

POST FALLS HIGHWAY DISTRICT

NOVEMBER 2023 MINUTES

**Regular Board Meeting – November 1, 2023, 6:00 P.M., 5629 E. Sellice Way, Post Falls, ID 83854**

Meeting Canceled

**Regular Board Meeting – November 15, 2023, 6:00 P.M., 5629 E. Sellice Way, Post Falls, ID 83854**

1) Chairman Tyler called the meeting to order at 6:00 P.M.

Present were:

Commissioners: Jeff Tyler, Glen Heape, David Russell  
Director of Highways Michael Lenz, District Clerk Elaine Fox,  
Administrative Assistant Jonie Anderson

Guests in attendance were:

Steve Copp, 3328 E Remington Rd., Sue Amaral, 305 E 13<sup>th</sup> Ave., Korrei Kruger, 4016 Nottingham  
Angie Comstock, J-U-B (JUB)  
Melissa Cleveland, Welch-Comer, (WC)  
Laura Winter, Ruen-Yeager & Associates (RYA)  
Susan Weeks, Attorney, James, Vernon & Weeks PA (JVW)  
On-line Attendees (2):  
Jason K and Shane Amaral

2) PLEDGE OF ALLEGIANCE: Commissioner Russell led in the Pledge of Allegiance.

3) CONFLICTS OR CHANGES: **NONE**

4) APPROVAL OF AGENDA: Commissioner Russell **moved** to accept the agenda as presented. Commissioner Heape **seconded. Motion carried.** [11/15/2023 Board Mtg]

5) CONSENT AGENDA: Commissioner Heape **moved** to accept the consent agenda as presented. Commissioner Russell **seconded. Motion carried.** [11/15/2023 Board Mtg]

6) PUBLIC COMMENTS

Steve Copp (3328 E Remington Rd, Athol) addressed the Board regarding his property at the end of South Idaho Rd and Plum Rd, at the very SW corner of the District. Mr. Copp referred to a civil case: David & Maggie Pennie vs Worley Hwy District (CV2017-0002846). Mr. Copp stated that because the district court ruled the survey in the case was a good survey, Mr. Copp was going to gate his property. Mr. Copp reached out to the District and Director Lenz attempted to visit the location but was unable to access due to a locked gate. Mr. Copp said he received a letter from the District stating that the road cannot be blocked off. Mr. Copp stated he reached out to his District representative but was unable to make contact, so he is addressing the Board to inquire if the Board is aware of this issue. Chairman Tyler stated he has heard about this and the Board will discuss this concern. He advised Mr. Copp to check back in with the office next week on the status.

7) OLD BUSINESS: **NONE**

8) CURRENT BUSINESS:

