

POST FALLS HIGHWAY DISTRICT
January 2010 MINUTES

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

Lynn Humphreys, Chairman, called the meeting to order at 6:00 P.M. Present were Commissioners Lynn Humphreys, Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and Engineer Darius Ruen. Guest Harry Green arrived at 6:07 PM.

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. [1/6/10]

Commissioner Werner made the motion to approve the minutes and vouchers for December 2009. Commissioner Miller seconded. Motion carried unanimously. [1/6/10]

CURRENT BUSINESS

Dodge Property

Engineer Darius Ruen stated concerns regarding the condemnation, located at Millview Ridge. The current drawings from Chad Johnson with Inland Northwest Consultants, (INC), although stamped, are only a conceptual, preliminary design and may not be accurate for the alignment needed by the District. Discussion followed by the Board stating the District was ordered by the courts to provide legal descriptions on each end, so the Board would like Ruen-Yeager to provide legal descriptions that the District knows can be trusted as accurate. The engineer will continue to work with INC to obtain the information they have from their client thus far. [1/6/10]

Post Falls Landing

Harry Green presented drawings regarding his proposed design project. Mr. Green feels the three drawings depict property lines, the boardwalk, a turn-around, and property exchanged with the City of Post Falls. The plans now show the stairs are back on his property; a connecting sidewalk will link his boardwalk/stair landing with the sidewalk to the Spokane Street Bridge but can be cut from the plan if the District so wishes. Commissioner Werner questioned the circle of the turnaround interior is depicted differently in two drawings and also questioned the edge of pavement and property line. Chairman Humphreys questioned the turnaround location as well. Mr. Green answered he believes Drawing 2 is a better depiction than Drawing 1 (as noted in file). Chairman Humphreys questioned the right-of-way width at the end of the bridge, the current width of the bridge including the sidewalk, and at what width the future bridge may be built, trying to determine if the circular drive of the development could be built on the District's property and not impede the future location of the bridge. Other discussion included the swale, stormwater, slopes, excavation, and retaining walls although the Board still is unclear on the developer's plans. Chairman Humphreys would like the Board to do a site review and Mr. Green offered to assist any way he can. [1/6/10]

Employees Policies and Procedures Manual

The 2010 manual was presented for review. Commissioner Werner made the motion to adopt and sign the Policy and Procedures Manual for 2010. Commissioner Miller seconded. The motion was approved unanimously. [1/6/10]

Prairie/McGuire Intersection Improvement Project

A recommendation to LHTAC for the engineering firm Ruen-Yeager & Associates as the engineering firm to do the CNI for the Prairie/McGuire Intersection Improvement Project. Commissioner Werner made a motion to authorize Chairman Humphreys to sign the letter. Commissioner Miller seconded. The motion was approved unanimously. Chairman Humphreys continued to ask if staff knows what the next step is in the selection process. The Road Supervisor stated LHTAC contacted him stating they would like some of his responses changed

referencing Highway Districts instead of Local Agencies, so the comments have been updated and resent. [1/6/10]

Beck Road/ITD Property

The Quitclaim Deed had been recorded on November 20, 2009 but the County's Assessor's office rejected making the transfer until such time the Highway District showed acceptance. An acceptance was prepared for the Board's signature to re-record the document. Commissioner Werner made the motion for the Chairman to sign the acceptance letter so the document can be re-recorded. Commissioner Miller seconded. The motion was approved unanimously. [1/6/10]

CORRESPONDENCE

Kootenai County Hearing examiner sent notice of two reviews, Mark Lee Variance and CUP and Suzanne Kinchen (Mattioda). The District has responded earlier on both proposals. [1/6/10]

