compete clause and has been in place for many years, it just was not being used. [2/2/11]

Kootenai County Planning Commission Public Hearing, Tysdal Commercial Resort – So noted. [2/2/11]

Kootenai County Appeal Hearing, Hidden Falls – removed from agenda. It was cancelled. [2/2/11]

ROAD SUPERVISOR

Asphalt Bid – Road Supervisor Brownsberger contacted legal council asking about extending the most recent asphalt bid. Susan Weeks stated a change order can be done if the contract had not expired which it did on October 31, 2010. He spoke with the other road supervisors, whom asked if we could piggyback off last year's bid, and again, legal council stated that can be done if the vendor is willing to meet the price from last year. In speaking with the vendor, he is willing to provide last year's price and is currently preparing bids at 20-25 dollars per ton more than last year's price. Commissioner Werner stated if our legal council approves and the contractor is willing to meet last year's price, he thinks that is best. Road Supervisor Brownsberger stated we were paying \$520 per ton for oil and Spokane County has just been quoted at \$542 per ton. Commissioner Werner made a motion to piggyback the bid from Idaho Asphalt if they will continue that price and extend the bid through this year. Commissioner Miller seconded. Motion carried unanimously. [2/2/11]

Tilt Bed Trailer – The trailer should be delivered Friday, February 4. [2/2/11]

Parking Ordinance – Information from legal council was provided for the proper procedure to pass an ordinance. The Board is to review for the next meeting. Chairman Humphreys asked if legal knows who will prosecute if a citation is issued and that has not yet been decided. [2/2/11]

Executive Session – Road Supervisor Brownsberger requested the Board enter into an Executive Session at the end of the meeting to discuss property acquisition. [2/2/11]

ENGINEER

Mellick Road – Darius Ruen provided a letter in response to Mellick Road plans submitted by Roger Glessner of Inland Northwest Consultants.

OFFICE

Kootenai County Clerk Meet and Greet – The District Clerk is signed up for a meeting the County Clerk is presenting. The Board is invited but no one asked to be registered. [2/2/11]

Tax Credit Checks – A letter was received by the Kootenai County Clerk, Clifford Hayes, stating the amounts due to each taxing district for tax credit reimbursements generated from the Circuit Breaker program. [2/2/11]

Account Transfers – District Clerk Walson presented three transfer of funds reports for the month of January, 2011. Commissioner Werner made a motion to approve the transfers for January 2011. Commissioner Miller seconded. Motion carried unanimously. [2/2/11]

COMMISSIONERS

Chairman Humphreys gave a short synopsis on current legislation.

EXECUTIVE SESSION

Commissioner Werner moved to enter into Executive Session at 7:07 PM pursuant to the provisions of Idaho Code 67-2345, Subsection 1(c). The purpose of the executive session is to discuss personnel matters. Commissioner Miller seconded. Role call:

Commissioner Werner: aye

Commissioner Miller: aye

Chairman Humphreys: aye

Commissioner Werner made the motion to come out of the executive session at 7:35 PM. Commissioner Miller seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:38 PM. With no further business, Commissioner Miller made the motion to adjourn at 7:38 PM. Commissioner Werner seconded. Motion carried unanimously.

Regular Meeting – February 16, 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. Paul Matthews of Paul Matthews Architects was a guest.

Commissioners had no conflict of interest with any agenda item.

PUBLIC HEARING

Willadson Road

Paul Matthews was present to represent the applicants to ensure the District received a request from Norman M. Semanko, attorney for Paul and Lorna Finman. The Board stated an email was received asking the Board to defer making a decision at this time. When asked for a time frame they wished to continue for the hearing, Mr. Matthews thought a month would be sufficient. Commissioner Werner made a motion to table the Willadson Road vacation request to the closest meeting of forty-five (45) days from now. Commissioner Miller seconded. Motion carried unanimously. [2/14/11 WKSP]

