

**WORLEY HIGHWAY DISTRICT BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 10, 2019
9:00 A.M.**

MINUTES

Chairman James Mangan called the meeting to order at 9:00 a.m. with Commissioner George Miller and Commissioner Corinne Johnson present. Also present were Supervisor Kevin Howard; Assistant Supervisor Dustin Howe; District Clerk/Treasurer Carol Richel; Administrative Assistant Tomi Maynard; and:

Phil Cooper, Moose Canyon
Jay Hassell, JUB
Ted Smith, Davidson St

GE Siegford, HMMH
Kathy Wilson, Davidson St

APPROVAL OF AGENDA

Miller MOVED to approve the agenda as presented. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

CONFLICTS OF INTEREST ON AGENDA

Chairman James Mangan asked if any Board member had a conflict of interest with any item on the agenda. James Mangan, Corinne Johnson and George Miller indicated no conflicts.

APPROVAL OF MINUTES

Miller MOVED to approve the minutes of the March 27, 2019 regular meeting. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

PUBLIC COMMENTS

None.

1. Kathleen Wilson- Sun Up Bay Boat Launch Barrier Request

Kathleen Wilson and Ted Smith own property adjacent to the Sun Up Bay boat launch. They are here today to address parking issues. Mr. Smith presented pictures to the Board of vehicles parked on the shoulder of the road and in some instances on the edge of the bank. These vehicles are not only encroaching on private property but are also causing damage to the bank leading to erosion that could potentially impact Coeur d' Alene Lake. Smith is here to request the placement of barriers along the ROW, in order to reduce the damage to the bank. This will also serve to prevent parking, and foot traffic on the private property adjacent the ROW. Johnson asked Howard to share his recommendation with the board. Howard recommended that staff install barriers at the base of the bank, after doing minimal grooming at the toe of the bank, and adding some rock in the ditch line.

Miller MOVED to accept Howard's recommendation for the placing of barriers. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

Smith and Wilson exited at 9:23 AM

2. Federally Funded Procurement Policy

The following resolution has been prepared, in response to new legislative regulations to formally implement the policies and procedures already followed by WHD staff. Mangan read the resolution into the record.

**Worley Highway District
Federally-Funded Policy and Procedure
WHD Resolution 2019-02**

**A RESOLUTION PROVIDING FOR THE ADOPTION OF PROCUREMENT
AND CONTRACT MANAGEMENT POLICY AND PROCEDURE GUIDE FOR
FEDERALLY-FUNDED PURCHASES OF GOODS, SERVICES AND
CONSTRUCTION PROJECTS**

WHEREAS, pursuant to Idaho Code §§ 40-1310 and 40-1406, the Commissioners of the District have the authority to manage and conduct the business and affairs of the District, make and execute all necessary contracts, contract for the construction, use, maintenance, repair and improvement of highways within its system; and

WHEREAS, Worley Highway District has authority to adopt ordinances, rules, regulations, internal policies as necessary, for carrying into effect and discharging all powers and duties conferred to highway districts pursuant to Idaho Code, (40-1301) chapter 13 and chapter 14 of Title 40; and

WHEREAS, the procurement of goods, services and public works construction is governed by Title 67, Chapters 23 and 28, Idaho Code; and

WHEREAS, pursuant to Idaho Code § 67-2801, the efficient and cost-effective procurement of goods, services and public works construction is an important aspect of local government operations and local government should endeavor to procure goods, services and public works construction by way of a publicly accountable process that respects the shared goals of economy and quality; and **WHEREAS**, Worley Highway District occasionally utilizes monies from federal grant awards in funding the purchase of goods, services, and construction projects and in such cases is required to be in compliance with federal law, federal regulations including but not limited to 2 CFR 200, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”), and state law; and

WHEREAS, 2 CFR §200.318 of the Uniform Guidance requires that recipients of federal grant awards “use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section” and that they “maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of [federally funded] contracts”; and

WHEREAS, in an effort to ensure compliance with the Uniform Guidance, Worley Highway District staff has developed a Worley Highway District Federally Funded Procurement Policy and Procedure Guide (“Guide”) providing policies and procedures for procurement and contract management of federally-funded purchases of goods and services and construction projects. (A true and correct copy of the Guide is attached hereto as Appendix “A” and incorporated by reference); and

WHEREAS, the objective of the Guide is to provide internal guidelines to ensure that procurement and management of federally-funded purchases of goods, services, and construction projects is done in compliance with federal law, federal regulations including but not limited to the Uniform Guidance, and state law; and

WHEREAS, the Guide was developed to allow future adjustments and improvements through a continuous evaluation and revision; and

WHEREAS, the Guide applies to all of Worley Highway District’s federally-funded purchases of goods, services, and construction projects and identifies the internal area of responsibilities and activities that are assigned and performed in carrying out and managing such purchases and projects.

