

POST FALLS HIGHWAY DISTRICT
MARCH 2017 MINUTES

Regular Meeting – March 1, 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 Sharon Hill, Danielle Quade, Asa Gray, Mary (Betsy) Legg and Renee DiFronzo.

CONFLICTS OR ADDITIONS

Commissioners had no conflict of interest with any agenda item.

Due to timeliness of an upcoming project, Commissioner Werner stated he became aware that the Board's signature is needed on a deed and easement. Commissioner Werner **moved** to amend the agenda and add a Right-of-Way Deed and a Roadway, Drainage, and Utility Easement for Beck Road due to time constraints. Commissioner Tondee seconded. **Motion carried** unanimously. *[3/1/17 Brd Mtg]*

CONSENT AGENDA

February 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. *[3/1/17 Brd Mtg]*

CURRENT BUSINESS

Gallop Lane Removal of Objects

Sharon Hill received a letter asking for objects to be removed from the parcel owned by the District. Ms. Hill does have an encroachment permit to use the piece until such time the District uses it, however there are stipulations to the permit and the Board felt the use was being abused. Ms. Hill addressed the greenhouse and its use. The Board stated concerns and Ms. Hill stated she is keeping it in good condition and she is not using the parcel as a dumping ground. After discussion, Chairman Humphreys stated the Board is in agreement to allow the greenhouse to stay as long as it's maintained; he asked Ms. Hill to keep everything in good order so we can be good neighbors and asked the Road Supervisor to monitor the area and provide a report to the Board periodically. She does plan to fence the perimeter. *[3/1/17 Brd Mtg]*

Beck Road Deed and Easement

Road Supervisor Brownsberger explained that during the Beck Road realignment, additional right of way was requested to the north of the pit parcel and that process never happened. As the owners are now asking for a conditional use permit from the county to build storage units, the Road Supervisor has not provided the District's approval to the county for the CUP and site disturbance permit. The owners have signed the Right Of Way Deed and the Roadway, Drainage, and Utility Easement and with the Board's acceptance, these can be recorded. Commissioner Werner **moved** that the Chairman sign the R&B Premier Enterprise documents as presented. Commissioner Tondee seconded. **Motion carried** unanimously. Mary Elizabeth Legg and Renee Kathleen Difronzo are the manager/owners of R&B Premier Enterprise and thanked the District. *[3/1/17 Brd Mtg]*

Guest Recognition

Chairman Humphreys addressed Asa Gray and asked if he was here with one of the other guests. Mr. Gray stated he is a student at NIC and is required to attend a local governmental meeting. He is only observing and added at the end of the meeting that he enjoyed the experience. He thanked Chairman Humphreys for addressing him and ensuring he was not being ignored. *[3/1/17 Brd Mtg]*

Bond Election Information

The District asked S.C. Danielle Quade of Hawley Troxell to provide an overview of a bond issuance. The Board explained the District has been approached multiple times over the years about rebuilding the Greensferry Bridge and recently was asked about it by another taxing district who feels the bridge would benefit many. The Board would like to put the question out to the public. Ms. Quade explained bond council, election timing, options for funding bonds, public information, resources (school districts are good), ballot wording, using a financial advisor, and rules of advertising. She explained a 2/3 approval is required for a vote and the cost is limited to two percent of the District's total market value. Once a bond passes, depending on how it's financed and the duration, Hawley Troxell can help through this process. Reimbursements can include purchase of right-of-way, engineer costs, and the attorney costs. Commissioner Werner stated we need to determine what is the cost; what is the District's assessed value, and how long would the District want to finance the bond. Commissioner Werner **moved** to authorize the engineer to spend time to work on fine tuning costs for a Greensferry Bridge. Commissioner Tondee seconded. **Motion carried** unanimously. Commissioner Werner asked Engineer Ruen to talk to the firm who built the Greensferry overpass to get an estimate and to contact the Corp of Engineers. [3/1/17 Brd Mtg]

Decrease Penalty Rider, High Prairie Estates

As per last meeting, the Board agreed to lower the bond for High Prairie Estates to \$6,000. Commissioner Werner **moved** to authorize the Chairman to sign the Decrease in Penalty Rider. Commissioner Tondee seconded. **Motion carried** unanimously. [3/1/17 Brd Mtg]

