

WORLEY HIGHWAY DISTRICT BOARD OF COMMISSIONERS
REGULAR MEETING
May 27, 2026
9:00 A.M.

MINUTES

Commissioner Phil Cooper called the meeting to order at 9 a.m. with Commissioner Corinne Johnson present and Commissioner George Miller present. Also present, Director Kevin Howard, Deputy Director Dustin Howe, Deputy Clerk Jennifer Weeks and Clerk Charyl Ragan. Guests: Jay Hassel, Abigail Howe, Rand Wichman, Sherry Wood, Matt Drechsel and Barratt Moland

APPROVAL OF AGENDA

Miller moved to approve the agenda. Johnson seconded. Cooper concurred. The motion passed unanimously.

CONFLICTS OF INTEREST ON AGENDA

Phil Cooper, Corinne Johnson and George Miller each indicated no conflicts of interest with any item on the agenda.

APPROVAL OF MINUTES

Miller moved to approve the minutes of the April 21, 2026 Special meeting, the April 22, 2026 Board Meeting and the May 11, 2026 Public Hearing. Johnson seconded. Cooper concurred. The motion passed unanimously.

PUBLIC COMMENTS AND GUEST INTRODUCTIONS

Sherry Wood is here to hear about what is going on with the Kidd Island Road project.

OLD BUSINESS

Work progress Report

Crews applied mag chloride to roads throughout the district.

Three crew members went to T-2 training classes this month.

Crews mowed/brushed roadsides.

Crews started our annual patching this month.

A demonstration of dust abatement oil was applied as a test as an alternative to mag chloride.

Fire extinguishers were certified in all shops.

A couple crew came in to set signs for a truck wreck on Loffs Bay Rd. on the weekend of May 9th.

Edge of roadway shouldering was performed on Presley Rd.

Planned work for this coming Month

Asphalt patching, shouldering up edges, clean shops and prepare for summer

In The Shops

Deputy Director Dustin Howe has prepared a shop report for the board.

Staff Report-Kevin Howard

Kootenai County Community Development

Clemetson Woods (Clemetson Rd) MIN22-0056, 3-lot minor subdivision:

Kootenai County Community Development has granted an extension to November 1, 2026. No additional information this month.

Phoenix Estates (Rockford Bay Rd) MIN25-0006, 4-lot minor subdivision:

Dustin and Kevin met with the current owner of the property. He is still developing a plan as to how he wants the project to be constructed. If the design changes substantially, Kootenai County may have him reapply for a new subdivision permit number. No additional information this month.

WHD Construction Projects

Cougar Creek Bridge on McAvoy Road Replacement project through LHTAC's LILB program:

A proposal to change the superstructure is in process. The initially proposed superstructure construction and delivery timeline creates a long delay.

Conkling Road / US-95 Street Lights:

The construction agreement with Thorco has been executed. Next will be the preconstruction meeting, Notice to Proceed and start construction.

Kidd Island Road (Phase II):

JUB and LHTAC are working on a revised agreement this week to include an environmental task. The roadway materials report is being finalized.

Cougar Gulch Road:

The materials report has been delivered. The WHD Board has given staff, legal and engineering direction as how to proceed.

Bloomsburg Road- cost share project:

A construction easement agreement is in process to correct a driveway approach prior to the districts enhanced maintenance beginning.

Williams Bridge:

Continuing design. The district plans to install the structure. Easement will be needed from adjacent property owners for construction and future maintenance.

Sun-Up Bay Road realignment (S curves):

Property access and environmental scan in process.

Hull Loop:

Staff met with JUB on May 12th to discuss design and environmental items and risks. Right-of-way needs will be addressed as a next step.

WHD Misc. Projects

Koth Road ROW Redeliberation:

Cooper moved to revisit the Board deliberations from April 22, 2026 on Koth Road No. 514 under Idaho code Section 40-203A because our recording device malfunctioned and our deliberations did not record. Johnson seconded. Miller concurred. The motion passed unanimously.

The commissioners proceeded with deliberations.

