

**WORLEY HIGHWAY DISTRICT BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 11, 2020
9:00 A.M.**

MINUTES

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

Mike Osburn, DeAtley Crushing
Jay Hassell, JUB
Scott Rush, Peak Sand and Gravel

Brian Wood, Woods Crushing
Ken Butcher, Kidd Island

Some participants utilized Zoom to attend the meeting. Any participants who attended electronically and did not identify themselves will not be listed.

APPROVAL OF AGENDA

Cooper MOVED to approve the agenda as Presented. Miller SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

CONFLICTS OF INTEREST ON AGENDA

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

APPROVAL OF MINUTES

Miller MOVED to approve the minutes of the October 28, 2020 regular meeting, and the November 3, 2020 workshop. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

BID OPENING : Gravel Crushing

Johnson opened the bid envelopes, and read them aloud as follows:

<i>Bidder</i>	<i>Bid Price</i>
Seubert Excavators	325,000
DeAtley Crushing	374,000
Woods Crushing	368,000
Peak Sand and Gravel	248,000

Miller MOVED to award the bid to the apparent low bidder, contingent on review by Howard. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

Osburn, Wood and Rush exited at 9:05 a.m.

PUBLIC HEARING: ROW Exchange, Kidd Island Road, Northrop

Johnson re-opened the public hearing at 9:06 a.m. This is a continuation of the October 28, 2020 public hearing, to consider the exchange of a fee simple right-of-way owned by the District, with Lee and Barbara Northrop, in exchange for a permanent exclusive right-of-way easement in the same parcel of property.

Cooper MOVED to approve the ROW exchange with Lee and Barbara Northrop. Miller SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

Johnson read Resolution 2020-05 into the record:

RESOLUTION NO. 2020-05

A RESOLUTION AUTHORIZING AN EXCHANGE OF FEE SIMPLE TITLE FOR A PERMANENT EXCLUSIVE EASEMENT FOR OF A PORTION OF PUBLIC RIGHTOF-WAY RELATED TO KIDD ISLAND ROAD.

WHEREAS, Worley Highway District negotiated with Lee Northrop and Barbara Northrop to exchange certain public right-of-way adjacent to their parcel held by Worley Highway District in fee simple to be held as a permanent exclusive easement as consideration for a grant of additional right-of-way to Worley Highway District by Lee and Barbara Northrop to Worley Highway District;

WHEREAS, the exchange from fee simple title to permanent exclusive public right-of-way does not affect the public's use of Kidd Island Road nor does it interfere with the right of utilities to utilize the public right-of-way for placement of utilities;

WHEREAS, the exchange leaves no parcel property without access to a public road;

WHEREAS, under Idaho Code §§ 40-203 and 40-1309, the Board of Commissioners make these findings of fact and conclusion of law:

FINDINGS OF FACT:

1. WHD agreed to the exchange in negotiations with Lee Northrop and Barbara Northrop to acquire additional right-of-way to facilitate the Kidd Island right-of-way improvement project.
2. The area being proposed for the exchange encompasses approximately .408 acres, more or less. The area being proposed for the exchange is described in Attachment 1 attached.
3. Property owners within 300 feet of the right-of-way were notified by certified mail of the time, date, and place of the public hearing.
4. In accordance with Idaho law, a Notice of Public Hearing was published in the Coeur d'Alene Press a daily newspaper published in Kootenai County, Idaho on October 7, October 21, and November 4, 2020, and an email

confirmation of publication was received by Worley Highway District and is on file with the District Clerk.

5. Any comments received are on file with the District Clerk.

6. At the public hearing on November 11, 2020, oral and/or written testimony was presented and at the conclusion, the public hearing was closed. After deliberation, the Board of Commissioners found the exchange of right-of-way ownerships was in the public's best interest and voted to approve the exchange.

CONCLUSIONS OF LAW:

1. The Board of Commissioners of the Worley Highway District concludes that the exchange of its fee simple interest in the public right-of-way for a permanent exclusive easement in the public right-of-way is warranted, and it does not impair or impede the operations of the Worley Highway District, the traveling public, or any utility.
2. The exchange is subject to the retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record, not of record, or in use upon or under said described public right-of-way.
3. No further consideration is required for this exchange because consideration was already provided by the Northrop's when they granted the additional right-of-way to Worley Highway District to facilitate the Kidd Island Road improvement project.
4. The parties must execute an exchange deed to effectuate the right-of-way exchange.