Capital Improvement Plan

The presented plan will be approved to allow the county to set fees for impact fees. The Districts can move forward to work with the cities in order to collect impact fees. This is a formality as requested by the Kootenai County Commissioners. No comments have been received by the District regarding the posting of the public hearing. Commissioner Werner stated he has some concerns under facility's equipment. He is not sure impact fees should be used to purchase equipment that is disposable. Commissioner Werner then made a motion to accept the Post Falls Highway District CIP 2010-2020 plan. Commissioner Miller seconded. Motion carried unanimously. [2/16/11 Board Mtg]

CURRENT BUSINESS

Beck Road Interchange Environment Scoping response – No verbiage has been changed from the letter presented at the Workshop. Commissioner Werner moved that the Chairman signed the letter for the Beck Road Interchange Environmental Scoping. Commissioner Miller seconded. Motion carried unanimously. [2/16/11 Board Mtg]

Big Sky Addendum to Agreement - Jeremy Tripp was to contact the Road Supervisor within the past week but he has not. [2/16/11 Board Mtg]

Greenview Condos – Rip rap placement along the Spokane River is proposed for erosion control. The Greenview Condos are just east of the Spokane River Bridge and some rip rap is in place but they are now requesting to extend that and haul in rock by barge. Road Supervisor Brownsberger's main concern is the barge becoming unhooked and hitting the pilings of the bridge. Commissioner Werner made a motion the road supervisor sign the letter to Carl Washburn with the Idaho Department of Lands in regards to the Greenview Condo request. Commissioner Miller seconded. Motion carried unanimously. [2/16/11 Board Mtg]

CORRESPONDENCE

Kootenai County Notice of Public Hearing, OA-143-09, Establish Impact Fees – So noted. [2/16/11 Board Mtg]

City of Post Falls Notice of Public Hearing, SUP-10-03, Pointe at Post Falls – Commissioner Werner stated this permit request was denied by the city's planning department and the applicant is now appealing to the City Council. So noted. [2/16/11 Board Mtg]

LHTAC, Management Reassignment – In addition to personnel reassignment as explained in the letter, Road Supervisor Brownsberger informed the Board of a meeting on March 9 in which Dan Koontz will be available to the District and he would like to view the Prairie Avenue project. [2/16/11 Board Mtg]

Kootenai County Planning Commission, Ordinance change and classification – So noted. [2/16/11 Board Mtg]

Kootenai County Appeal Hearing, Hidden Falls – No further request for comments have been requested. So noted. [2/16/11 Board Mtg]

ROAD SUPERVISOR

Vacation request – Mr. Brownsberger requested to take vacation. Commissioner Werner made a motion to approve vacation for the Road Supervisor March 7 through the March 11th. Commissioner Miller seconded. Motion carried unanimously. [2/16/11 Board Mtg]

ENGINEER

Prairie McGuire Roundabout – Comments from LHTAC's Dan Koontz were received and his staff has been reviewing those comments which will be addressed in Boise the following day. [2/16/11 Board Mtg]

OFFICE

Treasurer's Report – The January 2011 Treasurer's report was presented. Commissioner Werner made a motion to approve the Treasurer's Report. Commissioner Miller seconded. Motion carried unanimously. [2/16/11 Board Mtg]

February 2011 Vouchers – A report was presented for the February billings paid to date for the month of February. Commissioner Werner requested how much engineering fees have been billed for the Roundabout to date. Darius Ruen stated Commissioner Werner made a motion to approve the vouchers to date. Commissioner Miller seconded. Motion carried unanimously. [2/16/11 Board Mtg]

Profit and Loss Report – So noted. [2/16/11 Board Mtg]

Staff Notice - Eric Prestegaard is back in the United States as of this morning and is expected back home in two to four weeks. Once he receives his papers dismissing him from active duty, he will have 90 days to report back to work. So noted. [2/16/11 Board Mtg]

COMMISSIONERS

Commissioner Werner commented he will be absent from the area from February 18 through February 28. He also asked why the ordinance authority documents were not on the agenda with the Road Supervisor stating he wanted to give the public plenty of time to know this was on the agenda and although it has been posted on the web site, he did not want to put it on the agenda under the twenty-four hour rule. The Board agreed. [2/16/11 Board Mtg]

Chairman Humphreys commented that House Bill 60 passed through the Senate, 35-0; the Speaker of the House signed it at 4:00 pm today and should be signed by the Governor the middle of next week. The Idaho Association of Highway District will have a calendar and a brochure ready the following week. [2/16/11 Board Mtg]

Commissioner Miller had no comments and made a motion to adjourn. Commissioner Werner seconded. Motion carried and meeting adjourned at 6:25 pm.