ROAD SUPERVISOR

Prairie/McGuire Intersection Improvements Public Hearing – LHTAC felt the District's April 2009 public meeting was not acceptable and should be a formal Public Hearing. At the time, Road Supervisor Brownsberger felt that was not a big issue but LHTAC wants ITD's hearing officer to preside over the meeting rather than a general Public Hearing to be held in front of the Board. Road Supervisor Brownsberger presented the Board with an email he sent to LHTAC stating it is a local project and using ITD's hearing officer is unnecessary. Commissioner Werner proposed the District proceed with the Public Hearing to be held at the February 3 Board Meeting as discussed. Chairman Humphreys stated Jerry Flatz from LHTAC is concerned that if the federal protocol isn't followed, even though it is local funds, the award of the funding could be challenged in the years to come. The Engineer added that the concept report cannot be submitted until the Public Hearing is complete. LHTAC is offering an extension to April 30 to submit the concept report, moved back from April 3 to allow the District more time. [1/6/10]

City of Rathdrum support letter – The Board previously agreed to provide a match for the City's Lancaster, SH41 to Greensferry project. The City is ready to proceed with the application project and has asked for a letter of support. A letter was presented for the Board's review. Commissioner Werner made the motion the Chairman sign the letter of support for the Lancaster project. Commissioner Miller seconded. Motion carried unanimously. [1/6/10]

Creekside Development, Jeremy Tripp agreement – The Road Supervisor called Mr. Tripp on the 18th of last month but he did not show up to sign the agreement as yet. The Road Supervisor has since left a message with Mr. Tripp and has not heard back. He will hand-deliver the agreement to Mr. Tripp's office the upcoming week if necessary. [1/6/10]

Wild Ridge Agreement – The District received the signed agreement from Wild Idaho Inc but it is not a very good copy. The Road Supervisor will resend an agreement and ask that they mail the original rather than send it by a PDF file. [1/6/10]

Beck Road Realignment – Chairman Humphreys asked if the Road Supervisor had been in contact with Mr. Bovial yet which he has not. The Road Supervisor did discuss proposed slope changes on the project from 1 ½ to 1. The District may need to obtain some property from Hagadone due to the slope change. The Engineer added that the slope changes will result in less maintenance issues for the District and he will provide an exhibit for demonstration purposes to the property owner. The Road Supervisor added this change should not set the project's timeline back any further. [1/6/10]

ENGINEER

Miller Tracts 1st Addition – Darius Ruen presented the engineer comments. The original Miller Tracts plat provided right-of-way and easements for the proposed extension of Riverview Drive. Therefore, the District will recommend the developer be required to pay the \$3,400 per lot in lieu

of construction fee for the three additional lots. Additionally, the District asks that access to Tax Number 20918 be prohibited to comply with the county requirements of only serving four parcels. The Board was in agreement with the engineer recommendations, which will be forwarded to Kootenai County Planning. [1/6/10]

OFFICE

MD&A Report – The District Clerk presented the completed MD&A report necessary for the auditor to complete the FY 2008/2009 audit. [1/6/10]

Notice of Meetings – The notice of 2010 meeting times for publication in the newspaper was presented. Commissioner Werner asked to table this item for discussion at the next Board Meeting. He would like to discuss reducing the number of meetings to one per month. [1/6/10]

Highway District Ordinance – East Side Highway District provided a copy of the legal notice of the Ordinance 2009-001. Booth Park Hours/Parking Ordinance is in effect upon the December 29, 2009 publication. The Kootenai County Highway Districts have agreed this ordinance will be the first in order to get a ruling allowing ordinance authority that Idaho Code currently does not specifically address. [1/6/10]

Audit Request For Proposals – The District Clerk provided a proposed RFP for auditing services. The RFP contains a February 12, 2010 deadline. Commissioner Werner made the motion for the Chairman to sign the audit RFP letter and send it to the prior selected companies. Commissioner Miller seconded. Motion carried unanimously. [1/6/10]

URD Audit Request For Proposal – The District Clerk provide a proposed RFP for auditing services for the Urban Renewal District review. The RFP contains a February 17, 2010 deadline for submittals. Commissioner Werner made a motion for the Chairman to sign the RFP for the URD audit. Commissioner Miller seconded. Motion carried unanimously. [1/6/10]

COMMISSIONERS

The Commissioners had no comments.