NOW THEREFORE, BE IT RESOLVED, pursuant to Idaho Code § 40-1309, and based upon the preceding findings of fact and conclusions of law, that the proposed exchange is authorized. WHD staff is directed to obtain the signatures of Lee Northrop and Barbara Northrop upon the exchange deed and the Chairman of the Board is authorized and directed to execute the exchange deed on behalf of Worley Highway District.

ADOPTED AND APPROVED by the Board of Commissioners of the Worley Highway District at it's regular meeting held on November 11, 2020.

Miller MOVED to approve Resolution 2020-05. Deputy Clerk Maynard called the roll with the Commissioners voting as follows: Commissioner Cooper, aye; Commissioner Johnson, aye; Commissioner Miller, aye.

PUBLIC COMMENTS AND GUEST INTRODUCTIONS

None.

Priority items for attendees from New Business **Fence on Kidd Island Road**

Ken Butcher is in attendance today to request that the District reimburse him for the removal of a length of fence. There was discussion by both parties about possible miscommunications over the last 12 years. Johnson, Miller, and Cooper all asked questions to clarify the situation. The Board elected to table the issue until the next meeting.

Butcher exited at 9:41 a.m.

Johnson called a recess at 9:42 a.m.

Johnson reconvened the meeting at 9:44 a.m.

Old Business

Kootenai County Community Development

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

1. Hager Estates, Minor, Status Report, Loffs Bay Rd.:

The unpaid funds owed to the district per the Road Development Agreement is tied to the previous owners and not to the property. Attorney Weeks is working to collect from those that are named in the RDA. No additional information this month.

2. The Club at Rock Creek, Major Subdivision, Loffs Bay Rd.:

The reconstruction of Loffs Bay Road is complete. All "Punch List" items have been completed. I am working on a warranty agreement for a small portion of asphalt that may be of concern. Once the warranty agreement is signed by the district and the developer, the district can accept the construction donation to the public.

3. Jaeger and King, Minor Subdivision, MIN19-0063:

The financial responsibilities to the district have yet to be met. Once the responsibilities have been met, the district can sign the plat when presented. No additional information this month.

4. The Ridge at Sun Up Bay, 2nd Addition, MIN19-0069:

The plat has not yet been presented to the district for signature. No additional information this month.

5. Fields of Grace, Minor Subdivision, MIN20-0043:

The final plat has been presented to the district for signature. All requirements to the district, both in design and financial, have been met. Staff has no objection to the signing of the plat.

Cooper *MOVED* to approve and sign the plat. Miller *SECONDED* the motion. Johnson *CONCURRED*. The motion *PASSED UNANIMOUSLY*. Johnson signed the plat.

WHD Construction Projects

1. Rockford Bay Road/Loffs Bay Road (W) Intersection: Status Report

This project ranked in the ninth position for the STP - Rural Funding. The ranking is for Fiscal Years 2021 – 2027. Sponsors will be notified as funding comes available and by order of ranking. No additional information this month.

2. Kidd Island Road Project: Status Report

Asphalt paving has been placed throughout the project. Some of the asphalt meets requirements for permanent paving and some areas have temporary pavement due to the road surface temperatures and moisture at the time of paving. Pavement marking have been painted throughout. The project will reopen in the spring for completion. At that time the temporary paving will be removed, and the road repaved with permanent paving and pavement markings.

3. Watson Road Slide:

Due to possible litigation with an adjacent property owner, the project has once again been placed on hold. The project will reopen in the spring for completion.

4. Hull Loop Project:

J-U-B will provide staking for one of the property owners so that they have a better idea as to the needed right-of-way for the project. **No additional information this month.**

5. Sun Up, Bennion, Finnebott Intersection Project Bid Award:

Bid award was presented at the beginning of today's district meeting.

