

POST FALLS HIGHWAY DISTRICT
OCTOBER 2011 MINUTES

Regular Meeting – October 5, 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. Brian Crumb, Gary and Delores Nystrom were guests.

Commissioners had no conflict of interest with any agenda item.

CURRENT BUSINESS

OPENING OF BIDS – VARIOUS SURPLUS EQUIPMENT

Chairman Humphreys opened the bids and Commissioner Werner read them as follows: Item 1-1998 Chevrolet Pick-up: The Workshop LLC (Karrie Kramer) \$1,001; Gordon Beck \$202; Ron Farmon \$400. Item 2-Craftco pavement router: Terry Fitzthum \$318; Gordon Beck \$11; Arrow Construction \$779. Item 3-Power hacksaw: Frank Fahland \$35; Dan Drapeau \$75.25; Gordon Beck \$11. Item 4-Meyer C8.5 snowplow: Arrow Construction \$779; Gary Nystrom \$850; Gary Nystrom \$1,000; Jeff Wood \$875; Frank Fahland \$220; Copper Creek Construction \$3,107.07; Bernard Kramp \$2,326; Bernard Kramp \$1,012.26; John Moats \$796; Dave Rieper \$1,260; Ron Farman \$1,900. Item 5-1980 Williamsen pup trailer: Shawn Arnold \$2,756.24; Jeff Kirsborn \$2,507.01; Wayne Gallaid \$1,551. Item 6-1976 Zeiman drop deck trailer: Gordon Beck \$1,002; Ron Farmon \$1,900; Larry Neu \$1,700. Item 7-1995 Traileze tilt trailer: Copper Creek Environmental \$4,107.07; Jeff Wood \$1,750. Item 8-CAT 3208 remanufactured engine: Jeff Wood \$500; Terry Fitzthum \$285; Frank Fahland \$1,120; Gordon Beck \$908. Item 9-Kubota Model D905: Terry Fitzthum \$68; Gordon Beck \$6; Jeff Wood \$100. Bids for Items 1 and 6 were rejected. Winning bids were awarded to Item 2: Arrow Construction \$779; Item 3: Dan Drapeau \$75; Item 4: Copper Creek Environmental \$3,107.07; Item 5: Shawn Arnold \$2,756.24; Item 7: Copper Creek Environmental \$4,107.07; Item 8: Frank Fahland \$1,120; Item 9: Jeff Wood \$100. Commissioner Werner **moved** to take the bids under advisement and have the Road Supervisor review them and upon his approval, sell the equipment to the highest bidder. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

PRAIRIE, MEYER TO HUETTER

Invoice #13 has been received. Commissioner Werner **moved** to approve payment #13 in the amount of \$4,057.43 and have the Chairman sign the appropriate paperwork. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

Prairie and McGuire Intersection

Two items were listed on the agenda, Pay Estimate Voucher #3 and Consultant Estimate voucher #2. Road Supervisor Brownsberger reminded the Board that that District does not actually pay the estimate vouchers, LHTAC pay the vouchers. He also stated that due to time constraints, he had previously polled the Board to approve and sign the vouchers and this formal action would place the motion in the minutes. Commissioner Werner **moved** to approve Pay Estimate #3 and include Consultant Estimate Voucher #2 in his motion, and forward both to LHTAC for payment. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

Bridge Field Inspection Report

Harbor Island Bridge was inspected July 8, 2011. The report for the inspection has been received by Idaho Transportation Department. So noted. [10/5/11 Board Mtg]

Amended L2 Form

District Clerk Walson stated she used the preliminary recaptured homeowner's amount in the

budget that was published in the paper. The final amount was received later. Under the County Clerk's review and prior to sending the L2 form to the state, an updated form was requested. The preliminary amount shown was \$2,340; the final amount was \$3,605, or a difference of \$1,265. Commissioner Werner **moved** Chairman Humphreys signed the amended L2 form. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

Terrorist Insurance Coverage

ICRMP, the District's insurance carrier, sent application for an insurance rider for terrorist coverage. This is an option and Road Supervisor Brownsberger informed the Board they have denied this in the past. Commissioner Werner **moved** to deny the option for the terrorist insurance. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

CORRESPONDENCE

No items received.

