

POST FALLS HIGHWAY DISTRICT  
JUNE 2017 MINUTES

Regular Meeting – June 7, 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; District Engineer Darius Ruen and attorney Susan Weeks. Guests were Kinzo Mihara, Chris and Kristin Bartimioli; Larry and Peggy Robinson; Zac and Rachel Eifler; Tim Olson; Christen Duncan; Scott and Laurie Stuart; Jason and Melissa Hunt; Larry Robinson; Tom Duncan; Kelsie Wetherell; Paul and Becky Stockton; Amy Mort; Martin Johnson; Kale and Jen Kizima; Steve and Jeanette Wynecoop; Ken Dupuis; Bill Reynolds; Kevin Rogers; John Pankratz; Kevin Howard; Jim Mangan; Dennis G. Minemyer CPA of Missoula Mt.; Jerry Manes of Keller Williams; Eric Mourollt, INC Engineering;

CONFLICTS OR ADDITIONS

There were no conflicts or additions.

CONSENT AGENDA

April 2017 Treasurer's Report; May 2017 Vouchers; and May 2017 Minutes were on the consent agenda. Commissioner Werner **moved** to approve the Consent Agenda as presented. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

PUBLIC COMMENTS

There were no requests for public comments.

CURRENT BUSINESS

Big Rock Road

Twenty-six residents from Big Rock Road signed the attendance sheet for the discussion of Big Rock Road. Bill Reynolds, Amy Mort, Becky Stockton, and Paul Stockton were all present as the party offering an easement to use the first 1,200-feet of Big Rock Road. They feel their easements are fair and agreed they have had restrictions on the easements, and that the easements if the property owners had no other access adding there is additional access, some just don't want to use it. They stated there have been no complaints until now. They added the gate has been present since the 1940's and have never been told to take the gate down. Becky Stockton later added that she would like easements drawn up if they are, they will be for perpetuity but only if there is no other access. In response to realtor Jerry Manes comment of the amount of restrictions, Mrs. Stockton said they are willing to negotiate but won't allow anything commercial or a lot of traffic. Paul Stockton asked not to make quick decisions due to the importance of the matter. Zach Eifler submitted a letter to the Board which included his issue, four requests, affected parcels providing the landowner's names and AIN number for county record identification; and attachments showing his concerns of survey accuracy. Mr. Eifler's requests are to prove Big Rock road was constructed in the location of the recorded survey; to remove all obstructions from the public access easement; to stake the centerline of the first 1,200-feet of Big Rock Road; and revisit the District standards for anyone who may build the road through the affected portion. Mr. Eifler later asked Engineer Darius Ruen questions regarding if the road is surveyed, then built or built, then surveyed; if it is an assumed fact; and he believed the survey to be incorrect. Kevin Rodgers stated he feels the road is not rightfully the property owners unless they purchase an easement; he added later that he clearly remembered the Board made findings during the validation process that the easement lies in the road and it is private. Chairman Humphreys said the District was not in a position to comment at this time. Tom Duncan states he was 'locked out' one year ago and that he doesn't feel like he has access and that he would not be approved for a loan if he chose to build there yet he feels everyone loses if a public road is built. Jeanette Wynecoop stated she and her husband have 900 acres and would like to access the property and sell some. She stated she had asked for easements several times but were unsuccessful. She later noted this road is easier access and wants the same rights as everyone else. Here, Amy Mort interjected that the road Mrs. Wynecoop speaks of *[possibly O'Connel or*