- a. **Huetter Rd Speed Safety Analysis:** Director Lenz requested that the Board support a speed study of Huetter Ave between Prairie Ave and the south end of Brickert Estates, due to the addition of a new signal and pedestrian path crossing Huetter. Commissioner Heape **moved** to authorize the Director of Highways to coordinate a speed study analysis with Ruen-Yeager & Associates for Huetter Rd between Prairie Ave and the south end of Brickert Estates. Commissioner Russell **seconded. Motion carried.** [11/15/2023 Board Mtg]
- b. **Validation of Highland Dr right-of-way; specifically, the metes & bounds of the roadway as it passes through the Amaral property:** Director Lenz stated to the Board that Susan Amaral requested to have the validation of Highland Dr put on the agenda. Ms. Amaral is requesting that the District initiate the validation and pay for it. The Commissioners asked for an explanation of the validation process. Director Lenz requested an explanation from Attorney Susan Weeks. Attorney Weeks addressed the Board and outlined of the validation process. Attorney Weeks summarized that what she believes is being asked is that the Board waive the validation fee. Korrei Kruger addressed the Board and stated her family owns the property at 6667 W Highland Dr. Ms. Kruger introduced Susan Amaral (in the audience) and Shane Amaral (present on-line). Ms. Kruger stated that they are seeking the validation procedure of Highland Dr, specifically, where it crosses their parcel and requests that the District revoke Permit 21-0955 issued to Donna and Randy Bohn. Ms. Kruger gave the Board a detailed timeline and summary of concerns and noted that, in May, her family retained counsel from Smith & Malek and stated, Smith & Malek continue to guide them. Ms Kruger continued providing details and actions that have led to tonight's meeting. Chairman Tyler thanked Ms. Kruger for her statement and shared what he recalled about the issue. Attorney Weeks reminded the Board that a validation is a quasi-judicial proceeding and there should be no discussion of evidence or weighing evidence until we are in a public hearing. Attorney Weeks stated that what should be determined tonight is: will the Board agree to bear the cost of the road validation? Chairman Tyler asked questions regarding the validation fee and the District's policy regarding validation procedure. Attorney Weeks provided information and stated that the Board will need to decide if there is justification to waive the fee, and what would set this decision apart from future requests. Commissioner Russell noted the Board voted on signing a document with the Bohn's; to which Attorney Weeks added a broader definition of the document. Conversation regarding this specific location and the potential for future validation requests were noted by Commissioner Russell. Ms. Amaral addressed the Board and asked why the District waived the fee for the Bohn's permit. Attorney Weeks stated she believes the basis for the decision to waive the permit fee was because the Bohn's were asked to convert a grandfathered approach to a documented approach. Chairman Tyler suggested that the District provide the Amaral property owners a reduced validation fee. Attorney Weeks gave an example regarding other validations and the outcomes and stated that validations are not uncommon. Commissioner Russell shared concerns that if the Board waives this validation fee, the District would be setting a precedent for future requests. Commissioner Russell **moved** to require the property owners to pay full fee as stipulated by statute. Commissioner Heape **seconded. Motion carried.** [11/15/2023 Board Mtg]
- Ms. Krueger asked that information regarding the validation petition process be sent to each of the family members: Susan Amaral, Korrei Kruger, and Shane Amaral.
- c. **Revocation of Permit 21-0955:** Attorney Weeks explained that the revocation was not on the agenda as an Action Item. She suggested that the Board table discussion until after the validation hearing has been completed, as the Board's revocation decision will be based on the validation hearing determination. Chairman Tyler would like to follow Attorney Weeks suggestion. No action is required for this item.
- d. **MS4 Annual Permit – Presentation – Melissa Cleveland, Welch-Comer:** Melissa Cleveland (WC) summarized the Municipal Separate Storm Sewer System (MS4) Report and provided a slide presentation to the Board on the process, plan and outcomes. Commissioner Heape **moved** to authorize the Director of Highways to submit the annual report through the DEQ portal and post the report on the PFHD website. Commissioner Russell **seconded. Motion carried.** [11/15/2023 Board Mtg]