Executive Session

Commissioner Werner moved to enter into Executive Session at 7:16 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 Miller: aye

Chairman Humphreys: aye

Commissioner Werner: aye

Commissioner Werner made the motion to come out of the executive session at 7:23 PM. Bob Miller seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:23 PM. With no further business, Commissioner Miller made the motion to adjourn at 7:23 PM. Commissioner Werner seconded. Motion carried unanimously.

With no further business, the meeting was adjourned at 7:23 P.M.

Regular Meeting – January 20, 2010, 6:00 pm, E. 5629 Seltice Way

Lynn Humphreys, Chairman, called the meeting to order at 6:00 P.M. Present were Commissioners Lynn Humphreys, Terry Werner, Robert Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and District Engineer Darius Ruen. Guests included Randy Broesch, Darrel Ramus, and John Karpenko from Ruen-Yeager and Associates; Lee Anderson and Annie Van Valin from Anderson Brothers CPA's.

Commissioners had no conflict of interest with any agenda item.

PUBLIC HEARING

Benson Road Request to Vacate and Abandon

Chairman Humphreys declared a Public Hearing is officially in session and asked who would like to speak to the Board regarding this proposal. Darrel Ramus, of Ruen-Yeager and Associates, representing the Wild Ridge Project, asked to speak. Chairman Humphreys asked for the record to reflect Darius Ruen, owner of Ruen-Yeager and Associates, is the District's engineer and at the Board's discretion, if they feel there is a conflict of interest, they will state such. At this time, they feel there is no conflict of interest. Mr. Ramus presented documents for the record including a map, neighboring property ownership, the legal description provided for vacation and abandonment, and documents including the viewers report. The right-of-way travels through three parcels, Mary Wren, John Freddi, and Wilde Idaho, Inc. The Benson Road right-of-way is approximately 100-years old and to the knowledge of locals and the employees of the District, it has never been used as a road and is not used at this time as a road. In 2003, Freddi Road was dedicated to the District and is the course of travel now. Benson road serves no purpose. The title company did not show this right-of-way on the title report during the Wilde Idaho, Inc. purchase. The Board asked the acreage of the property to be abandoned, stated as approximately 2.4 acres versus the acreage of the proposed dedication on the pending Wild Ridge Subdivision, stated as approximately 2.8 acres. Mr. Ramus stated there is no width stated in the Benson Road Viewers report, so he is using State statute to make an assumption on the acreage. There is no evidence the original landowner, roughly 100-years ago, signed for the conveyance of the right-of-way. The Kootenai County Board of Commissioners, at that time, condemned the property and essentially did a taking. Access on the proposed Wild Ridge Subdivision shares a small portion of the Benson Road right-of-way, however, at both ends of the subdivision, the new road follows a very different path. The roads in the Wild Ridge Development are built to District standards but will be private roads, and privately maintained. The District Clerk stated no written documentation was received in regards to the vacation request, however two phone calls were received to question the location. John Karpenko from Ruen-Yeager added some discussion regarding the width of Winch Road that will be dedicated to the District upon recordation of the Wild Ridge Subdivision plat. The District's engineer stated he saw no reason for the District to retain the right-of-way. The Road Supervisor also stated he saw no reason for the District to retain the right-of-way. Chairman Humphreys asked if anyone in the audience wished to add a comment; there were no comments, so the public comment period was closed at 6:17 pm so Board discussion could proceed. Commissioner Werner stated the District has gained all the access that is needed in that area and this parcel is not providing the Highway District with either a current or a future need and sees no purpose to keep the Benson Road right-of-way. Chairman Humphreys stated it was a taking many years ago and the title can be cleared on the three properties that are affected by the Benson Road Viewer's Report. Commissioner Werner moved to go forward with the Benson Road vacation, giving it back to the recorded property owners. There has been no public testimony or opposition and the Board finds there is no need at this time or in the future for this right-of-way. Commissioner Miller seconded. Chairman Humphreys asked if there was any further dialogue, stating there is a motion and it has been seconded. Motion carried unanimously. The District will prepare documents to reflect this motion. [1/20/10]