*Cowden Rd*] is not a public road and that she does not have the right to access. Jerry Manes from Keller Williams Realty represented the Bartimiolis in their purchase of their property on Big Rock Road and added the District 'signed off' on the road as public right-of-way. He later added that he would hardly call what was offered an easement due to the amount of restrictions. Tim Olson stated the gate was always there but disputes that it was always locked. He added that it was a 15-foot, one-lane road when he purchased his parcel but it was recognized as recorded access. Kinzo Mihara is an attorney represented some of the parties involved. He added that these are private properties and although a portion of the road was built just off the public right-of-way, people have the right, by law, to travel on the road and the right to build the road on the public right-of-way. Kale Kizima, who only purchased his parcel one year ago, stated he joins with other owners to pay for the maintenance of the road but the road won't support many more people. Rachel Eifler's concern with the easement offered for the 1,200-feet of access is temporary and can be revoked; also it is for 'occasional and seasonal' use and is for her family only, no visitors. Dennis Minemire, a CPA from Missoula, stated his understanding that no more building permits will be given unless the road is brought up to standards and as his clients cannot afford the cost, he will advise them to abandon the property and write it off. Christen Duncan said she would love to have an easement but won't pay more for it than she did her property. With no more comments, Commissioner Tondee stated he will need to get up to speed on this subject; he has a lot of questions; and the answer may need to come from the courts rather than the District. Chairman Humphreys informed the group he had no timeline for a definite answer until the Board reviews this and can only address what the District has jurisdiction over.

#### HARBOR DRIVE LAND ACQUISITION, PURCHASE AGREEMENT

Chairman Humphreys understands action is not ready to be made yet as the legal description has not been provided. Commissioner Werner moved to table the Harbor Drive Land Acquisition until such time a legal description is received and then bring this back to the Board. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

#### PRAIRIE/CHASE ROUNDABOUT BID RESULTS

The engineer's estimate for the project was \$538,899. Engineer Darius Ruen presented results stating the lowest bid was \$1,100,148.24 and the second bid was \$1,568,600.00. His recommendation is to reject all bids and rebid in the fall or winter with a construction target for next year. The bids were high due to the multitude of work at the present time. Commissioner Werner **moved** to deny all bids for the Prairie/Chase Roundabout due to the fact that they are way over the amount of the engineer's estimate. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

#### S. STATELINE ROAD EASEMENT, IDL TO CAROTHERS

On May 18, 2017, the District was contacted by Alliance Title regarding an easement accessing South Stateline Road in Section 36; Township 50 North; Range 6 West, Boise Meridian. An easement agreement was recorded for a driveway 'spur' in the northerly portion of Section 36 connecting South Stateline Road and the private property in Section 25, immediately north of Section 36. The amended easement from Idaho Department of Lands to Carothers refers to 139.56 feet and contains language for the grantee to petition Post Falls Highway District to accept an assignment of the easement at such time that it serves more than two parties. Alliance Title was asking the District what steps were in order to grant the new owner access and how to petition for this easement. Melissa Hunt was present to explain this situation stating she and her husband already live in the area and her in-laws, Larry and Peggy Robinson are buying property and need to access this 'spur'. As the piece in question is nothing more than a driveway, the District has no interest in entering into an agreement or accepting this 139.56-foot approach by assignment of easement from the Idaho Department of Lands. Road Supervisor Brownsberger informed the Board the realtor would like a letter stating the outcome and send a copy to IDL. Commissioner Werner moved the Road Supervisor put together a letter and send it to the Department of Lands that the District does not wish to have control of that portion of property. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

### GREENSFERRY BOAT LAUNCH

Kootenai County and attorney Susan Weeks worked towards a Hold Harmless Indemnification Agreement to hold the entity harmless should any damages or claims result from activities performed by the other entity. This came about after the District offered the parcel to Kootenai County and they declined wishing only to continue to use it as a boat launch area. Ms. Weeks noted ICRMP had also approved the agreement. Commissioner Werner **moved** to authorize the Chairman to sign the Hold Harmless and Indemnification Agreement with Kootenai County. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

### W RIVERVIEW DR (SKALAN CREEK)

An invoice was received from LHTAC from Paragon Consulting for right-of-way review. Commissioner Werner **moved** to authorize the Chairman to sign the agreement for project, W. Riverview Drive Project, Key Number 13874, and pay Paragon Construction in the amount of \$977.50. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