SPECIAL MEETING: January 31, 2011– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Bob Miller; Assistant Road Supervisor Mike Monette, District Clerk Shirley Walson, and Engineer Darius Ruen met for a District Workshop. Steve Syrcle, Tri State Consulting and Chris Fillios were guests.

Willadson Road – Steve Syrcle notified the Board the owner of the Willadson Road abandonment petitioner will not be present at Wednesday's public hearing. Previous public meetings with the county resulted in public attacks to herself and family members. Chairman Humphreys asked if he felt security is needed but Mr. Syrcle stated he did not feel it was that type of issue, more personal attacks to the owner. Chairman Humphreys reassured Mr. Syrcle the Board prides ourselves on keeping focused on the agenda item and appreciates the information. [1/31/11 wkshp]

Parking Ordinance Discussion – Ben Wolfinger, Kootenai County Sheriff's Office, stated that the highway districts will need to adopt an ordinance to allow No Parking signs to be enforced. The Road Supervisor contacted legal staff for direction and is waiting for an answer. Commissioner Werner offered the City's procedure in which a motion is made that it be read, then pass under suspension of rules, publish the summary. Chairman Humphreys spoke with Attorney Susan Weeks that he can entertain a motion to dispense with the reading of the ordinance, publish it and it becomes effective. Post signs with ordinance number on it. [1/31/11 wkshp]

Abandonment and Vacation fees – Chairman Humphreys would like a policy to address unpaid fees being paid prior to the public hearing; Commissioner Werner agrees. In addition, policy as to how a value will be established for abandoned property. Commissioner Werner stated he struggles how to come to a value of the property; it can be done by an appraisal which can be expensive, use the County's assessed value, or use a market value. Proper language and policy will be prepared by staff with consultation provided by the District's legal representative. [1/31/11 wkshp]
[1/31/11 wkshp]

ENGINEER

Creekside Subdivision – Engineer Darius Ruen has been working with Attorney Susan Weeks to get the proper wording to allow Jeremy Tripp to work off his debt for the Developers Agreement. Attorney Weeks provided an Addendum to the Agreement which will allow Mr. Tripp to obtain a performance bond. The District will actually end up with two bonds, one for performance and one for payment. It will be on the agenda for Wednesday night. [1/31/11 wkshp]

Prairie Pit – According to Mike Paul of Frame and Smetena, the City of Post Falls wants us to join two parcels into one parcel before the property is annexed into the City. Simultaneously, they will do a lot-line adjustment. Engineer Ruen wants all parties to be aware that we may then be a subdivision may then need to be done. Chairman Humphreys stated that is what we were trying to avoid. Commissioner Werner stated he was unaware of the City comments to Frame and Smetena and will question concerned parties at the City. [1/31/11 wkshp]

Mellick Road – Darius Ruen provided a comment letter to the Board for their review prior to Wednesday's meeting. Discussion regarding the location, slope, and ecology blocks that will be constructed.

Chris Fillios arrived at 1:30 P.M. as a guest to observe.

ROAD SUPERVISOR

Prairie Pit - Assistant Road Supervisor Mike Monette provided copies of the annexation agreement. Chairman Humphreys asked if the Board had any issues with the additional right-of-way for Cecil Road that the Road Supervisor agreed to provide to the City; the Board had no issues. Commissioner Werner told the City he didn't think the additional right-of-way was needed at this time. [1/31/11 wkshp]

Plow Route Plan – Due to multiple phone calls by a resident on Millsap Loop, Mike Monette supplied the Board with the District's plow route. Mr. Monette stated it gave he, the Road Supervisor and the crew a chance to review the plow routes again, reestablishing there is no better way to provide service at this time. Taken into account were school bus routes, traffic counts, and number of residences to determine the routes. [1/31/11 wkshp]