Cooper moved to confirm the 4-22-2026 motion to validate Koth Rd # 514 40' width where it currently lives. Miller seconded. Johnson concurred. The motion passed unanimously. Jennifer called roll, Johnson, aye, Miller aye, Cooper aye.

CDA Tribe, Lake Creek Project:

Design and alignment nearing completion. Next step will be to order the structure.

Request for Abandonment of a portion of road #372:

Findings of Fact and Conclusions of law were reviewed.

Cooper moved to approve the partial abandonment and vacation of Road No. 372. Miller seconded. Johnson concurred. The motion passed unanimously.

Jennifer called roll, Johnson, aye, Miller aye, Cooper aye.

Drechsel Road potential Realignment and ROW exchange:

Rand Wichman is here to represent the owners wishing to realign Drechsel Road. He will be presenting the plan set. With concurrence from the board, construction can begin. Concurrence with the design does not automatically constitute acceptance and approval of the final construction. Evidence of proper construction (inspections) and a recommendation of acceptance from the director is needed prior to the board's decision.

Cooper moved to recognize that the proposed design meets highway district standards. Miller seconded. Johnson concurred. The motion passed unanimously.

AHDKC Standards update:

The AHDKC directors will meet on June 10th for what may be the final look prior to a recommendation for acceptance.

NEW BUSINESS

1. Office Roof

Miller moved to proceed with replacing the office roof with a metal roof with work to be performed by Galen Barnett Roofing. Johnson seconded. Cooper concurred. The motion passed unanimously.

2. Presentation of Scholarship Award to Abigail Howe

Chairman Cooper presented the scholarship award to Abigail Howe.

3. Accounts Payable

Miller moved that the bills be approved as presented on the check register. Johnson seconded. Cooper concurred. The motion passed unanimously.

4. Upcoming Meetings

June 11, 2026 KMPO 1:30 pm

June 24, 2026 Board meeting 9 am

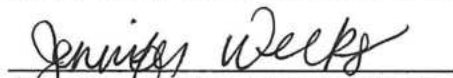
5. Commissioner Comments

none

ADJOURNMENT

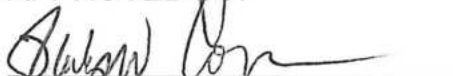
Citing no further business, Cooper moved to adjourn the meeting at 10:04 a.m. Miller seconded. Johnson concurred. The motion passed unanimously.

RESPECTFULLY SUBMITTED:



Jennifer Weeks, Deputy Clerk

APPROVED BY:



Phil Cooper, Commissioner



Date

BEFORE THE BOARD OF COMMISSIONERS

WORLEY HIGHWAY DISTRICT

IN THE MATTER OF: Road Validation Petition For Kioth [Koth] Road No. 514 in Worley Highway District	FINDINGS OF FACT, CONCLUSIONS OF LAW AND VALIDATION ORDER
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I. COURSE OF PROCEEDINGS

1. WHC Attorneys on behalf of Del Koth Family, LLC, Pamela J. Hodaka, Christine J. Day and Leanne P. Dahlin, Keyle B. Seebeck and Frank B. Seebeck as Trustees of the Seebeck Living Trust filed a petition pursuant to Idaho Code § 40-203A requesting validation of Koth Road No. 514 as a public right-of-way over and across the North Half of Township 49 North, Range 6 West, Boise Meridian, and Government Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 8, Township 49 North, Range 5 West, Boise Meridian, Kootenai County, Idaho, in its current alignment.
2. The Board of Commissioners reviewed the validation petition and initiated validation proceedings.
3. The Board determined that a joint public hearing with Post Falls Highway District would allow both Boards to hear the same testimony because the road lies partially in each highway district's jurisdiction.
4. The joint public hearing was conducted March 24, 2026 for evidentiary purposes only; each Board retained independent authority.
5. The Board received a staff report, historical records, and testimony from its surveyor and the public.
6. The Board deliberated on April 22, 2026, following the close of the hearing. Due to a malfunction of the Board's recording equipment, the deliberations were not successfully recorded, and no transcribable record was created.
7. To remedy the absence of a transcribable public record, the Board reconvened and reconducted its deliberations on May 27, 2026.

