

POST FALLS HIGHWAY DISTRICT  
FEBRUARY 2017 MINUTES

Regular Meeting – February 2, 2017, 6:00 pm, E 5629 Seltice Way

Chairman Humphreys called the meeting to order at 6:00 P.M. Present were Chairman Lynn Humphreys, Vice-Chairman Terry Werner, Commissioner Todd Tondee, Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and District Engineer Darius Ruen. Guests were Rick Murray, Greg Rowley, Dustin Baertsch, Sandy Young and Lyn Do.

CONFLICTS OR ADDITIONS

No conflicts were stated. No additions were requested.

CONSENT AGENDA

January 2017 Minutes were the only item on the consent agenda. Commissioner Werner **moved** to approve the minutes as presented. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

PUBLIC COMMENTS

There were no public comments.

CURRENT BUSINESS

Fairmont at US95 Sign Request

Dustin Baertsch, a realtor from Coldwell Banker, is requesting a 4-foot by 6-foot sign to be placed in the right-of-way on Fairmont Loop just off of US95 to advertise the proposed Southshore Development. He provided a sample sign view and location. It is proposed to be up the embankment. Road Supervisor Kelly Brownsberger stated the posts will meet break away standards, discussed the slope and it will be out of the way regarding accidents and maintenance. Chairman Humphreys stated our policy does not allow signs in the right-of-way and asked if it would be possible to put it on private property. Mr. Baertsch anticipates a one or two year timeframe for the existence that is needed. The number of lots (10) was discussed. Commissioner Werner cited the District is currently in negotiations with the land owners. Attorney Susan Weeks suggested the Board table the item until a written agreement has been obtained from Mr. Magnuson of Coeur d'Alene Land Company. Commissioner Werner moved to table this request for an encroachment permit until District representatives have had the chance to meet with the Coeur d'Alene Land Company. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

Murphy Ridge

Lyn Do and Sandy Young of Verdis were present to request a variance for spacing in order to install a new approach on Greensferry. Ms. Do explained the proposed approach would be 140-feet from Creekside in a 300-foot minimum location. To answer Commissioner Werner's question if this has gone before the County yet, Ms. Young stated it had been submitted and has gone through the public agency period. She added a letter had been received from Darius and if they will be granted a variance, they need to know so they can keep the current plan. Commissioner Werner clarified the District preferred the approach come off of Creekside and if the County was not in agreement, the District would consider a variance but no guarantee provided; he is not in favor of providing a variance now. Ms. Young spoke with a Kootenai County commissioner and the County Planner whom she stated they prefer it off of Greensferry but will allow it off of Creekside. Commissioner Werner stated we prefer it to come off of Creekside. Ms. Young added they spoke with the fire district inspector who stated Creekside needs to be widened to 20-feet and they prefer the approach be 100-feet from the intersection of Greensferry. She added they would "like the option for either/or". Commissioner Tondee stated he would be in a favor of a variance if it could not be done any other way and there is another option and a variance is not

the last alternative, therefore he is not in favor of granting a variance simply for convenience. Commissioner Werner added eight residents are served off of Creekside and if it is non-conforming now, one more will not make it any more non-conforming. As Greensferry continues to develop, fewer approaches are better due to traffic. Chairman Humphreys added a convenience is not a reason to grant a variance and agreed to deny the request. Commissioner Werner **moved** to deny the request for a variance and to recommend the approach come off of Creekside. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

#### Davis CUP

Lyn Do and Sandy Young of Verdis were also present to discuss the Davis CUP. The engineer's letter requests 30-feet of right of way and a 10-foot utility easement. Ms. Do explained the use is intended for a dog agility center, the parking lot size and the annual use which will be daily. Two approaches are proposed and after some discussion, the Board wants the aprons of both approaches to be paved due to off-tracking of mud. Commissioner Werner **moved** add along with the engineer's letter, that our letter require 50-feet of pavement on both ingress and egress accesses to this facility. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