9) CORRESPONDENCE:        **NONE**

- 10) LEGAL: Legal will be for Executive Session
- 11) ENGINEERING: Laura Winter (RYA) stated that they would begin work on the Huetter speed study as soon as possible. Angie Comstock (JUB) gave status updates on the Prairie 5-lane and the Hayden/Meyer projects stating that they are on track. Commissioner Tyler asked about widening of the Prairie roundabouts. Director Lenz provided an update regarding the City of Post Falls taking over as primary sponsor and the possibility of the cost/split changing between the PFHD and the City.
- 12) DIRECTOR UPDATES: The crew has been working on: placing the "No Parking" signs along Fay Place, and working on plow truck conversions and wind storm clean up. Next week the crew will finish grading. Director Lenz gave updates on the Poleline/Huetter/Hanley lane and intersection changes, and the building at Bodine pit. Director Lenz stated he is working with RYA on Riverview/Harbor Dr realignment which is moving into final design this winter. Engineer Laura Winter RYA provided further information on the plans for this project. Director Lenz has also been working with RYA on the updated District road map. Director Lenz met with a radio technician regarding installation of a ham radio system. Meetings have been set with two heating companies to obtain quotes regarding installation of back-up generators. We received a piggy-back offer from GMCO on magnesium chloride (MAG). He is working with Melissa Cleveland (WC) on the MS4 permit. Director Lenz met with the City of Post Falls road supervisor Tuesday to discuss a winter snow plow plan and negotiated to help plow the new roundabout on Prairie. Director Lenz will be meeting with the City of Hayden regarding One Place Church approach locations on the northwest corner of Prairie and Huetter, traffic impact study and other concerns. There was a brief discussion regarding the Church property, surrounding properties and the possibility for annexation by the City of Hayden. Director Lenz will also be meeting with the Mayor of Stateline regarding a connector road tying Ante to Sellice. Working with two property owners regarding a use of right-of-way permit for a sewer line extension on Crystal Bay. Working with another property owner for a use of right-of-way permit for a water line under Foothills Dr. Working with Merle Van Houten regarding Elkview Pines public hearing and easement swap. We received news on the Idaho state strategic initiative grant. The plan being recommended and presented to the Idaho Transportation Department Board does **not** include our Huetter project. Director Lenz stated we need to be vocal and asked the Commissioners for their help, as out of the \$100,000,000 (one hundred million dollars), Kootenai County (District 1) received 11.99%; the Boise Area (District 3) received 33%, and Highway Districts in Kootenai County did not receive any projects. We will be going to five/eighths (Monday – Friday, eight hour days) on Monday, November 27. Director Lenz gave a recap of the Idaho Association of Highway Districts' (IAHD) annual convention. Director Lenz was elected Vice President for the Idaho Association of County Engineers and Road Supervisors (IACERS).
- 13) OFFICE UPDATES: District Clerk Elaine Fox recapped her experience at the IAHD convention and reminded the Commissioners to mark their calendars for the "Day at the Capitol" on Tuesday, January 30, 2024. Mary Richter, CPA will be here Thursday for a pre-audit meeting. Work is beginning on the Road and Street report. Dental open-enrollment begins December 1 and rates go into effect January 1, 2024. The holiday party has been scheduled for Friday, December 8 at 11:00am.
- 14) COMMISSIONERS: Commissioner Tyler also recapped his experience at the IAHD convention. Commissioner Heape stated the convention was very helpful. Commissioner Russell asked if it is possible to add lights/lamps on Poleline between Meyer and Huetter. Director Lenz explained the challenges but understands Commissioner Russell's concerns and hopes that with growth, improvements will happen as roads are widened.
- 15) EXECUTIVE SESSION: Commissioner Russell **moved** to enter into Executive Session. Pursuant to the provisions of Idaho Code 74-206, Subsection 1(f) an executive session is being requested for the purpose to communicate with legal counsel for the public agency to discuss the legal ramifications of pending litigation. Commissioner Heape **seconded**. A **roll call vote** was requested. **Roll call vote**: Commissioner Heape: **aye**; Chairman Tyler: **aye**; Commissioner Russell: **aye**. The regular session attendees were dismissed at 7:17 pm. The Board entered into Executive Session at 7:54 pm. The Board exited Executive Session at 9:16 pm.

MOTIONS RESULTING FROM EXECUTIVE SESSION: Commissioner Russell **moved** to authorize Chairman Tyler to respond to Mr. Boller as discussed in executive session. Commissioner Heape **seconded. Motion carried.**  
 [11/15/2023 Board Mtg]

16) ADJOURNMENT: The meeting was adjourned at 9:17 pm.