II. FINDINGS OF FACT

1. Kioth Road No. 514 was surveyed on July 14, 1915, as reflected in Kootenai County Road Book records.

2. This road is also commonly identified as “Koth Road” in certain records. One of the parties granting a right-of-way for this road was William Koth. In this decision, it will be identified as “Koth Road.”
3. A road plat map entitled “Kioth & Knudsen Roads, Roads No. 514-517,” prepared in connection with the 1915 survey, depicts the location, stationing, and general alignment of Koth Road No. 514 and was considered by the Board as evidence of the original surveyed route.
4. A Release of Damages and Deed granted a forty (40) foot right-of-way for Koth Road from affected landowners.
5. Kootenai County Road Index and Road Book records identify Koth Road No. 514 as part of the public road system.
6. Historic government land surveys (GLO 1905) depict early roads in the vicinity, providing context for subsequent road establishment.
7. A 1959 Metsker map depicts Koth Road as an existing dirt roadway within Section 12, Township 59 North, Range 6 West, and Government Lot 1, Section 8, Township 49 North, Range 5 West, Kootenai County, Idaho.
8. Survey evidence received by the Board establishes a substantial portion of Koth Road No. 514 within the original alignment within Worley Highway District.
9. David S. and Margaret E. Pennie filed a complaint seeking quiet title and declaratory judgment in Kootenai County Case No. CV-2017-2846. This suit was settled pursuant to a Mediated Settlement Agreement.
10. The principal terms of the mediated settlement agreement principal terms included:
 - a. The original 1915 road alignment was recognized as the public right-of-way. Exhibit A to the Mediated Settlement Agreement further depicted an alleged point of deviation from the 1915 alignment from the 1915 surveyed route across the Pennies’ property.
 - b. At the time the Mediated Settlement Agreement was executed, the District understood the deviation alignment and deviation point depicted in Exhibit A to reflect contemporary survey-based information concerning the Pennies’ alleged private deviation road. It has since been learned that Adams and Clark did not perform a survey establishing the depicted deviation alignment or deviation point and that the Pennies were aware no such survey had been performed. Instead, the work completed consisted of placing GPS coordinates upon portions of the historical 1915 survey alignment. Accordingly, the Board finds that the alleged deviation features depicted in Exhibit A were not supported by independent contemporary survey verification..
 - c. Any disputes between the parties concerning the location of the Pennies’ deviated private road would be decided finally by the mediator, Charles B. Lempesis.

- d. The Plaintiffs were permitted to gate or place barriers on the deviation road outside the public right-of-way.
 - e. Disputes arose regarding the location of the deviation, which was submitted to Mr. Lempesis for arbitration. Mr. Lempesis passed away before he resolved the matter.
 - f. A pending lawsuit, Del Koth Family, LLC et al v. Worley Highway District, et al., Kootenai County Case No. CV28-25-1119, is pending before the district court that requests completion of the arbitration and determination of the private road alignment over and across David and Margaret Pennies' parcel of property.
 - g. The alignment of Koth Road over and across the Pennies' parcel should be determined in Kootenai County Case No. CV28-25-1119.
11. Testimony established public use of Koth Road No. 514 within Worley Highway District's jurisdiction for over one hundred years.
 12. The roadway provides access to parcels and connects with another established public road to the west.
 13. No records were located indicating formal abandonment or vacation of Koth Road No. 514.
 14. The roadway provides access to properties served by Koth Road, and invalidation would significantly impair access and the continued use and enjoyment of those properties.
 15. The Board considered all documentary evidence, survey analysis, mapping, and testimony in determining the existence and location of the right-of-way.
 16. Within Worley Highway District, the existing roadway generally follows the historic alignment.
 17. The Board finds based on the surveyor testimony presented that minor deviations between historic surveyed alignments and the existing traveled roadway are common in early twentieth-century road construction and do not negate the existence or location of the public right-of-way where the roadway has been historically constructed, used, and relied upon by the public.
 18. Validation of the road in its current alignment provides certainty and supports public access and safety.
 19. The Board finds validation in the public interest.