Asphalt Bids – Idaho Asphalt contacted the District offering the same price as the current bid agreement. Currently, they are bidding \$20-\$30 per ton higher than last year. The Board asked staff to contact Legal to ensure the bid can be extended. [1/31/11 wkshp]

Damage to Howell Road – A resident used a skidster between Harmon and Bodine to install speed bumps. Staff will grade the road back into shape, but the Board asked staff to contact the resident. Law enforcement will be contacted if such damage occurs again. [1/31/11 wkshp]

OFFICE

No Comments

COMMISSIONERS

Commissioner Werner stated he will be unavailable from February 18-26.

The Meeting adjourned at 1:43 P.M.

SPECIAL MEETING: February 14, 2011– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Bob Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, Engineer Darius Ruen and Attorney Susan Weeks met for a District Workshop. Christine Fueston, Ruen-Yeager and Company and Terry Kiefer were present as guests.

Cedar Hollow – Chairman Humphreys stated he is friends with Mr. Kiefer; that Mr. Kiefer is currently doing work for his son, he will therefore abstain from the discussion. Terry Kiefer was present to discuss a remnant parcel created by the Cedar Hollow subdivision, access, and what improvements, if any, will be needed to Crystal Springs Road. Mr. Kiefer also presented a letter

addressed to him from Scott Clark, director of Kootenai County Planning listing three options he has in order to make this a legal lot and that he will have to follow highway district standards. Based on the Board's discussions and similar requests since, Commissioner Werner remains adamant the Crystal Springs be brought up to District standards, including paving the road. He continued that the District did not create this problem it is not the problem of the District due to the fact that the developers opted to leave a remnant parcel and the County violated its own rules by allowing an orphaned lot. Mr. Kiefer multiple times referred to the "fifth lot" and explained the five-year rule in which they can re-apply to the county to bring this lot into compliance without having to include this lot in the prior platting process which would result in a major subdivision. After much discussion from both the Board and Mr. Kiefer, District's legal council, Susan Weeks advised Mr. Kiefer to seek advice from a good property attorney and advised the Board to wait until formal request is made to the District, from the County prior to providing a formal decision. She further advised the Board against providing an informal decision with no formal request in front of the Board. Mr. Kiefer was advised to review Kootenai County Ordinance 10.2.2 and the Kootenai County Association of Highway District's Standard, Section 2.8 for a Minor Subdivision. Due to the date that Cedar Hollow was approved, any changes to the parcel will fall into a major subdivision until five years has passed, or June 2012. [2/14/11 WKSP]

Student Grader Education - Jerome Green was present to request to the Board that he be allowed to film one of our graders, in motion, for an educational video he is developing, Diesel Power and Earthmoving Machines. The filming should not take more than 10-15 minutes. He was instructed to contact the Road Supervisor and arrange a date and time. [2/14/11 WKSP]

Beck Road Interchange Response - Christine Fueston of Ruen Yeager was present to discuss a response to HDR Engineering in regards to the environmental scoping of ITD Project A010 (963), Key Number 010963. HDR is doing an environment assessment in lieu of an environment impact statement under the national environment policy act. This is required as the next step before they move forward on any interchange. The points made in the letter are connectivity to Riverbend Avenue; the addition of more lanes to Beck Road north of Seltice; it is critical that Centennial Trail remain open; temporary and permanent stormwater treatment needs to be addressed through the design process; and needed improvements at the Beck Road and Seltice Way intersection. KMPO's long term transportation plan calls for Beck Road to be a five-lane corridor, however that was developed in the early 2000's based on a booming economy and looks forward through 2030. The Board was left with a draft to review for the upcoming Board meeting. [2/14/11 WKSP]

Parking Ordinance – Protocol to get the ordinance enacted was discussed. It will be put on the agenda, the ordinance is to be passed first, then the MOU with the Sheriff's Department should be signed. The Board will take action, then within one month (30 days), the ordinance summary is to be published, only one time unlike a public hearing, and it becomes active once it has been published. [2/14/11 WKSP]