**VOUCHERS FOR THE MONTH OF NOVEMBER 2023**

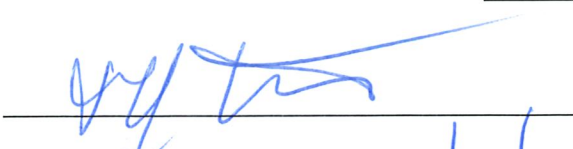
	<u>Num</u>	<u>Name</u>	<u>Amount</u>
Nov 23	47936	DARREL STEVENS	-2,580.50
	47937	DAVID A TUCKER	-2,426.46
	47938	DAVID RUSSELL	-505.12
	47939	EDWARD F. MAEL	-2,305.53
	47940	ERIC PRESTEGAARD	-2,290.63
	47941	GLEN HEAPE	-685.12
	47942	HELEN A FURBEE	-2,084.68
	47943	JAMES B WINES	-2,648.94
	47944	JASON B COFFMAN	-2,471.66
	47945	JEFFERY N FERGUSON	-2,498.27
	47946	JEFFREY TYLER	-677.03
	47947	JONIE ANDERSON	-1,787.19
	47948	LARRY P HOWELL, JR	-1,631.36
	47949	LESLIE R LIKES	-2,427.36
	47950	LUCAS A BICANDI	-2,363.36
	47951	MICHAEL C LENZ	-3,275.12
	47952	MICHAEL J KETCHUM	-2,432.68
	47953	MIRIAM E FOX	-2,327.66
	47954	RANDY L NEAL	-2,404.15
	47955	TRAVIS A HALL	-2,624.35
	47956	TUEKOTA TATE-VANDEVER	-2,357.64
	47957	CREDIT UNION	-725.00
	47958	NEW YORK LIFE	-20.00
	47959	ABOVE AND BEYOND JANITORIAL INC	-650.00
	47960	ADD ELECTRONICS	-765.68
	47961	ACE HARDWARE	-161.80
	47962	ADVANCED COMPRESSOR & HOSE, INC.	-192.98
	47963	ALSCO	-606.21
	47964	AMERICAN ON-SITE SERVICES	-248.20
	47965	ARROW CONSTRUCTION SUPPLY	-2,419.74
	47966	BADGER BUILDING CENTER	-226.64
	47967	BLUEJAY INDUSTRIAL INC	-88.00
	47968	CDA PAVING - VOIDED NO PAYMENT	0.00
	47969	CDA POWER TOOL	-108.00
	47970	COLEMAN OIL COMPANY	-1,781.59

47971	COUNTRY CLEANERS	-225.00
47972	CULLIGAN	-23.85
47973	DELTA DENTAL	-1,295.47
47974	EMERALD SERVICES, INC	-695.00
47975	FASTENAL	-1.22
47976	GMCO CORPORATION	-13,280.28
47977	GORDON TRUCK CENTERS, INC	-1,097.93
47978	H & H EXPRESS	-24.64
47979	HDR ENGINEERING INC	-1,835.44
47980	IDAHO FENCE	-201.96
47981	IDAHO RENEWABLES, LLC	-352.00
47982	INTERMOUNTAIN SIGN & SAFETY	-1,460.00
47983	JUB	-13,775.66
47984	IDAHO MINING APPAREL & SUPPLY INC	-814.43
47985	INTERSTATE CONCRETE	-332.32
47986	JMT PETROLEUM	-7,426.60
47987	JUB	-9,241.05
47988	KENWORTH SALES - SPOKANE	-68.54
47989	KOOTENAI COUNTY SOLID WASTE	-131.35
47990	MOTION AUTO SUPPLY	-524.32
47991	NAPA - POST FALLS	-460.09
47992	NORTHWEST MACHINE	-4,785.96
47993	NOVUS GLASS	-399.00
47994	R. D. OLSON MFG., INC.	-537.59
47995	SPECTRUM BUSINESS	-139.99
47996	SPOKANE HOUSE OF HOSE	-590.84
47997	TITAN TRUCK EQUIPMENT	-177.40
47998	ULTRA-LAWN	-262.90
47999	VERIZON WIRELESS	-371.50
48000	VSP dba VISION SERVICE PLAN	-227.83
48001	WESTERN STATES EQUIPMENT - CAT	-5,421.51
48002	ZIPLY FIBER	-315.00
48003	NCPERS	-352.00
48004	BADGER BUILDING CENTER	-108.76
48005	AMERICAN MOBILE DRUG TESTING	-245.00
48006	AVISTA CORPORATION	-3,079.19
48007	BISCO	-1,512.28
48008	C W SIGNS	-385.32
48009	CANNON HILL INDUSTRIES	-96.00
48010	CDA GARBAGE	-161.75
48011	CITY OF POST FALLS.	-224.68
48012	CONSOLIDATED SUPPLY CO.	-224.69
48013	GMCO CORPORATION	-19,698.27