### CORRESPONDENCE

Monarch Road Request to Lower Speed Limit – The George family at 1176 N. Monarch asked the speed limit be lowered to 15 MPH. This is at the end of a cul-de-sac, and a business is located across the street causing a traffic jam according to the email. Road Supervisor Brownsberger added that currently no speed limits posted and the road is a little over 1,000 feet long. There have been no other complaints to date. Commissioner Werner stated the speed limit is 25 PMH unless otherwise posted and feels that is adequate, and **moved** to deny the request to reduce the speed limit on Monarch Lane. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

### LEGAL

The three highway district in Kootenai County will likely share our MS4 document with Nampa Highway District discussions show. The Liesenfeld litigation is moving forward; and upon questioning, legal will check on a court date for the Magnuson litigation. [6/7/2017 Board Meeting]

### ROAD SUPERVISOR

Hayden/McGuire Light Installation – Mr. Brownsberger provided costs of Avista and Kootenai Electric with the latter costing the least due to the transformer location. He also informed the Board it will provide proper illumination for the intersection. Commissioner Werner **moved** to authorize the Road Supervisor to move forward with Kootenai Electric to have a light installed at Hayden and McGuire. Commissioner Tondee seconded. **Motion carried** unanimously. [6/7/2017 Board Meeting]

Mellick Road, Department of Lands Purchase – The District has been working with IDL to purchase an easement on Mellick Road to make the right-of-way whole. A draft easement document will cost the District and provides a 600'feet length and 50'feet wide piece. Maintenance language is included for such items as weed control among other items. It will be brought back to the Board when ready. [6/7/2017 Board Meeting]

Ground Force Lease – The Road Supervisor met with Luke Stavros, President of Ground Force Worldwide, regarding the parking lease at the east side of the yard. They agreed to \$100 per month lease fees, payable on an annual basis and a five-year term as long as it had a termination clause. Ground Force remains interested to obtaining the bone yard, either in whole or piecemealed. Doing a land trade with ITD's parcel that Ground Force would first obtain remains an option. Commissioner Werner added that he is interested in the District contacting ITD to obtain that parcel since the District will need another sand source in the future and Ground Force has not been moving forward after several years of discussion. The Board agreed. [6/7/2017 Board Meeting]

#### Federal Project Updates:

Pleasant View and Prairie Project – Mr. Brownsberger spoke with LHTAC regarding this proposed project. The LHTAC spokesperson informed Mr. Brownsberger the District was approved for this project but notification had not been sent as yet. This will result in the design next year and construction funding most likely available in 2020.

Beck Road – This project is ready for consultant selection.

W Riverview (Skalan Creek) – Close to property acquisitions; agent names will be provided to the Board for selection.

Spokane Street Bridge – LHTAC and Mr. Brownsberger met with the consultant with a few minor changes to the scope discussed.

Riverview Drive Guardrail Project – this is moving along. *[6/7/2017 Board Meeting]*

#### ENGINEER

Annotti Estates – A 2-lot subdivision on Bodine, right-of-way and easements as well as the \$3,500 fee-in-lieu-of is requested. *[6/7/2017 Board Meeting]*

Cedar Creek Subdivision – Roadway plans were received. This is a private road but will be built to District standards. The letter is very similar to the 2016 letter. *[6/7/2017 Board Meeting]*

Lawrence Estates – On South Pleasant View Road just north of Riverview Drive. Additional right-of-way in part to the intersection widening. *[6/7/2017 Board Meeting]*

W. Riverview – Field surveying is complete with base maps being completed; field borings have been completed so this is moving along well. *[6/7/2017 Board Meeting]*

Seltice/Huetter Intersection – Retainage is held; Thoreco is completing asphalt damage. Once the flagging pay request is settled, Mr. Ruen will bring a request to the Board to release retainage. *[6/7/2017 Board Meeting]*