III. CONCLUSIONS OF LAW

1. The Board has jurisdiction under Idaho Code § 40-203A to enter a validation order.
2. The evidence supports a finding that Koth Road No. 514 was lawfully established as a public right-of-way.

3. The evidence supports a finding that the public right-of-way has not been abandoned.
4. The Board has authority under Idaho Code § 40-203A to determine the location and validate the right-of-way.
5. The existing traveled center line alignment represents the best evidence of the location of the public right-of-way.
6. Validation of the right-of-way at a width of forty (40) feet is supported by the historical grant and evidence in the record, except for the segment which passes over and across David and Margaret Pennies' Kootenai County Parcel No. 49N06W-12-0975, also known as AIN No. 102798.
7. The evidence supports that validation is in the public interest.

IV. RIGHT TO APPEAL

From this decision, any resident or property holder within the highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appeal to the district court of the county in which the highway or public right-of-way is located pursuant to section 40-208, Idaho Code, by filing a petition in the district court of the county in which the commissioners have jurisdiction over the highway or public right-of-way within twenty-eight (28) days after the filing of this final validation order of the Board of Commissioners.

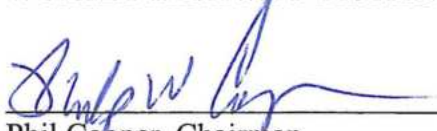
V. VALIDATION ORDER

1. The Board of Commissioners hereby validates Koth Road No. 514 within its jurisdiction along its current center line alignment at a width of 40 feet, except over and across Kootenai County Parcel No. 49N06W-12-0975. The alignment of the public right-of-way for Road No. 514 over and across this parcel shall be as set forth by the district court in Kootenai County Case No. CV28-25-1119, or any related proceeding, including any arbitrator's decision.
2. The validated alignment shall be the current centerline of Koth Road as traveled by the general public.
3. This Validation Order shall be recorded with the Kootenai County Recorder.

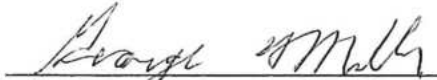
4. The District staff shall cause a record of survey referencing this validation order be recorded.

APPROVED this 27th day of May, 2026.

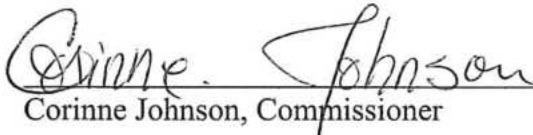
WORLEY HIGHWAY DISTRICT



Phil Cooper, Chairman

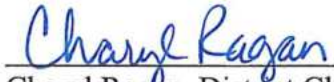


George Miller, Commissioner



Corinne Johnson, Commissioner

Attest:



Charyl Ragan, District Clerk

WORLEY HIGHWAY DISTRICT

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

RE: Petition to Abandon and Vacate a portion of Road No. 372, Fighting Creek Road No. 372 as dedicated in Government Lot 2, Section 18 , Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

I. COURSE OF PROCEEDINGS

1. Hau Duy Trinh executed a petition to abandon and vacate a strip of public rights-of-way at the Board of Commissioner's March 11, 2026, Special Meeting.
2. The Board of Commissioners scheduled and held a public hearing on May 11, 2026.
3. A notice of public hearing was mailed to all persons owning property within 300 feet of the affected strip of right-of-way.
4. Notice of the public hearing was published in the Coeur d'Alene Press on April 8, 15, and May 5, 2026.
5. There were no other parcel owners at the hearing besides the Petitioner who requested they receive a portion of the vacated and abandoned right-of-way adjacent to their parcel.
6. The public hearing was closed, and deliberations followed.
7. Following deliberations, the Board conditionally granted the petition. Based upon the documents received in the record, the testimony received at the public hearing, the materials presented, and consistent with the motion passed to grant the petition conditionally, the Board enters the following:

I. FINDINGS OF FACT

1. The subject right-of-way set forth in Exhibits A and B are not necessary or required to provide access to any adjacent property. The rights-of-way do not provide access on which any other property owners in the area rely.
2. The grant of the abandonment and vacation would not leave any real property adjoining the highway or public right-of-way without access to an established highway or public right-of-way.