NOW, THEREFORE, BE IT RESOLVED

First, that it is in the best interest of the citizens served by Worley Highway District, for the Worley Highway District Board of Commissioners to adopt and implement the Worley Highway District

Federally-Funded Procurement Policy and Procedure Guide (“Guide”) and said Guide is hereby adopted; and

Second, that the District Supervisor of the Worley Highway District and District Clerk are hereby authorized to affect any necessary adjustments, modifications and improvements to the Guide that are developed through continuous evaluation and revision of the Guide on an “as-needed” basis; and Third, that annually, or at any time upon the request of the Commission, the District Supervisor shall provide a review of any adjustments, modifications and improvements to the Guide; and Fourth, that the Guide shall be in full force and effect on and after May 1, 2019. Adopted and approved by the Board of Commissioners of the Worley Highway District on the 10th day of April, 2019.

Chairman Mangan moved for the approval of Resolution 2019-02 Federally-Funded Policy and Procedure. Maynard called the roll with the Commissioners voting as follows: Commissioner Johnson, aye; Chairman Mangan, aye; Commissioner Miller, aye.

The Board signed the Resolution.

3. CIP Funding for 2019:

In your packet you will find a cash flow projection for the current district projects. Staff was directed to determine the likelihood of funding the Bennion Road and Finnebott Road intersection project. It is recommended that the district hold off until the Watson Road Slide Repair is complete and the grant reimbursements have been made to the district. The board discussed this during the March 13 meeting. Staff requests removal of this item from the agenda as the Bennion and Finnebott Intersection project progress is being monitored as item #3 of the construction projects.

Utilizing HB312 funds, staff would like to have a contractor come in and reduce the rock outcropping on Watson Rd. This outcropping creates severe sight distance deficiencies, and narrows the roadway. Mangan commented that this would be a very beneficial project.

Miller MOVED to add a project to the CIP to cut back a rock outcrop on Watson Road. Johnson SECONDED. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

The Board agreed to remove this item from the agenda moving forward.

4. Senator Nelson Upcoming Visit

Richel reported that Senator Nelson, who is a part of the transportation committee, will be at the Board Meeting on May 8th. Mangan commented that he would like the Board to take Senator Nelson out, and show him some of the District facilities, equipment and projects. Howard added that we need to also cover the distinct differences between the operations required of a rural Highway District in comparison to Highway Districts in metropolitan areas. Mangan instructed staff to produce a packet of information that can be given to Nelson with historical, financial and economic data pertinent to the District. A draft of this package will be made available to the commissioners for review next week, in preparation for discussions at the April 24 Board Meeting.

Richel Exited at 9:51 AM

Kootenai County Community Development

[Unless desired by the board, projects that have seen no activity will not be read in the consideration of time.](#)

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1. Hager Estates, Minor, Status Report, Loffs Bay Rd.:
Susan Weeks has begun legal action to settle this matter. **No additional information this month.**
2. The Club at Rock Creek, Major Subdivision, Loffs Bay Rd.:
There is a disconnect in the pavement of the Club's project and the district's asphalt on the east end of the project. The contractor will be correcting that later in the spring.
3. Russu Addition, Minor Subdivision, Vogel Road:
Staff has not heard from Eli since he attended the district meeting on January 30, 2019. **No additional information this month.**
4. Ritz Ranch, Minor Subdivision, Loffs Bay Rd.:
I checked with Kootenai County as to the status of this subdivision and was told that it is "On Hold" in their office. **No additional information this month.**
5. Lake Vista Estates, Minor Subdivision, Bennion Rd.:
The board's site visit is pending the melting of the snow. **No additional information this month.**
6. The Club at Black Rock PUD Amendment:
At the time this item was added to the agenda, the district was informed that this is an amendment to the existing PUD. It has since been assigned a new Planned Unit Development number; PUD19-0001. The district has historically reviewed PUD's the same as a Major Subdivision.

Howard and the Board had discussions about the extensive work already done to Loffs Bay Road, as well as Rockford Bay Road, by the Club at Black Rock through previous development agreements. Howard asked the Board if this PUD should be handled as a Major Subdivision, or if they feel the previous work warrants an exception. Following discussion, the Board concluded that the work could be taken into consideration when reaching a new development agreement, but that the standard procedures must be followed on all new applications. Howard will proceed with the normal practices.