LEGAL

Abandonment Procedures – Clarification of procedures for a site visit and accepting more testimony was discussed. If the Board chooses to do a site visit, set the date giving time to publish; send notice to previous list that mailings had been sent and the attendees at the meeting; and publish the notice according to code for a public hearing. For the on-site visit, state you will not take any public testimony on-site, and will (or will not) take public testimony at the next meeting (date specified). Ms. Weeks stated it is not necessary to re-publish as a public hearing, however she recommends that step. [2/14/11 WKSP]

Other legal matters, a Supreme Court decision was discussed as it related to prescriptive widths which was determined to be 50-feet. A court case was discussed in which a potential developer questioned a district asking many "what-if's" and when the actual application was received, the district answered, based on the facts of the application, in a non-favorable response to the developer. Ms. Weeks again cautioned the Board in discussing a proposed project prior to receiving a formal request for comments from the county planning department. [2/14/11 WKSP]

Millview Lane – David Dodge signed for his certified letter on February 7, 2011 and has 30 days from the date of the letter, February 4 prior to the initiation of eminent domain proceedings. [2/14/11 WKSP]

A brief has been written for Big Rock; the District is waiting for Karlene Meyer to provide information regarding Huetter Road; the District is waiting for the Road Supervisor to contact Mr. Fuhr regarding the Nelson Loop Dam; the District is waiting for a signed agreement with Jeremy Tripp; Treends agreement, the Prairie Pit sale to Ross Point Water and other small items were discussed. [2/14/11 WKSP]

ENGINEER

Prairie McGuire Roundabout – Darius Ruen reported his office has submitted the final design to LHTAC. It exceeds \$500,000, now at \$530,000. LHTAC has been contacted to see if there is additional funding and will meet with Jerry Flatz in Boise on the upcoming Thursday. There is 'x' amount of Governor Discretionary Funds and LHTAC wants to distribute it statewide. He would like the Road Supervisor to join him at this meeting to express the District's desire to get additional funding anticipating more costs because LHTAC is having Stanley Consultants review the plan. Road Supervisor Brownsberger added that figure does not include the CN&I that is another \$60,000-\$70,000 on top of the \$530,000 and that he did not feel it was fair to the engineer to explain the additional costs. Commissioner Werner stated his dissatisfaction that LHTAC has strung this project to be delayed, bringing more costs to the District. [2/14/11 WKSP]

ROAD SUPERVISOR

Willadson Road – As requested, the Road Supervisor Brownsberger used assessed value to calculate the acreage's value for consideration by the Board in the event they approve the vacation and abandonment. The assessed value without timber exemption is \$15,837.25 for 4.5 acres at \$3,519.39 per acre. [2/14/11 WKSP]

Drug Awareness Supervisor Training – The Road Supervisor, along with Shirley Walson, Ed Mael, and Randy Neil attended training regarding compliance, options, and education on drug testing. Employees who hold a CDL are federally required to be randomly tested but additional staff can enter the random testing under non-DOT requirements, resulting in a five percent savings on the workers comp insurance. A handout was provided to the Board showing this savings would not only pay for the program, it would also provide additional income. Compliance readiness was discussed, updating the District's policy and going to a zero-tolerance policy. Elected Officials are exempt from the policy. [2/14/11 WKSP]

Sand Barn Quote – A quote was received from Mark Latham, ML Architect & Associates, to remove the center post from the sand barn doorway. It will cost no more than \$630 plus up to five hours for a structural engineer review. [2/14/11 WKSP]

OFFICE

No items from the office.

The Meeting adjourned at 3:20 pm.

SPECIAL MEETING: February 2 2011 – Utility Council, Sargents, 12:00 PM. Attended by Bob Miller and Kelly Brownsberger.

SPECIAL MEETING: February 3, 2011 – OEM, Office of Emergency Management, Iron Horse Restaurant, 7:30 AM. Attended by Kelly Brownsberger.

SPECIAL MEETING: April 2, 2011 – KMPO, ITD Offices, 1:30 PM. Attended by Lynn Humphreys, Bob Miller, and Kelly Brownsberger.

ORIGINAL SIGNED AND DATED 3/2/11

Submitted by:
Shirley Walson, District Clerk