CURRENT BUSINESS

Publication – Notice of Meetings

The Clerk asked for a review of the proposed Notice of Meetings intended for publication in the local newspaper at the January 6 meeting, but was tabled due to Commissioner Werner's wish to discuss changes in the number of meetings per month. This subject was discussed at the January 18, 2010 Workshop. Commissioner Werner made the motion to publish the Notice of Meetings in the local newspaper as presented. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

Wild Ridge Subdivision, Developers Agreement

John Karpenko from Ruen-Yeager and Associates was present to answer any questions the Board may have regarding this proposed subdivision. Commissioner Werner made the motion to sign the Development Agreement for Wilde-Idaho that has been prepared by legal staff. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

2008/2009 Audit Presentation

Lee Anderson and Annie Van Valin were present to explain the audit. Mr. Anderson went through the audit by each section/page explaining the Management's Discussion and Analysis, the data within, and the Findings and Responses. He also explained upcoming changes in governmental auditing. Upon questioning from the Board, Mr. Anderson stated the District is average in the findings and offered some suggestions to improve the District's overall practices including classes for the District Clerk and more participation by the Board. [1/20/10]

Certificate of Completion – STC-5741, Greensferry/UP RR Xing

The Local Public Agency's Certificate of Completion of Right-Of-Way Activities was received from Greg Brands, Idaho Transportation Department. The District is in compliance according to the Road Supervisor and the document is ready to be signed. Commissioner Miller made the motion to sign the Certificate of Completion of Activities, Greensferry Road railroad crossing south of Hayden Avenue. Commissioner Werner seconded. Motion carried unanimously. [1/20/10]

Big Sky Development, Addendum to Road Development Agreement

Commissioner Werner moved for the Chairman to sign the road developers agreement. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

CORRESPONDENCE

Expense Statement – A summary was received for review regarding litigation. This is being handled by ICRMP. No discussion by the Board. [1/20/10]

ITD, Project Record Summary – A report was received for review showing the balance owing to ITD on various projects. The Road Supervisor stated it is a report only, the final figures have not yet been received. [1/20/10]

Aerial Photography Demonstration – An invitation was received from the Kootenai County Office of Emergency Management for a demonstration on software for aerial photography. It will be held February 4, 2010 from 9am to 11am. [1/20/10]

ROAD SUPERVISOR

Beck Road - The Road Supervisor has a meeting with Mr. Bovial tomorrow (1/21/10) and provided an exhibit to the Board as prepared by Ruen-Yeager depicting the additional right-of-way that is needed. The square footage is 15,478 with discussion following of proposed cost using a similar negotiation. Commissioner Miller made the motion to allow the road supervisor to authorize expenditure up to \$15,000 to acquire this portion of right-of-way. Commissioner Werner seconded. Motion carried unanimously. In addition, the District may need a portion of right-of-way from Hagadone Hospitality across the road. Chairman Humphreys asked if anyone remembered why the District didn't ask for that parcel earlier. Mr. Ruen stated it was because the design had been changed due to a slope change. The slope was designed at 1 ½ to 1 using material from an intended source. Now, material will be used out of the Hern pit and the 1 ½ to 1 slope with this material, because of the fines, needs to be changed. The Road Supervisor stated 9,400 square-feet is needed from Hagadone. Mr. Ruen sent an email to the Hagadone Corporation 1/19/10 and asked to arrange a meeting but has not heard back at this time. Commissioner Werner made the motion to authorize the road supervisor to spend up to \$10,000 to acquire the right-of-way needed from Hagadone Hospitality although it may be donated due to an earlier requirement. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