#### Prairie and Chase Intersection Improvements

The Road Supervisor is requesting to table advertising for this project. With some discussion, Commissioner Tondee clarified the Board will authorize to advertise once the acquisition is complete. Commissioner Werner **moved** to advertise this project for bid as soon as the paperwork for acquisition is completed. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

#### East Side Highway District Transfer of Personal Property Exchange Agreement

With the agreement before them, Commissioner Tondee wanted clarification that this was a trade but the agreement states we are returning it at a specified time. Road Supervisor Brownsberger stated PFHD is trading for the rent of ESHD's broom. As the District's broom is no good, we can part it out to ESHD for use of their good broom. Commissioner Werner **moved** to have the Chairman sign the Personal Property Exchange Agreement with East Side Highway District. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

#### Seltice Way Revitalization Interagency Agreement

Commissioner Werner **moved** to authorize the Chairman to sign the Seltice Way Revitalization Interagency Agreement between Post Falls Highway District and the City of Coeur d'Alene. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

#### Greensferry Boat Launch Idaho Dept. of Lands

The District received a comment request from Idaho Department of Lands for Kootenai County Park and Recreation's request to install a dock at the boat launch on Riverview Drive at Greensferry Bay. The boat launch is on right-of-way owned by the District. Mr. Brownsberger stated he had no issues with the dock but did speak to the County Parks and Waterways Director, Nick Snyder, regarding a culvert located to the side of the boat launch. Mr. Snyder stated that side will be block off so no boats can be launched on that side and the culvert will be screened so no one can get inside the culvert. Commissioner Werner cited he sits on the Parks and Waterways board for Kootenai County but has not been at any meetings in which this topic was discussed. He would like to negotiate with the County to give them that right-of-way as he doesn't feel the District will ever need this right-of-way and it will lessen the District's liability. Discussion ensued and the Board was in agreement with Commissioner Werner's idea. The Board asked the Road Supervisor to provide comment the District is okay with the dock. The Board would like the transfer completed prior to the dock being built if possible. Commissioner Werner **moved** to bring this parcel back to the Board to discuss as surplus and in the meantime, have the Road Supervisor discuss with the Department of Waterways personnel to see if they are interested in taking it and direct the staff to begin the surplus procedure. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

### 2017 Employees Manual

Road Supervisor Brownsberger informed the Board the employee's manual was sent to ICRMP for their review. Jim McNall met with the Mr. Brownsberger and District Clerk Shirley Walson to discuss additions and changes. The draft is not yet complete for the Board's review. Commissioner Werner **moved** to table this item until the draft is ready for review. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

### Stormwater Easement, Faye Place

After putting the three shot seal on Faye last year and with only a 16-foot right-of-way, stormwater had no place to run off. The Simms's agreed to the installation of a drywell on their parcel. Commissioner Werner **moved** to authorize the Chairman to sign the Stormwater Easement with Larry and Elaine Simms. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

### CORRESPONDENCE

Memorandum of Understanding, Private Roads Kootenai County – The agreement has been fully executed by all parties. So noted. [2/1/2017 Brd Mtg]

### ROAD SUPERVISOR

Quarterly Sub-division reviews – A summary was provided to the Board for October through December 2016. Seven reviews were presented in which the District provided no-comment letters to the County. [2/1/2017 Brd Mtg]

Field Service Body Bids – Mr. Brownsberger reminded the Board of last meeting's motion for one bid on both field service bodies. He explained to the Board a problem with this because crane dealers don't have mechanic truck bodies and only one mechanic truck body dealer has one crane that might fit. Finding a package bid severely limits who can submit bids, he would like to split the bid in order to open it up to more dealers. Commissioner Werner **moved** to authorize going to bid for field service bodies. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