Big Rock Road – Regarding the earlier discussion, Mr. Ruen stated he would like to have a review with the Board and legal. Chairman Humphreys asked for an executive session in the very near future. It was set for Wednesday, June 14 at 1:00 P.M. *[6/7/2017 Board Meeting]*

Three Forks Road Contracts – The contracts were not available for signature. Commissioner Werner **moved** for the Chairman to sign the contracts for Three Forks Road once they are available. Commissioner Tondee seconded. **Motion carried** unanimously. Commissioner Werner **moved** to authorize the Road Supervisor to sign the Notice of Award so this project can move forward. Commissioner Tondee seconded. **Motion carried** unanimously. *[6/7/2017 Board Meeting]*

#### OFFICE

Conference Phone – A new phone has been purchased and hooked up. We will test it with the Board members and if not satisfied, this can be returned for a full refund. *[6/7/2017 Board Meeting]*

Budget Profit and Loss Statement – A current statement was presented to the Board for their review. *[6/7/2017 Board Meeting]*

Convention Hotel Reservations have been made for all. If anyone cannot attend, cancellations will be made. *[6/7/2017 Board Meeting]*

#### COMMISSIONERS

With the next workshop scheduled, there were no other items for discussion.

With no further business, the meeting was adjourned at 8:08 PM.

Regular Meeting – June 21, 2017, 4:00 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, Attorney Susan Weeks, Mary Spray, and District Engineer Darius Ruen. Guests present were Kinzo Mihara, Robert Palfie, Martin Johnson, Sharon Johnson, Zac Eifler, Paul Stockton, Becky Stockton, Amy Mort, Kevin Rogers, Scott Stuart, Laurie Stuart, Bill Reynolds, Tom Duncan, Jen Kizima and Kale Kizima.

CONFLICTS OR ADDITIONS

There were no conflicts stated and no additions.

CONSENT AGENDA

May 2017 Treasurer's Reports and June 2017 Vouchers. Commissioner Humphreys asked if there were any corrections, none noted Commissioner Werner **moved** to approve the consent agenda as presented. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

PUBLIC COMMENTS

There were no requests for public comments.

OLD BUSINESS

Big Rock Road

Commissioner Humphreys explained there will be no discussion from the audience; only a staff report and Board discussion will be allowed. Attorney Susan Weeks presented an overview of how roads were created in the 1800's. Because viewers reports and surveyors notes can be lost or misplaced Idaho code 42-03 was created to validate the roads. Information was gathered on the roads and presented for acceptance. Once the Board makes that decision it becomes a final decision and remains the law on that road unless it is appealed in 28 days and the court overrules the decision of the Board. That is what happened with Big Rock Road. The Board received numerous complaints about the road's use and who was in control of the road. The Board initiated a validation for the road in September 2007, issued a final decision based on the Viewers Report. After the decision, surveyor's came back with a depiction of the road, (see map) in which the red (#248 aka Reynolds Rd) and the gold line (#229) were determined to be the roadway the District has the ability to control. The white area in the first 1,200 feet is not controlled by the District and was not validated; the public right of way is to the west of the road being traveled. The decision to accept the right-of-way depicted on the map in the red and gold was filed (recorded) in September 5, 2007. Soon the District received calls requesting reconsideration of their decision. Under Idaho law, the public has fourteen (14) days after an opinion is issued to request reconsideration; the request must contain new facts in order for the Board to reconsider the decision. These requests, which included attorneys, are to be in writing, but only phone calls were received. The Board generously stated if new evidence is brought to the Board, they will reopen and reconsider the decision. A time period of five (5) years was left open and no one ever came forward with new evidence or a written request. The Board directed legal staff to record the validation which was done in September of 2012. Once recorded, the decision becomes final after twenty-eight (28) days so this is the law that now controls this road i.e., the red on the depicted map is public right-of-way and the gold is public right-of-way.