Special Event Application, Muddy Huetter Roubaix (roo-be') bike race

The District received a special event application for the March 28, 2010 bike race. The course begins and ends near Wyoming and Meyer, goes down Meyer, down Lancaster, into Lakes Highway District and back. They stay in a group with a flaggers at some of the intersections and will hold traffic for just a small time while the participants cross the intersection. The Lakes Highway District Board has already approved their special event permit. Commissioner Werner made the motion to approve the special event permit for the Muddy Huetter Roubaix Bicycle event on March 28, 2010 as long as they have their insurance in place. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

ENGINEER

McGuire/Prairie Intersection Improvement Project – RYA has prepared the easement for the water line extension on McGuire/Prairie and scheduled the property owner to sign tomorrow. East Greenacres is ready to put in the turnout approach, then Verizon will schedule their work, so all is moving forward. [1/20/10]

OFFICE

Treasurer's Report – Commissioner Werner made the motion to approve the Treasurer's Report for December 2009. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

Profit and Loss Report – For review, the District Clerk presented a Profit and Loss statement after the January bills were completed. [1/20/10]

Vouchers to Date – Commissioner Werner made the motion to approve the vouchers to date. Commissioner Miller seconded. Motion carried unanimously. [1/20/10]

Deposit Rates – Wells Fargo contacted the District Clerk for their current CD rates asking if the Board would be interested in investing any further. The Board felt it wasn't a very attractive offer. [1/20/10]

COMMISSIONERS

Commissioner Werner wanted to briefly discuss the Post Falls Landing project after the site visit held on January 7, 2010. Chairman Humphreys asked staff to compose a draft letter for the next business meeting stating concerns that have been expressed to the Road Supervisor on-site. Commissioner Werner would like the chairman to review this as well if Mr. Green can wait until after Chairman Humphreys vacation. [1/20/10]

With no further business, Commissioner Miller made the motion to adjourn the meeting at 7:44 PM. Commissioner Werner seconded. Motion carried unanimously. The meeting was adjourned.

SPECIAL MEETING: January 4 2010– 1:00 P.M. District Workshop Cancelled.

SPECIAL MEETING: January 18, 2010– 1:00 P.M. Commissioners Lynn Humphreys, Bob Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, and Engineer Darius Ruen met for a District Workshop. Attorney Susan Weeks was present.

LEGAL

Dodge property - Ruen-Yeager has prepared the exhibits showing two alignments so the legal descriptions can now be written. Since the attorney has not obtained a title report yet, Mr. Ruen asked the Board's permission to order title reports along with litigation guarantees. The cost is \$200 each. The Board felt that was a good idea. [1/18/10]

Millview Lane/Magneson property – New legals are needed. [1/18/10]

Recording fees dispute – Mrs. Weeks sent a letter to the County on behalf of the Associated Highway District asking for a response by January 31, 2010 in regards to highway districts paying recording fees. [1/18/10]

Nelson Loop dam – The property is now under foreclosure and the property is up for a 'short sale'. Mrs. Weeks stated either she can contact the bank and ask them to address it, or a Notice of Encroachment can be filed so a future buyer is aware of the problem. Chairman Humphreys thought both options should be done so there is nothing hidden. Discussion followed regarding who, what, and how removal of the dam might be done. The Road Supervisor stated it needs to be removed off the District's right-of-way but he doesn't feel the District would want to remove it due to stormwater issues and liabilities. [1/18/10]

Also discussed were recordings with the county; Meyer's property; tax payments; urban renewal review; and recording fees. [1/18/10]

ENGINEER

Stormwater Management Program – The draft for the annual report was provided to the Road Supervisor and can possibly be reviewed by the Board at the upcoming meeting on January 20. [1/18/10]

Beck Road/UPRR Crossing –The surveyor can stake for Avista within the next several days. He will then arrange to meet with John Barlow from Hagadone Hospitality to discuss the additional property needed. [1/18/10]

Miller Tracts 1st Addition – A modified letter was provided to staff and has been mailed to Kootenai County Planning. [1/18/10]