Encanto Drive – The City of Post Falls contacted Mr. Brownsberger. The City has a proposed development in the northwest corner of the Prairie Avenue and North Encanto Drive, a private road which continues north from Spokane Street. When the Epkey subdivision was done in 2001, the District acquired additional right-of-way for Prairie Avenue but Epkeys would not provide right-of-way on Encanto Drive. The City has annexed the northwest parcel; the District still has the northeast parcel. Crown Point wants to do their second phase and the City is asking them to put in Spokane Street and access at the intersection, proceeding northwest at an angle. Epkey's approach permit provides access at this location and will conflict with the public road's intersection. Therefore, the City is asking the District to assist in a resolution by changing Epkeys Prairie access and instead provide access at the proposed Moorfield Avenue extension located within the new development. Chairman Humphreys clarified Encanto is an easement, not right-of-way. Commissioner Werner asked how the District can take an approach away from Epkeys and then give the same approach back to the City. Attorney Susan Weeks answered the District can change Epkey's access from one location to another; that when the new Spokane Street becomes a public road, access can be controlled for the private easement of Encanto. She added that we can change access from one public road to another public road and still meet the constitutional requirements; property owners just have to have access to a public road, regardless if it's the District or the City requiring a change. She continued the District will only want to eliminate Epkeys access on the condition the City give Epkeys access on the new public road. Ms. Weeks believes this will answer the City's question, is the District willing to eliminate the private access on our part of Prairie as long as they give Epkeys public access to the new Spokane Street. Access during construction was discussed with Ms. Weeks stating until the new road is constructed, they will be entitled under constitutional law to a public road access and that the Idaho Supreme Court says you're not guaranteed to the most convenient access, you are just guaranteed access. Commissioner Tondee summarized from direction of our legal staff, that we

would be willing to close our public access and let the City provide access through one of their public roads and it's the City that will provide access, not the District. We will only be closing the public access. Ms. Weeks agreed adding the District will be closing our Epkey's approach and requiring them to use the City's approach. [2/1/2017 Brd Mtg]

Millview Lane –James Magnuson, representing Coeur d'Alene Lands, has asked for a meeting with District personnel so an update on Millview Lane was provided. This proposal began in 2004 and a new Board member is present, so Mr. Brownsberger provided a packet to begin the timeline and issue explanation. Coeur d'Alene Lands is asking to enter into a road developer's agreement. Engineer Darius Ruen pointed out the District's preferred alignment and the difficulty of getting a road up to the top of the plateau. Commissioner Werner, along with attorney Susan Weeks will meet with the developers at an upcoming meeting. [2/1/2017 Brd Mtg]

High Prairie Estates Stormwater Bond – the developers have requested to have their stormwater bond reduced. They were to provide more information prior to this meeting and failed to do so. Commissioner Werner **moved** to table this stormwater bond for High Prairie Estates until such time the Road Supervisor feels it is ready to bring back to the meeting. Commissioner Tondee seconded. **Motion carried** unanimously. [2/1/2017 Brd Mtg]

Employee Training – The Road Supervisor informed the Board of upcoming training in Lewiston for weed application certification. Larry Howell Jr. had been working with the County's weed department to provide this maintenance in the right-of-way. The Board was in favor. [2/1/2017 Brd Mtg]

Huetter Road Right of Way Acquisition – The District has been working with a land owner along Huetter to acquire right-of-way in order to build turn lanes. Due to health problems, the District has not been able to make contact. As this project is slated for the upcoming construction season, the Road Supervisor stated the possibility that the project could proceed without building turn lanes at this time. So noted. [2/1/2017 Brd Mtg]

Diesel Fuel Emergency Use – Chief Warren Merritt asked about the possibility of entering into an agreement in which the fire district could use Highway District diesel fuel in the event of an emergency should their supplier go down. Mr. Brownsberger informed him he would ask the Board, however he doesn't want to be locked in that the District 'has to' supply fuel. The District burns a lot of fuel when pushing snow and with a 3,500 gallon tank, the District's use would have to come first. Commissioner Tondee offered the agreement could possibly have the fire district help upgrade the District's tank size. [2/1/2017 Brd Mtg]

