

POST FALLS HIGHWAY DISTRICT

OCTOBER 2024 MINUTES

**Regular Board Meeting and Public Hearing
October 2, 2024, 6:00pm
5629 E. Selfice Way, Post Falls, ID 83854**

1) Commissioner Russell called the meeting to order at 6:00 pm

Present were:

Commissioners: Glen Heape, David Russell

Director of Highways Michael Lenz, District Clerk Elaine Fox, Deputy Clerk Helen Furbee

Guests in attendance were:

Susan Weeks, Attorney, James, Vernon & Weeks (JVW)

Laura Winter, PE, Ruen Yeager and Associates, Inc. (RYA)

Kevin Smith, PE, J-U-B Engineers (JUB)

Sign up Sheet: Steve & Monica Copp, Beverly Scheunemann, Eileen & Mark Koth, Ruedi & Susan Schuler, Dan Landry, Jody Kamp, John Scheunemann, Casey Kinross

Online: Commissioner Jeff Tyler

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

3) CONFLICTS OR CHANGES: Director Lenz requested the removal of item 9c, Hayden/Meyer JUB Supplemental Agreement as it was not received in time for review. Commissioner Heape made a **motion** to remove item 9c and accept the agenda as presented with that change. Commissioner Russell **seconded, motion carried**. [10/2/2024 Board Mtg]

4) APPROVAL OF AGENDA: Commissioner Heape **moved** to accept the agenda with the previous change. Commissioner Russell **seconded, Motion carried**. 10/2/2024 Board Mtg]

5) CONSENT AGENDA: Commissioner Heape **moved** to accept the consent agenda as presented. Chairman Tyler **seconded, Motion carried**. [10/2/2024 Board Mtg]

6) PUBLIC COMMENTS: Commissioner Russell read the public comments statement and asked if anyone present or online had any comments for the regular meeting. No one in the audience responded and there was no one online except Chairman Tyler. The public comment period was closed at 6:06 pm.

7) PUBLIC HEARING – S IDAHO ROAD VALIDATION: Commissioner Russell read the purpose of the hearing for road "Number 514 Koth Rd" and "Number 550 Koth Rd Change". He re-opened the hearing and appointed Attorney Susan Weeks as Hearing Officer. Director Lenz read the staff report (entered as Exhibit "A"). Steve Copp (petitioner) then presented his testimony. Hearing Officer Weeks called on those who submitted a comment form to testify. Jason Kamp then testified. John Scheunemann when called on stated he would submit his comments later in writing. Donna Scheunemann testified. Commissioner Russell asked for a map to be displayed for the discussion, which was added as KC Earth map (Exhibit "B"). John Scheunemann then indicated he did want to testify at this time and was allowed to do so. Mark Koth was called on to testify next. Eileen Koth declined to testify. Ruedi Schuler declined to testify. Hearing Officer

Weeks read an email dated October 1, 2024, from Attorney Casey Kinross regarding the hearing. It stated that their firm (WHC Attorneys) represents several landowners who will be affected by the decision of this hearing and requested a postponement to allow adequate time to prepare (email added as Exhibit "C"). Attorney Kinross was present and then testified reiterating the request for postponement. Attorney Weeks explained some of the options available to the Board regarding continuance (or not) of the hearing process. Susan Schuler then testified. Finally, Mr. Copp spoke again regarding his arguments for his petition and included that he was not in disagreement regarding a joint hearing with the Worley Highway District and postponement. Hearing Officer Weeks stated that there were no more public comments and turned the hearing back over to the Board. After some questions directed to Attorney Weeks by Commissioner Russell regarding procedure, Commissioner Heape made a **motion** to keep the hearing open to the regular meeting on October 16, 2024 at 6:00pm and also to open discussion with the Worley Highway District regarding a joint hearing at a later date. Chairman Tyler **seconded. Motion carried** [10/2/2024 Hearing]