ROAD SUPERVISOR

LHRIP Applications – Previously, the Board discussed projects that could be submitted for funding under the LHRIP funding grants. After working with the engineer, it appears the Hauser Outlet will not work well in this application. Again, partnering with the City of Rathdrum for Lancaster improvements, Huetter to Meyer was discussed. Chairman Humphreys stated he believes it is a good idea because that is \$100,000 that will not come out of the District's fund if the Lancaster project proceeds. Commissioner Werner **moved** to apply for the LHRIP funding for Lancaster, Huetter to Meyer. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

Paradise Road – Kootenai County contacted the Road Supervisor regarding a parcel on Paradise Road, a private road. The County is trying to determine if the property owner will need to apply for a minor or major subdivision. After discussion and locating on a parcel map, the Board conceded the minimum requirement will be additional right of way along the existing right of way to meet the District's standard of 60' plus an additional 10' roadway, drainage and utility easement. Until the District receives an application as to what the property owner is proposing for a subdivision, the Board will not know if the developer needs to build the road to standards or if the \$3500 fee in lieu of construction will be required. [10/5/11 Board Mtg]

Radio/Repeater – Road Supervisor Brownsberger apprised the Board on updating to the new repeater for narrow banding capabilities. [10/5/11 Board Mtg]

Screening Plant – Road Supervisor Brownsberger asked for permission to travel to Bozeman Montana for an October 28 auction that has a screening plant. Discussion followed regarding his search, the need to replace the current plant, and the cost, previously approved at \$60,000. Commissioner Werner **moved** to authorize the road supervisor to go to the auction in Bozeman Montana and bid on a screening plant for the amount up to \$75,000. Commissioner Miller seconded. **Motion carried** unanimously. [10/5/11 Board Mtg]

Approval of Raises – The 2011-2012 budget was approved with a sixty-four cent per hour raise. Now that the new fiscal year has begun, Road Supervisor Brownsberger asked the Board if the employees should be notified of the raise beginning October 1. The Board conceded, stating it has already been approved within the budget. [10/5/11 Board Mtg]

ENGINEER

Roundabout – Jeff Miles from LHTAC spoke with Engineer Darius Ruen stating LHTAC does not have money to add to the fix on the Roundabout and will be contacting the District soon to pay the \$15,000. The Board will consider payment at the time of LHTAC's contact. [10/5/11 Board Mtg]

OFFICE

Cafeteria Plan Update – District Clerk Shirley Walson explained their next meeting packet will have information from Magnuson McHugh and Company. The District will be required to produce this document in the event of a federal audit. Currently Aflac provides this service somewhat unsatisfactorily. [10/5/11 Board Mtg]

Holiday Dinner – This year's dinner has been scheduled for December 17 for 6:30 pm, at the Coeur d'Alene Inn.

COMMISSIONERS

With no further business, Terry Werner made the motion to adjourn the meeting at 6:29 PM. Commissioner Miller seconded. Meeting adjourned.

Regular Meeting – October 19, 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 the District's attorney, Susan Weeks. Guests were Mark and Sheila Olmstead, Eldon and Violet McLean, and Wade McLean.

Commissioners had no conflict of interest with any agenda item.