Board Training – Commissioner Werner had asked about the possibility of board members attending T-2 classes. Only two employees remain to obtain their certifications; a list of upcoming classes was provided. [2/1/2017 Brd Mtg]

Huetter Test Sign Site – MOR Manufacturing, located across Seltice Way from District offices, has requested to set up a test site on Huetter where the current 35 MPH sign is located at the top of the hill. They would like to install a blinking speed reduction sign. They will donate the sign. [2/1/2017 Brd Mtg]

Weight Restriction Update – Due to warmer weather and rain forecasted, weight limits will go in to effect Monday, February 6. [2/1/2017 Brd Mtg]

## LEGAL

Item to be discussed in Executive Session.

## ENGINEER

Prairie / Chase Intersection –Waiting for finale details from East Greenacres Irrigation's engineer for the waterline plans, Mr. Ruen expects to advertise very soon. [2/1/2017 Brd Mtg]

Riverview Guardrail – Mr. Ruen met last week with Dan Coonce from LHTAC. Topo surveying will be done as soon as snow is gone. [2/1/2017 Brd Mtg]

Three Forks Project – Waiting for Terra Con to give final thickness on cement treated base, then contract will be brought to the Board in order to go to bid. [2/1/2017 Brd Mtg]

#### OFFICE

Revenue – District Clerk Shirley Walson reports the December ad valorem collection, highway user funds, and HB312 funds were all received during the week and will show on the January Treasurer's Report. [2/1/2017 Brd Mtg]

#### COMMISSIONERS

Legislation Update - Commissioner Werner reported Clark Kauffman will introduce house transportation that since surplus eliminator funds are due to expire the end of June. 40% to LHTAC and apply to LHTAC for project funds. The reason is small highway districts are only getting twenty to thirty thousand a year in HB312 funds so they are having trouble doing a project with the funds. Mr. Shaffer wants all districts to get their own share so is against this proposal. [2/1/2017 Brd Mtg]

IAHD Director – Commissioner Werner reports the new executive director for IAHD is Nick Veldhouse in his third week of his appointment. [2/1/2017 Brd Mtg]

Walking Bridge - Commissioner Tondee reports Chief Merrick of Kootenai Fire asked about the remote possibility of placing a walking bridge across Spokane River that could be used as an emergency vehicle bridge. So noted. [2/1/2017 Brd Mtg]

#### EXECUTIVE SESSION

Commissioner Werner moved to enter into Executive Session at 7:32 PM pursuant to the provisions of Idaho Code 74-206, Subsection 1(b) and 1(c). The purpose of the executive session is to discuss personnel matters and property acquisition. Commissioner Tondee seconded. Roll call:

Chairman Humphreys: aye

Vice-Chairman Werner: aye

Commissioner Tondee: aye

Commissioner Werner made the motion to come out of the executive session at 7:52 PM. Commissioner Tondee seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:52 PM. Commissioner Werner moved to increase Fair's offer for the Prairie/Chase property acquisition to a total of \$15,000, \$10,000 for property acquisition and \$5,000 for damages; Susan Weeks to draw up the agreement. The damage amount is to cover water line and fence replacement. Commissioner Tondee seconded. **Motion carried** unanimously.

With no further business, the meeting adjourned at 7:54 PM.

#### Regular Meeting – February 15, 2017, 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, Todd Tondee; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; and District Engineer Darius Ruen.

#### CONFLICTS OR ADDITIONS

Commissioners had no conflict of interest with any agenda item.