Ms. Weeks made clear to the Board that the white area depicted on the map for which they heard so much testimony about at the last meeting, is not in the District's jurisdiction. Any disputes regarding that portion will have to be resolved through another system, such as the courts or a private negotiation. Where the District does have control is over the red portion that is outside of the portion of road traveled today by some members of the public. Based on testimony from the last meeting, Ms. Weeks also reminded the Board some members using this road would like it designed so other members of the public cannot use the road and public roads are available for the public and cannot be limited to who uses the road.

Road Supervisor Kelly Brownsberger presented a projected cost to bring the first 1,200 feet of road up to gravel standards. Prepared by engineering staff, the cost is estimated to be \$149,600 which included a possible LID cost. Commissioner Todd Tondee asked if it was a rough estimate and specific to that road. Engineer Darius Ruen confirmed the cost is based on a 24-foot wide gravel road and based on conversation with contractors using today's costs under normal circumstances.

Commissioner Todd Tondee reiterated the alignment was determined in 2007 and recorded in 2012. The white road depicted on the drawing and that is in use for the first 1,200 feet is out of the District's jurisdiction; we have no control including whether it is gated. However, if someone wants to use the public right of way and build a road to our standards we would accept an application and work with them to get it done.

Commissioner Terry Werner added the Board would be open to discussing an LID if the property owners created and LID it would give them approximately 10 years to pay for their portion. He added many of the same people in the room at this meeting were in the room at the 2007 meetings. He felt the Board has been more than fair in providing time for the residents to lodge a request for further review.

Commissioner Lynn Humphreys commented the District would accept a gravel surface for the road in this particular case adding the residents could build the road on their own or create an LID.

Commissioner Todd Tondee added that if built on the public right of way, there would be no gate and the road will be open to the public. Also, and LID must have 60% of the property owners to agree by petition before it will go forward. He also reminded the property owners that today, the public right-of-way can be used by the public, even the 1,200 feet in red that is unopened.

Mr. Roger's asked about access onto the new road would be steep and there are two ravines to fill was that included in estimate. Commissioner Terry Werner stated we are not taking public questions or statements. Commissioner Lynn Humphreys stated a special meeting could be scheduled for questions. Commissioner Todd Tondee wanted to confirm that if they are interested they must put in an application to open the right of way and if they want an LID they must have 60% of the owner's approval.

## CURRENT BUSINESS

### Ground force Parking Lease

The Board has reviewed the lease for one year with options to renew to extend it up to five years. Commissioner Werner **moved** to sign the lease with Ground Force. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

### PFHD to Kootenai County Cancel Tax

Commissioner Werner **moved** to authorize the Chairman to sign the letter to Kootenai County requesting cancellation of delinquent taxes. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

### Spokane River Bridge Agreement

The agreement has been prepared by the State for work to be done on the bridge using federal monies. Commissioner Werner **moved** to authorize the Chairman to sign the State Local Agreement for the Spokane Street Bridge. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

### Seltice Way Payment #1

Upon request, the District received our apportioned part of the billing for Pay Requests #1 and #2. The Road Supervisor has reviewed the invoice, all is in order. Commissioner Werner **moved** to authorize payment in the amount of \$34,495.71 for our portion of the cost. Commissioner Tondee

seconded. **Motion carried** unanimously. Discussion followed from which Commissioner Werner asked about paying in one lump sum. [6/21/17 Brd Mtg]

#### CORRESPONDENCE

Greensferry Boat Launch Agreement – The signed and completed agreement was received. So noted. [6/21/17 Brd Mtg]

#### LEGAL

Ms. Weeks reports the EPA thanked her for the timely comments on their recent request and she is requesting an executive session for the next meeting. [6/21/17 Brd Mtg]

