

POST FALLS HIGHWAY DISTRICT
SEPTEMBER 2009 MINUTES

Regular Meeting – September 2, 2009, 5:59 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; District Clerk Shirley Walson; and Engineer Darius Ruen. Guests Pat Walters of McGillivray Environmental, Sandy Young, Beth Tysdal, and Philip A. Roberson Jr. Scott Jones from Copperleaf Consultants joined the meeting at 6:38 PM.

Commissioners had no conflict of interest with any agenda item.

Bob Miller moved to approve the minutes and vouchers for the month of August. Terry Werner seconded. Motion carried. [9/2/09]

Terry Werner made the motion to amend the agenda to add Don Horne appraisals from right-of way purchase agreements at McGuire and Prairie. Bob Miller seconded. Motion carried unanimously. [9/2/09]

CURRENT BUSINESS

International Dump Trucks Open Sealed Bids

Terry Werner opened the sealed bids in the following order:

Borgmann Logging Inc for T-7: \$11,200
McGillivray Environmental LLC for T-7: \$10,501
McGillivray Environmental LLC for T-10: \$10,501
Roberson Enterprises for T-10: \$9,100
Roberson Enterprises for T-7: \$9,100
Crystal Springs Road Association for T-7: \$8,705.57
Jack Torres for T-10: \$10,200

Lynn noted the high bidders were Borgmann Logging for T-7 in the amount of \$11,200 and McGillivray Environmental LLC for T-10 in the amount of \$10,501. Terry Werner made the motion to approve the high bid for T-7 for \$11,200 and T-10 for \$10,501. Bob Miller seconded. Motion carried unanimously. Philip Roberson was in the audience. Lynn thanked all for participating. [9/2/09]

Everett Estates

The prepared documents for the agreement have not yet been received from the District's attorney. Terry Werner moved to table the Everett Estates agreement review until the next meeting. Bob Miller seconded. Motion carried unanimously. [9/2/09]

Verification Authorization – Millview Lane

As discussed in August with District Attorney Susan Weeks, eminent domain needs to be verified and Susan has the draft complaint ready for the District's verification. Terry Werner made the motion to authorize the road supervisor to approve verification for the attorney. Bob Miller seconded. Motion carried unanimously. [9/2/09]

Tysdal Fee Proposal

Sandy Young from e² planning & design llc and Beth Tysdal, property owner, were present to discuss the \$3,500 fee for dust abatement. Sandy presented two agreements, each outlining a different payment option. Discussion followed including: The timeline of business operations (Tysdals will not start booking events until 2011); restrictions placed on the CUP by Kootenai County Planning; benefit events Tysdals host; and costs of road oil that Tysdals have already contributed and may be asked to contribute in the future. Terry Werner suggested a down with two payments satisfying the balance in eighteen months. He added cost of the chip seal would be reduced by \$1,000 if a resident participation were requested again. If they are not in business in two years, they can come back and discuss with the Board. Further discussion followed regarding resident participation, costs of dust oil and costs to the District with Lynn reminding them that the resident participation program has been suspended by the District at this time. Terry Werner made the motion that we enter into an agreement with the Tysdals for their CUP that they

make \$500 down payment; \$1,500 is due within one (1) year from the time the Commissioners sign the order of decision; \$1,500 is due six (6) months after that. \$500 per year to go towards dust oil abatement. At the end of 7 years, the money that would have gone towards chip sealing would be gone. Bob Miller seconded. Motion carried unanimously. Lynn asked Sandy to have the documents prepared to reflect the motion and have Tysdals sign and bring the documents forward for the Board's signature; then have them recorded. Sandy asked if the verbiage in her proposed agreement was acceptable and the Board agreed. [9/2/09]

9/3/09-Kelly phoned the Board members suggesting this be changed to a Promissory Note secured by a Deed of Trust rather than a Memorandum of Agreement. The District will prepare the documents, have them reviewed by the District attorney, and then sent for Tysdal's signatures. Terry Werner agreed. Lynn Humphreys agreed. Bob Miller could not be reached.