PUBLIC HEARING

Abandonment and Vacation – Corbin Road

Road Supervisor Brownsberger provided a staff report stating notifications for the public hearing have been published according to Idaho Code. Corbin Rd was laid out as part of E. Greenacres Plat #9 on May 5, 1905. The section of Corbin Rd that is being petitioned for abandonment is approximately 210 LF with a right of way of 40', containing approximately 8400 sq. ft. or .19 acres. On August 16, 1972, Post Falls Highway District enters into an agreement with the State of Idaho to close Corbin Rd for the construction of I-90 thus creating the portion of Corbin Rd in question. On September 8, 2011, staff conducted a search of the District's records and meeting minutes to ensure that Corbin had not been previously abandoned or closed by the District. Nothing was found and there is no record of any maintenance done on that section since the road was closed in 1972. Staff reported no phone calls, emails or personal contact have been made with the District concerning the abandonment. When asked to address the Board, Eldon McLean stated he would allow the Board to proceed without his comment. Chairman Humphreys asked for other comments at which time Mark Olmstead spoke, stating he lives just east of the proposed abandonment and is opposed because that is the only access to the north side of his property. He stated they have a septic system located on that side of their house to have a truck or tractor come in to work on the septic. Sheila Olmstead concurred with her husband. Chairman Humphreys asked that by owning one-half of the access, would they have sufficient access. Mr. Olmstead stated it would be too narrow and that when they moved to that location, they offered to take over that piece and was told it would be transferred to them, so he installed fences and 20-foot trees. Chairman Humphreys asked who told him he could install trees on the right-of-way but Mr. Olmstead stated they were on his property, and then stated he had installed a few small trees on the right-of-way. Mr. Olmstead asked about the cost of taxes if he were to obtain this parcel through the abandonment procedure. Chairman Humphreys stated it would be minimal. When asked if the parcel would be surveyed because he was concerned about neighborly dispute if it is not. District Clerk Walson reminded the Board a legal survey is needed if the abandonment is approved and Road Supervisor Brownsberger added he could not find that a previous survey has been done. Discussion followed regarding a tax increase to the Olmsteads. Mr. McLean discussed the trees that have been planted and feels they will lift his fence up. Wade McLean stated the McLean's are paying for everything so it is like 'a gift' to him and that he would like to

see the land put back on the tax roll. The public hearing was closed at 6:10 pm and opened for Board deliberation. Commissioner Werner asked Mr. McLean how long he has lived at this location then asked if the only reason for this request was because of the trees. Mr. McLean responded since 1973 and answered the latter part that one-half of this roads is 'well enough for either side' and "it is a fair and square deal to split it down the middle". Mr. Olmstead commented with Chairman Humphreys stating he was not in order to comment aloud at this time. Commissioner Werner asked Road Supervisor Brownsberger if there was a reason to keep the right-of-way receiving an answer that no, the District has no reason to keep it; it dead-ends, is only 200-feet long, there will never be a structure there to cross the interstate. He added McGuire has a structure to cross the interstate and is only one-half mile from this location. Commissioner Miller had no questions. Chairman Humphreys then asked Mr. Olmstead about the row of trees receiving an answer that he has a 20-foot tall ornate fence with poplars and maples planted along the fence. When asked about trees on the right-of-way, he stated there were three poplars that were already there and the only damage to McLean's fence was when a wind storm blew down a tree. When asked about his gate, Mr. Olmstead replacing the gate is not the problem, other than the cost and installation; it is the turn that is the problem. Chairman Humphreys asked Mr. McLean asked if he has access into his field from that road receiving an affirmative answer commenting that his lock has been stolen, his brother previously owned the property, and a barn was located on the property but added there is no gate there now. Chairman Humphreys stated it appears this roadway serves no purpose to the District and believes a 20-foot width provides adequate access, which is the width required by fire districts. Commissioner Werner visited this parcel approximately two years ago, does not see any damage by the trees, but since it does belong to the District, there is some liability and the Poplar trees are on the right-of-way and if they fall over, it is the District's responsibility to repair the fence. Commissioner Werner **made a motion** to move forward with the abandonment of Corbin Road, split it 50/50 between the two property owners; that a survey be done with pins installed for a reference for the owners. Commissioner Miller seconded. Chairman Humphreys asked Commissioner Werner to clarify his motion as to who would pay for the survey. Commissioner Werner stated he did not believe the cost would be that great with Chairman Humphreys stating the District would provide the legal description the survey, and proceed to transfer to the owners. Commissioner Werner informed the property owners they could remove the asphalt and do whatever they want by treating it as their own property once notice of the transfer has been given. Chairman Humphreys added it has moved and seconded, **motion carried unanimously.** [Oct 19 Board Mtg]