8) OLD BUSINESS: **NONE**

9) CURRENT BUSINESS:

a. **Resolution 2024-04 Access Policy for Family Splits:** Director Lenz read Post Falls Highway District Resolution 2024-04 proposed for Family Splits developed to address changes by the County via the family division exemptions ordinance #597. He said this was discussed at the Idaho Association of Highway District's meeting and the resolution proposed tonight is the same as one recently passed by Lakes Highway District. Both Director Lenz and Chairman Tyler mentioned that this resolution would waive the fee-in-lieu-of payment. There was discussion that this may need an amendment in the future to address situations where the split property is then subdivided. Commissioner Russell made a motion to approve Post Falls Highway District proposed Resolution 2024-04 as presented. **Seconded** by Commissioner Tyler. **Motion carried.** [10/2/2024 Board Mtg] Commissioner Tyler then authorized Commissioner Russell to sign for him in abstentia.

b. **Prairie Ave: Meyer to SH-41 KN23028 JUB Supplemental Agreement 96512 #2:** Director Lenz stated that this agreement will allow JUB to subcontract out the right-of-way appraisal and acquisition with Contract Land Staff LLC for \$100,799.00. Commissioner Heape made a motion to authorize Commissioner Russell's signature on the Prairie Avenue: Meyer to SH-41 supplemental agreement with JUB. **Seconded** by Chairman Tyler. **Motion carried.** [10/2/2024 Board Mtg]

c. **Hayden/Meyer KN22435 JUB – Supplemental Agreement 96384 #2 :** {removed from agenda}

10) CORRESPONDENCE: **NONE**

11) LEGAL: **NONE**

12) ENGINEERING: Laura Winter, PE (RYA) stated that they are working on ongoing projects including the Church Rd improvements and the "Y" on Riverview near the State Line. Kevin Smith, PE (JUB) said they are working on the two supplemental agreements which were previously mentioned.

13) DIRECTOR UPDATES: Director Lenz provided the following updates:

- . The mag tanks are finished and the crew has been crack sealing.
- . The wing plow for the F550 is here and the truck will be ready for winter.
- . The new forklift arrives tomorrow.
- . A new F250 was quoted at about \$54K and would be about 12 weeks out. A new signboard (portable) will be \$14K for that truck. He will bring final numbers to a board meeting soon.

- . The traffic control plan for the new Seltice and Wellesley roundabout is being reviewed by engineering and will be on the next agenda.
 - . The backup generator has been installed.
 - . There was a question from Commissioner Heape and some discussion about adding some curbing at State Line. Director Lenz said that it is not a project that we can currently address. We will continue to look for a grant and keep it on the radar.
 - . He is working with the District Clerk on a medical opt-out bonus for those employees who decline our medical insurance.
 - . We have a Safety Training Day coming up on October 10th.
 - . He anticipates moving to the winter work schedule on or around November 18th, weather dependent.
 - . The Beck Road rehabilitation is almost done.
 - . He is working on the Mag piggy back contract with ITD and that should be coming to a board meeting soon for approval.
 - . The Spokane Street Bridge project is nearing completion and will be done mid-October.
 - . The Rathdrum Prairie Study Committee will meet and present proposed options on October 23rd from 1-4pm
 - . He would like to set up a meeting with Commissioner Heape, Ms. Winter and the Mellick Rd property owners hopefully next week.
- 14) OFFICE UPDATES: District Clerk Elaine Fox said that the fiscal year ended on September 30th and we are now in a new budget cycle. We are receiving applications for the Shop Mechanic position.
- 15) COMMISSIONERS: All three commissioners thanked everyone for their work on the staff report and with the hearing.
- 16) ADJOURNMENT: Commissioner Russell adjourned the meeting at 7:37 pm.

Regular Board Meeting and Continuation of Public Hearing
October 16, 2024, 6:00 pm
5629 E. Seltice Way, Post Falls, ID 83854

- 1) Chairman Tyler called the meeting to order at 6:00 pm

Present were:

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

Guests in attendance were:

Susan Weeks, Attorney, James, Vernon & Weeks [JVW]
 Angie Comstock, PE, J-U-B Engineers [JUB]
 Laura Winter, PE, Ruen-Yeager & Associates [RYA]
 Roger Glessner, Steve Copp, Robert Palus, Dan Landry, Kevin Frederick, Steve Moore,
 Mark Koth, Ruedi Schuler, Susan Schuler, Mark Hughes

Online Guests:

Pam Hodaka [caller disconnected at 6:32pm]

- 2) PLEDGE OF ALLEGIANCE: Commissioner Heape led in the Pledge of Allegiance.
- 3) CONFLICTS OR CHANGES: Director Lenz asked to amend the consent agenda to add 5d: Final Acceptance letter – Project No. A019[288], Key #19288, Beck Road; Seltice Way to Prairie Ave.