Insurance/Veba Final Quote

Scott Jones from Copperleaf Consultants distributed hard quotes form Regence/Blue Shield. The costs that came back are \$501 per employee and \$601 per spouse. Due to the larger than expected increase, Scott explained options that might be good for the Board. One is to go with the Regence Plan where the rates will be locked in for twelve months and VEBA contribution. A second option is to stay with Blue Cross until the January renewal date and see how the costs come in. A third option is to stay with Blue Cross but add the VEBA contributions. After much discussion regarding increase of rates, the budgeted amount for the new budget, the Board decided to go with proposed plan. Terry Werner made the motion to approve Regence/Blue Shield plan at the \$501 premium per employee on a monthly basis; to contribute \$120.00 per employee each month, a total \$1,440 contribution annually; and begin on October 1, 2009. Bob Miller seconded. Motion carried unanimously. Shirley asked the Board some detail language that will be included in the VEBA adoption agreement. The Board asked that she bring it to the next meeting with the proposed language. [9/2/09]

McGuire/Prairie Round-About Acquisitions

Don Horne has completed three of the four property acquisitions needed for the roundabout. Lynn provided the information of the three approved parcels as follows. Agreed upon offer for parcel #1 on the northwest corner is \$9,500. Agreement upon offer for parcel #3 on the southwest corner is \$2,400. Agreed upon offer for parcel #4 on the southeast corner is \$3,450. Parcel #2 on the northeast corner is not yet complete. Terry Werner made the motion to approve the findings and deeds Don Horne provided as outlined by the Chairman. Bob Miller seconded. Motion carried unanimously. Lynn asked staff to record the deeds and disperse funds as soon as possible. [9/2/09]

CORRESPONDENCE

Landings Homeowner's Association Right-of-Way Concern – John Magneson sent a letter regarding maintenance and aesthetics of the right-of-way. The Board asked staff to prepare a letter for their signature stating other homeowners associations maintain their right-of-way at a higher degree than provided by the District. They should look into doing the same and apply for necessary permits with the District to do so. [9/2/09]

LHTAC Stimulus Funding letter – Notification was received that the deadline for notifying LHTAC of a potential project for Stimulus Funding is August 28, 2009, already passed at time of review. [9/2/09]

Gary Nystrom letter – The District received a letter dated August 17, 2009 from Mr. Nystrom stating his perceived problems of communication, information availability, and dissatisfaction with the web page. The Board agreed the web page is in need of attention. Staff has been working on the web page and in contact with the District's system administrator. The Board would like to review the web page at the next workshop. [9/2/09]

ROAD SUPERVISOR

Absent

ENGINEER

Cedar Creek Estates – The District commented previously but Kootenai County Planning asked for additional detail regarding the approach. Darius and Kelly, along with Drew Dittman, did a site visit. Kelly

recommended the District ask for additional right-of-way in event the property is developed. The Board agreed but added the width can be 24-feet rather than 28-feet. [9/2/09]

Engineering Selection Process, Prairie Avenue Project – After discussion with LHTAC, Darius, along with Randy Broesch, Mike Moffet, and Kelly Brownsberger recommend the Board proceed with the engineering selection process. The Board sets the criteria for responding firms and can pre-choose five firms. A 5-person committee from LHTAC, ITD, and the District will evaluate the proposals. Mike Moffet informed Darius the selection couldn't begin until the funding has been obligated. [9/2/09]

OFFICE

CPA review list – Attorney Susan Weeks has asked for a list of auditors for whom she can send Request For Proposal. She previously discussed with the Board her plan to review the disbursement of Urban Renewal Funding, using a CPA to review the computerized disbursement of the funds. Shirley provided the Board with a list of five accounting firms; they approved the list to be sent to Susan. [9/2/09]

COMMISSIONERS

None

With no further business, the meeting was adjourned at 8:00 P.M.

Regular Meeting – September 16, 2009, 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, Assistant Road Supervisor Mike Monette, District Clerk Shirley Walson; and District Engineer Darius Ruen. Guests included Gary Young from e² planning & design; Scott Jones and Jake Richardson from Copperleaf consultants; and Jeremy Tripp for Big Sky subdivision.

Commissioners had no conflict of interest with any agenda item.