Hassell presented the board with JUB's analysis of the bids received at the last meeting. Knife River Construction was the lowest bidder on the base bid, for construction of Finnebott and Bennion intersections. Ditches Unlimited was the lowest bidder for construction of phases 1 and 2 combined. The bid documents indicated that the District would award the bid based solely on the lowest bid for phase 1.

Miller MOVED to award the bid to Knife River Construction for both phases 1 and 2. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

JUB will prepare award documentation and contract for signature. These items will be presented at the next meeting.

6. Watson Bridge Project:

Commissioners and Staff met with JUB on November 3rd for a workshop to discuss concerns, design ideas and constructability of the project. JUB was able to get a general idea as to the needs of the district from the bullet points compiled and will proceed with draft plan production, continue the environmental evaluations and reach out to the Coeur d'Alene tribe for input and support.

WHD Misc. Projects

1. Koth Road ROW Status:

Attorney Weeks will be inquiring as to when this case will receive an arbitrator to complete the legal argument. **No additional information this month.**

2. Validation of Road #20:

Jeremy Russell, JUB engineers is making every effort to ensure that the survey of the original road is properly depicted. To date, no work has been done in the field.

NEW BUSINESS

1. Infectious Disease Policy Update

The policy passed on March 25, 2020 indicated that employees out for potential Covid cases would have to utilize sick time, but that their sick time would be credited back to them if they tested positive. This is not how the Board directed staff to handle the situation. Based on this, staff has an updated policy for the Board to consider.

Cooper MOVED to approve the change to the Infectious Disease Policy and make it retroactive to March 25, 2020. Miller SECONDED the motion. Johnson CONCURRED. Motion PASSED UNANIMOUSLY.

2. Association Medical Insurance

AHDKC has been looking into the option of an insurance pool with local Districts to obtain health insurance. This would reduce the cost of health insurance for some entities but would significantly increase premiums for Worley Highway District. Cooper and Johnson did not feel this would be fiscally responsible for the District.

3. IAHD Day at the Capitol

The annual Day at the Capitol event will be taking place in February. In the past supervisor Howard has attended for the District. Howard suggested that it would be beneficial to have an elected official, or officials attend this year. He also indicated that he would be happy to attend as support if the Board would like him to. The Board would like to take some time to consider the option and will provide feedback at a future meeting.

4. Discussion of Budget

When the Board compiled the budget for fiscal year 2021, there was significant uncertainty of revenue due to economic constraints related to the Covid-19 pandemic. In an effort to be prudent the Board approved a 1% pay increase for all employees, instead of the standard 3% annual increase, with the intention of reconsidering when there was more concrete information available. Richel presented a report showing the sales tax and highway users fund revenue paid to the District for the first quarter of the 2021 fiscal year. This was significantly higher than the amount forecast in the budget.

Miller MOVED to increase wages by 3%, retroactive to the beginning of the fiscal year. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

5. Fence on Kidd Island Road

Addressed previously in the meeting.

6. November Administrative Meeting Date

When the 2020 annual meeting schedule was approved in December of 2019 the Board had suggested moving the November administrative meeting to Tuesday, to free up the day prior to Thanksgiving for both staff and commissioners. At that time, District staff and commissioners were scheduled to attend an annual conference the week prior to the meeting in question, and staff would have been unable to complete the work necessary to hold the meeting by Tuesday. That annual conference has been cancelled, allowing staff

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adequate time to be prepared for the meeting on Tuesday November 24 if the Board still wishes to move the meeting.

Miller MOVED to schedule the next meeting for November 24 at 8:00 a.m. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

7. Accounts Payable and Draw check registers for Approval

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

8. Upcoming Meetings:

KMPO October 12, 2020 1:30 p.m.

WHD Regular Meeting Wednesday, November 24, 2020 8:00 a.m.

9. Commissioner Comments:

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

Citing no further business, Miller MOVED to adjourn the meeting at 10:31 a.m. Cooper SECONDED the motion. Johnson CONCURRED. The motion PASSED UNANIMOUSLY.

RESPECTFULLY SUBMITTED BY:

Tomi Maynard, Deputy Clerk

APPROVED BY:

Corinne Johnson, Chairman

Date