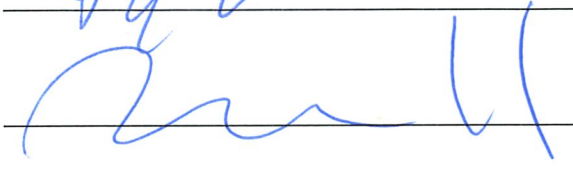
48014	H & H INC DOCUMENT MANAGEMENT SOLUTIONS	-136.06
48015	IDAHO DEPARTMENT OF LABOR	-188.56
48016	INLAND GEAR	-2,098.92
48017	INTERMOUNTAIN SIGN & SAFETY	-464.75
48018	KEC	-231.55
48019	LARIVIERE	-108,595.54
48020	NORTHWEST MACHINE	-9,126.00
48021	PACIFIC STEEL	-115.45
48022	RUEN-YEAGER & ASSOC, INC	-4,038.66
48023	SMOKIN GLORY BBQ VOID NEW 48027	0.00
48024	SPOKANE HOUSE OF HOSE	-250.77
48025	TRUCKPRO	-251.06
48026	SMOKIN GLORY BBQ VOID NEW 48027	0.00
48027	SMOKIN GLORY BBQ & CATERING, LLC	-116.55
48028	UTILITY TRAILER SALES OF SPOKANE	-1,307.24
48029	WTB - CREDIT CARD DIV.	-758.40
48030	DARREL STEVENS	-2,359.17
48031	DAVID A TUCKER	-2,323.21
48032	EDWARD F. MAEL	-2,073.71
48033	ERIC PRESTEGAARD	-2,090.79
48034	HELEN A FURBEE	-1,910.84
48035	JAMES B WINES	-2,174.64
48036	JASON B COFFMAN	-2,239.83
48037	JEFFERY N FERGUSON	-2,092.54
48038	JONIE ANDERSON	-1,599.40
48039	LARRY P HOWELL, JR	-1,430.52
48040	LESLIE R LIKES	-2,435.99
48041	LUCAS A BICANDI	-2,162.54
48042	MICHAEL C LENZ	-3,289.16
48043	MICHAEL J KETCHUM	-2,231.83
48044	MIRIAM E FOX	-2,546.41
48045	RANDY L NEAL	-2,153.36
48046	TRAVIS A HALL	-2,220.41
48047	TUEKOTA TATE-VANDEVER	-2,156.79
48048	AFLAC	-104.52
48049	CREDIT UNION	-725.00
48050	STATE TAX COMMISSION VOID NEW EFT	0.00
48051	REGENCE BLUE SHIELD	-21,646.08
48052	HRA VEBA TRUST	-10,500.00
EFT	REINVEST PRAIRIE AVE MEYER TO SH41	-25,555.59

EFT	PUBLIC EMPLOYEES RETIREMENT SYSTEM	-12,358.18
EFT	WASHINGTON TRUST BANK	-15,682.90
EFT	INSURANCE FUND TRANSFER	-69.37
EFT	STATE TAX COMMISSION	-4,621.00
EFT	WASHINGTON TRUST BANK	-13,713.70
EFT	PUBLIC EMPLOYEES RETIREMENT SYSTEM	-11,107.60
<b>Nov 23</b>		<u><u><b>-428,637.85</b></u></u>

APPROVED



ATTEST



DATE

12-6-23