3. The strips of right-of-way are excess right-of-way.
4. All notice requirements of Idaho law regarding the abandonment and vacation of public right-of-way have been satisfied.
5. The fair market value of this rights-of-way based upon the purchase documents provided by Petitioner for the surrounding establishes a fair market value of \$22,632.89 for the rights-of-way.
6. Given the above findings, the abandonment and vacation of the public rights-of-way are in the public interest.

III. CONCLUSIONS OF LAW

1. The petition to abandon and vacate was properly noticed for hearing.
2. Vacation of the strip of right-of-way does not leave any real property without access to an established highway in violation of I.C. § 40-203.
3. The abandoned strips have a value greater than \$2,500.00.

IV. DECISION

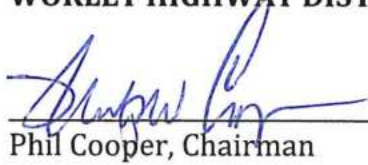
1. The Board of Commissioners conditionally grants the Petition to abandon and vacate the property described in Exhibits A and B to the current property owner, Grace Delight Far West, LLC.
2. Petitioner must reimburse the District for any direct expenses above the \$1,000 petition deposit, including costs of notice, publication and professional fees;
3. Petitioner must pay the District \$22,632.89 before entry of an order abandoning and vacating the rights-of-way to Petitioner; and
4. Rights-of-way or easements shall be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in I.C. § 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances are reserved in accordance with Idaho Code § 40-203(3).

Upon a motion to approve the partial abandonment and vacation of Road No. 372 made by Commissioner Cooper and seconded by Commissioner Miller, the following vote was recorded:

Chairman Cooper: aye
Commissioner Johnson: aye
Commissioner Miller: aye

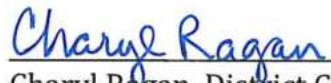
APPROVED this 27th day of May, 2026.

WORLEY HIGHWAY DISTRICT

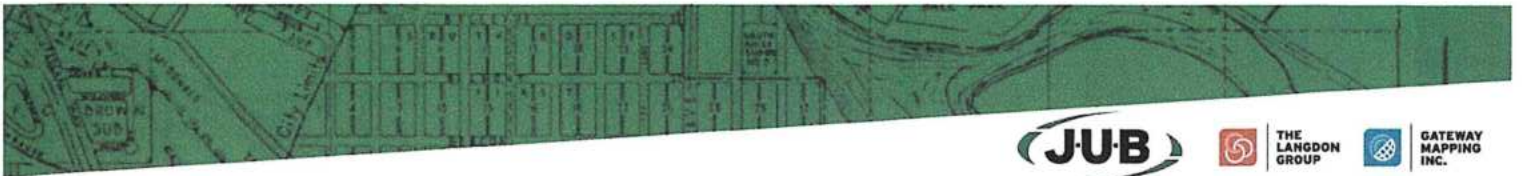


Phil Cooper, Chairman

ATTEST:



Charyl Ragan, District Clerk



J-U-B FAMILY OF COMPANIES

EXHIBIT B

LEGAL DESCRIPTION
of
A PORTION OF ROAD NUMBER 372
(AKA TAYLOR ROAD OR FIGHTING CREEK ROAD)
TO BE VACATED AND ABANDONED
ADJACENT TO PARCEL NO. 48N-04W-18-0900
HAU DUY TRINH

WORLEY HIGHWAY DISTRICT

February 11, 2026

A strip of land 50 feet in width across a portion of Government Lot 2, Section 18, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, said strip being 25 feet on each side of the following described centerline:

COMMENCING at the southwest corner of said Government Lot 2, thence east along the south boundary thereof a distance of 270.5 feet, more or less, to the centerline of the right-of-way of Road 372, said point being the **POINT OF BEGINNING**;

thence North 12°25'48" West a distance of 124.4 feet, more or less, to the north boundary of "PARCEL 5" of that certain property described in Warranty Deed Recorded as Instrument Number 2887076000, Records of Kootenai County, Idaho, said point being the **POINT OF TERMINUS** of said strip, lengthening and shortening the sidelines of said strip so as to terminate on the north and south boundaries of said "PARCEL 5".