CURRENT BUSINESS

Big Sky Estates

Jeremy Tripp was present to discuss the letter he received in regards to unpaid fees for the subdivision, Big Sky Estates. He had two proposals for the Board 1) he requests an extension to the agreement, or 2) he do work in lieu of the payment. Kelly stated the intent of the original agreement was money could be paid up front or he could do the work. The proposed timeline is one year. Kelly stated the building window is closing fast for this year and the Board agreed to extend a previous developer ten months. Bob Miller made the motion to have our attorney draw up an extension for the agreement for the roadwork in lieu of payment to be completed by September 1, 2010. [9/16/09]

Everett Estates

Attorney Susan Weeks prepared documents for the fees that are due to the District in regards to the Everett Estates subdivision. Bob Miller made the motion to send the promissory note and deeds of trust to Garth Everett for his signature. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Landings Response Letter

Bob Miller made the motion to sign the response letter and mail it to Mr. Magneson. Terry Werner seconded. Motion carried unanimously. [9/16/09]

McGuire/Prairie Roundabout, Haakerson Parcel

Don Horn from Acquisition Services submitted an agreement and warranty deed for the fourth and final parcel of the McGuire and Prairie Round-About. Bob Miller made the motion to sign the acquisition agreement for \$7,500. Terry Werner seconded. Motion carried unanimously. [9/16/09]

McGuire/Prairie Roundabout Bill

Bob Miller made the motion to pay the bill in the amount of \$13,000 to Acquisition Services. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Termination Letters for Blue Cross Medical and Delta Dental Coverage

Prior to signing the termination letters, Terry questioned Scott Jones of Copperleaf Consultants to discuss a rate increase to the hard quote. Scott explained that three spouses were dropped which raised the rates. Discussion followed. Bob Miller made the motion to accept the \$537 per employee, per month rate. Terry Werner seconded. Motion carried unanimously.

Bob Miller made the motion to sign letters for the termination of Advanced Benefits services, Blue Cross of Idaho, and transfer Delta Dental to Copperleaf Consultants. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Resolution 2009-07, Authorization VEBA plan and Agreements

Bob Miller made the motion to sign Resolution 2009-07 and agreements. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Leatherwood Estates

Bob Miller made the motion to sign the Road Developers Agreement for Leatherwood. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Steve and Lori Addition

Bob Miller made the motion to sign the Road Developers Agreement for the Steve and Lori Subdivision. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Tysdal Conditional Use Permit

Bob Miller made the motion to send the Conditional Use Permit Agreement to Tysdals for their signature. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Grant of Easement

Bob Miller made the motion to sign the Grant of Easement from David and Teresa Stewart. Terry Werner seconded. Motion carried unanimously. [9/16/09]

CORRESPONDENCE

IAHD Conference – An explanation of this year's conference. Discussion followed regarding which members of the Board and those staff employees who will be attend. The Board agreed for the same employees attend as last year.

ITD, Bridge Field Inspection Report – A report of the July 27, 2009 inspection was received for the Harbor Island Bridge. Mike Monette gave a short report on the bridge and it's condition.

ROAD SUPERVISOR

Pickup purchase – A new pickup has been budgeted in the 2009/2010 budget. Kelly asked the Board for permission to piggyback Worley Highway District's winning bid for a Ford ¾-ton pickup in the amount of \$24,000 plus (under \$25,000) that apparently meets our standards. Kelly stated the new pickup will go to Mike and his will rotate down. He plans to get rid of the 1995 GMC which only gets 7 M.P.G. Bob Miller made the motion to allow the Road Supervisor to piggyback their bid. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Funds from sale of dump trucks – Revenue generated from the sale of the two dump trucks was \$21,701. Kelly requested that revenue be put in the Equipment Replacement Fund account. Bob Miller made the motion to put the revenue from the Equipment Replacement Fund to be used at a later date. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Sick Leave Policy – The current employee's manual requires a doctor's excuse if an employee stays home after two days. The crew will come back after two days because they either don't want to go to the doctor or you cannot get into a doctor immediately. In order to hinder the spread of flu, current recommendations state an employee should stay home until such time fever has not been present for 24-hours. During the flu season and at Kelly's discretion of that time, Kelly would like the 3-day absentee rule changed so that an employee can stay home five (5) days without a doctor's excuse. Bob Miller

made the motion to allow the Road Supervisor to use his discretion to extend the sick leave policy up to five days as necessary for the flu season. Terry Werner seconded. Motion carried unanimously. [9/16/09]

City of Hauser – The City is quite pleased with last year's winter maintenance and asked that we do it for them again this year. Further, it is a now a dead issue regarding recent discussions to disincorporate the city. [9/16/09]

LHTAC Road Mileage – The District has received the local road mileage report from LHTAC. Kelly will have it ready for the Board's review at the next meeting. [9/16/09]