Due to timeliness of an upcoming project, response regarding a property acquisition at Prairie and Chase needs to be discussed. Commissioner Werner **moved** to add an Executive Session to the agenda to discuss a property acquisition pursuant to the provisions of Idaho Code 74-206, Subsection 1(c). Commissioner Tondee seconded. **Motion carried** unanimously. [2/15/17 Brd Mtg]

## CONSENT AGENDA

Items on the consent agenda are the January 2017 Treasurer's Report and the February 2017 Vouchers. Commissioner Werner **moved** to approve the Consent Agenda as presented. Commissioner Tondee seconded. **Motion carried** unanimously. [2/15/17 Brd Mtg]

## OLD BUSINESS

### 2017 Employee's Manual

Commissioner Tondee asked several questions regarding the verbiage after reviewing the 2017 Employee's Manual. Requested changes include: 1.) Sick Bank – verbiage will be added to state all leave, sick and vacation, will be exhausted prior to requesting sick bank time; 2.) an addition to Compensation Time to convert exceeded comp to overtime hours; and 3.) a grammatical change. Commissioner Werner **moved** to approve the 2017 Policy and Procedures Manual with the changes as discussed. Commissioner Tondee seconded. **Motion carried** unanimously. [2/15/17 Brd Mtg]

## CURRENT BUSINESS

Road Supervisor Kelly Brownsberger presented a letter from Steve Syrcle of Tri-State Engineers requesting their \$108,255 bond be reduced to \$6,000. As much of the work has been completed, the developers feel the lower amount is adequate for the remaining improvements. Engineer Darius Ruen has reviewed the calculations and agrees with the amount. Commissioner Werner **moved** to reduce the bond on High Prairie Estates as requested. Commissioner Tondee seconded. **Motion carried** unanimously. [2/15/17 Brd Mtg]

## CORRESPONDENCE

Agreement for Law Enforcement Firearms Training – Kootenai County has returned the fully executed agreement. So noted. [2/15/17 Brd Mtg]

Interagency Agreement, Seltice Way Revitalization – The City of Coeur d'Alene returned the fully executed agreement. So noted. [2/15/17 Brd Mtg]

Kootenai County Notice of Public Hearing, Coeur d'Alene Paving – Scheduled at 6:00 pm, March 9, 2017 in Room 1 A/B in the Kootenai County Administration Building. So noted. [2/15/17 Brd Mtg]

2017 Transportation Planning Grant – LHTAC's accompanied the funds for the Transportation Plan. So noted. [2/15/17 Brd Mtg]

## ROAD SUPERVISOR

Greensferry Boat Launch – Road Supervisor Kelly Brownsberger spoke with Kootenai County's Parks and Waterways Department's Nick Snyder. Mr. Snyder is agreeable to the conditions and proposal the District had discussed at the previous meeting. So noted. [2/15/17 Brd Mtg]

North Encanto Drive – Mr. Brownsberger sent a letter to the City of Post Falls Assistant Engineer, Rob Paulus, informing him the Board was agreeable to the North Encanto Drive access changes. He added the letter was very clear that the affected homeowner's approach must be maintained at all times during construction and until the new permanent approach is established. [2/15/17 Brd Mtg]

Spokane Street Bridge Project – HDR Engineering was originally hired to do design work for the bridge, however the direct-select amount will be overrun. The District will back out of that and do a RFP for the project. HDR was agreeable. One of the costs that were a concern is replacing the cathodic protection discovered upon ITD's Blue Creek Bridge project in which cathodic protection will be upgraded on one bridge, replaced on another at a four million dollar price tag. [2/15/17 Brd Mtg]

Weight Restrictions – Weight limits have been assigned to all necessary roads. [2/15/17 Brd Mtg]

#### ENGINEER

Greensferry Bridge – History of the bridge was provided along with statistics, and facts that RYA provided a few years ago as to costs and actions needed if construction of a bridge may be considered. Utilities, approaches, funding, bedrock depth, clearance, decking material, and lanes were also discussed. Staff was directed to contact bond attorney, Danielle Quade from Hawley Troxell to the March 1 or April 5 meeting to discuss the bonding procedure. [2/15/17 Brd Mtg]