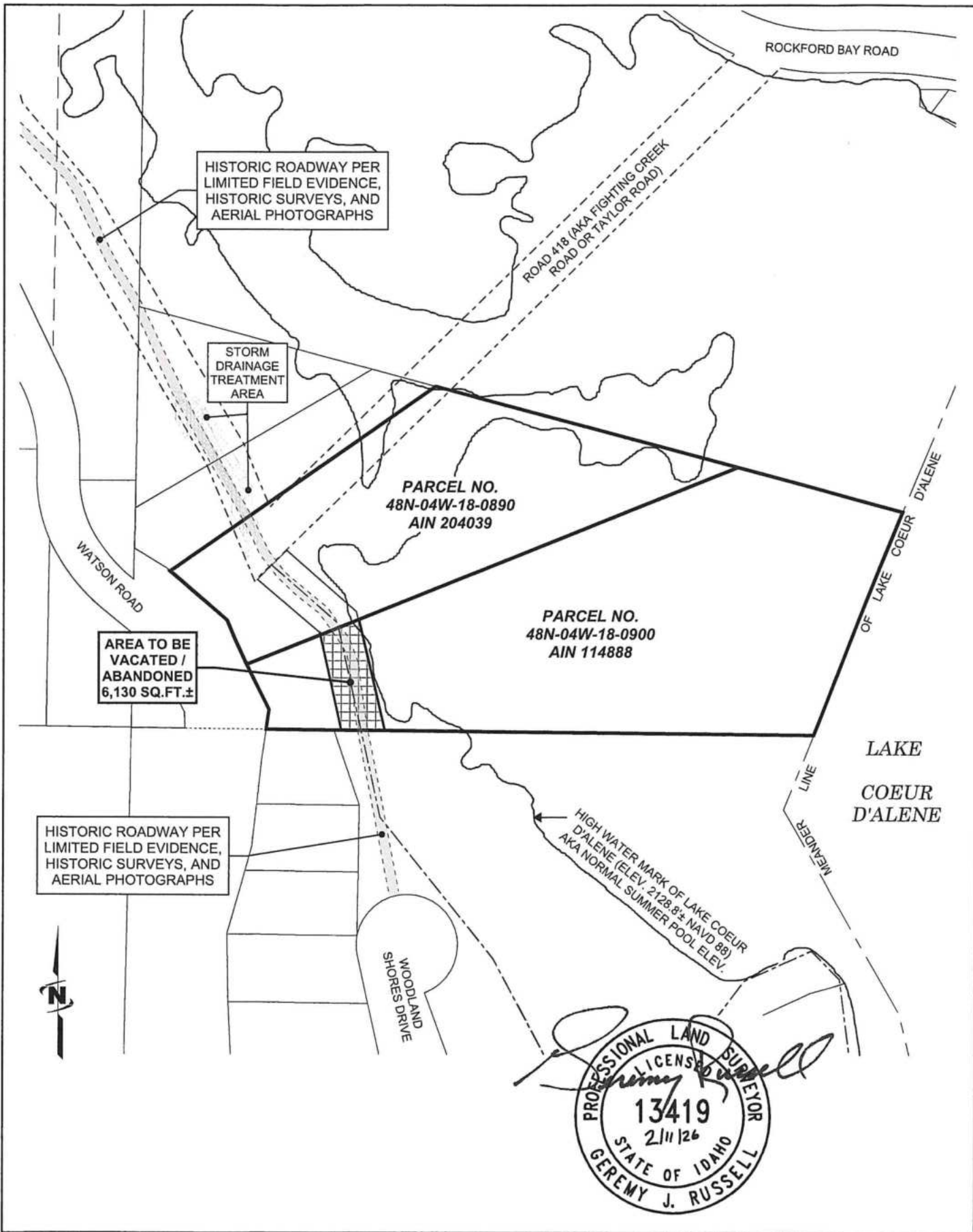
Containing 6,130 square feet, more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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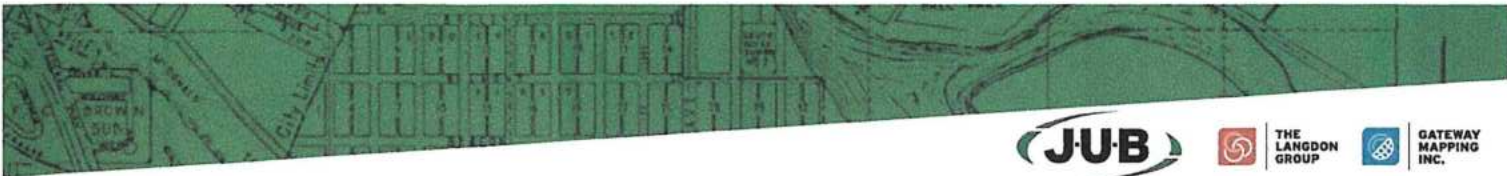