ROAD SUPERVISOR

Transportation Plan – The kickoff meeting was held earlier in the day at Ruen Yeager and Associates. A paper was passed around with suggestions for advisory committee members. Mr. Brownsberger asked the Board to review this and provide suggestions at the following meeting. [3/1/17 Brd Mtg]

Water Run-off Request – A water drainage request was discussed along W. Riverview. As the owner did not like the answer provided from the Road Supervisor, he informed the Board of the request. They agreed with the answer that was provided and added that since the property owners already had a solution, we would not get involved just because they didn't want to take care of it anymore. [3/1/17 Brd Mtg]

Huetter at Bean – Verdis contacted the District asking about a proposed development at Bean between Huetter and Honeysuckle. The City of Hayden asked Verdis to ask the District as to what we would like done with Bean, block it off or extend it so it is a through road. The Board agreed with the Road Supervisor's opinion that Bean be extended. [3/1/17 Brd Mtg]

Crew Update – Road restrictions are still active. Chairman Humphreys reported overweight trucks on Beck Road. [3/1/17 Brd Mtg]

ENGINEER

Prairie Overlay, Idaho to Greensferry – Poe supplied their tax release for this project so Engineer Darius Ruen presented Partial Pay Estimate #2 to pay the retainage in the amount of \$7,945.51. The original payment was made in August 2016. Commissioner Werner **moved** to release the retainage to Poe Asphalt and the Chairman sign the proper documents and pay the amount of \$7,945.51. Commissioner Tondee seconded. **Motion carried** unanimously. [3/1/17 Brd Mtg]

W. Riverview Guardrail Project – The scope of services and mandate was sent to LHTAC earlier in the day. Terra Con provided the information RYA was waiting on in order to submit these documents. [3/1/17 Brd Mtg]

Three Forks Road – Contract documents will be provided for the next meeting so this project can go to bid. [3/1/17 Brd Mtg]

Seltice/Huetter Signal Pay Request – Mr. Ruen will have a pay request for the next meeting. Thoreco has submitted a bill for this signal project; RYA will review those and submit them to the Board prior to the meeting for review. [3/1/17 Brd Mtg]

OFFICE

No items for discussion.

COMMISSIONERS

Commissioner Werner voiced concerns regarding upcoming legal issues and feels the Board has not received needed correspondence from the attorney. The Board stated they would like to get back to monthly, even bi-monthly attendance at the Board meetings. [3/1/17 Brd Mtg]

Chairman Humphreys thanked Asa Gray for coming and invited him to come anytime.

With no further business, the meeting adjourned at 7:30 pm.

Regular Meeting – March 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, Todd Tondee and Terry Werner via electronic feed; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; District Engineer Darius Ruen and Attorney Susan Weeks. Guests were Rick Scharf, Brian and Michelle Smasne, Claud and Lynn Hoskins.

Commissioners had no conflict of interest with any agenda item. No changes to the agenda were requested.

CONSENT AGENDA

Items on the consent agenda are the February 2017 Treasurer's Report and the March 2017 Voucher Payments. Commissioner Tondee **moved** to approve and authorize payment on the February Treasurer's Report and March 2017 vouchers. Commissioner Werner seconded.

Motion carried unanimously. [3/15/17 Brd Mtg]

PUBLIC COMMENTS

Brian and Michel Smasne were present to discuss an item not on the agenda. Mr. Smasne asked what is happening with the right-of-way and greenhouse on Gallop Lane. Mrs. Smasne said they understand Ms. Hill was at the previous meeting to explain the function of the greenhouse and understands it can remain as long as it remains in good condition. She added the recent windstorm blew down the greenhouse taking out some fence posts and creating a mess. She added the mess on their parcel was cleaned up. Mr. Smasne believes the greenhouse is being leased out and is being used commercially. Staff will review information provided and this item will be discussed at the next business meeting. [3/15/17 Brd Mtg]