Noxious Weed Budget – Nina from Kootenai County Weed Department contacted Kelly about the upcoming budget. The County cut their weed budget by quite a bit for next year. Nina asked Kelly to look at our request and cut it down as much as possible. Kelly asked Larry Howell to look at the roads and come up with a condensed version for the fall spray. The spring spray won't be affected. [9/16/09]

Spokane River Bridge - Rectifier on the bridge – Randy and Kelly looked at the rectifier on the bridge. It is still functioning correctly but Kelly has not made contact with Bill Spicklemire. [9/16/09]

ENGINEER

Beach Estates – Darius provided the Board with his findings for Beach Estates. The findings will be forwarded to Kootenai County Planning. [9/16/09]

Bremer, LLC – Darius provided the Board with his finds for Bremer LLC. The finds will be forwarded to Kootenai County Planning. [9/16/09]

Prairie Avenue Engineering Selection Process – Darius presented the Board with examples for criteria on the engineering selection process for review. [9/16/09]

Spokane Street Vacation – Gary Young from e² planning & design llc was present. When e² proposed the vacation, the Board asked for the entire length of remnant right-of-way be included in the vacation request. e² was concerned their client, G&G Properties was going to inherit the full cost. Darius presented the Board with his firm's findings showing the layout of the remnant right-of-way. He asked the Board for clarification if they would like to advertise that portion from the original request by G&G Properties through e²'s request, or would they like to add the additional length of right-of-way. After review of maps and additional discussion to extend the public hearing for the vacation, Terry stated the District would like to advertise the full piece but the additional would be at the District's own expense. Bob Miller made the motion to extend the public hearing two weeks to November 4. Terry Werner seconded. Motion carried unanimously. [9/16/09]

OFFICE

Transfer of Fund reports – Bob Miller made the motion to approve the transfer of funds for August. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Vouchers to Date report – Bob Miller made the motion to approve the vouchers for September 1 through September 16, 2009. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Treasurers Report – Bob Miller made the motion to approve the Treasurers Report for the month of August 2009. Terry Werner seconded. Motion carried unanimously. [9/16/09]

Open the 2008/2009 Budget – Several months ago, discussions ensued regarding a budget amendment . The Board opted to wait to see if more changes are needed later. Shirley discussed opening the budget with Anderson Brothers. The District is compliant and will not violate any rules since expenditures are not exceeding revenues. It is a Board decision if they want to change it. Terry felt there was no reason to do it then. [9/16/09]

COMMISSIONERS

None

With no further business, Bob Miller made the motion to adjourn the meeting at 7:20 PM. Terry Werner seconded. Motion carried unanimously.

SPECIAL MEETING: August 31, 2009– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Bob Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, and Engineer Darius Ruen met for a District Workshop. Sandy Young from e² planning & design llc was a guest.

Tysdal Fees – Stephanie Blalack, from e² planning & design llc was at the August 19 Board Meeting to discuss Tysdal's conditional use permit. She had asked to be on the next agenda to discuss fees but the request failed to be put on the agenda. Since this is a workshop setting, the Board agreed to hear Sandy's request. On behalf of Tysdals, Sandy asked if the Board would enter into an agreement with the Tysdals to pay the \$3,500 over a 24-month period. Terry was hesitant to allow a 24-month time period. After further discussion regarding terms, it was agreed that Sandy would bring a proposal to Wednesday night's meeting. [8/31/09]

Insurance/VEBA – Some final concerns prior to finalizing the VEBA and insurance decisions was discussed. An 'opt-out' option was discussed for VEBA contributions where employees who do not use the District insurance might receive a contribution in their VEBA at the same rate as the other employees plus an additional amount. The idea behind this option is the District is saving money by not paying the premiums for an employee on insurance. If the District were to pay an additional \$2,000, for example, in VEBA contributions to an employee using other insurance, the District is still saving money by not paying approximately \$5,000 in insurance premiums. After much discussion, the Board felt employees have the choice to use the District's insurance in which they will receive a VEBA contribution or not use the District's insurance and no contributions to VEBA would be made. They can choose one option or the other. Also discussed was how the VEBA contributions would be made, yearly, quarterly, or monthly. The Board decided to make the contributions on a monthly basis, the yearly amount to be distributed evenly on a monthly basis. Finally, Shirley informed the Board she was contacted by Art Collins from Health Connections LLC and wanted Post Falls Highway District to lead the challenge to change legislation so that all the highway districts could be insured under one insurance plan. Lynn said that was looked into several years ago on a state level and the legislators were not interested. [8/31/09]