- 4) APPROVAL OF AGENDA: Commissioner Russell **moved** to accept the agenda as amended. Commissioner Heape **seconded. Motion carried.** [10/16/2024 Board Mtg]
- 5) CONSENT AGENDA: No motion was audible on recording. Commissioner Russell **seconded.** Consent Agenda **Approved Unanimously.** [10/16/2024 Board Mtg]
- 6) PUBLIC COMMENTS: Chairman Tyler called for public comments. District Clerk Fox stated a comment form was received by Roger Glessner. Mr. Glessner's comment is related to a current business item [9e] and the board stated that Mr. Glessner could give comments when the agenda item is presented.
- 7) PUBLIC HEARING – CONTINUATION: S Idaho Road [Koth Road] Validation:
Chairman Tyler called the Public Hearing to order and appointed himself as the Hearing Officer. Director Lenz provided a staff recommendation to reschedule the public hearing for a joint public hearing with the Worley Highway District's Board of Commissioners to consider the validation of Koth Road from its initial point to its terminus point.

As the Board discussed the Director's recommendation, Mr. Copp interjected with an objection. Mr. Copp objected to the District's attorney serving as a Hearing Officer in the first public hearing due to an alleged conflict of interest and ongoing representation of the Highway District, Commissioner Heape's continued participation due to an alleged conflict of interest arising from a business transaction involving Mr. Copp and Mr. Heape before Mr. Heape served on the Board of Commissioners, and Commissioner Tyler's participation due to an alleged conflict of interest arising from knowing each from both currently serving on a separate board unrelated to the Post Falls Highway District, and requested all three recuse themselves from the validation proceedings. Later, Mr. Copp asked to add to his objection and was directed to provide any further objections to the Board of Commissioners in writing. The Board indicated that it would address Mr. Copp's oral objection at a future date before the public hearing reconvened.

Commissioner Heape **moved** to reschedule the public hearing in this matter for a joint public hearing with the Worley Highway District's Board of Commissioners to take joint testimony on Koth Road because it lies in each highway district's jurisdiction and the best interest of the public is best understood by receiving testimony regarding the entire length of Koth Road rather than any one segment of Koth Road; that public hearing to be held January 22, 2025 at 10:00 am or at such other time as the two Boards of Commissioners may jointly determine. Commissioner Russell **seconded. Motion carried.**

An unidentified audience member asked how to provide testimony if he could not attend a future hearing and was directed to contact staff for that information. Susan Schueler asked if the Board would consider a later time for future hearings, as some interested parties cannot attend meetings during regular work hours. [10/16/24 Board Mtg]

- 8) OLD BUSINESS: **NONE**
- 9) CURRENT BUSINESS:
 - a. **GMCO Winter 2024 – 2025 Quote:** David Russell **moved** to authorize Commissioner Tyler's signature on the GMCO 2024 – 2025 Torch CI Quote. Commissioner Heape **seconded. Motion carried.** [10/16/24 Board Mtg]
 - b. **Spokane County Proposal:** Commissioner Heape **moved** to authorize the Director of Highways to submit the recommendations presented by RYA to the Spokane County of Public Works for the Wellesley & Appleyway Roundabout TCP. Commissioner Russell **seconded. Motion carried.** [10/16/24 Board Mtg]

- c. **Ruen-Yeager & Associates – Church Road Scope & Estimate:** Commissioner Russell **moved** to Accept Ruen-Yeager & Associates Scope of Services for Church Road Safety Improvements as presented. Commissioner Heape **seconded. Motion carried.** [10/16/24 Board Mtg]
- d. **Landmark Place – PFHD comments for City of Post Falls Planning & Zoning Review:** Commissioner Russell **moved** to direct staff to submit an amended comment for the Landmark Place Subdivision [SUBD-24-3] to allow a secondary access onto Lundy Blvd [requiring an access permit be submitted to the PFHD]. Commissioner Heape **seconded. Motion carried.** [10/16/24 Board Mtg]
- e. **Bayshore Estates Review Letter:** Commissioner Russell **moved** to direct staff to submit the review letter for Bayshore Estates as discussed. Commissioner Heape **seconded. Motion carried.** [10/16/24 Board Mtg]

10) CORRESPONDENCE: **NONE**

11) LEGAL: Attorney Susan Weeks informed the Board that the tax lawsuit was published in the "Advocate". After it has been published, we usually get the hearing date within 45 days.