CURRENT BUSINESS

Blossom Mountain Gate Relocation

Realtor Rick Scharf was present to ask if the gate on Blossom Mountain can be moved. He is showing an 80-acre parcel for a client and stated there are thoughts of having a commercial business on the property. The gates location presents problems to both gain access to show the property and to expect a business to locate behind a gate. The Board explained District maintenance stops at the gate although right-of-way extends beyond the gate. Also, property owners approached the District to gate the roadway at the end of the maintenance area in 2011 citing safety reasons. At that time input was submitted by Idaho Fish and Game, Department of Homeland Security, Kootenai County Sheriff, and City Police requesting the gate remain due to safety of the towers. The gate is privately owned and maintained; all property owners have access to the gate. Mr. Scharf stated his client does have access but it's an inconvenience to

open the gate. Chairman Humphreys stated he would have to address the issue with the owner of the gate. Attorney Susan Weeks added that Frontier Communications is maintaining the gate at this time. [3/15/17 Brd Mtg]

Field Service Crane Body Award Bid

Road Supervisor Kelly Brownsberger stated three bids were received, the lowest bid was \$52,975. The low bid spec missed the required 12 gauge steel and changed to 10 gauge at their cost. Mr. Brownsberger recommended award go to Summit Truck Equipment. Commissioner Tondee asked for clarification if the other two bidders bid 10 or 12 gauge; he continued that two bid to specs, one did not therefore he becomes an unresponsive bidder and should be kicked out. Attorney Susan Weeks stated the Board has the right to rebid or go to the next lowest bid. Commissioner Werner stated he understood we could allow some discrepancy so he thought it is allowed if there was no cost difference. Ms. Weeks suggested the Board conditionally approve the item to give legal an opportunity to review case law and if it is determined to be unresponsive, the Board can then decide how to proceed. Commissioner Tondee **moved** to table the Field Service Crane Body Award to the April 5th meeting. Commissioner Werner seconded. **Motion carried** unanimously. [3/15/17 Brd Mtg]

Three Forks Bid Documents

Engineer Darius Ruen reminded the Board this is a cement treated base (CTB) project to be bid; the three-shot seal will be done in-house. The bids are set to be in the newspaper March 6, opened April 3, and can be awarded April 5. Commissioner Tondee **moved** to authorize bid docs be published and go out on the Three Forks project. Commissioner Werner seconded. **Motion carried** unanimously. [3/15/17 Brd Mtg]

Seltice / Huetter Signal Pay Request

Engineer Darius Ruen explained traffic control had not submitted a bill to Thoreco. \$8,111 was submitted for various reasons. In addition, a change order was prepared for a net increase of \$696. His recommendation is to authorize payment in the amount of \$7,705.45. There is a total retainage of \$18,076; a final walk-through will be done with Thoreco and review the final clean up. Mr. Ruen asked to clarify that payment for additional flagging hours were requested which Mr. Ruen has denied to date. It is a \$2,000 item and is off of the approved bill. He will sort it out during the final walk through. Commissioner Tondee **moved** that we pay Thoreco \$7,705.45 for the Seltice / Huetter Signal Project. Commissioner Werner seconded. **Motion** carried unanimously. [3/15/17 Brd Mtg]

Fuel Bid Change Order

This change order extends the fuel contract for two more years. Mr. Brownsberger stated the cost runs about fifty cents per gallon less than the pump price; it's a set amount over Grannis's suppliers cost. Commissioner Tondee **moved** to accept Change Order 2017-1 for the diesel fuel bid from Grannis Petroleum. Commissioner Werner seconded. **Motion** carried unanimously. [3/15/17 Brd Mtg]

Prairie/Chase Roundabout Bid Advertisement

Chairman Humphreys voiced his concern about bidding asking if all is in order with property acquisitions. Attorney Susan Weeks stated we have an early possession agreement in place as well as a decree of condemnation so the District owns the parcels. Relocations of water and a fence will continue to be negotiated. She stated this item will be discussed in executive session and a decision can be made regarding the bid advertisement after the executive session. Commissioner Tondee **moved** to table this item to the end of the meeting until such time it can be discussed in executive session. Commissioner Werner seconded. **Motion** carried unanimously. [3/15/17 Brd Mtg]

LEGAL

County's Boat Launch near Greensferry – Ms. Weeks submitted draft documents to the Board for the purpose to surplus property and deed it to Kootenai County. Already being used for a boat

launch, this will remove the District's liability. Ms. Weeks added two clauses, one a revisionary clause and secondly if we need to condemn it for r/w, we don't pay anything. She added she needs legal descriptions; the County needs to review, and a public hearing need to be set. This item will be added to the following meeting to set the public hearing. Ms. Weeks added that since this is going to another public agency, the public hearing and transfer can take place at on meeting. [3/15/17 Brd Mtg]