#### ROAD SUPERVISOR

Hollister Hills Overlay Bid - Road Supervisor Brownsberger asked for an overlay on Hollister Hills and asked the engineer to work up a cost. We were going to do it in house this year but because of the wet weather and work load it may be more cost effective to have it contracted out. Contractors are available for small jobs but have the equipment to do the wider surface. Commissioner Werner was concerned about the bids coming in so high. Commissioner Humphreys asked what the difference would be in waiting until next year. Road Supervisor Kelly Brownsberger felt it would not make a lot of difference but it did have some cracking and the surface was showing longitude cracks. Commissioner Werner asked Engineer Darius Ruen when he could have a bid package ready. Darius stated he could have it available for the first meeting in July. Commissioner Todd Tondee said it would be acceptable to see how the bid comes in and then make a determination. Commissioner Werner **moved** to authorize the road supervisor to put forward a bid package for the W Hollister Hills overlay for next meeting. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

Storm Water Issues - Road Supervisor Kelly Brownsberger met with a couple of the other road supervisors and David Callahan to discuss storm water issues in developments, one being the issue on Riverview and Rainbow Road. With other issues occurring, Mr. Callahan asked that we keep an eye on the developments with potential storm water problems outside the developments as he will try to write ordinance to prevent such problems. They would like to view only our culvert program on IWORQ. Commissioners Werner and Tondee did not have a problem with them viewing the data but wondered how it may be interpreted. [6/21/17 Brd Mtg]

Prairie Avenue between Greensferry and SH41 - Prairie Avenue will be completely closed on June the 28<sup>th</sup> for two open cuts for water lines. Reader boards will go out Saturday 24<sup>th</sup> or Sunday the 25<sup>th</sup> for closure announcements and a public announcement will be published. It will be posted on our web site. [6/21/17 Brd Mtg]

Frontier - Met with Frontier about relocating their lines and determined they could do an open cut on Prairie twice and an open cut on Chase once with the District providing the patching. Commissioner Humphreys asked if road cuts would be eliminated when the project goes forward. Road Supervisor Brownsberger confirmed it was in the area of the future work. They will also be trenching across the yard on the northeast corner although they will be working in right-of-way. [6/21/17 Brd Mtg]

Three Forks Road – The pre-construction meeting was held earlier in the day; work will start on Three Forks Monday morning. Expected to put seal down by Thursday but otherwise a water truck will run through the weekend. [6/21/17 Brd Mtg]

ITD Property East of Ground Force – The Road Supervisor contacted ITD but the District Engineer was not available and meeting will be set. ITD is aware of Ground Force wanting to acquire that property stating some surveying of the property had been done by Ground Force and have not heard anything further for a few years. [6/21/17 Brd Mtg]

Winch Ave-Almost done with the rebuild, base is almost done, ballast and drainage work is near completion then the developer can pave. They are hoping to get it paved this year. [6/21/17 Brd Mtg]

Radio Frequency- Mr. Brownsberger spoke with the technician from Industrial Communication. Our frequency and the Spokane emergency alert frequency are the same frequency causing overrides. Asking what the District will do, Mr. Brownsberger said we won't just roll over and purchase another license. Attorney Susan Weeks stated our license was in effect first. [6/21/17 Brd Mtg]

Coeur d' Alene Redi Mix- This group requested to obtain sand from Hern's pit. Mr. Brownsberger determined the District will keep this sand. CdA Redi Mix then asked if they could have reject rock from the pit they could use their in their concrete mix and offered to swap 2:1 for crushed rock. The crew has been asking for a certain type of rock and need 2,400 tons of rock for Three Forks. CdA Redi Mix is willing to do that swap. Commissioner Humphreys asked Attorney Weeks if that would be classified as in kind trade and her response was yes. Commissioner Werner **moved** to authorize the Road Supervisor to put together an agreement for the transfer of rock between Coeur d'Alene Redi Mix and Post Falls Highway District. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