ROAD SUPERVISOR

Cities that unincorporated – Kelly was asked that if a city were to unincorporate, would the District take over the road maintenance. Terry stated, only if the roads are at or brought up to District standards. [8/31/09]

Beck Road – The District has been working with ITD to get an agreement for an easement and a joint-use approach in order to realign the railroad crossing on Beck Road. Discussion followed regarding the value. The District feels the approach will offset the value of the easement and no appraisal will be needed. Kelly has a meeting with ITD on Wednesday afternoon. [8/31/09]

ENGINEER

Prairie Avenue Engineer Selection Process –Mike Moffet with LHTAC will be on a conference call Tuesday (9/1/09) at Ruen Yeager's office. Kelly will be present and Darius invited the Commissioners. [8/31/09]

Mark Lee CUP – The County sent request for comment for a CUP and variance in regards to a landscaping business that is already operating. Located on Huetter, north of Hayden, the District will ask for a 50-foot paved apron. Terry asked that this be standard on all businesses. [8/31/09]

OFFICE

Everett Agreement – Shirley talked with attorney Susan Weeks. Since no road development work is needed, a promissory note secured by a deed of trust should be used to enter into an agreement as previous discussed. The information will be sent to Susan for her to draw up the documents.

Urban Renewal Development Review – Susan Weeks still needs a list of accountants from the Board in order for her to obtain quotes to review the URD distribution.

COMMISSIONERS

No comments

The meeting adjourned at 2:20 P.M.

SPECIAL MEETING: September 14, 2009– 1:00 P.M. Commissioner Bob Miller; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, and Engineer Darius Ruen met for a District Workshop. John Goedde was guest.

ICRMP changes to policy – John Goedde was present with the updated insurance listing and the fees for the 2009-2010 premium. The cost for the upcoming fiscal year is \$32,101, down from last year's \$37,766 amount. Changes to this year's policy is terrorism coverage. Each entity is responsible for purchasing their own terrorism coverage. John said the coverage is \$5,000 and he advised the District he did not think it was necessary for the District. He left a form for the Commissioner's signature. A second change this year is the auto insurance in which ICRMP has split the limits.

G&G Properties Vacation, Sandy Young – Not present. Called and rescheduled for Wednesday, September 16.

Big Sky, Jeremy Tripp – Postpone until Wednesday, September 16.

Insurance/Veba Discussion – Shirley reported the agreements are ready for signature by the Board on Wednesday night.

Website – Postponed the following Workshop.

ROAD SUPERVISOR

Postponed until Wednesday, September 16.

ENGINEER

Leatherwood Subdivision – Darius has reviewed the mylars and they are ready for signatures.

Spokane Street Vacation – Darius had received more information from the applicant's surveyor. There is now a question if the District should proceed to vacate the entire remnant or just that portion bordering the applicant's parcel. It will be further discussed at Wednesday's Board meeting.

OFFICE

The office would like to host a Boss' Day lunch on Wednesday, October 15.

LEGAL

Susan Weeks will be present at Wednesday's Board Meeting in lieu of today's Workshop.

The Meeting adjourned at 1:28 P.M.

SPECIAL MEETING: September 2, 2009 – Utility Council, Sargents, 12:00 PM. Attended by Kelly Brownsberger.

SPECIAL MEETING: September 1, 2009 – Phone conference Prairie Ave. Consultant Selection, 10:00 AM. Attended by Lynn Humphreys, Terry Werner, and Kelly Brownsberger.

SPECIAL MEETING: September 3, 2009 – KMPO, ITD Offices, 1:30 PM. Attended by Lynn Humphreys and Kelly Brownsberger.

SPECIAL MEETING: September 17, 2009 – KCAHD, PFHD Office, 7:00 PM. Attended by Lynn Humphreys and Kelly Brownsberger.

SPECIAL MEETING: September 22, 2009 – KCATT, 8:00 AM, ITD. Attended by Kelly Brownsberger.

APPROVED _____ Original signed by Chairman Humphreys _____

ATTEST _____ Original signed by Comm. Miller _____

DATE _____ 10/7/09 _____

Submitted by:
Shirley Walson, District Clerk