WHD Construction Projects

1. Rockford Bay Road/Loffs Bay Road (W) Intersection: Status Report
There has been no word back from the property owners that we have requested right-of-way from.
2. Kidd Island Road Project: Status Report
I will be attending a meeting tomorrow. It will be held at JUB and to include their staff as needed, Attorney Susan Weeks and me to discuss the right-of-way on this project.
3. Finnebott, Bennion & Sun Up Intersections:
Sun up Bay Road, Bennion Road, and Finnebott Road Intersection Project
 - a. **Right of Way** - Right of way acquisition complete.
 - b. **Final Design** - JUB to finalize PS&E package and deliver to Supervisor Howard in April 2019.
 - c. **Construction** – Project will be shelf-ready in April but waiting on funding to go to construction. **No additional information this month.**
4. Watson Road Slide:
I am in the process of meeting with the adjacent property owners to discuss access during construction.
5. Hull Loop Project:

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It has been determined that the original field notes from the viewers report substantially match the existing road. This information has been shared with one of the adjacent property owners.

6. Rockford Bay Road STP-Rural Funding Application:

I have an email into LHTAC as to whether or not this project receives funding. The district was ranked 10th among the applications.

Howard added that he received an email, after the completion of the staff report, that this project will not receive funding for this year, but could potentially see funding next fiscal year.

WHD Misc. Projects

1. 2018 LHSIP Grant – Delineators & Signage:

The materials have been received. It is now just a matter of scheduling the work with the crew. Staff requests removal of this item from the agenda.

The board agreed to remove this item from the agenda going forward.

2. Koth Road ROW Status:

The district's attorney, Susan P. Weeks, is here today and wishes to discuss this and other litigation in executive session. **No additional information this month.**

3. Validation of road #20:

All parties are aware that the board will not make a decision as to an alignment until the board has had a site visit.

New Business

1. Federally Funded Procurement Policy

This item was addressed earlier in the meeting.

2. Validation Process Resolution

At the Associated Highway Districts of Kootenai County meeting March 14, Susan Weeks offered to develop a single resolution, that can be adopted by each highway district board within the County, in order to unify the validation procedure among the Districts. The Board felt this would be a beneficial course of action.

Miller MOVED to engage Susan Weeks to draft a validation resolution. Johnson SECONDED. Mangan CONCURRED. The Motion PASSED UNANIMOUSLY.

3. Draft Ordinance for Minor Subdivisions on Private Roads

Currently Kootenai County does not allow Highway Districts to comment on minor subdivisions if they are not adjacent to public roads. Staff would like the Board's approval to work with the other districts in Kootenai County to create an ordinance that requires Highway Districts be allowed to review these minor subdivisions on private roads. This would allow the District to capture traffic mitigation fees, and ensure that developers are being held to a standard that protects public safety.

Miller MOVED to approve the drafting of an ordinance for reviewing minor subdivisions on private roads. Johnson SECONDED. Mangan CONCURRED. The Motion PASSED UNANIMOUSLY.

4. Senator Nelson Upcoming Visit

This Item was addressed earlier in the meeting.

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5. Noxious Weed Control Contract

Kootenai County is no longer assisting with noxious weed control. Howard gave the board copies of a draft agreement between WHD and Panhandle Spraying Service, the same company that was doing the spraying for Kootenai County. They are prepared to do the work for the district this season.

Miller MOVED to approved the draft weed spraying agreement with panhandle spraying. Johnson SECONDED. Mangan CONCURRED. The Motion PASSED UNANIMOUSLY.

Mangan called a recess at 10:26 AM

Mangan reconvened the regular meeting at 10:38 AM

6. Kathleen Wilson- Sun Up Bay Boat Launch Barrier Request

This item was addressed earlier in the meeting.

7. Bills Presented for Approval, and Discussion of Finances:

Miller MOVED that the bills be approved as presented on the A/P and Draw Payroll check registers. Johnson SECONDED the motion. Mangan CONCURRED. The motion PASSED UNANIMOUSLY.

8. Upcoming Meetings:

WHD April 24 9:00 AM

9. Commissioner Comments:

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Mangan adjourned the meeting at 10:51 a.m.

RESPECTFULLY SUBMITTED BY:

Tomi Maynard, Administrative Assistant

APPROVED BY:

James Mangan, Chairman

Date