CURRENT BUSINESS

September 2011 Minutes

Commissioner Werner **made a motion** to approve the September 2011 Minutes as presented. Commissioner Miller seconded. **Motion carried** unanimously. [Oct 19 Board Mtg]

September 2011 Treasurer's Report and Vouchers

Commissioner Werner **made a motion** to approve the September 2011 Treasurer's Report and the vouchers as presented. Commissioner Miller seconded. **Motion carried** unanimously. [Oct 19 Board Mtg]

Cafeteria Premium Payment Plan

District Clerk Walson stated the Federal government requires this document is in place under Section 125 of the Internal Revenue Code and permits employers to sponsor a plan that enables their employees to pay premiums for certain types of benefits on a pre-tax basis. Commissioner Werner **moved** for Chairman Humphreys to sign the documents for the Cafeteria Plan. Commissioner Miller seconded. **Motion carried** unanimously. [Oct 19 Board Mtg]

CORRESPONDENCE

Zachary Pugh Accident – Total damages to the fence was \$2,474. The District has a \$500 deductible therefore, ICRMP reimbursed \$1,974. [Oct 19 Board Mtg]

Pleasantview/SH53 Intersection – A letter was received Cathryn Rapalli asking for an update on the intersection. She also remarked that she has had to wait for longer than ten minutes due to traffic backed up waiting for a train. Road Supervisor Brownsberger stated staff will reply to her letter. *[Oct 19 Board Mtg]*

Project Record Summary – This report was received from ITD as an update of funds for District projects. Seltice Way Bridge and Prairie, Huetter to Ramsey Road remain on the listing along with the newer Prairie, Meyer to Huetter and Pleasant View Rd and SH53 projects. Chairman Humphreys asked Susan Weeks about Seltice Bridge since it is no longer in the District's jurisdiction. Ms. Weeks responded that since the city annexed the bridge without giving the District notice, we can argue the District is unjustly enriched and it is only fair the city's taxpayer's pay for the balance rather than the District's taxpayers. The amount showing on the report is \$23,830.61 but until the project is closed out, a final amount will not be known. *[Oct 19 Board Mtg]*

LEGAL

Attorney Susan Weeks stated she will report on general reports, but also has pending litigation that she would like to discuss under executive session. *[Oct 19 Board Mtg]*

Property Taxes – Kootenai County cancelled the 2004 and 2005 taxes on the remaining three parcels from the Prairie, Huetter to Ramsey project. Resolution 2011-110 was received from the County.

Jeremy Tripp (Big Sky) – Mr. Tripp has still not signed the bond the District has asked for from him. The Board stated they would like her to request him sign the bond once again. *[Oct 19 Board Mtg]*

Coastal Community Bank Litigation – The District will receive a proposal to extend the developers agreement for Wilde Idaho. They have decided to extend the agreement rather than sue. *[Oct 19 Board Mtg]*

Broom patent – There has been no new information. *[Oct 19 Board Mtg]*

Huetter Road/Meyers – Mrs. Meyers has the documents and has conveyed the District will have the documents before the end of the year. *[Oct 19 Board Mtg]*

Mellick Road - Waiting on legal and the agreement is has been sent out. *[Oct 19 Board Mtg]*

Three items will be reviewed under executive session.

ROAD SUPERVISOR

LHRIP funds – The District will apply for funds for Lancaster but that section is not on the CIP and asked the Board if they would include it on the CIP. Commissioner Werner **moved** to add Lancaster as advised by the Road Supervisor to the District's CIP. Commissioner Miller seconded. **Motion carried** unanimously. *[Oct 19 Board Mtg]*

Weed evaluation – The Road Supervisor asked if the Board had any comments they wished to be included in the evaluation report for this year. Chairman Humphreys stated he feels there is still room for improvement although it is better than it has been in the past. He asked if they have applied for the chemical for the multi-weeds, combining kosha and some others. He stated he would like to go on a District tour with the Road Supervisor using the list of weeds. He also asked the Road Supervisor to ask the weed board if they are aware Hoary alyssum into the west side of the county; he believes they are aware of it but would like to ensure they are aware. *[Oct 19 Board Mtg]*