PROFESSIONAL LAND SURVEYOR
 LICENSE NO. 13419
 2/11/26
 STATE OF IDAHO
 GEREY J. RUSSELL



EXHIBIT _____

RIGHT-OF-WAY VACATION / ABANDONMENT - PARCEL NO. 48N-04W-18-0900
 A PORTION OF ROAD NUMBER 372, ALSO KNOWN AS FIGHTING CREEK ROAD OR
 TAYLOR ROAD, BEING SITUATED IN THE NE1/4 OF SEC. 18, T 48N, R 4W, B.M.,
 KOOTENAI COUNTY, IDAHO



J-U-B FAMILY OF COMPANIES

EXHIBIT A

LEGAL DESCRIPTION
of
A PORTION OF ROAD NUMBER 372
(AKA TAYLOR ROAD OR FIGHTING CREEK ROAD)
TO BE VACATED AND ABANDONED
ADJACENT TO PARCEL NO. 48N-04W-18-0890
HAU DUY TRINH

WORLEY HIGHWAY DISTRICT

February 11, 2026

A strip of land 50 feet in width across a portion of Government Lot 2, Section 18, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, said strip being 25 feet on each side of the following described centerline:

COMMENCING at the southwest corner of said Government Lot 2, thence east along the south boundary thereof a distance of 270.5 feet, more or less, to the centerline of the right-of-way of Road 372;

thence North 12°25'48" West, along said centerline, a distance of 124.4 feet, more or less, to the north boundary of "PARCEL 5" of that certain property described in Warranty Deed Recorded as Instrument Number 2887076000, Records of Kootenai County, Idaho, said point being the **POINT OF BEGINNING**;

thence continuing along said centerline North 12°25'48" West a distance of 6.1 feet;

thence continuing along said centerline North 48°37'48" West a distance of 165.9 feet;

thence continuing along said centerline North 4°44'48" West a distance of 1.7 feet, more or less, to the north boundary of "PARCEL 4" of that certain property described in Warranty Deed Recorded as Instrument Number 2887076000, Records of Kootenai County, Idaho, said point being the **POINT OF TERMINUS** of said strip, lengthening and shortening the sidelines of said strip so as to terminate on the north and south boundaries of said "PARCEL 4".

Containing 5,320 square feet, more or less.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on above-described tract.