12) ENGINEERING:

- Laura Winter, PE (RYA) brought in an exhibit to share with the Board showing what the Beck Rd/Prairie alignment will look like
- Angie Comstock, PE (JUB) provided updates on: Hayden/Meyer roundabout, Prairie Trail Underpass, Beck Rd
- There was brief discussion on the Church Road Safety Improvements

13) DIRECTOR UPDATES: Director Lenz provided the following updates:

- Crew time-off/vacation
- Finishing up ditching
- Converting equipment for winter
- New facility and plow routes
- Attended the annual LHTAC Grant workshop yesterday
- Annual Road Mileage Report and Road & Street Report
- Met with resident on Mellick Road
- Email from Spokane County regarding the "Y" at Riverview
- Spokane Street River Bridge project is complete
- Beck Road Project is complete
- First Annual Safety Day feedback

14) OFFICE UPDATES: District Clerk Fox provided the following updates:

- Treasurer's Report explanation
- Idaho Central Credit Union (ICCU) savings account Closed
- Audit Preparation
- Classroom window needs replaced

15) COMMISSIONERS:

- Commissioner Russell commented on the signal at the Poleline and Huetter intersection
- Commissioner Tyler commented on the Safety Day Training

16) EXECUTIVE SESSION:

Commissioner Russell **moved** to enter into Executive Session pursuant to the provisions of Idaho Code 74-206, Subsection 1(b) & 1(f) an executive session is being requested for the purpose to discuss a personnel matter and for the purpose to communicate with legal counsel for the public agency to discuss the legal ramifications for pending litigation. Commissioner Heape **seconded.**

A roll call vote was requested. Roll call vote: Commissioner Heape: **yes**; Chairman Tyler: **yes**; Commissioner Russell: **yes**. The regular session attendees were dismissed at 7:15pm. The Board entered into Executive Session at 7:16 pm. The Board exited Executive Session at 7:51 pm.

MOTIONS RESULTING FROM EXECUTIVE SESSION: **NONE**

17) ADJOURNMENT: Chairman Tyler adjourned the meeting at 7:52 pm

**VOUCHERS TO DATE
OCTOBER 2024**

Oct 24	<u>Num</u>	<u>Name</u>	<u>Amount</u>
	49283	COSTCO	-65.00
	49284- 49288	(SEPTEMBER CHECKS)	
	49289	KMPO	-2,993.00
	49290	PAPE MACHINERY	-29,760.50
	49291	JUB	-9,060.30
	49292	JUB	-40,995.71
	49293- 49302	(SEPTEMBER CHECKS)	
	49303	COREY KRAFT	-2,656.05
	49304	DARREL STEVENS	-2,793.65
	49305	DAVID A TUCKER	-2,330.81
	49306	DAVID RUSSELL	-501.36
	49307	EDWARD F. MAEL	-2,570.88
	49308	ERIC PRESTEGAARD	-2,226.72
	49309	GLEN HEAPE	-381.36
	49310	HELEN A FURBEE	-1,793.35
	49311	JAMES B WINES	-2,371.15
	49312	JASON B COFFMAN	-2,377.67
	49313	JEFFERY N FERGUSON	-2,239.45
	49314	JEFFREY TYLER	-676.24
	49315	JONIE ANDERSON	-1,689.40
	49316	LARRY P HOWELL, JR	-1,607.36
	49317	LESLIE R LIKES	-2,363.44
	49318	LUCAS A BICANDI	-2,447.37
	49319	MICHAEL C LENZ	-3,500.29
	49320	MICHAEL J KETCHUM	-2,294.71
	49321	MIRIAM E FOX	-2,475.10
	49322	RANDY L NEAL	-2,475.02
	49323	STEVEN K FRANKS	-2,285.34
	49324	TUEKOTA TATE-VANDEVER	-2,222.72
	49325- 49336	(SEPTEMBER CHECKS)	
	49337	DELTA DENTAL	-1,410.56
	49338	IAHD	-435.00