ROAD SUPERVISOR

Office Staffing – Mr. Brownsberger explained our GIS/Clerk is looking at retiring next year and would like to discuss at the next meeting hiring a person now to get them trained. Information was provided. [3/15/17 Brd Mtg]

Pleasant View and SH53 – Fran Hughes has been farming ground in this area for a long time. He wants to fence and run cattle. Mr. Brownsberger stated the District has no plans for the next two years. The District currently runs a lease on the Hayden Pit surrounding parcel. Chairman Humphreys asked that we stay consistent with the other lease. This will be brought back to the next meeting. [3/15/17 Brd Mtg]

Huetter Road Right-of-Way Acquisition – Mr. Brownsberger has been in contact with Roy Armstrong. Mr. Armstrong had concerns regarding moving the utilities and if the turn lanes would be completed this year. Mr. Brownsberger told there is not enough time for Avista to move their utilities for the turn lanes to be completed this year. Also discussed with him was the possibility of acquiring right-of-way for drainage just north of I-90 to put in a swale where North Idaho Maritime's driveway comes out. Mr. Armstrong stated he will look at it and make contact later. [3/15/17 Brd Mtg]

Seltice Way Reconstruction Bids – Matt Gillis informed the Road Supervisor that bids were opened for this project. Four companies bid; low bid was T-Lariviere at \$4.4 million; bids went up to \$5.4 million; the District's portion is approximately \$305,000 if the low bid is awarded, down from the proposed \$450,000. The award is on the City Council's March 21 agenda. An April start date is planned. [3/15/17 Brd Mtg]

Road Conditions – Water is flooding over Cliffhouse and Three Forks has lost three to four feet around a culvert due to a joint failure. Crew is cleaning drains and gravel roads are going bad. [3/15/17 Brd Mtg]

Vacation – Mr. Brownsberger reminded the Board he will be gone May 1 to May 22. [3/15/17 Brd Mtg]

ENGINEER

Prairie – Chase Intersection – Pins have been placed. [3/15/17 Brd Mtg]

W Riverview Guardrail Project – LHTAC sent back the project scope with red lines. RYA will respond. [3/15/17 Brd Mtg]

Boat Launch near Greensferry – Pins have been set in order to provide a legal description for the attorney. [3/15/17 Brd Mtg]

Greensferry Bridge Proposal – Some revisions have been made to the previous plan set and Wadsworth is receptive to reviewing them. [3/15/17 Brd Mtg]

Brautigam Estates near Harbor Island – Mr. Ruen spoke with project representative Bart North about road realignment within this proposed subdivision. Mr. North will meet with both Mr. Ruen and Mr. Brownsberger. [3/15/17 Brd Mtg]

OFFICE

No items for discussion.

COMMISSIONERS

No items for discussion.

EXECUTIVE SESSION

Commissioner Tondee **moved** to enter into Executive Session pursuant to the provisions of Idaho Code 74-206, Subsection 1(c) and (f). The purpose of the Executive Session is to discuss the acquisition of real property and the legal options for pending litigation of the purchase. Request was made for a roll call vote. Commissioner Werner seconded. Roll call vote: Commissioner Werner- aye; Chairman Humphreys-aye; Commissioner Tondee-aye. **Motion carried** unanimously. The Board entered into Executive Session at 6:50 p.m. *[3/15/17 Brd Mtg]*

Commission Tondee **moved** to come out of Executive Session and enter back into Regular Session at 7:29 pm. Commissioner Werner seconded. **Motion carried** unanimously.

Commissioner Tondee **moved** to prepare bid documents for the Prairie – Chase Roundabout. The documents are to include an alternative to erect a fence on Fair's property as well as an alternative to replace the domestic and irrigation water service to residents. Commissioner Werner seconded. **Motion carried** unanimously. *[3/15/17 Brd Mtg]*

With no further business, the meeting adjourned at 7:30 p.m.

ORIGINAL SIGNED AND DATED 4/19/2017

Submitted by:
Shirley Walson, District Clerk