Prairie and Chase Stop Lights – Road Supervisor Brownsberger has been moving towards moving the bouncing ball lights previously at Prairie and McGuire to Prairie and Chase. He has

contacted Classic Electric to install the wiring and they gave a quote of \$6223 from the Avista pole to the stop sign. Avista will need to set another transformer which will cost \$1250. He gave the go-ahead to do that work. *[Oct 19 Board Mtg]*

Roundabout walk-through – October 18 was the final walk-through of the roundabout. The District received a request from David Evans and Associates for acceptance. Chairman Humphreys asked if all change orders were completed and is the general public able to navigate the roundabout. Road Supervisor Brownsberger stated most are doing fine as long as they are driving properly. Ones speeding or not paying attention still seem to have problems. Commissioner Werner concurred from what he has noticed. Once the yellow line has worn off on the inside of the circle, it will not be replaced. With the line, some drivers feel like they cannot mount the inside circle and with the deletion of the yellow line, they can feel more comfortable that they are not doing something incorrect. Commissioner Werner stated that since the District has not received a final amount due from LHTAC, and he does not feel a letter of acceptance should sent to DEA and then try to argue with LHTAC over the amount due. Chairman Humphreys concurred. *[Oct 19 Board Mtg]*

Surplus auction items – Two items were not awarded because the Road Supervisor felt the bids were too low. They were submitted to the Garry Montague Auction, held October 18, and were sold for quite a bit more than the sealed bids. *[Oct 19 Board Mtg]*

ENGINEER

No representative present. Indication has been received the LHRIP application is being completed but there is not much else to report at this time. *[Oct 19 Board Mtg]*

OFFICE

Highway Distribution – The third quarter contribution is ready to be transferred tomorrow. *[Oct 19 Board Mtg]*

New copier – The current copier needs replacing. The Board asked that a few quotes be obtained and make a decision if a maintenance agreement is needed. The Clerk will bring more information. *[Oct 19 Board Mtg]*

COMMISSIONERS

No items for discussion.

EXECUTIVE SESSION

Commissioner Werner **moved** to enter into Executive Session at 6:52 PM pursuant to the provisions of Idaho Code 67-2345, Subsection 1(c). The purpose of the executive session is to discuss pending litigation. Commissioner Miller seconded. Roll call:

Chairman Humphreys: aye

Commissioner Werner: aye

Commissioner Miller: aye

Commissioner Werner made the motion to come out of the executive session at 7:04 PM.

Commissioner Miller seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:04 PM. With no further business, Commissioner Werner made the motion to adjourn the meeting at 7:04 PM. Commissioner Miller seconded. Meeting adjourned.

SPECIAL MEETING: October 3, 2011– 1:00 P.M. 1:00 P.M. Cancelled

SPECIAL MEETING October 17, 2011– 1:00 P.M. No agenda items listed, but open for discussions. Engineer Darius Ruen discussed completion of the Roundabout project with the Board.

SPECIAL MEETING: October 6, 2011 – Utility Council, Sargent's, 12:00 PM. Attended by Kelly Brownsberger.

SPECIAL MEETING: October 6, 2011 – OEM, Office of Emergency Management, Iron Horse Restaurant, 7:30 AM. Attended by Kelly Brownsberger.

SPECIAL MEETING: October 6, 2011 – KMPO, Post Falls City Hall, 1:30 PM. Attended by Lynn Humphreys.

SPECIAL MEETING: October 24, 2011 – Kootenai County Commissioners Quarterly Highway District Meeting, Kootenai County Courthouse, 10:30 AM. Attended by Bob Miller and Kelly Brownsberger.

SPECIAL MEETING: October 24, 2011 – KCATT, 8:00 AM, ITD. Attended by Kelly Brownsberger.

ORIGINAL SIGNED AND DATED 11/2/11

Submitted by:
Shirley Walson, District Clerk