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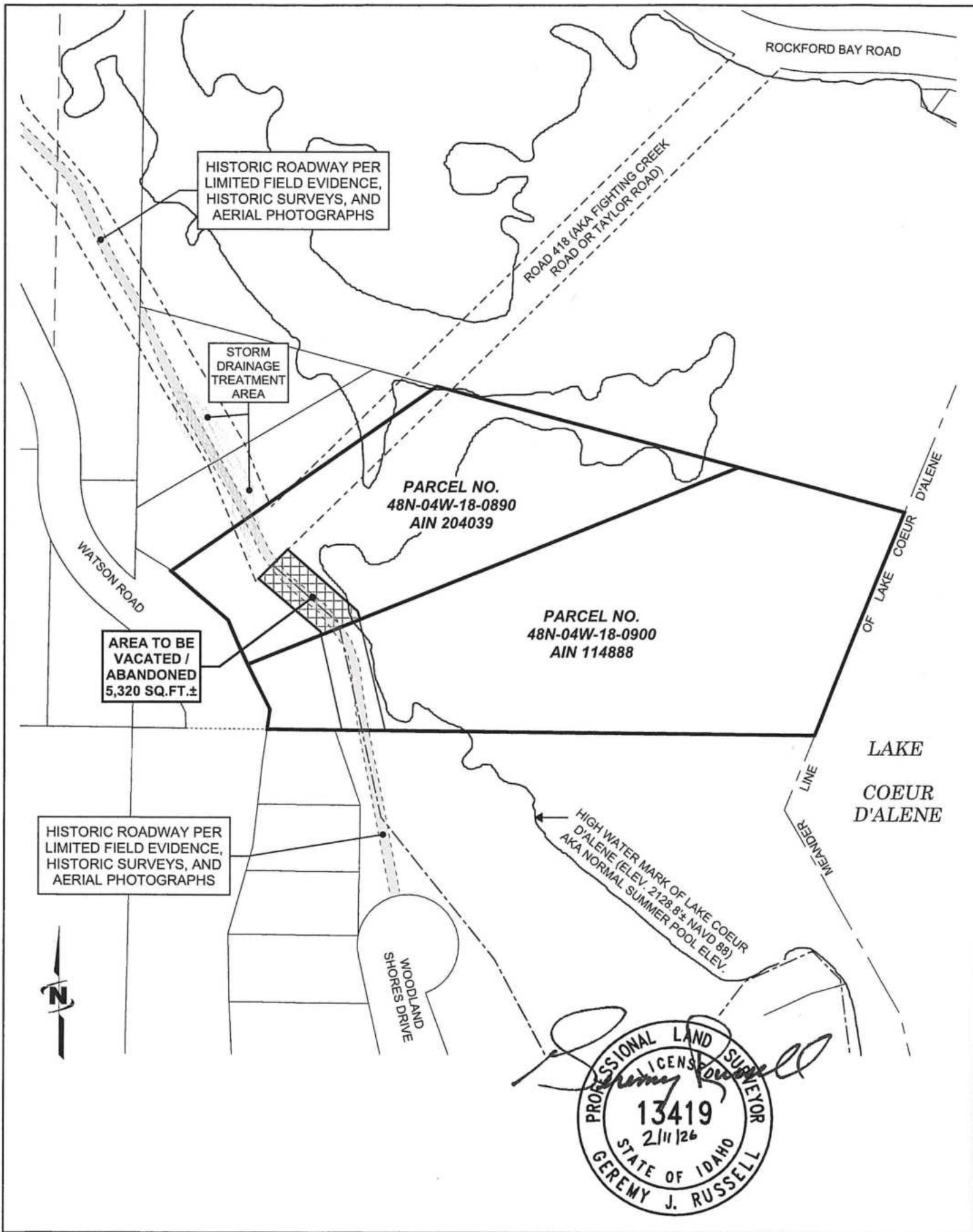


EXHIBIT _____
 RIGHT-OF-WAY VACATION / ABANDONMENT - PARCEL NO. 48N-04W-18-0890
 A PORTION OF ROAD NUMBER 372, ALSO KNOWN AS FIGHTING CREEK ROAD OR
 TAYLOR ROAD, BEING SITUATED IN THE NE 1/4 OF SEC. 18, T 48N, R 4W, B.M.,
 KOOTENAI COUNTY, IDAHO