49339	VSP dba VISION SERVICE PLAN	-304.10
49340- 49351	(SEPTEMBER CHECKS)	
49352	ICCU	-675.00
49353	SMOKIN GLORY BBQ & CATERING, LLC	-292.00
49354	COREY KRAFT	-2,457.78
49355	DARREL STEVENS	-2,811.33
49356	DAVID A TUCKER	-2,330.81
49357	EDWARD F. MAEL	-2,296.19
49358	ERIC PRESTEGAARD	-2,226.71
49359	HELEN A FURBEE	-1,758.45
49360	JAMES B WINES	-2,371.16
49361	JASON B COFFMAN	-2,377.67
49362	JEFFERY N FERGUSON	-2,239.45
49363	JONIE ANDERSON	-1,689.41
49364	LARRY P HOWELL, JR	-1,458.45
49365	LESLIE R LIKES	0.00
49366	LUCAS A BICANDI	-2,299.45
49367	MICHAEL C LENZ	-3,494.68
49368	MICHAEL J KETCHUM	-2,294.72
49369	MIRIAM E FOX	-2,475.12
49370	RANDY L NEAL	-2,475.02
49371	STEVEN K FRANKS	0.00
49372	TUEKOTA TATE-VANDEVER	-2,222.71
49373	NEW YORK LIFE	-20.00
49374	ICCU	-675.00
49375	AFLAC	-104.52
49376	765TECH INC	-149.00
49377	ADVANCED PEST CONTROL	-86.00
49378	AMERICAN MOBILE DRUG TESTING	-245.00
49379	ANDYS HEATING AND AIR CONDITIONING	-13,775.00
49380	ARROW CONSTRUCTION SUPPLY	-2,646.27
49381	AVISTA UTILITIES - WWP	-2,905.44
49382	BLUEJAY INDUSTRIAL INC	-112.04
49383	CDA GARBAGE	-161.75
49384	CDA PRESS	-117.72
49385	DAVID J. RUSSELL - REIMBURSEMENT	-133.96
49386	LESLIE R LIKES	-2,512.38
49387	STEVEN K FRANKS	-2,285.35
49388	GOODYEAR H & H INC DOCUMENT MANAGEMENT	-533.54
49389	SOLUTIONS	-152.39
49390	HRA VEBA TRUST	-10,500.00
49391	IACERS	-95.00
49392	KEC	-449.44
49393	LAWSON PRODUCTS	-134.62
49394	LHTAC	-960.00

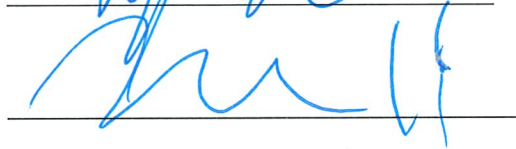
49395	NCPERS GROUP LIFE INS.	-352.00
49396	PACIFIC STEEL	-25.00
49397	REGENCE BLUE SHIELD of IDAHO	-19,927.49
49398	REHN & ASSOCIATES	-28.00
49399	SPECIALTY ROCK PRODUCTS LLC	-427.18
49400	RUEN-YEAGER & ASSOC, INC	-5,680.19
49401	WESTERN STATES EQUIPMENT - CAT	-302.51
49402	EMERALD SERVICES, INC	-4,430.16
49403	WTB - CREDIT CARD DIV.	-1,431.27
49404	SONSRAY MACHINERY	-98.95
49405	PETROLEUM STORAGE	-50.00
	PUBLIC EMPLOYEES RETIREMENT	
EFT	SYSTEM	-14,089.84
EFT	WASHINGTON TRUST BANK	-15,129.84
EFT	STATE TAX COMMISSION	-4,640.00
	PUBLIC EMPLOYEES RETIREMENT	
EFT	SYSTEM	-14,528.83
EFT	WASHINGTON TRUST BANK	-16,104.30
TFR	INSURANCE TRANSFER OCT 2024	-91.13
TFR	KN22435 JUB 96512-07 REINVEST	-8,395.27
TFR	KN24398 JUB 96512-01 REINVEST	-37,986.62
		<u>-354,022.72</u>

Oct
24

APPROVED



ATTEST



DATE

11-6-24