Prairie/Chase Roundabout – Mr. Ruen reports they are still in communication with Mr. Tate regarding the East Greenacres Water District plans but are ready to finalize and as soon as the District is ready with, RYA is ready to go to bid. [2/15/17 Brd Mtg]

W. Riverview Guardrail Project – The scope and estimate is done and his staff will review. Terracon is getting the parameters together and they are close to getting surveying done now that the snow is dwindling. [2/15/17 Brd Mtg]

#### OFFICE

Copies of the audit have been provided, as was the profit and loss statement. The mag budget is high as expected. [2/15/17 Brd Mtg]

#### COMMISSIONERS

Commissioner Werner again spoke about the surplus eliminator funds although the Chairman of that committee is fighting LHTAC getting funds. Eminent domain could also affect the Districts along with the 'Christmas Bill'. He suggests the Board members keep abreast of these items. [2/15/17 Brd Mtg]

Chairman Humphreys informed the Board he has had contact with a gentleman who lives across from the St. Dominic's school on West Riverview. This man indicated he would be willing to take the overburden that will be removed for the previously discussed road project in this area. The project is in the CIP but may be moved up to next year. Staff was asked to make contact the neighbor and discuss his expectations. Chairman Humphreys asked for a clear agreement prior to the project. [2/15/17 Brd Mtg]

#### EXECUTIVE SESSION

Commissioner Werner moved to enter into Executive Session at 6:44 PM pursuant to the provisions of Idaho Code 74-206, Subsection 1(c) for the purpose discussing a property acquisition and requests a roll call vote on the motion. Commissioner Tondee seconded. Roll call:

Chairman Humphreys: aye  
Vice-Chairman Werner: aye  
Commissioner Tondee: aye

Commissioner Werner made the motion to come out of the executive session at 6:50 PM. Commissioner Tondee seconded. Motion carried unanimously.

The Regular Meeting reconvened at 6:50 PM. With no further business, the meeting was adjourned.

#### SPECIAL MEETING: February 13, 2017– 1:00 P.M. District Workshop

Present were Commissioner Werner, Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, Engineer Darius Ruen.

As no quorum was present, the Greensferry Bridge Presentation scheduled for this meeting will be placed on the February 15, 2017 agenda.

SPECIAL MEETING: February 28, 2017– 1:00 P.M. District Workshop  
Present were Chairman Humpheys, Commissioner Werner, Road Supervisor Kelly Brownsberger, Assistant Road Supervisor Mike Monette, File Clerk Glenda Johnson, and Engineer Darius Ruen. Matt Gillis from Welch Comer was present.

Seltice Way Revitalization Update – Matt Gillis provided an update on the upcoming Seltice Way project. He began that it went out to bid on Friday, February 25, 2017. Bid opening is March 14 and the award is March 21. He explained the multitude of meetings that have been presented to the public. He added a concern was bicyclists and the need for pathways. This was all a recap of a previous meeting to the Board. A \$50,000 penalty will be charged to the contractor if at least one lane is not open each direction by winter shutdown. He added one lane will remain open throughout the project. Also discussed was the I-90 work that will be done at the same time; two lanes will remain open on the freeway. The District has asked the Seltice Way and Huetter signal not be turned off at any time. Finally, work is expected to start two to three weeks weather permitting. Signage will be at both ends of Seltice warning of the project. *[2/28/17 Wkshp]*

Other business – The Engineer and Road Supervisor will check on the drainage problem at Riverview and Rainbow on the northeast corner. Mr. Brownsberger noted Sharon Hill will be at the March 1 Board Meeting and he has not been able to make contact with Robert Roman. *[2/28/17 Wkshp]*

ORIGINAL SIGNED AND DATED 3/1/2017

Submitted by:  
Shirley Walson, District Clerk