McGuire/Prairie Intersection Improvement Project –The engineer attended a utility meeting with Kelly and all the utility companies. Once the public hearing is held, RYA will move forward with the concept report. A letter has been sent to Jerry Flatz with LHTAC requesting the completion date be moved to the end of April but has not heard back from LHTAC at this time. [1/18/10]

ROAD SUPERVISOR

Employee deployment – The Road Supervisor notified the Board that Eric Prestegaard is scheduled to deploy to Afghanistan for approximately one year. He is scheduled to report to Louisiana March 26 for initiation but will possibly take all of March off in vacation. While he is gone, former employee Bill Alexander is willing to work. The Board feels it is in the District's best interest to bring Bill back as long a physical is taken; and his social security and retirement is not jeopardized. [1/18/10]

T2 Flagging Supervisor Training – Bruce Drewes from the T2 Center contacted the Road Supervisor regarding Ed Mael. Mr. Drewes would like to certify Ed to teach Traffic Control Technician and Traffic Control Supervisor courses. Ed is willing and will need a 3-day training class in Boise to be held February 10, 11, and 12. The Board felt it was good for the District to have someone with this training. [1/18/10]

Weight Restriction – The District roads have been posed with weight and speed restrictions today. [1/18/10]

CIP Draft – The Road Supervisor presented the Board with a draft of the CIP's for the impact fees. [1/18/10]

OFFICE

No items from the office.

Business Meetings Schedule – The yearly schedule will be published in the legal section of the local newspaper. This item was on the January 6 agenda but Commissioner Werner asked to table it to January 18. The Board and staff discussed reducing the business meetings to one a month rather than two per month. Commissioner Miller stated he prefers two meetings so there are two shorter meetings rather than one long meeting. The Engineer stated he has no preference, however based on his other clients that have attempted this schedule find it inconvenient to get application comments out in a timely manner. The District Clerk stated that if the meetings are reduced to one meeting, she prefers the third week in order to receive billings and process them so they can be mailed for appropriate due dates. She also agreed with the engineer regarding comments on plat reviews, etc. being done in a timely manner. The Road Supervisor feels nothing insurmountable cannot be taken care of, however he feels the Board may lose touch with what is going on in the District. Chairman Humphreys stated the District is here to serve the people; there is still the option to cancel the meeting; and there have been several locations where the District continually advertises two meetings per month. The Engineer asked if the Board might want to eliminate a workshop and convert one of the workshops to a business meeting. Chairman Humphreys was not in favor of that option. [1/18/10]

With no further business, the Meeting was adjourned at 1:50 PM.

SPECIAL MEETING: January 6, 2010 – Utility Council, Sargents, 12:00 PM. Attended by Bob Miller and Kelly Brownsberger.

SPECIAL MEETING: January 7, 2010 – OEM, Office of Emergency Management, Iron Horse Restaurant, 7:30 AM. Attended by Kelly Brownsberger and Mike Monette.

SPECIAL MEETING: January 8, 2010 – KMPO, ITD Offices, 1:30 PM. Attended by Lynn Humphreys, Bob Miller, and Kelly Brownsberger.

SPECIAL MEETING: January 13, 2010 – Impact Fees, Kootenai County Courthouse, 9:00 AM. Attended by Lynn Humphreys.

SPECIAL MEETING: January 14, 2010 – Associated Highway District, Lakes Highway District, 7:00 PM. Attended by Lynn Humphreys, Robert Miller, and Kelly Brownsberger.

SPECIAL MEETING: January 25, 2010 – Quarterly Meeting with Kootenai County Commissioners, Courthouse. Attended by Lynn Humphreys, Bob Miller, and Kelly Brownsberger.

SPECIAL MEETING: January 26, 2010 – KCATT, 8:00 AM, ITD. Attended by Kelly Brownsberger.

APPROVED _____

ATTEST _____

DATE _____

Submitted by:
Shirley Walson, District Clerk