#### ENGINEER

Harbor Island - The revised legal description on Harbor Island was received so that project can move forward. [6/21/17 Brd Mtg]

Riverview Guardrail Project - The base map for this project has been completed so we will be working on that next week. [6/21/17 Brd Mtg]

Greensferry Bridge - I have requested the information from Wadsworth but has not yet been received. It should be ready for the second meeting in July. [6/21/17 Brd Mtg]

Huetter and Seltice - Thorco has finished the patch on this project so the retainage can now be released. Mr. Ruen presented Pay Estimate #5 to release the retainage in the amount of \$18,076.00. The additional flagging request was recently received and needs review but has asked the Board to approve payment for the retainage. Commissioner Werner **moved** to authorize the release the retainage to Thorco in the amount of \$18,076.00 dollars. Commissioner Tondee seconded. **Motion carried** unanimously. [6/21/17 Brd Mtg]

#### OFFICE

None items for discussion.

#### COMMISSIONERS

Commissioner Werner asked if the District will be allowed to design the bridge. Engineer Ruen stated teams of engineers generally do bridge design. [6/21/17 Brd Mtg]

With no further business, the meeting adjourned at 7:08 PM.

SPECIAL MEETING: June 7, 2017– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson; District Engineer Darius Ruen; and Attorney Susan Weeks were present for a Special Workshop. Guests present were Kinzo Mihara; Zach Eifler; John Pankratz of East Side Highway District; Kevin Howard and Jim Mangan of Worley Highway District.

Un-Opened Right-Of-Way - Due to recent Board discussions, Attorney Susan Weeks suggested the Board work on policy on required base and surface treatments when property owners wish to put in a road that is not, or will not in the foreseeable future, be maintained by the District. Other District's in the AHDKC showed interest as well. Attorney Susan Weeks provided a document of scope, legal authority, considerations, and standards as well as some questions for the Board to

consider. In addition, she provided a draft permit. Commissioners Humphreys and Werner have differing opinions and the Road Supervisor stated just listening to their points gives him a better understanding of what should be developed and this is a 'living' document that will need changes as it progresses. Jim Mangan, Commissioner for Worley Highway District stated he only wants one form but one that can be broken down into different elements so checks are made that will lead the permit to the final outcome for the landowner/developer. Kevin Howard, Road Supervisor for Worley Highway District, added the permit must hold the Districts harmless. Ms. Weeks addressed a couple of remarks about non-standard roads that have been in use and reminded that Idaho Code provides the right to use the right-of-way 'as it is today' but do they have the right to improve or to what extent. Other discussion included that if the District's do not go up to full standards (including pavement applications), then under certain criteria, look at using fire codes. It was also mentioned that Kootenai County is developing new driveway standards that should be reviewed. The District road supervisors will continue to discuss and develop a permitting process. [6/7/2017 Workshop]

SPECIAL MEETING: June 14, 2017– 1:00 P.M. Commissioners Lynn Humphreys, Terry Werner, Todd Tondee; Road Supervisor Kelly Brownsberger, District Clerk Shirley Walson, Engineer Darius Ruen and Attorney Susan Weeks met for a District Workshop.

W Heavenly View Lane – The District received an email from Kootenai County's Office of Emergency Management (OEM) asking if the District would like to sponsor a grant for drainage on West Riverview Drive. The District declined because the drainage issue is not caused by the District and so as not to set a precedence. [6/14/17 Wkshp]

#### EXECUTIVE SESSION

Commissioner Werner **moved** to enter into Executive Session at 1:07 PM pursuant to the provisions of Idaho Code 74-206, Subsection 1(f). The purpose of the executive session is to discuss with legal counsel controversies not yet being litigated. 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 2:28 PM.

Commissioner Tondee seconded. Motion carried unanimously.

With no further discussion, the meeting was adjourned.

ORIGINAL SIGNED AND DATED 7/5/2017

Submitted by:

Shirley Walson, District Clerk